



Australian Capital Territory

*PUBLIC SECTOR MANAGEMENT ACT 1994*

Public Sector Management Amendment Standards 2002 (No 4)\*

Disallowable Instrument No DI2002-181

Under section 251(7) of the *Public Sector Management Act 1994*, pursuant to the conditions advised by the Chief Minister, I AMEND those parts of the relevant Management Standards as specified in Schedule A to this Instrument.

Dated this 9<sup>th</sup> day of October 2002

Richard Grant Moss  
Commissioner for Public Administration

**SCHEDULE A TO DISALLOWABLE INSTRUMENT No DI2002-181**

COLUMN 1			COLUMN 2		COLUMN 3
PART			INSTRUMENT		AMENDMENT DESCRIPTION
Part	Page	Part/Rule Description	Number	Date	
Standard – Introduction Part 2- Interpretation	4	Rule 2 – Definitions of particular terms	1/1994	1/7/94	Amend the definition of Gazette from Territory Gazette to Australian Capital Territory Gazette to provide consistency with the <i>Public Sector Management Amendment Act 1999</i> .
Standard 2 Part 1	4	Rule 2- Interpretation	1/1994	1/7/94	Amend the definition of transitional executive to ensure the definition only applies to ACT Chief Executives and Executives and not Executives of the Commonwealth Public Service at the time the <i>Public Sector Management Act 1994</i> came into force.
Standard 2 Part 1	4	Rule 3 –Sick Leave	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 2 Part 1	4-5	Rule 4- Other Leave	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 2 Part 2	7	Rule 1- Interpretation	1/1994	1/7/94	Amend the definition of Gazette from the Commonwealth of Australia Gazette to Australian Capital Territory Gazette to provide consistency with the <i>Public Sector Management Amendment Act 1999</i> .
Standard 2 Part 2	9	Rule 4- Eligibility	1/1994	1/7/94	Re-order provisions to place the provision limiting vacancies to those groups with eligibility rights immediately before the provision that lists those groups with eligibility rights. Underline terminology of eligibility rights in each provision.

Standard 2 Part 7	18	Rule 3- Continuity of employment	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 2 Part 7	19	Rule 5- Continuity not broken by period of prescribed full time training	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 2 Part 7	19	Rule 6 - Continuity not broken by resignation before 18 November 1966 due to marriage	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 2	8	Rule 3-Part-time temporary employees	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 2	8	Rule 6-Skills and qualifications payments	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 2	12	Rule 9.2- Payment during absences	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 4	16	Rule 3- Higher duties allowance	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 7	21- 22	Rule 6 – Recreation or other leave	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 16	46- 47	Rule 4- Leave not to count as service	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.

Standard 3 Part 18	62	Rule 16- Officer's health a danger to others	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 20	90	Rule 1- Application	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 21	97	Rule 14- Emergency Leave for disasters	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 21	101	Rule 22- Leave for returned soldiers for medical treatment and pension review	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 21	101	Rule 23- Leave in special circumstances	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 3 Part 25	102	Rule 25- Staff organisation leave	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 4 Part 8	14- 15	Rule 4- Health assessment – non compensation cases	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 4 Part 8	15	Rule 6- Disputing the fitness for duty decision – non compensation cases	1/1994	1/7/94	Amend terminology of sick leave to personal leave to provide consistency with previous amendments under Instrument 2/2000.
Standard 6 Part 3	10	Rule 2 – Driver responsibilities	1/1994	1/7/94	Update the legislative reference to the new ACT Road Transport Laws that replaces the <i>Motor Traffic Act 1936</i> .

Standard 6 Part 4	13	Rule 3- Authorised use	1/1994	1/7/94	Update the legislative reference to the new ACT Road Transport Laws that replaces the <i>Motor Traffic Act 1936</i> .
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**INTRODUCTION**

**PART 2 - INTERPRETATION**

**2. Definitions of particular terms**

*'Gazette'* means the *Australian Capital Territory Gazette*

**STANDARD 2 – EMPLOYMENT IN THE PUBLIC SERVICE**

**PART 1 - CHIEF EXECUTIVES AND EXECUTIVES**

**1. Application**

This Standard applies to:

- a Chief Executive or Executive employed under sections 28 or 72 of the Act;
- a person employed under sections 30 or 76 of the Act; and
- the Clerk of the Legislative Assembly.

