



Australian Capital Territory

# **Public Sector Management Standards 2006**

**DI2006-187**

made under the

**Public Sector Management Act 1994**

**Republication No 35**

**Effective: 3 July 2014 – 12 February 2015**

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Public Sector Management Standards 2006*, made under the *Public Sector Management Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 October 2014. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 3 July 2014.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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- unauthorised republications.

The status of this republication appears on the bottom of each page.

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### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Public Sector Management Standards 2006

made under the

**Public Sector Management Act 1994**

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Australian Capital Territory

# Public Sector Management Standards 2006

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made under the

**Public Sector Management Act 1994**

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## Chapter 1 Preliminary

### 1 Name of standard

This standard is the *Public Sector Management Standards 2006*.

### 3 Dictionary

The dictionary at the end of this standard is part of this standard.

*Note 1* The dictionary at the end of this standard defines certain terms used in this standard.

*Note 2* A definition in the dictionary applies to the entire standard unless the definition, or another provision of the standard, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this standard is explanatory and is not part of this standard.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## Chapter 2 Administration and management of the public sector

### Part 2.1 Code of conduct

#### 5 Purposes of pt 2.1

The purpose of this part is to facilitate the development of a code of conduct that assists—

- (a) government agencies to implement the values and principles set out in the Act, section 6; and
- (b) the administration of the public sector in a way that gives effect to the Act, section 7; and
- (c) government agencies to give effect to the principles set out in the Act, section 8; and
- (d) public employees to understand and meet the requirements of the Act, section 9.

#### 6 ACTPS code of conduct

- (1) The Commissioner must develop a code of conduct that applies to all government agencies and all public employees (the *ACTPS code of conduct*).
- (2) The Commissioner must consult the head of service in the development of the ACTPS code of conduct.
- (3) The ACTPS Code of Conduct under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## 7 Supplementary code of conduct

- (1) A head of a government agency may develop additional conduct requirements that apply to that agency (a *supplementary code of conduct*).
- (2) A supplementary code of conduct may be developed to apply to—
  - (a) all of the relevant government agency; or
  - (b) a part of the relevant government agency; or
  - (c) a class of public employees in the relevant government agency.
- (3) The Commissioner must determine that a supplementary code of conduct is consistent with the ACTPS code of conduct before it can be applied.
- (4) A supplementary Code of Conduct under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

## Part 2.2 Employee values

### 8 Purposes of pt 2.2

- (1) The purpose of this part is to assist a person to perform their duties as a public employee—
  - (a) under the Act, section 9; and
  - (b) in a way that supports the values, principles and objectives set out in the Act, Division 2.1.
- (2) This purpose is to be achieved by setting out values that inform the conduct of a public employee (*employee values*).



## 9 Application—pt 2.2

- (1) This part applies to public employees when performing their duties.

### Examples—performing duties

1. making a decision as part of undertaking duties
2. making a decision that affects other public employees
3. making a decision about the means or timing of service delivery
4. making a recommendation to a delegate
5. interacting with colleagues
6. interacting with the public
7. representing the Territory or a government agency
8. attending a conference or undertaking official travel
9. using and allocating Territory resources
10. working towards the goals of the service and the goals of their team
11. developing or following procedures for decisions or actions carried out by staff
12. making a decision about a social function for the workplace

*Note* An example is part of the Standards, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) This part must be applied in a way that is appropriate and meaningful for each public employee, taking into consideration the nature of the duties that the public employee undertakes, and the environment that those duties are undertaken in.

*Note* The ACTPS is a diverse work force; in practice the values will manifest in different ways depending on the nature of work a public employee undertakes and the classification the employee holds.

## 10 The employee values

The employee values are—

- (a) respect; and
- (b) integrity; and

- (c) collaboration; and
- (d) innovation.

## 11 Promoting the employee values

The employee values must be used to inform and evaluate the operation of the service, including—

- (a) management practices; and
- (b) the performance of a public employee; and
- (c) the implementation of government policy.

## Part 2.3 Fraud and corruption

### 12 Interpretation—pt 2.3

In this part:

*Audit Committee* means a body created in accordance with the then Department of the Treasury's policy document entitled *Internal Audit Framework*, promulgated in 2003. Agency Audit Committees monitor and review the effectiveness of corporate governance mechanisms in agencies.

*corruption* in relation to an officer or employee means that the officer or employee seeks, obtains or receives any benefit, other than lawful salary and allowances, on the understanding that the officer or employee will do or refrain from doing anything in the course of their duties or will attempt to influence any other officer or employee on behalf of any person.

*fraud* means taking or obtaining by deception, money or another benefit from the government when not entitled to the money or benefit, or attempting to do so - this includes evading a liability to government.

*integrity* means the exercise of authority in accordance with the stated values and principles of the ACTPS and includes the control of fraud and corruption.

*manager* means a person who has responsibility for planning, organising and leading a work unit or group activity.

*Risk Management Standard* means the current Risk Management Standard AS/NZS 4360: (31 August 2004) issued by Standards Australia.

### 13 Fraud and corruption prevention

- (1) In accordance with the Act, section 6 and section 28AA, a director-general must pursue a systematic approach to integrity.
- (2) A director-general must ensure that risks to the integrity of the agency are—
  - (a) assessed and treated in accordance with the Risk Management Standard and the associated policy guidance; and
  - (b) addressed in detailed fraud and corruption prevention plans.
- (3) A director-general must ensure that the Agency's integrity arrangements are assessed and reviewed every two years, or more frequently if—
  - (a) any significant suspected fraud or corruption is discovered; or
  - (b) there is a significant change in the nature or scope of operations, procedures or systems.
- (4) The director-general should explore opportunities to actively detect fraud and corruption within the Agency's programs, in accordance with privacy considerations and noting the requirements for cost effectiveness of these strategies.

## **14 Monitoring and recording integrity strategies**

- (1) The director-general of an agency should request the Audit Committee to oversight the effectiveness of the integrity arrangements, in particular the conduct of the risk assessment and the implementation of the fraud and corruption prevention plans.
- (2) Managers must regularly and systematically assess the potential within their area of responsibility for theft, fraud and corruption to ensure that relevant control procedures are being followed and are effective.
- (3) An agency must establish and maintain an information system that records—
  - (a) all instances of fraud and corruption; and
  - (b) losses to the Agency or potential for damage to the reputation of the Agency or service; and
  - (c) investigative action taken; and
  - (d) disciplinary action taken or outcomes of matters which have been prosecuted; and
  - (e) any changes to procedures and practices arising from the incident.
- (4) The Audit Committee should have access to regular reports of information from the fraud and corruption reporting system.
- (5) A director-general must include details of the implementation of fraud and corruption prevention plan in the Annual Report to the Minister.
- (6) In the Annual Report to the Minister, the director-general must certify that—
  - (a) an assessment of the risks to the integrity of the Agency has been conducted in accordance with the Risk Management Standard and the associated policy guidance; and

- (b) treatments for adequately dealing with the integrity risks identified have been addressed in the fraud and corruption prevention plan as described in the policy guidance; and
  - (c) where the Agency has engaged, or is contemplating engaging, service providers from outside the service, that the integrity risks have been assessed and dealt with in the fraud and corruption prevention plan; and
  - (d) progress during the reporting year on the implementation of the fraud and corruption prevention plan.
- (7) A director-general must select an Executive to be responsible for the implementation of the integrity strategies and the processes for the detection and investigation of fraud and corruption.
- (8) Details of the appointment must be forwarded to the Commissioner.

## **15 Investigation of fraud and corruption**

- (1) The director-general must ensure that where cases of fraud and corruption are detected or notified, that action is taken to investigate those cases.
- (2) Where the case is considered to be serious and complex, the Australian Federal Police must be notified.
- (3) Agencies should recover losses caused by illegal activity through proceeds of crime legislation and civil recovery processes and, in the absence of criminal prosecution, to apply appropriate civil, administrative or disciplinary penalties.

## Part 2.4 Miscellaneous

### 16 Interpretation—pt 2.4

In this part:

*IT resources* means information technology owned and/or controlled by the Territory, including computers, printers, network infrastructure and electronic mail.

*officer* includes an employee.

### 17 Alcohol

An officer must not, without the prior approval of the director-general—

- (a) consume alcohol while on duty; or
- (b) consume alcohol while on government premises during working hours; or
- (c) carry alcohol in a government vehicle.

### 18 Unauthorised disclosure of information

An officer who ceases employment with the ACTPS must not disclose confidential information acquired while employed in the ACTPS without the approval of the relevant director-general.

### 19 Personal use of IT resources

- (1) An officer must not access, download or store inappropriate electronic material.
- (2) An officer must not use IT Resources to publish or communicate inappropriate material, including material which could be considered defamatory.

- (3) An officer must not save unofficial software and/or large personal files, including personal cc:Mail archives, to any network drive.
- (4) An officer must ensure that personal correspondence does not interfere with their duties and wherever possible deal with this correspondence outside working hours.

## **20 Public holiday for the ACTPS**

The Commissioner may declare that any day will be observed as a holiday in respect of any class of officers or employees in the ACTPS.

## **21 Equal employment opportunity programs**

For the Act, section 40 the *ACT Public Service Respect, Equity and Diversity Framework* is the equal employment opportunity program for the service.

## **22 Second jobs**

For the Act, section 244—

- (a) a second job includes—
  - (i) a second ACT Government position; or
  - (ii) a part-time job outside of core hours; or
  - (iii) employment taken up while on leave; or
  - (iv) a profitable activity outside official duties; and

*Note* An example is part of this standard, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (b) an officer must request approval for a second job as early as practical and before commencing the second job; and

**Example**

An office wishing to undertake a second job while on a period of extended leave should include an application for a second job with the leave application.

- (c) the head of service must—
- (i) consider the best outcome for the service;
  - (ii) not approve a second job that the head of service reasonably believes would create a real or perceived conflict of interest for the officer.



## Chapter 3 Employment in the Service

### Part 3.1 Merit and the selection process

#### 28 Application—pt 3.1

- (1) This part applies if a function under the Act is exercised following a recommendation from a selection committee about the suitability of a person in relation to the following employment matters:
  - (a) an appointment;
  - (b) an engagement under the Act, section 28 or section 72;
  - (c) an engagement of more than nine months under the Act, section 30 or section 76;
  - (d) a temporary transfer to a higher office for more than three months;
  - (e) a fixed term engagement for 12 months or more;
  - (f) a promotion.

*Note* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

- (2) This part applies to a function exercised following a recommendation from a joint selection committee that was established under part 3.3 in relation to a transfer or a promotion.

#### 29 Identified positions

- (1) Eligibility for an identified position must be restricted to—
  - (a) an Aboriginal or Torres Strait Islander person; or
  - (b) a person with disability.

- (2) The head of service may determine prior to the commencement of a selection process for an employment matter that an office is an identified position.
- (3) A reference to a designated position, in a document in relation to an employment matter, is taken to be a reference to an identified position.
- (4) In this section:

*employment matter* means an employment matter mentioned in the Act, section 65 (1).

*identified position*—see the Act, section 65 (6).

### **30 Merit in selection**

- (1) The head of service may only exercise a function in relation to an employment matter if the head of service—
  - (a) is satisfied that the process used to assess the comparative ability of the applicants to perform the duties of an office complied with the merit principle stated in the Act, section 65; and
  - (b) has used appropriate ways of assessing the comparative ability of applicants against selection criteria, including the following:
    - (i) written applications;
    - (ii) resumes;
    - (iii) referee comments;
    - (iv) interviews;
    - (v) approved psychometric testing;
    - (vi) approved practical skills testing;
    - (vii) an Equal Employment Opportunity Program in division 2.2.2;

- (viii) the principle of reasonable adjustment under anti-discrimination laws;
  - (ix) another method which supports the merit principle set out in the Act, section 65.
- (c) has considered the recommendations about the suitability of applicants made by a selection committee or a joint selection committee in a written selection report.
- (2) The head of service must exercise a function in relation to an employment matter in writing.

