



Australian Capital Territory

PUBLIC SECTOR MANAGEMENT ACT 1994

Public Sector Management Amendment Standards 2003 (No 1)

Disallowable Instrument No 2003-7

Under section 251 of the *Public Sector Management Act 1994* (the Act), I APPROVE the making of the Management Standard made by Instrument 1/1994 as subsequently amended, as set out in Schedule A to this Instrument.

Dated this fifth day of February 2003

Jon Stanhope MLA
CHIEF MINISTER

Under section 251 of the *Public Sector Management Act 1994*, I

1. MAKE those parts of the relevant Management Standard as specified in Schedule A to this Instrument;
2. AMEND those parts of the relevant Management Standards as specified in Schedule A to this Instrument.

Dated this 5th day of February 2003

Richard Grant Moss
Commissioner for Public Administration

SCHEDULE A TO DISALLOWABLE INSTRUMENT DI2003-7

COLUMN 1			COLUMN 2		COLUMN 3
PART			INSTRUMENT		AMENDMENT DESCRIPTION
Part	Page	Part/Rule Description	Number	Date	
Standard 3	17	Part 4 Rule 3	1/1994	1/7/94	Amend the Rule relating to where higher duties allowance is treated as salary to give effect to other amendments in this Schedule.
Standard 3	17	Part 4 Rule 3	1/1994	1/7/94	Amend the Rule to clarify that higher duties allowance is payable to an officer during a period of long service leave, subject to written advice of continuation.
Standard 3	64	Part 19 Rule 2	1/1994	1/7/94	Amend the Interpretation section to include a definition of higher duties allowance.
Standard 3	64	Part 19 Rule 2	1/1994	1/7/94	Amend the Interpretation section to include a definition of relevant day in relation to the day when an officer ceases to be an officer for the purposes of payments in lieu of long service leave.
Standard 3	64-65	Part 19 Rule 3	1/1994	1/7/94	Amend the rule to specify that where a former officer receives a payment in lieu of long service leave under the Act, that payment must include any higher duties allowance where that allowance has been paid for a minimum of 12 months continuously before the person ceases to be an officer.

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.

Unless otherwise provided for in the Standards, HDA must be treated as salary for all purposes including travelling allowance, overtime, holiday duty, shift penalties, weekend duty, long service leave, 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 9 - LONG SERVICE LEAVE

2. Interpretation

In this Part, unless the contrary intention appears:

'*dependant*' includes a person who was being maintained wholly or partly by the officer at the time of the employee's death

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

'*officer*' includes:

- an employee;
- a statutory office holder; and
- a person employed by a Territory instrumentality or by a statutory office holder

'*spouse*', in relation to an officer, includes a person who was living with the employee as a spouse on a bona fide domestic basis, although not legally married to the employee

'*minor*' means a person under the age of eighteen years

'relevant day' in relation to a person who ceases to be an officer, means the day on which they cease to be an officer.

3. Allowances paid while on LSL

For the purposes of LSL, salary includes an allowance payable to an officer because they are required to perform their duties in a particular district in Australia ('*district allowance*').

Salary includes district allowance for the purpose of LSL where an officer remains in a district for which the allowance is payable during their LSL or, if they are a married person, their family remains in that district during any part of the period of their LSL during which the officer is absent from that district.

For the purposes of LSL, salary includes an allowance payable to an officer in respect of the supply and maintenance by the officer of tools and equipment ordinarily required by them to perform the duties of their work.

Where an officer is entitled to receive a payment in lieu of LSL under sections 158 or 159 of the Act, that payment must include an amount in respect of higher duties allowance, where:

- the officer has, or would, but for their absence on authorised leave, have, during a continuous period of not less than 12 months ending on the expiration of the relevant day, performed the duties of a single office having a higher classification than their own, or
- immediately before the person ceased to be an officer, the officer has, or would, but for their absence on authorised leave, have performed the

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duties of 2 or more offices each of which has a higher classification than their own for periods that were continuous with one another and the aggregate of which is not less than 12 months.

Where a payment in lieu of LSL is made in accordance with sections 158 or 159 of the Act and is to include an amount in respect of HDA, if at any time during the period of 12 months immediately preceding the relevant day the officer performed the duties of an office in respect of which HDA was payable to them at a rate that is lower than the rate of the allowance payable to the officer on the relevant day, then the amount included in the payment in respect of HDA is calculated as if the officer was, on the relevant day, paid at the lowest rate at which HDA was paid to the officer during that period of 12 months.