**2. Interpretation**

In this Part, unless the contrary intention appears:

*'remuneration'* in respect of a Chief Executive or Executive means the remuneration set under the *Remuneration Tribunal Act 1995* for that office

*'transitional executive'* means an ACT Chief Executive or Executive who was an ACT Senior Executive Service officer immediately before the commencement of the *Public Sector Management (Amendment) Act 1995* (ACT)

*'employer-provided motor vehicle'* means a Territory owned vehicle made available to an officer or employee as an employer-provided benefit, whether under a determination made under the *Remuneration Tribunal Act 1995* or otherwise and includes a vehicle provided in lieu of the vehicle

**3. Personal leave**

A Chief Executive engaged under section 28 of the Act is an officer for the purposes of the personal leave provisions in Standard 3.

An Executive engaged under section 72 of the Act is an officer for the purposes of the personal leave provisions in Standard 3.

**4. Other Leave**

The Commissioner may grant leave to a Chief Executive for purposes other than personal leave, recreation leave, long service leave, maternity leave or parental leave.

The relevant Chief Executive may grant leave to an Executive for purposes other than personal leave, recreation leave, long service leave, maternity leave or parental leave. In granting this leave the relevant Chief Executive must determine:

- whether the leave is granted with or without pay; and
- whether and for what purposes the leave counts as service.



**PART 2 - ENTRY AND ADVANCEMENT**

**1. Interpretation**

In this Part, unless the contrary intention appears:

*'the Gazette'* means the Australian Capital Territory Gazette.

*'base grade classification'* means a classification which is the lowest designation, or level, of a classification, other than an in-training classification (see subsection 98(1)(a) of the Act for a definition of a training office)

*'press advertising'* means advertising a vacancy in a newspaper or other published media in a way that meets the requirements of section 65 of the Act

#### **4. Eligibility**

For the purposes of subsection 68(2)(b) of the *Public Sector Management Act 1994*, 'permanent resident of Australia' includes New Zealand citizens who reside in Australia and who hold a Special Category temporary residence visa (SCV).

All permanent vacancies advertised in the Gazette are open to all Australian Citizens or permanent residents of Australia except where:

- a former officer is restricted from re-employment under section 114 of the Act.
- the Chief Executive has decided that because of cost or operational efficiency a vacancy should be advertised as open only to permanent officers and groups with eligibility rights. Restricted positions will be marked ♣
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Groups with eligibility rights are:

- an officer of the Australian Public Service (APS) applying for appointment (see section 115 of the Act)
- a former officer of the APS or ACTPS who resigned on or after 2 August 1990 if:
  - ⇒ they resigned to rear a child, after taking at least three months maternity or parental leave;
  - ⇒ they resigned within two years of the date of birth of the child for which the period of maternity leave was granted;
  - ⇒ the position for which they are applying is advertised in the gazette within six years from the date of the birth of the child for which the maternity or parental leave was granted; and
  - ⇒ they have a statement from the relevant Chief Executive of the details of their resignation which was obtained at the time of resignation;
- an 'officer' of an approved organisation listed in Standard 4, Part 6, Mobility with Approved Organisations, employed on other than a temporary basis, applying for appointment;
- a temporary employee who has been employed by the ACTPS in one position for six months continuously, may apply for appointment to an advertised vacancy:
  - ⇒ if still employed in that temporary position; and
  - ⇒ the six months eligibility period is reached before the applications close.

**PART 7 - RECOGNITION OF PREVIOUS EMPLOYMENT**

**1. Application**

This Part applies to officers and employees.

**2. Qualifying employment**

A '*public authority*' for the purposes of Part VII of the Act and this Part is one that is listed in Standard 3, Part 19, Long Service Leave 9.1.

**3. Continuity of employment**

A period of employment with a public authority followed by a break of more than two months, which is not an approved absence, does not count towards the accrual of personal leave.

This period may be extended if exceptional circumstances exist.

**4. Continuity not broken on re-appointment**

The period between resignation or dismissal and re-appointment is considered to be leave without pay which does not break continuity of employment if an officer:

- resigned to contest an election, failed to be elected and was re-appointed; or
- was dismissed, appealed against dismissal, and was re-appointed as a result of the appeal.

**5. Continuity not broken by period of prescribed full time training**

Full-time training, as prescribed in this Part, for a maximum of twelve months between leaving employment and re-employment with the ACTPS does not break continuity for long service leave purposes.

Full-time training, as prescribed in this Part, for a maximum of two months between leaving and re-employment with the ACTPS does not break continuity for personal leave purposes.