### **31 Testing of applicants**

- (1) The director-general may arrange for testing to assess the comparative ability of applicants to perform the duties of an office.
- (2) However, testing may only be used if—
- (a) the head of service approves the testing; and
  - (b) the office will be filled by appointment, transfer or promotion.

### **32 Advertising**

- (1) The head of service must advertise an office in the gazette unless the office is—
- (a) to be filled by transfer; or
  - (b) to be filled by promotion of an applicant selected on merit to a recurring or identical vacancy; or
  - (c) to be filled by promotion by advancement from a training office; or
  - (d) to be filled by appointment, transfer or promotion of an applicant under an Equal Employment Opportunity Program under division 2.2.2; or

- (e) for an Administrative Service Officer Class 5 office that the head of service will fill the vacancy with an officer who is—
  - (i) a Graduate Administrative Assistant; and
  - (ii) confirmed as an officer;

- (f) to be filled under part 3.2;

*Note* It may be necessary to advertise in the gazette under pt 3.2.

- (g) an office mentioned in 1 of the following sections:
  - (i) section 53G (Appointment—certain Health Professional offices);
  - (ii) section 53H (Direct appointment—Health Directorate);
  - (iii) section 53I (Direct appointment—Education and Training Directorate).

- (2) However, if a joint selection committee has been established in relation the office, the office must be advertised in the gazette and must state that—

- (a) the office is to be considered by a joint selection committee established under the Act; and
- (b) a promotion made on the recommendation of a joint selection committee under the Act is not subject to appeal; and
- (c) a promotion made on the unanimous recommendation of a management-initiated joint selection committee established under the Act is not subject to appeal.

- (3) The advertisement of an office must state the following information about the office:

- (a) if it has mandatory qualifications;

- (b) if it is an identified position;

*Note* A reference to a designated position in an advertisement is taken to be a reference to an identified position (see s 29 (3)).

- (c) if it has eligibility requirements.

- (4) The head of service must be satisfied that the advertisement of the office allowed all eligible people a reasonable opportunity to apply for the office.

### **33 Recurring and identical vacancies**

The head of service may use a selection committee's recommendation for up to 12 months, to fill an office by appointment, transfer or promotion, if the office—

- (a) is the same office; or  
(b) is at the same level and has the same selection criteria as the original office.

### **33A Notice of appointment or engagement**

At the time of appointment or engagement, the head of service must inform a person in writing of the person's terms of employment, including—

- (a) the type of employment; and  
(b) whether a probationary period applies and the expected duration of the period; and  
(c) if the person is engaged as a fixed term employee, the duration of the engagement; and  
(d) the ordinary weekly hours; and

- (e) the ordinary weekly hours before overtime is payable; and
- (f) a list of the main instruments governing the terms and conditions of employment.

## Part 3.2 Merit and the selection process in temporary employment

### 34 Application—pt 3.2

This part applies if a function under the Act is exercised for a fixed term engagement for less than 12 months.

*Note* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

### 35 Interpretation—pt 3.2

In this part—

**temporary employee register** means a register of people who have applied for employment—

- (a) for a period of less than 12 months; and
- (b) with the ACTPS.

### 36 Temporary employee registers

- (1) The head of service may—
  - (a) approve the establishment of an ACTPS temporary employee register; and
  - (b) set out additional requirements for that register.
- (2) The director-general may establish a temporary employee register in an administrative unit.
- (3) A temporary employee register must advertise the duties, or range of duties, and classifications that an applicant may be engaged to perform.

**37 Advertising temporary employment**

- (1) The head of service must advertise a temporary position by—
  - (a) advertising the position in accordance with subsection (2); or
  - (b) advertising the existence of a temporary employee register in accordance with subsection (3); or
  - (c) lodging the position with an employment agency.
- (2) If a position is expected to be available for a period of six months or longer the position must be advertised in the gazette.
- (3) The existence of a temporary employee register must be advertised at least every 12 months.

**38 Selection of employees**

- (1) A temporary employee must be selected from—
  - (a) a field of applicants for a vacancy; or
  - (b) a temporary employee register; or
  - (c) a field of applicants provided by an employment agency.
- (2) A temporary employee must be selected on the basis of relative efficiency, having regard to their—
  - (a) abilities; and
  - (b) qualifications; and
  - (c) experience; and
  - (d) availability to perform the work on the basis required, including—
    - (i) on a full-time or part-time basis; and
    - (ii) at the relevant location.



---

## Part 3.3 Use of joint selection committees in the selection process

### 39 Application—pt 3.3

This part applies to a joint selection committee that is established under the Act to make recommendations about the exercise of a function in relation to the following employment matters:

- (a) a transfer;
- (b) a promotion;
- (c) an appointment in accordance with section 53G.

*Note* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

### 40 Interpretation—pt 3.3

In this part—

**officer** includes an employee.

*Note* The head of service may determine which union is the principal union.

### 41 Procedure of a joint selection committee

- (1) The head of service may use a joint selection committee to—
  - (a) reduce the time and cost of filling positions; or
  - (b) fill multiple positions with similar or identical duties.

*Note* Unless the head of service and principal union agree otherwise, multiple positions means five or more positions.

- (2) A joint selection committee must—
  - (a) assess the relative ability of applicants to perform the duties of an office in accordance with the merit principle set out in the Act, section 65; and

- (b) attempt to make the assessment as quickly and using the simplest methods appropriate; and
  - (c) make recommendations about the suitability of applicants in a written selection report.
- (3) An irregularity or defect in the formation of a joint selection committee does not make a promotion, transfer or appointment made following the recommendation of the joint selection committee invalid.
- (4) A member of a joint selection committee is not subject to direction from any person or body (other than a court) in considering a promotion.

#### **42 Composition of a joint selection committee**

- (1) A joint selection committee will normally comprise, but not be limited to—
- (a) a chairperson who has appropriate skills and experience, nominated by the head of service; and
  - (b) a person who has appropriate skills and experience, nominated by the head of service, from a list of officers agreed by the agency and principal union; and
  - (c) a person nominated by the principal union—
    - (i) in all cases for a union agreed joint selection committee; or
    - (ii) if that union nominates a person within 14 days of notice being given to the union, for a management-initiated joint selection committee.

- (2) If a person nominated by the principal union is an officer—
- (a) the nominee is on duty for all purposes while serving on a joint selection committee; and
  - (b) if the nominee was receiving a higher duties allowance immediately prior to the formation of the joint selection committee, they are entitled to receive a higher duties allowance while performing work relevant to a joint selection committee; and
  - (c) the head of service should provide relief staffing as necessary for the nominee; and
  - (d) the head of service should provide the nominee appropriate training in selection techniques and joint selection committee procedures.

#### **43 Establishing a union agreed joint selection committee**

- (1) The head of service must consult with the principal union to decide how a union agreed joint selection committee will be established in an agency.
- (2) The head of service must notify the principal union and any other relevant union or unions of a proposal to establish a union agreed joint selection committee.
- (3) The notification must—
  - (a) identify each office to be filled; and
  - (b) seek union agreement and the name of a nominee for the joint selection committee; and
  - (c) in the case of a union that is not the principal union, include a statement to the effect that the union can give written notice that it objects to the proposal, if it does so within seven days.

- (4) If the principal union agrees to the establishment of a joint selection committee, and no other relevant union objects within seven days, the head of service must establish a joint selection committee.
- (5) If a principal union does not consent to the establishment of the union agreed joint selection committee or a relevant union objects within seven days the joint selection committee proposal cannot proceed.
- (6) If the head of service is unable to arrange for the establishment of a union agreed joint selection committee the head of service may transfer or promote an officer to fill the vacant office under the Act, section 83.

#### **44 Reconstituting a union agreed joint selection committee**

- (1) If the chairperson of a union agreed joint selection committee ceases to take part in the deliberations of the committee before the committee makes a recommendation the committee will be reconstituted by—
  - (a) the remaining member or members; and
  - (b) another chairperson nominated by the head of service.
- (2) If a member of a union agreed joint selection committee ceases to take part in the deliberations of the committee before the committee makes its recommendations, the committee will be reconstituted by—
  - (a) the remaining members; and
  - (b) a replacement from the entity whose nominee has ceased to take part.
- (3) If a union agreed joint selection committee is reconstituted after an original members ceases to take part, it may continue to use information collected and recommendations made by the previous joint selection committee.

**45      Establishing a management-initiated joint selection committee**

- (1) A management-initiated joint selection committee must not be used unless there has been prior consultation between the head of service and the relevant union about—
  - (a) the use of management-initiated joint selection committees in that agency; and
  - (b) the implementation and operation of management-initiated joint selection committees in that agency.
- (2) If the head of service intends to fill positions using a management-initiated joint selection committee he or she must—
  - (a) notify the principal union; and
  - (b) provide the principal union with details of vacancies and related selection documents; and
  - (c) invite the principal union to nominate a member of the joint selection committee within fourteen days, if it wishes to participate.
- (3) After 14 days, the head of service must establish a joint selection committee.

**46      Reconstituting a management-initiated joint selection committee**

- (1) If the chairperson of a management-initiated joint selection committee ceases to take part in the deliberations of the committee before the committee makes a recommendation the committee will be reconstituted by—
  - (a) the remaining member or members; and
  - (b) another chairperson nominated by the head of service.

- (2) If the member of a management-initiated joint selection committee nominated by the head of service ceases to take part in the deliberations of the committee before the committee makes its recommendations and—
- (a) if the head of service nominates another person within 14 days of their nominee ceasing to act, then the committee will be reconstituted by—
    - (i) the remaining members or member; and
    - (ii) the head of service's new nominee; or
  - (b) if the head of service does not nominate another person within 14 days of their nominee ceasing to act, then the committee will be reconstituted by the remaining members.
- (3) If a member of a management-initiated joint selection committee nominated by the relevant union ceases to take part in the deliberations of the committee, then the head of service will notify the principal union and—
- (a) if the principal union nominates another person within 14 days of being notified by the head of service, then the committee will be reconstituted—
    - (i) by the remaining members; and
    - (ii) the principal union's new nominee; or
  - (b) if the principal union does not nominate another person within 14 days of being notified by the head of service, then the committee will be reconstituted by the remaining members.

**47 Failure to reach a unanimous recommendation—union agreed joint selection committees**

- (1) A joint selection committee should seek to resolve any significant differences of opinion about the suitability of applicants.
- (2) If the members of a union agreed joint selection committee cannot reach a unanimous recommendation—
  - (a) the recommendation of the majority of the members of the joint selection committee becomes the recommendation of the joint selection committee; or
  - (b) if neither a unanimous nor a majority decision can be reached, the recommendation of the chairperson becomes the recommendation of the joint selection committee.

**48 Appealable and non appealable promotions**

- (1) A promotion is not appealable if it is made—
  - (a) in accordance with the recommendation of a union agreed joint selection committee; or
  - (b) in accordance with the unanimous recommendation of a management-initiated joint selection committee.

*Note* A promotion in these circumstances is not appealable because of the independent tripartite nature of the committee.

- (2) If the head of service promotes an officer who was not recommended by the union agreed joint selection committee the promotion is subject to appeal.
- (3) If the head of service promotes an officer who was not unanimously recommended by the management-initiated joint selection committee the promotion is subject to appeal.

- (4) When a promotion is notified in the gazette, the notification must include a footnote which details—
- (a) that the selection process was undertaken by a joint selection committee, and whether the committee was union agreed or management-initiated; and
  - (b) whether the promotion is appealable.

**49 Notification of applicants**

After the completion of a joint selection committee recommended selection the head of service should advise all applicants in writing as soon as practicable, including details of—

- (a) any officers who were promoted under the Act, section 88; and
- (b) any officers who were transferred or promoted under the Act, section 83; and
- (c) the date of the gazette in which the transfers or promotions are expected to appear.



