

Australian Capital Territory

Public Sector Management Amendment Standard 2004 (No 5)

Disallowable instrument DI2004—65

made under the

Public Sector Management Act 1994, s 251 (Management Standards)

I amend the Management Standards as set out in Schedule 1 and Schedule 2.

Cheryl Anne Vardon
Commissioner for Public Administration

3 / 5 /2004

Approved under the *Public Sector Management Act 1994, s 251 (Management Standards)*

Jon Stanhope
Chief Minister

29 / 4 /2004

SCHEDULE 1 TO DISALLOWABLE INSTRUMENT NO 2004-65

PROVISION OF MANAGEMENT STANDARDS		
Part	Part/Rule Description	AMENDMENT
Standard 2	Part 1, Rule 6: Special benefits on early termination	Omit Rule 6, Part 1, Standard 2. Substitute new Rule 6, Part 1, Standard 2 as set out in Schedule 2.
Standard 2	Part 1, Rule 8: Deleted	Insert new Rule 8, Part 1, Standard 2 as set out in Schedule 2.

SCHEDULE 2 TO DISALLOWABLE INSTRUMENT N02004-65

New Rule 6, Part 1, Standard 2

6. Payment of special benefits in certain circumstances

For the purpose of this Rule, a period of continuous recognised service is calculated in the same way an officer's period of service is calculated for long service leave under section 154 of the Act.

a) Special benefits on early termination of contract

Except where Rule 6(b) applies, if a Chief Executive's or Executive's contract of employment is terminated on a ground involving changes to operational requirements which result in a substantial change to the nature of the work required under the contract, for the purposes of section 28A or 73 of the Act, the prescribed benefit is two weeks remuneration for every completed year of continuous recognised service, up to a maximum of 44 weeks remuneration. This is in addition to any notice period provided in the contract of employment.

If a Chief Executive's or Executive's contract of employment is terminated because of a failure to disclose a prior criminal conviction, subject to the Spent Convictions Scheme in the *Crimes Act 1914* (Commonwealth), the prescribed benefit for the purpose of sections 28A and 73 of the Act is two weeks remuneration for every completed year of continuous recognised service, up to a maximum of 1 month's remuneration.

b) Special benefits applying to transitional executives on early termination or non-renewal of contract in certain circumstances

In the case of transitional executives who have been offered one or more consecutive contracts, the prescribed benefit payable for the purpose of sections 28A and 73 of the Act is two weeks remuneration for every completed year of continuous recognised service, up to a maximum of 52 weeks remuneration if an employer:

- i) terminates the contract as a result of changes to operational requirements that result in substantial change to the nature of the work required under the contract;
- ii) immediately following the expiration of an existing contract does not offer a further contract, provided the reasons for not offering a new contract do not relate to poor performance, misconduct or failure to disclose a prior criminal conviction, subject to the Spent Convictions Scheme in the *Crimes Act 1914* (Commonwealth); or
- iii) immediately following the expiration of an existing contract offers a further contract in respect of an executive office that has a significantly lower work value level than the office relating to the expired contract and the Executive does not accept the further contract.

New Rule 8, Part 1, Standard 2

8. Performance Management

All Chief Executives and Executives must participate in an annual review of performance.