

Australian Capital Territory

Public Sector Management Amendment Standards 2012 (No 1)

EXPLANATORY STATEMENT

Disallowable instrument DI2012–9

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GENERAL

The *Public Sector Management Act 1994* (the Act) regulates the management of the ACT Public Service (ACTPS). Section 251 of the Act empowers the Commissioner, with the written approval of the Chief Minister, to make Public Sector Management Standards for the purposes of the Act. Sections 251(6) and (7) of the Act provide that the Chief Minister can give a general approval to the Commissioner to make Standards for specified purposes, subject to conditions where necessary.

The Chief Minister has given ongoing approval for the specified purpose of amendments that are consistent with a policy direction previously endorsed by Government where the changes are of a technical nature, such as changes to the rates of allowances, clarification of existing clauses and correction of typographical errors, provided the amendments do not include any significant policy changes.

This amendment is of a technical nature and is in accordance with parameters agreed to by the Chief Minister under sections 251(6) and (7) of the Act.

DETAIL

1 Name of instrument

This is a technical clause stating the name of the instrument as the Public Sector Management Amendment Standards 2012 (No 1).

2 Commencement

This is a technical clause stating that the instrument commences the day after it is notified.

3 Legislation amended

This is technical clause stating the name of the legal instrument being amended as the *Public Sector Management Standards 2006*.

4 Independent Reviewers Division 3.10.4

This section removes provisions governing the remuneration of independent reviewers. Given that independent reviewers as contemplated under Div 3.10.4 have been fully replaced by the Administrative Review and Investigations Panel, who collectively are governed by service funding agreements, it is no longer necessary to retain this division.

5 Section 252G

This section is intended to clarify that on completing the Graduate Program, a Graduate Administrative Assistant may be promoted to an ASO5 or similar classification without an addition selection process and only if the appointment of the person has been confirmed.

Given the operation of Part 3.10 there are some classifications, for example the Legal 1 classification which require minimum qualifications and other conditions in order for a person to be able to be promoted to that classification. As this section is not intended to interfere with existing qualification requirements and conditions, those considerations about such matters must still be applied.

6 New section 252H

Although a person may be promoted to a classification under section 252G, this section specifies the salary range that is permitted to be paid to the person being promoted.

Recognising that salary ranges vary from classification to classification this section enables some degree of flexibility to avoid excluding a person from

being promoted to a preferred classification because of discordant salary ranges. The words same or similar are used to enable this flexibility.

Maximum and minimum salary ranges have been included in this section to enable only appropriate flexibility.

10% of the base salary of an ASO5 classification has been fixed as the maximum salary range for a promotion under section 252G. This applies an existing method used for redeployment of officers.

The minimum salary range is the base salary of an ASO5 to clarify that while classification salary ranges vary, a person promoted under section 252G cannot be paid less than the minimum pre-existing standard.

7 Occupational Health and Safety Management System Part 8.4

This amendment omits Part 8.4.

On 27 January 2006 the Public Sector Management Standards were amended by DI2006-7 to introduce what was then Standard 7, Part 7 and is now Part 8.4, 'Occupational Health and Safety Management System'.

From 1 October 2009 the requirements set out in Part 8.4 have been subsumed by the requirements for work safety arrangements under the *Work Safety Act 2008*. This part is therefore no longer needed.

8 Circumstances where work value assessment not required New section 622 (1A) and (1B)

This section has been included to rectify an oversight.

The Act provides a chief executive officer of an autonomous instrumentality with the same powers as the Head of Service with respect to employment matters concerning the autonomous instrumentality. While the Act contains

Section 3

this provision, the Standards have not been amended due to an oversight to reflect this position.

This section clarifies that a chief executive officer of an autonomous instrumentality has the same powers as the Head of Service with respect to waiving an independent job evaluation.

**9 Special benefit on early termination of contract
Section 634**

This amendment clarifies the longstanding policy that special benefits for executives can only be invoked where termination has been initiated by the employer.

**10 Special benefits applying to transitional executives on
early termination or non-renewal of contract in certain
circumstances
Section 635**

This amendment clarifies the longstanding policy that special benefits for executives can only be invoked where termination has been initiated by the employer.