## Part 3.4 Appointment

### 50 Application—pt 3.4

- (1) This part applies to the appointment of a person as an officer in the ACTPS in accordance with the Act, division 5.3.
- (2) This part does not apply to the re-appointment of former officers in accordance with the Act, section 117, section 118 or section 118A.

### 50A Interpretation—pt 3.4

In this part:

*administrative arrangements* means the Administrative Arrangements under the Act.

*Canberra Institute of Technology* means the institute established under the [Canberra Institute of Technology Act 1987](#).

*commencement day* means the day this section commences.

*Education and Training Directorate* means the Education and Training Directorate established under the administrative arrangements.

*Health Directorate* means the Health Directorate established under the administrative arrangements.

*Justice and Community Safety Directorate* means the Justice and Community Safety Directorate established under the administrative arrangements.

*nominally vacant*, in relation to an office, means an office that does not have an officer appointed to it.

**teaching classification** means classification mentioned in—

- (a) the *ACT Public Service Canberra Institute of Technology (Teaching Staff) Enterprise Agreement 2011 – 2013*, Annex D; or
- (b) if the *ACT Public Service Canberra Institute of Technology (Teaching Staff) Enterprise Agreement 2011 – 2013* is no longer in effect—the industrial instrument that succeeds the *ACT Public Service Canberra Institute of Technology (Teaching Staff) Enterprise Agreement 2011 – 2013*.

**teaching office** means an office with a teaching classification.

## 51 Appointment

- (1) The head of service may appoint a person to an office or unattached, if the person—
    - (a) is eligible to apply for the office; and
    - (b) is qualified for the office.
  - (2) If two applicants for appointment are assessed as equal, and one is a returned soldier, the head of service must appoint the returned soldier.
  - (3) The date of effect of appointment of an officer is the latest of the following:
    - (a) the date on which the officer commences duty;
    - (b) the date the instrument is signed;
    - (c) a date within a period specified on the instrument.
- Note* This section does not apply to a teacher appointed from a state teaching service, or immediately after teacher training.
- (4) However, if an officer is appointed while on specified defence service, the date of effect of appointment is the date specified on the instrument.

## 52 Eligibility for appointment

- (1) For the Act, section 68 (2) (b)—  
*permanent resident of Australia* includes New Zealand citizens who reside in Australia and who hold a Special Category temporary residence visa.
- (2) All permanent vacancies advertised in the gazette are open to all Australian Citizens or permanent residents of Australia unless—
  - (a) a former officer is restricted from re-employment under the Act, section 114; or
  - (b) a former statutory office-holder is restricted from re-employment under section 641; or
  - (c) the head of service has decided, because of cost or operational efficiency, that a vacancy is only open to officers.

## 53 Appointment after temporary engagement—general

- (1) Appointment under this section may be started by—
  - (a) the head of service; or
  - (b) a written request from an employee.
- (2) The head of service may appoint an employee as an officer to a nominally vacant office if—
  - (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process made potential applicants aware that the successful candidate may be eligible for appointment; and

*Note* A selection process must be advertised in the gazette (see s 32) and may be advertised in more than one place.

- (iii) the employee has exercised the functions of the office for a continuous period of 12 months or more; and
- (b) the head of service believes on reasonable grounds that—
  - (i) an additional selection process would not identify a more suitable candidate for the office; and
  - (ii) the employee is sufficiently efficient and diligent and has satisfactory conduct for the office; and
- (c) there is no excess officer eligible for the office.
- (3) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.
- (4) This section is subject to sections 53A to section 53F.
- (5) In this section:
  - continuous period*—
    - (a) means a period with no break in service; and
    - (b) includes the following:
      - (i) a period in another office with the same classification and identical selection criteria as the office;
      - (ii) a period in a higher office.

*selection process* means a selection process in accordance with part 3.1 (Merit and the selection process).

**53A Appointment after temporary engagement—Canberra Institute of Technology—non-teaching offices**

- (1) This section applies if on the commencement day an employee is employed in a nominally vacant office, other than a teaching office, in the Canberra Institute of Technology.

- (2) Appointment under this section may be started by—
- (a) the head of service; or
  - (b) a written request from the employee.
- (3) The head of service may appoint the employee as an officer to the nominally vacant office if—
- (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process made potential applicants aware that the successful candidate may be eligible for appointment; and
  - Note* A selection process must be advertised in the gazette (see s 32) and may be advertised in more than one place.
  - (iii) the employee has exercised the functions of the office for a continuous period of 12 months or more; and
  - (b) the head of service believes on reasonable grounds that—
    - (i) an additional selection process would not identify a more suitable candidate for the office; and
    - (ii) the employee is sufficiently efficient and diligent and has satisfactory conduct for the office; and
  - (c) there is no excess officer eligible for the office; and
  - (d) appointing the employee is consistent with organisational requirements and financial arrangements; and
  - (e) if the employee made a written request to be appointed—the head of service is satisfied that the request is reasonable.
- (4) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.

(5) In this section:

*continuous period*—

- (a) means a period with no break in service; but
- (b) does not include a period in another office.

*selection process* means a selection process in accordance with part 3.1 (Merit and the selection process).

**53B Appointment after temporary engagement—Canberra Institute of Technology—teaching offices**

- (1) This section applies if on the commencement day an employee is employed in a nominally vacant teaching office in the Canberra Institute of Technology.
- (2) Appointment under this section may be started by—
  - (a) the head of service; or
  - (b) a written request from the employee.
- (3) The head of service may appoint the employee as an officer to the nominally vacant office if—
  - (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process—
      - (A) made potential applicants aware that the successful candidate may be eligible for appointment; and
      - (B) appeared in a daily newspaper and any relevant ACT government publication; and

*Note* A selection process must be advertised in the gazette (see s 32).

- (iii) the employee has exercised the functions of the office for a continuous period of 24 months or more; and
  - (b) the head of service believes on reasonable grounds that an additional selection process would not identify a more suitable candidate for the office; and
  - (c) the employee meets the selection criteria for the position; and
  - (d) there is no excess officer or potentially excess officer eligible for the office; and
  - (e) appointing the employee is consistent with organisational requirements and financial arrangements; and
  - (f) if the employee made a written request to be appointed—the head of service is satisfied that the request is reasonable.
- (4) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.
- (5) In this section:
- continuous period***—
- (a) means a period with no break in service; and
  - (b) includes the following:
    - (i) a period in another office with the same classification and identical selection criteria as the office;
    - (ii) a period in a higher office.

***selection process*** means a selection process in accordance with part 3.1 (Merit and the selection process).

**53C Appointment after temporary engagement—Education and Training Directorate**

- (1) This section applies if on the commencement day an employee is employed in a nominally vacant office in the Education and Training Directorate.
- (2) The head of service may appoint the employee as an officer to the nominally vacant office if—
  - (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process made potential applicants aware that—
      - (A) the initial period of employment would be at least 6 months; and
      - (B) the period of employment may be extended; and
      - (C) the successful applicant may be appointed; and
  - Note* A selection process must be advertised in the gazette (see s 37) and may be advertised in more than one place.
  - (iii) the employee has exercised the functions of the office for a continuous period of more than 12 months; and
- (b) the head of service believes on reasonable grounds that an additional selection process would not identify a more suitable candidate for the office; and
- (c) the employee meets the selection criteria for the position; and
- (d) there is no excess officer or potentially excess officer eligible for the office; and
- (e) appointing the employee is consistent with organisational requirements and financial arrangements.



(3) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.

(4) In this section:

*continuous period*—

(a) means a period with no break in service; and

(b) includes the following:

(i) a period in another office with the same classification and identical selection criteria as the office;

(ii) a period in a higher office.

*selection process* means—

(a) if the initial period of employment is less than 12 months—a selection process in accordance with part 3.2 (Merit and the selection process in temporary employment) that is conducted by a selection committee or a joint selection committee; or

*Note* A selection process conducted by a selection committee or a joint selection committee does not include selection from a temporary employee register or selection from a field of applicants provided by an employment agency which are otherwise possible under pt 3.2.

(b) in any other case—a selection process in accordance with part 3.1 (Merit and the selection process).

**53D Appointment after temporary engagement—Health Directorate**

(1) This section applies if on the commencement day an employee is employed in a nominally vacant office in the Health Directorate.

- (2) The head of service may appoint the employee as an officer to the nominally vacant office if—
- (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process made potential applicants aware that the successful candidate may be eligible for appointment; and

*Note* A selection process must be advertised in the gazette (see s 32) and may be advertised in more than one place.

    - (iii) the employee has exercised the functions of the office for a continuous period of 12 months or more; and
  - (b) the head of service believes on reasonable grounds that—
    - (i) an additional selection process would not identify a more suitable candidate for the office; and
    - (ii) the employee is sufficiently efficient and diligent and has satisfactory conduct for the office; and
  - (c) there is no excess officer eligible for the office; and
  - (d) the office is not higher than—
    - (i) a senior officer grade C classification; or
    - (ii) a health professional level 4 classification; or
    - (iii) a classification with a salary equivalent to—
      - (A) a senior officer grade C classification; or
      - (B) a health professional level 4 classification; and
  - (e) if the employee has an employee representative—the head of service has consulted with the employee representative.

(3) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.

(4) In this section:

*continuous period*—

- (a) means a period with no break in service; but
- (b) does not include a period in another office.

*employee representative* means a person chosen by an employee to represent the employee.

*selection process* means a selection process in accordance with part 3.1 (Merit and the selection process).

### **53E Appointment after temporary engagement—Justice and Community Safety Directorate**

(1) This section applies if on the commencement day an employee is employed in a nominally vacant office in the Justice and Community Safety Directorate.

(2) The head of service may appoint the employee as an officer to the nominally vacant office if—

(a) the head of service is satisfied that—

(i) the employee was engaged in the office after being found suitable for the office through a selection process; and

(ii) advertising for the selection process—

(A) made potential applicants aware that the successful candidate may be eligible for appointment; and

(B) appeared in 1 or more of the ACT Staff Bulletin and a daily newspaper; and

*Note* A selection process must be advertised in the gazette (see s 32).

- (iii) the employee has exercised the functions of the office continuously for a period of more than 24 months; and
  - (b) the head of service believes on reasonable grounds that an additional selection process would not identify a more suitable candidate for the office; and
  - (c) the employee meets the selection criteria for the position; and
  - (d) there is no excess officer or potentially excess officer eligible for the office; and
  - (e) appointing the employee is consistent with organisational requirements and financial arrangements.
- (3) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.
- (4) In this section:
- continuous period*—
- (a) means a period with no break in service; and
  - (b) includes a period in a higher office; and
  - (c) does not include a period in another office with the same classification.

*selection process* means a selection process in accordance with part 3.1 (Merit and the selection process).

**53F Appointment after temporary engagement—certain other directorates**

- (1) This section applies if on the commencement day an employee is employed in a nominally vacant office in—
- (a) the Economic Development Directorate; or
  - (b) the Territory and Municipal Services Directorate.

- (2) The head of service may appoint the employee as an officer to the nominally vacant office if—
- (a) the head of service is satisfied that—
    - (i) the employee was engaged in the office after being found suitable for the office through a selection process; and
    - (ii) advertising for the selection process made potential applicants aware that—
      - (A) the initial period of employment would be at least 6 months; and
      - (B) the period of employment may be extended; and
      - (C) the successful applicant may be appointed; and
  - Note* A selection process must be advertised in the gazette (see s 37) and may be advertised in more than one place.
  - (iii) the employee has exercised the functions of the office for a continuous period of more than 12 months; and
  - (b) the head of service believes on reasonable grounds that an additional selection process would not identify a more suitable candidate for the office; and
  - (c) the employee meets the selection criteria for the position; and
  - (d) there is no excess officer or potentially excess officer eligible for the office; and
  - (e) appointing the employee is consistent with organisational requirements and financial arrangements.
- (3) The appointment of an officer under this section must be notified in the gazette as an appointment to a non-advertised vacancy.