**6. Continuity not broken by resignation before 18 November 1966 due to marriage**

If an officer resigned before 18 November 1966 under the repealed section 49 of the *Public Service Act 1922* ('*marriage bar*' provisions), the period between resignation and later employment with an approved organisation or the ACTPS does not break continuity for personal leave purposes.

On re-appointment an officer must be credited with the unused personal leave credit accrued when they resigned.

**STANDARD 3 - CONDITIONS OF EMPLOYMENT AND ATTENDANCE**

**PART 2 - RATES OF SALARY**

**3. Part-time temporary employees**

The hourly rate at which salary is payable to a part-time temporary employee, except those described in the next paragraph, is at the same hourly rate as that of an equivalent full-time employee.

The hourly rate at which salary is payable to a part-time employee who is required to attend for duty:

- for less than 24 hours a week; and
- on less than four days a week.

must be fifteen per cent greater than the hourly rate payable to an equivalent full-time employee (*'the 15% loading'*).

A part-time employee to whom the 15% loading applies is not entitled to payment for recreation or personal leave.

***This rule should be read in conjunction with relevant agency agreements.***

**6. Skills and qualifications payments**

Allowances for skills and qualifications are included in salary for calculating recreation leave, long service leave, paid personal leave, paid maternity leave and other paid leave granted under this Standard.

If leave is on reduced pay or without pay, the allowances must be proportionately reduced or withdrawn.

The payment of the allowances are continued if an officer, who regularly receives them, is transferred temporarily to another position in which no HDA is payable, provided that they would have continued to receive the allowance, but for the temporary transfer.

In any other circumstances, an allowance must be discontinued when an officer is transferred temporarily or permanently to other duties.

An officer temporarily transferred to a position which attracts an allowance for skills and qualifications must be paid the allowance, if the officer has the necessary qualification, immediately on taking up the position.

## **9.2 Payment during absences**

An officer entitled to First Aid Allowance continues to be entitled during:

- Long Service Leave, paid maternity leave or recreation leave; and
- paid personal leave or other leave with pay - for up to one month.

Where leave is on reduced pay or without pay, the allowance must be proportionately reduced or withdrawn as the case requires.

The allowance is included in salary for payment in lieu of long service and recreation leave.

## **PART 4 - HIGHER DUTIES**

### **1. Application**

This Part applies to officers who are directed to perform higher duties.

### **2. Interpretation**

In this Part, unless the contrary intention appears:

*'Higher Duties Allowance' ('HDA')* means the allowance paid to an officer who is directed to perform the duties of a higher office

*'higher office'* means an office for which the rate of salary or, in the case of an office with a scale of rates the minimum rate of salary exceeds the rate of salary or the minimum rate of salary of the normal office

*'fixed salary'* means a single point on a scale applicable to a classification

*'substantive'* means the level of salary applicable to the office to which an officer has been either promoted or appointed

### **3. Higher duties allowance**

HDA is payable to an officer who is directed in writing by the relevant Chief Executive under sections 100 or 101 of the Act to perform the duties of an office higher than their normal office.

An officer performing higher duties in an office is subject to all conditions of that office including hours of duty as if they had been promoted to that office.

HDA must be treated as salary for all purposes including travelling allowance, overtime, holiday duty, shift penalties, weekend duty, personal and recreation leave subject to written advice of continuation.

An officer may only be paid in respect of one higher office even if they are performing the duties of two higher offices at the same time.

## **PART 7 - CAMPING ALLOWANCE**

### **4. Rates**

An eligible officer is entitled to an allowance:

- if a cook is provided by the agency - at the daily rate specified opposite item 1 in Column 2 of Rule 8.1 and
- if a cook is not provided by the agency - at the daily rate specified opposite item 2 in Column 2 of Rule 8.1.

Where an officer to whom this Rule applies is entitled to an allowance in accordance with that section if they camp out in excess of seven days, they will also be entitled to an additional allowance for the period which is:

- if less than fourteen days - the amount specified in item 1 in Column 2 of Rule 8.2;
- if not less than fourteen days but is less than 21 days - the amount specified in item 2 in Column 2 of Rule 8.2; and
- any other case - the amount specified in item 3 in Column 2 of Rule 8.2.

Where an officer is not supplied with camping equipment by the agency and they hire it, they are entitled to be paid, in addition to the allowance under this Rule an allowance equal to the cost of hiring the equipment.