(4) In this section:

*continuous period*—

- (a) means a period with no break in service; and
- (b) includes a period in another office with the same classification and identical selection criteria as the office; but
- (c) does not include a period in a higher office.

*Economic Development Directorate* means the Economic Development Directorate established under the administrative arrangements.

*selection process* means a selection process in accordance with part 3.2 (Merit and the selection process in temporary employment).

*Territory and Municipal Services Directorate* means the Territory and Municipal Services Directorate established under the administrative arrangements.

### **53G Appointment—certain Health Professional offices**

(1) This section applies—

(a) to an office—

(i) in the Community Services Directorate with 1 of the following classifications:

- (A) health professional level 1;
- (B) health professional level 2; or

(ii) in the Health Directorate with 1 of the following classifications:

- (A) health professional level 1;
- (B) health professional level 2;
- (C) health professional level 3;

- (D) health professional level 4;
- (E) health professional level 5;
- (F) health professional level 6; or
- (iii) in the Justice and Community Safety Directorate with 1 of the following classifications:
  - (A) health professional level 1;
  - (B) health professional level 2;
  - (C) health professional level 3;
  - (D) health professional level 4;
  - (E) health professional level 5;
  - (F) health professional level 6; and
- (b) if—
  - (i) the office is vacant; and
  - (ii) it is less than 12 months since a selection process for the office was undertaken; and
  - (iii) the selection process did not result in a suitable person being engaged in or appointed to the office.
- (2) The head of service may appoint a person to the office without advertising the office if—
  - (a) the head of service is satisfied—
    - (i) there is a shortage of people able to exercise the functions of the office; and
    - (ii) the person is suitably qualified to exercise the functions of the office; and

- (b) a joint selection committee with at least 2 members recommends the person is suitable for appointment to the office.

*Note* Members of a joint selection committee are selected in accordance with s 42.

- (3) If the appointment is to an office in the Health Directorate or the Justice and Community Safety Directorate, before recommending a person under subsection (2) (b), the joint selection committee must—
- (a) consider—
- (i) a certified copy of the person’s mandatory qualifications; and
  - (ii) the person’s current resume; and
- (b) get the contact details for at least 2 referees for the person.
- (4) An appointment under this section must be on probation.
- (5) In this section:

*Community Services Directorate* means the Community Services Directorate in accordance with the administrative arrangements.

### **53H Direct appointment—Health Directorate**

- (1) This section applies to a vacant office in the Health Directorate with 1 of the following classifications:
- (a) administrative service officer class 1;
  - (b) administrative service officer class 2;
  - (c) health service officer level 2;
  - (d) health service officer level 3;
  - (e) technical officer level 1;



- (f) facilities technical officer level 1;
  - (g) facilities service officer level 3;
  - (h) facilities service officer level 4;
  - (i) facilities service officer level 5;
  - (j) health professional level 1;
  - (k) registered nurse level 1;
  - (l) registered midwife level 1.
- (2) The head of service may appoint an employee, including a casual employee, to the office if—
- (a) the employee meets the selection criteria for the position; and
  - (b) the relevant employee representative agrees to the appointment; and
  - (c) the appointment is consistent with the requirements of any policy developed between the Health Directorate and the relevant employee representative about appointments under this section.
- (3) In this section:  
*employee representative*—see section 53D.

**53I Direct appointment—Education and Training Directorate**

- (1) This section applies to an office in the Education and Training Directorate with 1 of the following classifications:
- (a) school assistant 2;
  - (b) school assistant 2/3;
  - (c) school assistant 3.

- (2) The head of service may appoint an employee to an office—
- (a) if the employee has been continuously engaged in an office for 2 school years or more since the first day of the 2011 school year; and
  - (b) in accordance with a process—
    - (i) developed by the Education and Training Directorate in consultation with the relevant union; and
    - (ii) that includes a requirement for an employee to be sufficiently efficient and diligent and to have satisfactory conduct; and
    - (iii) that allows an employee to be appointed to any suitable vacant office.
- (3) In this section:
- school year* means the period—
- (a) starting on the first day that a school is open for student attendance in a year; and
  - (b) ending on the last day that a school is open for student attendance in a year.

## **Part 3.5 Re-appointment**

### **54 Application—pt 3.5**

This part applies to former officers who are re-appointed under the Act, section 117, section 118 or section 118A.

### **55 Re-appointment process**

- (1) An officer who is re-appointed as a result of an appeal or review against dismissal or after resigning to contest an election must be paid at the salary point that applied when they resigned or were dismissed.
- (2) Following successful appeal, or applications for re-appointment, the officer must be re-appointed without probation, unless they were on probation at the time of dismissal or resignation.
- (3) Probation will continue from the date of re-appointment as if there was no break.
- (4) The date of effect of a re-appointment of an officer is the later of—
  - (a) the date the instrument of re-appointment is made; or
  - (b) the date the officer re-commences duty.

## Part 3.6 Recognition of prior service on appointment or engagement

### 56 Interpretation—pt 3.6

In this part—

*government* means the Commonwealth, a State or a Territory.

*government owned* includes joint ownership by more than one government.

*industrial instrument* for an executive or a full-time statutory office-holder means this standard.

*officer* includes an employee and a full-time statutory office-holder.

*public authority* means—

- (a) an authority, whether incorporated or not, that was or is constituted under government law, for a public purpose; or
- (b) a local governing body that was or is established under government law.

### 57 Recognition of prior service—officer appointed before 23 January 2006

An officer who was an officer on 22 January 2006 will have prior service recognised, as if it had been service with the Territory, in accordance with Information Note 4 of 2006 ‘Prior Service’.

## 58 Recognition of prior service in Papua New Guinea

An officer who was in continuous public employment in Papua New Guinea before and after 16 September 1975 will have that period of service recognised, as if it had been service with the Territory, for all entitlements affected by length of service in the ACTPS.

*Note* On 16 September 1975 Papua New Guinea achieved independence of Australia.

## 59 Recognition of prior service with a Territory-owned corporation

- (1) In this section—  
*territory-owned corporation*—see the [Territory-owned Corporations Act 1990](#), dictionary definition of territory-owned corporation.
- (2) An officer who was employed by a territory-owned corporation will have that period of service recognised, as if it had been service with the Territory, for all entitlements affected by length of service in the ACTPS.
- (3) However, service with a territory-owned corporation will not be recognised if there is any break between that service and service with the Territory.
- (4) If previous service with a Territory-owned corporation is recognised as service which counts towards the accrual of personal leave the date on which personal leave accrues can be varied to reflect a previous accrual date.

**60 Recognition of prior service—personal leave**

- (1) Service for calculating personal leave accrual includes prior service that at the time was—
  - (a) with a government agency; or
  - (b) with a public authority; or
  - (c) with a wholly government owned organisation, body or corporation; or
  - (d) with a territory-owned corporation; or
  - (e) predominantly for the purpose of delivering acute public health care services.
- (2) The head of service may recognise an officer's prior service as service that accrues personal leave if, at the time of the employment—
  - (a) the employment was with an organisation, body or corporation that was at least 50% government owned; or
  - (b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of long service leave by a government.
- (3) Prior part-time service will be recognised for calculating personal leave accrual on a pro rata basis only if—
  - (a) the service attracted an entitlement to personal leave from the previous employer; and
  - (b) the service occurred after 1 March 1990; and
  - (c) if the service attracted a salary loading in lieu of leave, it was rendered between 1 March 1990 and 15 July 1991.

- (4) However, prior service will not be recognised as service that accrues personal leave if any break between that service and service with the Territory is longer than two months, unless the head of service determines that a break exceeding two months does not break continuity because of—
- (a) unforeseen complications or deficient administration; or
  - (b) an unduly protracted selection and appointment process; or
  - (c) inadequate or incorrect advice regarding a suitable commencement date; or
  - (d) other problems which, through no fault of the officer, prevented them from commencing in the required time.
- (5) If an officer's prior service is recognised as service for calculating personal leave accrual—
- (a) the officer will be credited with personal leave from the date the recognised prior service commenced, in accordance with the accrual methodology set out in the relevant industrial instrument; and
  - (b) the officer's personal leave credit will be reduced by—
    - (i) any period of personal leave taken during the recognised prior service, or, if there are no available records, by five days for every year of recognised prior service; and
    - (ii) the period equivalent to any payment in lieu of personal leave made to the officer during the recognised prior service.

**61 Recognition of prior service—operational service personal leave**

- (1) Service for calculating operational service personal leave accrual includes prior service with the Territory or the APS.
- (2) If an officer's prior service is recognised as service for calculating operational service personal leave accrual—
  - (a) the officer will be credited with operational service personal leave from the date the recognised prior service commenced, in accordance with the accrual methodology set out in the relevant industrial instrument; and
  - (b) the officer's operational service personal leave credit will be reduced by—
    - (i) any period of operational service personal leave taken during the recognised prior service; and
    - (ii) the period equivalent to any payment in lieu of operational service personal leave made to the officer during the recognised prior service.

**62 Recognition of prior service—annual leave**

- (1) Service for calculating annual leave accrual includes prior service with the APS.
- (2) However, prior service will not be recognised as service that accrues annual leave if there is any break between that service and service with the Territory.
- (3) If an officer's prior service is recognised as service for calculating annual leave accrual—
  - (a) the officer will be credited with annual leave from the date the recognised prior service commenced, in accordance with the accrual methodology set out in the relevant industrial instrument; and



- (b) the officer's annual leave credit will be reduced by—
  - (i) any period of annual leave taken during the recognised prior service; and
  - (ii) the period equivalent to any payment in lieu of annual leave made to the officer during the recognised prior service.

**63 Recognition of prior service—annual leave loading**

- (1) In this section officer does not include—
  - (a) a person engaged as the head of service under the Act, section 23C or section 23J; or
  - (b) a person engaged under the Act, section 28 or section 30 to perform the duties of an office of director-general; or
  - (c) a person engaged under the Act, section 72 or section 76 to perform the duties of an executive office; or
  - (d) a full-time statutory office-holder.
- (2) Service for calculating annual leave loading includes prior service with the APS.
- (3) However, prior service will not be recognised as service for calculating annual leave loading if there is any break between that service and service with the Territory.
- (4) If an officer's prior service is recognised as service for calculating annual leave loading the officer will be paid the annual leave loading in accordance with the relevant industrial instrument.

## **64 Recognition of prior service—long service leave**

- (1) Service for calculating long service leave accrual includes prior service that at the time was—
  - (a) with a government agency; or
  - (b) with a public authority; or
  - (c) with a wholly government owned organisation, body or corporation; or
  - (d) with a territory-owned corporation; or
  - (e) predominantly for the purpose of delivering acute public health care services.
- (2) The head of service may recognise prior service an officer's as service that accrues long service leave if, at the time of the employment—
  - (a) the employment was with an organisation, body or corporation that was at least 50% government owned; or
  - (b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of long service leave by the Commonwealth, a State or the Northern Territory.
- (3) The head of service may approve an application for recognition of a period of unrecorded employment for calculating an officer's long service leave accrual if—
  - (a) the employment would be recognisable prior service if it had been recorded; and
  - (b) the applicant submits—
    - (i) a statutory declaration that sets out the details of the prior service; and

- (ii) statutory declarations from 2 people that worked with the applicant for the period that verify the details in the applicant's statutory declaration.
- (4) Full-time service with an organisation, in accordance with the *Fair Work (Registered Organisations) Act 2009* (Cwlth), is included as service for calculating long service leave accrual if, while undertaking the service, the officer was on leave approved for that purpose.
- (5) However, prior service will not be recognised as service that accrues long service leave if any break between that service and service with the Territory is longer than 12 months.
- (6) If an officer's prior service is recognised as service for calculating long service leave accrual—
  - (a) the officer will accrue long service leave in accordance with part 4.3 from the date the recognised prior service commenced; and
  - (b) the officer's long service leave credit will be reduced by—
    - (i) any period of long service leave taken during the recognised prior service; and
    - (ii) the period equivalent to any payment in lieu of long service leave made to the officer during the recognised prior service.

**65 Recognition of prior service—paid maternity leave and primary care giver leave**

- (1) This section applies to—
  - (a) officers who are entitled to personal leave; and
  - (b) people employed by an incorporated company that has been declared by the head of service to be a relevant body corporate.

- (2) Service for calculating eligibility for paid maternity leave or primary care giver leave includes prior service that at the time was—
  - (a) with a Commonwealth department or agency or ACT government agency; or
  - (b) with a Commonwealth or ACT public authority; or
  - (c) with a wholly Commonwealth or ACT government owned organisation, body or corporation (including ownership shared across the Commonwealth or Australian Capital Territory); or
  - (d) with a territory-owned corporation; or
  - (e) predominantly for the purpose of delivering acute public health care services in a Commonwealth or ACT organisation.
- (3) The head of service may recognise an officer's prior service as service for calculating eligibility for paid maternity leave or primary care giver leave if, at the time of the employment—
  - (a) the employment was with an organisation, body or corporation that is at least 50% Commonwealth or ACT government owned; or
  - (b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of maternity leave by the Commonwealth.
- (4) However, prior service will not be recognised for calculating eligibility for paid maternity leave or primary care giver leave if there is any break between that service and service with the Territory.

**66 Recognition of prior service—redundancy**

- (1) Service for calculating a severance benefit for redundancy purposes under the relevant industrial instrument includes prior service with the Territory or the APS.
- (2) However, prior service will not be recognised as service for calculating a severance benefit for redundancy purposes if—
  - (a) there is any break between that service and service with the Territory; or
  - (b) the service would not be recognised for calculating long service leave accrual under section 64; or
  - (c) the period of service ended for one of the following reasons:
    - (i) retrenchment;
    - (ii) invalidity retirement or retirement because of being unable to perform duties because of physical or mental incapacity;
    - (iii) inefficiency or under performance;
    - (iv) loss of qualifications;
    - (v) forfeiture of office;
    - (vi) dismissal as a result of disciplinary action;
    - (vii) termination of probationary appointment for reasons of unsatisfactory service;
    - (viii) voluntary retirement at or above the minimum retiring age.

- (3) An absence that is not recognised as service for calculating long service leave accrual—
  - (a) will not be recognised as service for calculating a severance benefit for redundancy purposes; and
  - (b) will not break continuity of service for calculating a severance benefit for redundancy purposes.

**67 Recognition of service—reappointment following forfeiture of office**

The head of service may determine that all or part of a period between an officer being retired through forfeiture of office under the Act, section 221 and reappointed under the Act, section 222 counts as service for any purpose.

**68 Recognition of prior service—head of service discretion**

- (1) The head of service may approve recognition of an officer's prior service as if it had been service with the Territory for the purpose of calculating any entitlement affected by the length of service in the ACTPS, if—
  - (a) the prior service would otherwise not be recognised; and
  - (b) the prior service was employment predominantly for a public purpose.
- (2) The head of service's approval must—
  - (a) be in writing; and
  - (b) identify the previous employment; and
  - (c) state the length of service that has been recognised; and
  - (d) state the entitlement or entitlements that prior service is recognised for.

**69 Re-credit of personal leave**

An officer is entitled to be re-credited any unused personal leave that they accrued prior to retirement if—

- (a) the officer retired from the ACTPS because they were unable to perform duties appropriate to their classification at the time of retirement because of physical or mental incapacity; and
- (b) the officer is reappointed as a result of action taken under the *Superannuation Act 1976* (Cwlth) or the *Superannuation Act 1990* (Cwlth).

## Part 3.7 Promotions

### 70 Interpretation—pt 3.7

In this part—

*appellable level position* means any office—

- (a) with a maximum salary lower than the minimum salary of the senior officer grade C classification; or
- (b) for which teaching qualifications are required.

### 71 Promotion after acting for 12 months

- (1) Promotion under this section may be initiated by the head of service or on request by an individual officer.
- (2) The head of service may promote an officer into a nominally vacant office without an additional selection process if—
  - (a) the head of service believes it would be reasonable to do so; and
  - (b) immediately before appointment the officer has performed the duties of the office, or an identical office continuously, for a period of 12 months or more; and

*Note* The 12 months continuous period may be considered not to have been broken if the officer performs the duties of another office at a higher level during the period.

- (c) the officer was initially selected for the office on the basis of a merit based selection process, and the initial advertisement made potential applicants aware that the successful candidate may be eligible for promotion; and
- (d) an additional merit based selection process would not reasonably be expected to identify a more meritorious candidate for the nominally vacant office; and



- (e) immediately before appointment the head of service assesses the employee's efficiency, diligence and conduct as satisfactory; and
  - (f) there are no excess officers who would be eligible for the office.
- (3) The promotion of an officer under this section will be notified in the gazette as a promotion to a non-advertised vacancy.
  - (4) If the office was an appealable level position, any suitable qualified officer may lodge an appeal of the decision.
  - (5) If the office was above an appealable level position any suitable qualified officer may apply for a review of the process.

## **72 Re-notifying promotions with major errors**

If a major error occurs in a promotion notification, the promotion must be re-notified.

## **73 Date of effect of promotions**

- (1) If an officer accepts a promotion and no appeal is made against that promotion, the promotion takes effect on the later of—
  - (a) the 21st day after the last appealable promotion was notified; or
  - (b) the 7th day after the last non-appealable promotion was notified.
- (2) If an appeal against an appealable promotion is disallowed or becomes inoperative, the date of effect of that promotion is the later of—
  - (a) the 21st day after the promotion was notified;
  - (b) the day the appeal is disallowed or becomes inoperative; or
  - (c) the day the office becomes vacant.

- (3) The date of effect of a promotion after a successful appeal is the later of the day the appeal is allowed or the day the office becomes vacant.
- (4) If an officer applies to the head of service to cancel a promotion under the Act, division 5.5, and the head of service refuses the application, the date of effect of that promotion is the later of—
  - (a) the day the head of service notifies the officer that the application has been refused; or
  - (b) the day the office becomes vacant.

#### **74 Multiple promotions**

- (1) An officer may elect, in writing, to accept one promotion if the officer is offered promotion to more than one office with the same or equivalent classification and—
  - (a) the first promotion is notified in the gazette; and
  - (b) the later promotions are notified in the gazette—
    - (i) no more than 20 days after the first promotion was, if the first promotion is appealable; or
    - (ii) no more than 6 days after the first promotion was, if the first promotion is non-appealable.
- (2) A promotion election must be received by the head of service before the later of—
  - (a) 21 days after the last appealable promotion was notified; or
  - (b) 7 days after the last non-appealable promotion was notified.

- (3) If the officer does not make a valid promotion election, the officer is taken to have been offered the following promotion:
- (a) if an appeal has been made against all but one of the promotions—the promotion that has not been appealed;
  - (b) if no appeal has been made against any of the promotions—
    - (i) the promotion that was notified first; or
    - (ii) if more than one promotion was notified at the earliest time, the promotion nominated by the head of service;
  - (c) if appeals have been made against all the promotions—
    - (i) the promotion that was notified first; or
    - (ii) if more than one promotion was notified at the earliest time, the promotion nominated by the head of service;
  - (d) in any other case, a promotion, that is not subject to appeal, nominated by the head of service.
- (4) If a promotion takes effect, any other offers of promotion to that officer lapse on the later of—
- (a) 21 days after the last appealable promotion was notified; or
  - (b) 7 days after the last non-appealable promotion was notified.
- (5) If an officer is offered promotion to more than one office with different classifications and the officer does not make a promotion election—the promotion to the office with the highest classification takes effect and the other promotion lapses on that day.

**75 Cancellation of promotion**

- (1) An officer may apply in writing to the head of service to have a promotion cancelled.
- (2) The promotion will not take effect until a decision is made on the application if the head of service receives the application—
  - (a) less than 21 days after a appealable promotion was notified; or
  - (b) less than 7 days after a non-appealable promotion was notified.

**76 Officers allowed to appeal**

If an appealable promotion was not advertised before the promotion of an officer, any other officer may appeal.

## Part 3.8 Transfer

### 77 Interpretation—pt 3.8

In this part—

*transfer* means any movement of an officer to another office that is not a promotion.

### 78 Date of effect of transfers

The date of effect of a transfer of an officer is the date agreed by all relevant parties, or the later of—

- (a) the seventh day after notice of the transfer is given to the officer; or
- (b) the date of effect indicated in the notice of the transfer; or
- (c) the day the office becomes vacant; or
- (d) if the officer applies for permission to decline the transfer—the day the head of service notifies the officer that permission is refused.

### 79 Declining transfer

- (1) An officer may apply in writing to decline a transfer to an office in the same administrative unit.
- (2) An application to decline a transfer must be made in writing before the seventh day after the officer is given notice of the transfer.
- (3) If the original transfer decision was made by a delegate of the head of service, the application to decline the transfer must be made to a person with a higher office than the original decision-maker.
- (4) If an application is accepted the transfer is taken not to have been made.

**80 Salary on transfer**

If an officer is transferred to an office with the same classification, the officer will be paid at the pay point they are paid at in their first office.

**81 Reduction in classification**

- (1) The head of service may approve a reduction of an officer's classification by transfer if the officer has given written agreement to the transfer on reduction.
- (2) If an officer is transferred to an office of a lower classification on the day the transfer takes effect the officer will—
  - (a) be paid at the lowest pay point in the lower classified office; and
  - (b) receive increments in accordance with previous substantive service using the 1 year in 2 year rule; and
  - (c) receive increments in accordance with previous higher duties using the 1 year in 2 year rule.
- (3) In this section:  
*1 year in 2 rule* for calculating a total period of service means—
  - (a) 12 months in the immediate preceding two years; or
  - (b) two years in the immediate preceding four years; or
  - (c) three years in the immediate preceding six years.

## Part 3.9 Temporary transfer

### 81A Interpretation—pt 3.9

In this part—

*temporary transfer* means a transfer of an officer for a fixed period, where the officer returns to their substantive office at the end of the fixed period.

### 81B Appealable directions

- (1) A temporary transfer to perform duties of a higher office is appealable if—
  - (a) promotion to that office would be subject to appeal; and
  - (b) the transfer is for a period longer than 6 months, or is continuous with another transfer to the same office so that the total period of temporary transfer is longer than 6 months; and
  - (c) the transfer is to continue until a specified event; and
  - (d) the officer was not selected on the recommendation of a joint selection committee.

### 81C Temporary reduction of classification

The head of service may approve a temporary reduction of an officer's classification by temporary transfer if—

- (a) the officer has given written agreement to the transfer on reduction; and
- (b) the head of service is satisfied that the temporary reduction is in the interests of the officer's career.

**81D Salary on temporary transfer**

An officer who is on temporary transfer to another office under the Act, section 100 (1) will be paid the salary of the second office.

**81E Skills and qualifications payments**

- (1) Allowances for skills and qualifications regularly paid to an officer in their substantive office will continue to be paid to an officer on temporary transfer if—
  - (a) the officer is temporary transferred to another office in which no higher duties allowance is payable; and
  - (b) the officer would have continued to receive the allowance if they had not been transferred.
- (2) If an officer is on temporarily transfer to an office that attracts an allowance for skills and qualifications and the officer has the necessary qualification at the time they are transferred, the officer must be paid the allowance.

**81F Periods when higher duties allowance is payable**

- (1) An officer will be paid a higher duties allowance for the period the officer is on temporary transfer to a higher office if—
  - (a) the second office has a maximum salary at or above the minimum salary of the senior officer grade C classification; and
  - (b) the transfer is for a period of five or more consecutive working days.

*Note* A public holiday at the start or end of the period does not count towards the minimum number of days.
- (2) In special circumstances the head of service may approve payment of a higher duties allowance for temporary transfer for a period less than five consecutive days.