If an officer is required to move from camp to camp so long as they are not staying in a base camp, a caravan or a hut, then an additional allowance to be paid at:

- the nightly rate specified in item 3 in Column 2 of Rule 8.1, if the period of camping out is more than one night but not more than five consecutive nights; and
- the nightly rate specified in item 4 in Column 2 of Rule 8.1, if the period is not less than six consecutive nights.

### **5. Payment of fares**

A member of a camping party who travels to and from home each day (without TA or CA), the fare for their travel may be refunded provided that:

- the cost is not greater than the amount payable for TA or CA, whichever is applicable; and
- the approval of the officer directly responsible for the camping party is first obtained.

No allowance for travelling time or waiting time is payable under this Rule.

### **6. Recreation or other leave**

If a member of a camping party receiving CA goes on recreation or other leave (except personal leave) with or without pay, the allowance should be discontinued during the leave. If they go on recreation leave and are unable to reach headquarters (where the leave will commence) on the day of leaving camp and an overnight stay in a hotel or motel is necessary, TA



should be paid from the time of leaving the camp to the time of arrival at headquarters under the conditions set out in Part 6 - Temporary Accommodation. Payment of TA should also be made for the return journey from headquarters to the camp.

Terms and conditions relating to TA are set out in Standard 6 Part 2.

Except as provided in this part, Camping Allowance must not be paid:

- during a weekend and public holidays comprising more than four consecutive days; or
- on any days on which the member is on leave with or without pay.

Where a member of a camping party desires to leave camp and visit home for weekends or public holidays, and provided the agency incurs no expense for transport, Camping Allowance may be continued during the absence from camp.

A member of a camping party who during the period from Christmas Day to New Year's Day inclusive complies with the conditions of this Part may continue to receive Camping Allowance for weekends and public holidays during that period but not for any days on which the officer is on leave with or without pay.

A member of a camping party receiving CA or TA who goes on personal leave is covered by Part 18 - Personal Leave.

If a member of a camping party while in camp is granted personal leave, CA may be continued for a period not exceeding one month if the member remains in camp or incurs expense for board and lodging in the same locality as the camp.

If a member of a camping party covered by this Part returns home or travels to a hospital, the fares to home and return to duty should be met by the agency.

If the officer travels to a hospital, fares to and from the nearest hospital should be paid under conditions of this Part, provided that if there is no hospital at the specified headquarters of the party.

An allowance should be paid for the journey to and from home or hospital, at the rate that would have been payable had the officer been on duty during the period covered by the journey; and for the period in hospital, where the hospital is situated away from their home town or headquarters.

For the period covered by this Rule, an officer should be in precisely the same position as if remaining on duty with the party. (For example, if the party was in camp during the member's absence, the allowance would be payable. If the party was part in camp and part in lodgings, CA would be calculated on that basis).

Fares to and from an officer's home should not be paid under this Rule if the department considers it unreasonable, having regard to (for example) the distance to be travelled by the officer and the nature and likely duration of the illness.

**PART 16 - LEAVE GENERAL**

**1. Application**

This Part details the fixed minimum conditions which must be met and applies to officers or employees.

The conditions of leave for a Chief Executive apply to the Clerk of the Legislative Assembly.

**2. Interpretation**

In this Part, unless the contrary intention appears:

*'one working month'* means 22 working days for an officer who performs duty on the basis of a 5 day working week, or 26 working days for an officer who performs duty on the basis of a 6 day working week

*'officer'* includes an employee

**3. Grant of leave**

A Chief Executive may grant leave to an officer, in accordance with these rules, on written application by that officer.

A Chief Executive must give written notice to the officer if the leave requested is not granted, another period is substituted, or conditions are set.

If an officer is promoted or transferred to an office in another agency after leave has been granted, but before the leave commences, the approval of the Chief Executive of the gaining agency must be obtained for any period of the leave which occurs after the officer would have commenced duty in the gaining agency. This does not apply to those types of leave for which there is no discretion to withhold approval including:

- Staff organisation leave;
- Maternity leave; and
- Leave for jury service.

**4. Leave not to count as service**

If leave that does not count as service aggregates to one or more working month in a calendar year, then:

- the date an increment falls due, or personal leave accrues, is deferred by one month for each complete month of absence (or each complete month of aggregated absences); and
- the yearly recreation leave credit which would have accrued to the officer is reduced by one twelfth for each month of such leave.