- (3) If a public holiday falls on a day when an officer would be eligible to be paid a higher duties allowance, the officer will be paid the allowance on that day.

*Note* An officer is not eligible to be paid a higher duties allowance if the public holiday is one of the 5 consecutive days required for eligibility for the payment.

### **81G Higher duties allowance pay points and increments**

- (1) If an officer who has received a salary in their substantive office (a *substantive salary*) for less than 12 months—
- (a) is temporarily transferred to a higher office that has a pay point equal to the officer's substantial salary, the officer will be paid—
- (i) on the pay point equal to the officer's substantial salary until the officer's increment date in their substantial office; and
- (ii) from that date, a higher duties allowance at the next pay point in the higher salary range; or
- (b) is temporarily transferred to a higher office that does not have a pay point equal to the officer's substantive salary, the officer will be paid—
- (i) a higher duties allowance on the pay point in the higher salary range that is immediately above the officer's substantive salary, until the officer's increment date in their substantial office; and
- (ii) from that date, a higher duties allowance at the next pay point in the higher salary range if—
- (A) the higher duties allowance being paid before that date is less than the officer's next substantive increment; or

- (B) the officer's substantive salary only has one pay point.
- (2) If an officer who has received their substantive salary for 12 months or more is temporarily transferred to a higher office the officer will be paid—
- (a) a higher duties allowance at the pay point in the higher salary range that is immediately above the officer's salary in their substantive office; and
  - (b) after 12 months, a higher duties allowance at the next pay point in the higher salary range.
- (3) If the officer is still on temporary transfer to the higher office 12 months after receiving an incremental increase in that office, the officer will be paid a higher duties allowance at the next pay point in the higher salary range.
- (4) If an officer is temporarily transferred to higher offices for broken or non-continuous periods the officer's increment date—
- (a) for their first incremental increase while in a higher office is calculated in accordance with the 1 year in 2 rule; and
  - (b) for their second incremental increase while in a higher office is when the total service is two years in the immediate preceding four years.
- (5) In this section:
- 1 year in 2 rule*** for calculating a total period of service means—
- (a) 12 months in the immediate preceding two years; or
  - (b) two years in the immediate preceding four years; or
  - (c) three years in the immediate preceding six years.

## **Part 3.10                      Structure and classification standards**

### **Division 3.10.1            General**

#### **82            Application—pt 3.10**

This part applies to all offices and training offices.

#### **83            Classification descriptions**

Positions must be classified with reference to the applicable work level standards.

#### **84            Qualifications and other entry conditions including remuneration**

- (1) The minimum professional, technical or other special qualifications and conditions for appointment, promotion (including conditions of advancement) or permanent transfer to particular offices, including training offices, are set out in division 3.10.2 and division 3.10.3.
- (2) Division 3.10.4 provides for remuneration and other conditions of independent reviewers as defined in section 241.

#### **85            Training offices**

For the purposes of the Act, section 71 and section 98, training offices are the offices specified in division 3.10.2.

#### **86            Salary and accelerated advancement provisions**

- (1) An officer occupying an office with a classification specified in division 3.10.2 or division 3.10.3, who satisfies the set conditions, must be paid at the rate determined in the scale of rates of salary from the date on which the condition was met.

- (2) If a rate of salary is payable for a level of qualification for a classification in division 3.10.3, an officer with that classification meeting the prescribed conditions must be paid at that rate.

### **87 Aboriginal Cadetship Program**

For the purposes of the Act, section 65 (3) the following classifications listed in division 3.10.2 are included in the Aboriginal Cadetship Program:

- (a) Aboriginal Cadet Economist;
- (b) Aboriginal Cadet Information Technology Officer;
- (c) Aboriginal Cadet Legal;
- (d) Aboriginal Cadet Professional Officer;
- (e) Aboriginal Cadet Professional Officer (Engineer);
- (f) Aboriginal Cadet Research Scientist;
- (g) Aboriginal Cadet Veterinary Officer;
- (h) Aboriginal Cadet Professional Assistant.

### **88 Aboriginal Technical Traineeship Program**

For the purposes of the Act, section 65 (3) the following classifications listed in division 3.10.2 are included in the Aboriginal Technical Traineeship Program:

- (a) Aboriginal Radiographer-in-Training;
- (b) Aboriginal Trainee Technical Officer.

**89 Graduate Administrative (Indigenous Employment) Program**

For the purposes of the Act, section 65 (3) the classification of Graduate Administrative Assistant (Indigenous Employment) listed in division 3.10.3 is included in the Graduate Administrative (Indigenous Employment) Program.

**90 Administrative Service Officer (Aboriginal Services) Class 1 Program**

For the purposes of the Act, section 65 (3) the classification of Administrative Service Officer (Aboriginal Services) Class 1 listed in division 3.10.3 is included in the Administrative Service Officer (Aboriginal Services) Class 1 Program.

**Division 3.10.2 Qualifications and training advancement for training offices**

**Subdivision 3.10.2.1 Aboriginal Cadet Economist**

**91 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (3) The person is undertaking or eligible to undertake an approved degree in Economics at an Australian University.

## **92 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability, having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference is given to those applicants with less academic study to complete.

## **93 Training provisions**

Cadets must undertake a course of full-time academic study qualifying for a degree with Honours in Economics.

## **94 Advancement**

On successful completion of the course of training, Aboriginal Cadet Economists will be advanced to Research Officer, Grade 1.

### **Subdivision 3.10.2.2 Aboriginal Cadet Information Technology Officer**

## **95 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

- (3) The person is either—
- (a) eligible to undertake an associate diploma at a Technical and Further Education (TAFE) institution or an Australian tertiary institution; or
  - (b) undertaking or eligible to undertake an approved degree in Computing/Information Science; or
  - (c) graduates who are undertaking or are eligible to undertake an approved graduate diploma course in Computing Science.

## **96 Selection requirements**

- (1) The suitability of each applicant will be determined in the following way:
- (a) an initial assessment of suitability will be made on the basis of information provided on the application form;
  - (b) applicants regarded as suitable for further consideration will be required to undertake an aptitude test. The most suitable applicants, determined on the basis of scores achieved at the test, will then be interviewed.
- (2) At interview the selection committee will assess applicants' ability to complete the course of training satisfactorily, and their relative suitability having regard to qualifications, experience, performance at the aptitude test and communication skills.
- (3) Offers of appointment, promotion or transfer will be made to applicants assessed as suitable by a directorate selection committee, in order of merit based on scores achieved at an aptitude test.

**97 Training provisions**

Cadets must undertake a course of full-time study qualifying for an associate diploma in Computer Science from an approved Technical and Further Education (TAFE) institution or an Australian tertiary institution for—

- (a) a pass degree in Computing/Information Science; or
- (b) a graduate diploma in Computing or Information Science.

**98 Advancement**

On successful completion of the course of training, Aboriginal Cadet Information Technology Officers will be advanced to Information Technology Officer, Class 1.

**Subdivision 3.10.2.3 Aboriginal Cadet Legal**

**99 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved course of practical legal training for advancement to Legal 1.

**100 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on reports of a directorate selection committee.



**101 Training provisions**

- (1) Cadets must undertake a course of study leading to admission as a practitioner of the Supreme Court of an Australian State or Territory.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have completed part of the required course of study, the period of training may be reduced.

**102 Advancement**

On successful completion of the course of training, Aboriginal Cadets Legal will be advanced to Legal 1.

**Subdivision 3.10.2.4 Aboriginal Cadet Professional Officer**

**103 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved course of training for a degree or diploma at an Australian tertiary institution in a professional discipline.
- (3) The person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

#### **104 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

#### **105 Training provisions**

- (1) Cadets must undertake an approved course of full-time study qualifying for admission to a degree or diploma from an Australian tertiary institution, in an approved field of study.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have completed part of the required course of study, the period of training may be reduced.

#### **106 Advancement**

On successful completion of the course of training, Aboriginal Cadet Professional Officers will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.5 Aboriginal Cadet Professional Officer (Engineer)**

#### **107 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) In the case of appointment—
  - (a) the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1; and
  - (b) in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (3) In the case of promotion or transfer—
  - (a) the person is eligible to undertake a degree in Engineering which, in the opinion of the head of service, is appropriate to the duties of the office; and a minimum of four years' technical or drafting experience or training; or
  - (b) the person has partially completed a degree in Engineering, which, in the opinion of the head of service, is appropriate to the duties of the office; and
  - (c) the person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (4) Only people eligible to undertake an approved degree in Engineering in an Australian University can be considered.

## **108 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

## **109 Training provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Engineering.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have already completed part of the required course of study, the period of training may be reduced.

## **110 Advancement**

On successful completion of the course of training, Aboriginal Cadet Professional Officers (Engineer) will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.6 Aboriginal Cadet Research Scientist**

#### **111 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person—
  - (a) has partially completed an approved course of study for a degree of Doctor of Philosophy in Science or Engineering; or
  - (b) is eligible to undertake an approved course of study for a degree of Doctor of Philosophy in Science or Engineering.
- (3) Applications can only be considered from—
  - (a) people who are undertaking a degree of Doctor of Philosophy in Science, Engineering or other approved discipline in such fields as Physics, Mathematics, Electronics, Optics, Aerodynamics, Chemistry, Computing, Marine Sciences, Metallurgy, or Materials Science at an Australian university; or
  - (b) graduates who are eligible to commence a degree of Doctor of Philosophy in the above fields.

#### **112 Selection arrangements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **113 Training provisions**

- (1) Cadets must complete an approved degree of Doctor of Philosophy in Science or Engineering.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) If cadets have already completed part of the prescribed course of study, the period of training may be reduced.
- (4) Cadets may be required to undertake approved research, on-the-job, at a directorate establishment, as may be required to complete the Doctor of Philosophy qualification.

### **114 Advancement**

- (1) Following submission of a thesis, cadets will be employed as Scientific Officers pending the examination and approval of the thesis.
- (2) Subject to approval of the thesis, Aboriginal Cadet Research Scientists will be advanced to Research Scientist.

### **Subdivision 3.10.2.7 Aboriginal Cadet Veterinary Officer**

#### **115 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is willing and eligible to undertake a course of training for advancement to Veterinary Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (3) Only people who are undertaking, or who are eligible to undertake an approved course in Veterinary Science at an Australian tertiary

institution shall be considered for appointment, promotion or transfer as Aboriginal Cadet Veterinary Officer.

### **116 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **117 Training provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Veterinary Science.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have already completed part of the required course of study, the period of training may be reduced.

### **118 Advancement**

On successful completion of the course of training, Aboriginal Cadet Veterinary Officers will be advanced to Veterinary Officer, Class 1.

### **Subdivision 3.10.2.8 Aboriginal Professional Assistant**

#### **119 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake an approved degree of Bachelor of Laws in an Australian tertiary institution.

#### **120 Selection**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

#### **121 Training provisions**

- (1) Aboriginal Professional Assistants must undertake an approved course of study leading to a degree in Laws.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) If officers have already completed part of the required course of study, the period of training may be reduced.



**122 Advancement**

On satisfactory completion of the course of training Aboriginal Professional Assistants will be advanced to Legal 1.

**123 Salary advancements**

- (1) An officer must not be advanced to a salary rate exceeding the third salary point in the scale unless the officer has passed in all subjects required for the completion of the first year and second year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (2) If the salary payable to the officer on appointment, promotion or transfer to the office exceeds the third salary point in the scale, the officer must not be advanced to a salary exceeding that which was payable on appointment, promotion or transfer to the office unless he or she has complied with the conditions specified in subsection (1).
- (3) An officer, who has complied with the conditions specified in subsection (1) is entitled to be advanced to—
  - (a) salary at the fourth salary point in the scale; or
  - (b) if the salary payable to the officer on appointment, promotion or transfer exceeds the fourth salary point in the scale—salary at that higher rate.
- (4) An officer must not be advanced to a salary exceeding the fifth salary point in the scale, unless the officer has passed in all subjects required for the completion of the first year, second year, and third year of a four year or five year course for a degree in Laws of an Australian tertiary institution.

- (5) If the salary payable to the officer on appointment, promotion or transfer to the office, exceeds the fifth salary point in the scale, the officer must not be advanced to a salary exceeding that which was payable on appointment, promotion or transfer to the office unless he or she has complied with the conditions specified in subsection (4).
- (6) An officer, who has complied with the conditions specified in subsection (5), is entitled to be advanced to—
  - (a) salary at the sixth salary point in the scale, or
  - (b) if the salary payable to the officer on appointment, promotion or transfer exceeds the sixth salary point in the scale—salary at that higher rate.

### **Subdivision 3.10.2.9 Cadet Economist**

#### **124 Eligibility requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (2) Only people undertaking or eligible to undertake an approved degree in Economics at an Australian university should be considered for appointment, promotion or transfer as Cadet Economist.

**125 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to experience, interview performance, referee reports and academic qualifications, including the extent to which the specified course has been completed.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

**126 Training provisions**

Cadets must undertake a course of full-time academic study qualifying for a degree with Honours in Economics.

**127 Advancement**

On successful completion of the course of training, Cadet Economists will be advanced to Research Officer, Grade 1.

**Subdivision 3.10.2.10 Cadet Information Technology Officer**

**128 Eligibility requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

- (2) Applications should only be considered from people who are—
  - (a) eligible to undertake an associate diploma at a TAFE institution or an Australian tertiary institution; or
  - (b) undertaking or who are eligible to undertake an approved degree in Computing/Information Science; or
  - (c) graduates who are undertaking or are eligible to undertake an approved graduate diploma course in Computing Science.

### **129 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **130 Training provisions**

- (1) Cadets must undertake a course of full-time study qualifying for an associate diploma in Computer Science from an approved TAFE institution or an Australian tertiary institution; for a pass degree in Computing/Information Science; or for a graduate diploma in Computing/Information Science.

- (2) Cadets must work in their employing directorate during vacations and for such additional periods as may be required to complete the specified course of study. If full-time courses are not available, cadets must undertake such part-time courses as will enable them to complete the academic requirements.

### **131 Advancement**

On successful completion of the course of training, Cadet Information Technology Officers will be advanced to Information Technology Officer Class 1.

### **Subdivision 3.10.2.11 Cadet Legal**

#### **132 Eligibility requirements**

Successful completion of the first year of a four year course of Bachelor of Laws or the first two years of a five year degree of Bachelor of Laws of an Australian tertiary institution.

#### **133 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Referee reports may be a sensitive issue for outside applicants and they should be assured that references from current employers will not be sought unless they agree or there is a high possibility of selection.
- (4) Successful applicants are appointed, promoted or transferred in order of merit based on reports of a directorate selection committee.

### **134 Training provisions**

- (1) Cadets must undertake an approved course of study leading to admission as a practitioner of the Supreme Court of an Australian State or Territory.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have completed part of the required course of study, the period of training may be reduced.
- (4) Cadets must work in their employing directorate during vacations.

### **135 Advancement**

On successful completion of the course of training, Cadet Legals will be advanced to Legal 1.

### **Subdivision 3.10.2.12 Cadet Professional Officer**

#### **136 Eligibility requirements**

- (1) The person is eligible to undertake a course of training for a degree or diploma at an Australian tertiary institution in a professional discipline, which, in the opinion of the head of service is appropriate to the duties of the office.
- (2) The person is willing to undergo a course of training for advancement to Professional Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (3) Only people who are eligible to undertake an approved degree or diploma at an Australian tertiary institution, in an approved field of study, should be considered for appointment, promotion or transfer as a Cadet Professional Officer.

**137 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

**138 Training provisions**

- (1) Cadets must undertake an approved course of full-time study qualifying for admission to a degree or diploma from an Australian tertiary institution, in an approved field of study.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have completed part of the required course of study, the period of training may be reduced.

**139 Advancement**

On successful completion of the course of training, Cadet Professional Officers will be advanced to Professional Officer, Class 1.

### **Subdivision 3.10.2.13 Cadet Professional Officer (Engineer)**

#### **140 Eligibility requirements**

- (1) In the case of appointment, the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily; or
- (2) In the case of transfer or promotion the person must—
  - (a) be eligible to undertake an approved degree in Engineering; and
  - (b) have a minimum of four years' technical or drafting experience or training; or
  - (c) have partially completed a degree in Engineering, which, in the opinion of the head of service, is appropriate to the duties of the office.
- (3) The person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service, is likely to successfully complete that course.
- (4) Only people who are undertaking, or who are eligible to undertake an approved course in Engineering, should be considered for entry to this category.

#### **141 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.



- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

#### **142 Training provisions**

- (1) Cadets must undertake a course of study leading to a degree in Engineering.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have already completed part of the required course of study, the period of training may be reduced.
- (4) Cadets must work in directorate establishments during vacations and for such additional periods as may be required to complete the specified course of academic study.

#### **143 Advancement**

On successful completion of the course of training, Cadet Professional Officer (Engineer)s will be advanced to Professional Officer, Class 1.

#### **Subdivision 3.10.2.14 Cadet Research Scientist**

#### **144 Eligibility requirements**

- (1) The person has partially completed a course of study for a degree of Doctor of Philosophy in Science or Engineering; or
- (2) The person is eligible to undertake an approved course of study for a degree of Doctor of Philosophy in Science or Engineering.

- (3) The person is either—
- (a) undertaking a degree of Doctor of Philosophy in Science, Engineering or other approved discipline in such fields as Physics, Mathematics, Electronics, Optics, Aerodynamics, Chemistry, Computing, Marine Sciences, Metallurgy, or Materials Science at an Australian university; or
  - (b) a graduate who is eligible to commence a degree of Doctor of Philosophy in the above fields.

#### **145 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.
- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

#### **146 Training provisions**

- (1) Cadets must undertake an approved degree of Doctor of Philosophy in Science or Engineering.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) If cadets have already completed part of the required course of study, the period of training may be reduced.

- (4) Cadets may be required to undertake approved research, on-the-job, at a directorate establishment, as needed, to complete the Doctor of Philosophy qualification.

#### **147 Advancement**

- (1) Following submission of a thesis, cadets will be employed as Scientific Officers pending the examination and approval of the thesis.
- (2) Subject to approval of the thesis, Cadet Research Scientists will be advanced to Research Scientist.

#### **Subdivision 3.10.2.15 Cadet Veterinary Officer**

##### **148 Eligibility requirements**

- (1) The person is willing and eligible to undertake a course of training for advancement as Veterinary Officer, Class 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (2) Only people who are undertaking, or who are eligible to undertake an approved course in Veterinary Science should be considered for appointment, promotion or transfer as Cadet Veterinary Officer.

##### **149 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

- (4) If applicants are rated equally suitable, preference will be given to those applicants with less academic study to complete.

### **150 Training provisions**

- (1) Cadets must undertake an approved course of study leading to a degree in Veterinary Science.
- (2) The period of training will generally be determined by the minimum time required for completion of the course.
- (3) If cadets have already completed part of the required course of study, the period of training may be reduced.

### **151 Advancement**

On satisfactory completion of the course of training, Cadet Veterinary Officers will be advanced to Veterinary Officer, Class 1.

### **Subdivision 3.10.2.16 Aboriginal Radiographer-in-training**

#### **152 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is undertaking or is eligible to undertake a course of training in Radiography which, in the opinion of the head of service, is appropriate to the duties of the office.
- (3) The person is willing to undertake a course of training for advancement to Radiographer, Grade 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

#### **153 Selection requirements**

- (1) Eligible applicants will be selected for interview on the basis of academic qualifications and experience.

- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

#### **154 Training provisions**

- (1) Trainees will undertake the course of training leading to eligibility for ordinary membership of the Australian Institute of Radiography.
- (2) When trainees are not attending lectures they must work in their employing directorate.
- (3) Trainees must have successfully completed all subjects of any particular year before proceeding to the next year of the course.
- (4) The period of training will normally be three years.
- (5) If applicants have already completed one or more years of the course, the period of training may be reduced.
- (6) If appropriate, trainees may be granted a reasonable period of private study in official hours to compensate for attendance at lectures held outside normal working hours.
- (7) The amount of time will be determined according to the duration of after-hours lectures and the trainees progress.
- (8) Trainees will be subject to normal supervision during study periods.

#### **155 Advancement**

On successful completion of the course of training, Aboriginal Radiographers-in-training will be advanced to Radiographer, Grade 1.

### **Subdivision 3.10.2.17 Aboriginal Trainee Technical Officer**

#### **156 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) The person is eligible to undertake a course of training for an associate diploma or a certificate of technology at a Technical and Further Education (TAFE) institution, which, in the opinion of the head of service, is appropriate to the duties of the office.
- (3) The person is willing to undergo a course of training for advancement to Technical Officer, Level 2 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (4) Only people who are eligible to undertake a course of training for an associate diploma or a certificate of technology at a TAFE institution should be considered for appointment, promotion or transfer as Aboriginal Trainee Technical Officer.

#### **157 Selection requirements**

- (1) Applicants may be required to sit an aptitude test.
- (2) Eligible applicants will be selected for interview on the basis of qualifications, experience and test results.
- (3) The selection committee will then assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (4) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

**158 Training provisions**

- (1) Eligible trainees must undertake an approved associate diploma or certificate of technology course at a TAFE institution.
- (2) When attendance is not required at the TAFE institution, trainees must participate in a training program including on-the-job training and experience.
- (3) The period of the traineeship is normally determined by the minimum time required for completion of the course.
- (4) If trainees have already completed part of the required course of study and/or practical training, the period of training may be reduced.
- (5) Alternatively, trainees with appropriate experience, or qualifications approved by the head of service, may be required to undertake a training course of between 6 and 12 months duration, where this is offered, consisting of theoretical training, on-the-job training, and training in other agencies performing similar functions.

**159 Advancement**

On successful completion of the course of training, Aboriginal Trainee Technical Officers will be advanced to Technical Officer, Level 2.

### **Subdivision 3.10.2.18 Audiologist-in-training**

#### **160 Eligibility requirements**

- (1) A degree or diploma from an Australian tertiary institution, or a comparable overseas qualification, which includes a major (or equivalent) in one or more of the following areas: Acoustics, Education, Electronics, Linguistics, Physics, Physiology, Psychology, or other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office; or
- (2) The person is willing to undertake a course of training in Audiology and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

#### **161 Selection requirements**

- (1) Applicants will be selected for interview on the basis of qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants will be appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

#### **162 Training provisions**

- (1) Applicants will undergo a course of training approved by the head of service.
- (2) Training conducted by Commonwealth departments may be accessed on a user pays basis.



**163      Advancement**

On successful completion of the course of training, Audiologists-in-training will be advanced to Professional Officer, Class 1.

**Subdivision 3.10.2.19    Professional Assistant**

**164      Eligibility requirements**

- (1) Successful completion of the first year of a four year degree course of Bachelor of Laws or of the first two years of a five year degree course of Bachelor of Laws from an Australian tertiary institution.
- (2) People who are undertaking, or who are eligible to undertake the second or subsequent years of an approved four year course in Laws or the third or subsequent years of an approved five year course in Laws will be considered for appointment, promotion or transfer as Professional Assistant.

**165      Selection arrangements**

- (1) Applicants are selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee assesses applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

**166 Training provisions**

- (1) Professional Assistants must undertake an approved course of study leading to a degree in Laws.
- (2) The period of training will generally be determined by the minimum time required for the completion of the course.
- (3) If Professional Assistants have already completed part of the required course of study, the period of training may be reduced.

**167 Advancement**

On satisfactory completion of the course of training, Professional Assistants will be advanced under the provisions for promoting from training offices in chapter 5 as a Legal 1.