Leave which does not count as service includes:

- unauthorised absences of more than 30 minutes;
- absences due to illness caused by misconduct;
- absence due to no sufficient cause;
- leave when the Commissioner or Chief Executive determines leave will not count as service;
- leave without pay;
- staff organisation leave;
- parental leave;
- compensation leave in excess of 45 weeks, but not when officer is on GRTW;
- leave to engage in employment not in the interests of the Service;
- Defence Service leave;
- leave to accompany a spouse;
- campaign leave; and
- some forms of personal leave without pay.

**PART 18 - PERSONAL LEAVE**

**16. Officer's health a danger to others**

If a Chief Executive determines that an officer is in such a state of health as to render them a danger to other officers of the public, they may require the officer to obtain and furnish a report as to their condition from a Medical Officer. Having regard to the medical report, the Chief Executive may require the officer to take personal leave.

**PART 20 - MATERNITY LEAVE**

**1. Application**

Part VIII of the Act applies to:

- a woman who is an officer, an employee or a statutory office holder who is entitled to personal leave; and
- a woman employed by a company that is incorporated under the Corporations Law and is declared by the Public Sector Management Standards to be a body corporate to which that part of the Act applies

**PART 21 - OTHER LEAVE**

**14. Emergency Leave for disasters**

In this Rule, unless the contrary intention appears:

- '*Significant damage*' to a home means that the home is wholly or partly uninhabitable for health or safety reasons;
- '*home*', in relation to an officer, means the premises where the officer ordinarily resides or resides for the time being and from which the officer travels to work; and
- '*relevant counter-disaster organisation*' in relation to an officer means the appropriate responsible organisation, under current Australian disaster management arrangements, in relation to the place where an officer's home is situated.

A Chief Executive may grant leave with pay to an officer, following consultation with the relevant counter-disaster organisation, where the officer's home or its contents have been destroyed or significantly damaged, if the Chief Executive is satisfied that leave is necessary to assist the officer to cope with the effects of the disaster.

The maximum period of leave of absence that may be granted under this Rule is three days in each consecutive period of twelve months commencing on the day on which the officer or employee accrues a personal leave credit.

**22. Leave for returned soldiers for medical treatment and pension review**

A Chief Executive may grant leave with pay to an officer who is a returned soldier to attend an appointment for periodical medical attention, prosthetic treatment or a pension review under the *Veterans' Entitlement Act 1986* (Commonwealth).

The maximum period of leave that may be granted to an officer is two weeks in each twelve month period commencing on the day on which the officer accrues a personal leave credit.

Leave granted under this Rule counts as service for all purposes.

**23. Leave in special circumstances**

If, but for this Rule, an officer cannot be granted leave and, in the opinion of a Chief Executive, special circumstances exist which justify the granting of leave, a Chief Executive may grant leave with pay to that officer for a period set out below.

Leave granted under this Rule to an officer or employee must not exceed four days in each consecutive period of twelve months commencing on the day on which the officer accrues their personal leave credit.

During a temporary employee's first twelve months of service, leave with pay may not be granted under this Rule until they are entitled to their first credit of paid personal leave.

A period of leave granted under this Rule counts as service for all purposes.

**25. Staff organisation leave**

A Chief Executive may grant leave without pay to enable an officer to hold a full-time elective office, or a full-time non-elective office, in a staff organisation, a council of staff organisations or a credit union, co-operative society, building co-operative, or similar body.

If the leave is to work in a non-elected office, the officer must have been employed by the ACT Government or the Australian Public Service for not less than four years to be eligible for this leave.

In the case of a credit union or similar body, the body must be incorporated by law, and be conducted by, or on behalf of members of the staff organisation, for:

- the benefit of the members of the staff organisation; or
- the benefit of all persons employed by the ACT Government.

Except in the circumstances set out below such a period of leave does not count as service for any purpose other than for accruing personal leave and for calculating the qualifying period under Part VII of the Act (see section 154 of the Act).

A period of staff organisation leave approved before 15 August 1991 for an officer of the Department of Education and Community Services to work for the Australian Education Union, counts as service for increment purposes when the officer returns to duty.

A Chief Executive may grant leave to an officer to take up an honorary office in a staff organisation. Up to two months of such leave in a calendar year counts as service for all purposes. Any period of leave which exceeds, in aggregate, two months in a calendar year, does not count as service for any purpose.

The maximum period of leave that may be granted to an officer under this Rule is the period for which the officer is elected to office, or in the case of a non-elected office, three years.



**STANDARD 4 - CAREER MOVES**

**PART 8 - REDEPLOYMENT OF OFFICERS FOR MEDICAL REASONS**

**4. Health assessment - non-compensation cases**

A health assessment will be paid for by the agency in which an officer is working at the time the injury is sustained or the illness is diagnosed.

The relevant Chief Executive must direct an officer to attend a health assessment if:

- the officer has been absent on account of illness for a total of thirteen weeks in any 26 week period; or
- reports from a treating doctor indicate the officer is unfit for their duties and that the prognosis is unfavourable.

The grant of further personal leave will be subject to the outcome of this medical examination.

A health assessment must be conducted by:

- an approved medical practitioner;
- a medical officer;
- a registered medical specialist; and
- not by the treating doctor.

A reasonable time before an officer is to be examined as part of a health assessment, the relevant Chief Executive must advise the officer, in writing of:

- the time and place of the examination;
- the purpose of the examination;
- the relevant provisions of the *Privacy Act 1988 (Commonwealth)* relating to confidentiality of medical information and the officer's right to have access to any information provided to the person conducting the health assessment; and
- the officer's right to submit supporting material for consideration by the person conducting the health assessment.

On receipt of a health assessment, the Chief Executive must provide a copy of the assessment report to the officer as soon as possible, subject to the rules on handling sensitive medical information.

**6. Disputing the fitness for duty decision - non-compensation cases**

An officer may dispute the decision by the relevant Chief Executive that they are fit for duty on the basis of new or more detailed medical evidence that they are not fit for duty.

The officer must provide any new or more detailed medical evidence within fourteen days after the date of the Chief Executive's written notification.

If at any stage it appears the officer is unable or unwilling to produce the required new evidence, the relevant Chief Executive must direct the officer to return to duty immediately.

If the relevant Chief Executive considers that new or more detailed evidence has been provided, they should grant the officer further personal leave and refer the matter to a medical review panel.

**STANDARD 6 - ADMINISTRATION AND TRAINING**

**PART 3 - NON EXECUTIVE VEHICLES**

**2. Driver responsibilities**

A driver is responsible for the care of an ACTPS vehicle in their control in accordance with the guidelines set out in the *ACTPS Non-Executive Passenger and Light Commercial Vehicle Management Policy* as provided from Totalcare Fleet and the general obligations of public employees as set out in section 9 of the Act.

A driver must hold a current, valid and appropriate licence, or where they are required to upgrade an existing driver's licence for employment purposes they must comply with the relevant conditions set out in the *ACTPS Non-Executive Passenger and Light Commercial Vehicle Management Policy* including obtaining the prior approval of their supervisor.

A driver of an ACTPS vehicle must not:

- smoke in an ACTPS vehicle;
- consume alcohol in an ACTPS vehicle; or
- carry alcohol in or on an ACTPS vehicle unless special approval has been given by the relevant Chief Executive.

A driver is personally responsible for any breaches of ACT Road Transport Law if they are in control of a vehicle and must pay any fine incurred.

**PART 4 - EXECUTIVE VEHICLES**

**2. Vehicle transfer and return**

An agency must notify Totalcare Fleet of a transfer of an Executive vehicle from one agency to another.

If an Executive vehicle is no longer required by a Chief Executive or Executive that vehicle must either be:

- returned to the agency for reallocation;
- replaced as a 200 series vehicle and reallocated within the agency concerned; or
- returned to Totalcare Fleet, and any Sales Tax or other direct or indirect costs incurred by the ACTPS as a result of the early sale of the vehicle must be met by the agency concerned.

**3. Authorised use**

An Executive vehicle may only be driven by authorised drivers. An authorised driver is subject to the same conditions concerning the use of an Executive vehicle as Chief Executives and Executives.

A driver of an ACTPS vehicle must be appropriately licensed and obey all traffic laws and parking restrictions. The officer in control of the vehicle is personally responsible for any breaches of ACT Road Transport Law and must pay any fines if incurred.

An Executive vehicle must be made available for official use by staff during normal business hours.

The use of an Executive vehicle for private purposes during any period of approved leave must be authorised by the Commissioner or relevant Chief Executive in accordance with *ACTPS Policy for the Management and Use of Executive Vehicles*.

Use of an employer-provided motor vehicle for personal gain by a Chief Executive or Executive is not permitted.