**168 Salary advancement provisions**

- (1) An officer must not be advanced to a salary exceeding the third salary point in the scale unless the officer has passed in all subjects required for the completion of the first year and second year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (2) If the salary payable to the officer on appointment, transfer or promotion to the office exceeds the third salary point in the scale, the officer shall not be advanced to a salary exceeding that which was payable on appointment, transfer or promotion to the office unless he or she has complied with the conditions specified in subsection (1).
- (3) An officer, who has complied with the conditions specified in subsection (1), is entitled to be advanced to—
  - (a) salary at the fourth salary point in the scale; or

- (b) if the salary payable to the officer on appointment, transfer or promotion exceeds the fourth salary point in the scale—salary at that higher rate.
- (4) An officer must not be advanced to a salary exceeding the fifth salary point in the scale, unless the officer has passed in all subjects required for the completion of the first year, second year, and third year of a four year or five year course for a degree in Laws of an Australian tertiary institution.
- (5) If the salary payable to the officer on appointment, transfer or promotion to the office, exceeds the fifth salary point in the scale, the officer advanced to a salary exceeding that which was payable on appointment, transfer or promotion to the office unless the officer has complied with the conditions specified in subsection (4).
- (6) An officer, who has complied with the conditions specified in subsection (5), is entitled to be advanced to—
  - (a) salary at the sixth salary point in the scale; or
  - (b) if the salary payable to the officer on appointment, transfer or promotion exceeds the sixth salary point in the scale to salary at that higher rate.

### **Subdivision 3.10.2.20 Radiographer-in-training**

#### **169 Eligibility requirements**

- (1) The person is undertaking or is eligible to undertake a course of training in Radiography, which, in the opinion of the head of service, is appropriate to the duties of the office; and
- (2) The person is willing to undertake a course of training for advancement to Radiographer, Grade 1 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.

## **170 Selection arrangements**

- (1) Applicants will be selected for interview on the basis of academic qualifications and experience.
- (2) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (3) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

## **171 Training provisions**

- (1) Trainees must undertake a course of full-time study qualifying for a degree or diploma in Radiography.
- (2) Trainees must have successfully completed all subjects of any particular year before proceeding to the next year of the course.
- (3) The period of training will normally be three years.
- (4) If applicants have already completed one or more years of the course, the period of training may be reduced.
- (5) If appropriate, trainees will be granted a reasonable period of private study in official hours to compensate for attendance at lectures held outside normal working hours.
- (6) The amount of time will be determined according to the duration of after-hours lectures and trainees' progress.
- (7) Trainees will be subject to normal supervision during study periods.

## **172 Advancement**

On successful completion of the course of training, Radiographers-in-training will be advanced to Radiographer, Grade 1.

**173 Additional information**

- (1) Fees for all subjects studied under the training course will be paid by the agency, including lecture fees, charges for lecture notes, laboratory materials, hire of microscopes, special materials, stationery and the amount paid for admission as a student member of the Australian Institute of Radiography.
- (2) Charges for printed texts and reference books will not be allowed.

**Subdivision 3.10.2.21 Trainee Technical Officer**

**174 Eligibility requirements**

- (1) Eligibility to undertake a course of training for an associate diploma or a certificate of technology at a TAFE institution, which, in the opinion of the head of service is appropriate to the duties of the office; and
- (2) The person is willing to undergo a course of training for advancement as Technical Officer, Level 2 and, in the opinion of the head of service, is likely to complete the course of training satisfactorily.
- (3) Only people who are eligible to undertake a course of training for an associate diploma or certificate of technology at a TAFE institution should be considered for appointment, promotion or transfer as Trainee Technical Officer.

**175 Selection arrangements**

- (1) Applicants may be required to sit an aptitude test.
- (2) Eligible applicants will be selected for interview on the basis of qualifications, experience and any test results.

- (3) The selection committee will assess applicants' ability to complete the course of training satisfactorily and their relative suitability having regard to educational qualifications, experience, interview performance and referee reports.
- (4) Successful applicants are appointed, promoted or transferred in order of merit based on the reports of a directorate selection committee.

### **176 Training provisions**

- (1) Eligible trainees must undertake an approved associate diploma or certificate of technology course at a TAFE institution.
- (2) When attendance is not required at the TAFE institution, trainees will participate in a directorate training program including on-the-job training and experience.
- (3) The period of the traineeship is normally determined by the minimum time required for completion of the course.
- (4) Where trainees have already completed part of the required course of study and/or practical training, the period of training may be reduced.
- (5) Alternatively, trainees with appropriate experience, may be required to undertake a training course of between 6 and 12 months duration, where this is offered, consisting of theoretical training, conducted by agencies or at a tertiary institution, on-the-job training, and training in other areas or agencies performing similar functions.

### **177 Advancement**

On successful completion of the course of training, Trainee Technical Officers will be advanced to Technical Officer, Level 2.

## **Division 3.10.3      Qualifications and salary advancement for offices**

### **Subdivision 3.10.3.1 Academic**

#### **178      Eligibility requirements**

- (1) A degree or diploma of an Australian tertiary institution, or an overseas qualification comparable to those referred to in this section, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

#### **179      Salary advancement provisions—Academic Level 1**

##### **Accelerated advancement**

##### **Fourth salary point**

- (1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years; or
- (2) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification; and
- (3) A graduate or post-graduate award of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the head of service, is appropriate to the duties of the office.

### **Subdivision 3.10.3.2 Actuary**

#### **180 Eligibility requirements**

- (1) Fellowship of the Institute of Actuaries of Australia; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

### **Subdivision 3.10.3.3 ASO (Aboriginal Services) Class 1**

#### **181 Eligibility requirements**

- (1) The person is an Aboriginal or Torres Strait Islander.
- (2) Suitability for appointment as an ASO1 as set out in part 3.2 (Entry and Advancement).
- (3) Successful completion of a traineeship in the Australian Traineeship System.

### **Subdivision 3.10.3.4 Darkroom Operator**

#### **182 Salary advancement provisions**

##### **Salary barrier**

##### **Fourth salary point**

When the head of service is satisfied that the officer is capable of performing efficiently the whole of the duties of the office.

#### **183 Accelerated advancement**

##### **Fifth salary point**

If—

- (a) the officer has attained the age of 21 years; and
- (b) the head of service is satisfied that the officer is capable of performing efficiently the whole of the duties of the office.



### **Subdivision 3.10.3.5 Dental Specialist**

#### **184 Eligibility requirements**

- (1) A degree or diploma in Dental Surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the head of service, is appropriate to the duties of the office; and a postgraduate qualification in Orthodontia, Oral Surgery, Pedodontia or Periodontia; or
- (2) An award of an overseas institution which is acceptable for registration in one of the fields specified in subsection (1), under the law of one of the States or Territories of Australia; or
- (3) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

### **Subdivision 3.10.3.6 Dentist 1, 2, 3, 4**

#### **185 Eligibility requirements**

- (1) A degree in Dental Surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) An award of an overseas institution which is acceptable for registration in one of the fields specified in subsection (1), under the law of one of the States or Territories of Australia; or
- (3) Eligibility for registration in one of the fields specified in subsection (1), in the Australian Capital Territory; or
- (4) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

## **186 Salary advancement provisions**

### **Salary barrier**

#### **Fourth point**

- (1) An officer must not be paid a salary at a rate exceeding the fourth salary point, unless the head of service is satisfied as to the officer's experience and proficiency following assessment of performance against approved criteria.

#### **Accelerated advancement**

#### **Fifth salary point**

- (2) An officer must be paid at the fifth salary point, if the head of service is satisfied as to the officer's experience and proficiency following assessment of performance against approved criteria.

## **Subdivision 3.10.3.7 Enrolled Nurse**

### **187 Eligibility requirements**

- (1) A Nursing Aide Certificate of an institution recognised by the relevant State Nurses' Registration Board; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

## **Subdivision 3.10.3.8 General Service Officer**

### **188 Eligibility requirements**

- (1) If an office, which until 30 August 1990, would have had the classification of Electrical Assistant, has a classification which has been translated to General Service Officer, Level 3—a pass in a practical test approved by the head of service.

- (2) If an office, which until 30 August 1990, would have had the classification of Electrical Tradesman, has a classification which has been translated to General Service Officer, Levels 5 and 6—
- (a) First Class Tradesman qualifications in an Apprenticeship Tradesman course, which, in the opinion of the head of service, is appropriate to the duties of the office; or
  - (b) Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; or
  - (c) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.
- (3) If an office, which until 30 August 1990, would have had the classification of Lineman, has a classification which has been translated to General Service Officer, Levels 3 and 4—a pass in an examination approved by the head of service.
- (4) If an office, which until 30 August 1990, would have had the classification of Lines Supervisor, Grade 2, 3, and Lines Controller, Grade 1, 2, 3, has a classification which has been translated to General Service Officer, Levels 8, 9, 10 respectively—
- (a) compliance with the salary barrier conditions for Lineman; or
  - (b) the person was, on 21 August 1985, the occupant of an office or was an unattached officer performing the duties of an office of Lines Supervisor, Grade 2, Lines Supervisor, Grade 3, or Line Inspector; or
  - (c) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

- (5) If an office, which until 30 August 1990, would have had the classification of Senior Electrical Fitter and Mechanic, Grade 1, 2 and Foreman Electrical Fitter and Mechanic, Grade 1, has a classification which has been translated to General Service Officer, Levels 8 and 9 respectively—
- (a) compliance with the salary barrier conditions for Electrical Fitter and Mechanic (specified in the salary advancement provisions below); or
  - (b) the person was the occupant, on 1 December 1971, of one of the following offices or was an unattached officer having the designation of either Senior Electrical Fitter and Mechanic, Grade 1, 2; or
  - (c) the person was the occupant, on 1 December 1971, of an office of Electrical Fitter and Mechanic and was in receipt of a salary rate of \$4 241, \$4 356 or \$4 471 per annum; or
  - (d) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.
- (6) If an office, which until 30 August 1990, would have had the classification of Senior Electrical Tradesman and Electrical Foreman, has a classification which has been translated to General Service Officer, Levels 7 and 9 respectively—
- (a) First Class Tradesman qualifications or Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; and compliance with the salary barrier conditions for Electrical Tradesman (specified in the salary advancement provisions below); or
  - (b) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

**189 Selection arrangements**

If an office, which until 30 August 1990 would have had the classification of Senior Electrical Fitter and Mechanic, Grade 1, Foreman Electrical Fitter and Mechanic, or Senior Electrical Tradesman and Electrical Foreman, and have classifications which have been translated to the General Service Officer structure, direct appointment is not normally made.

**190 Salary advancement provisions**

- (1) If an office, which until 30 August 1990, would have had the classification of Dental Assistant, has a classification which has been translated to General Service Officer, Level 2—
  - (a) accelerated advancement to second salary point—
    - (i) a National Certificate of Proficiency awarded by the Dental Assistants' Association.
- (2) If an office, which until 30 August 1990, would have had the classification of Electrical Fitter and Mechanic, has a classification which has been translated to General Service Officer, Level 5—
  - (a) salary barrier—third salary point—
    - (i) a pass in an accredited examination for advancement beyond this point.
  - (b) accelerated advancement to fourth salary point—
    - (i) a minimum of twelve months service at the second salary point; and
    - (ii) a pass in an accredited examination for advancement beyond the salary barrier.

- (3) If an office, which until 30 August 1990, would have had the classification of Electrical Tradesman, has a classification which has been translated to General Service Officer, Level 5, the following salary advancement provisions apply:
- (a) accelerated advancement to fourth salary point—
    - (i) a minimum of 12 months service at the second salary point; and
    - (ii) a pass in an accredited examination.

#### **Subdivision 3.10.3.11 Information Technology Officer, Class 1**

##### **201 Eligibility requirements**

- (1) Successful completion of a course of training as Aboriginal Cadet Information Technology Officer or Cadet Information Technology Officer; or
- (2) Completion, or completion by the end of the year in which applications are invited, an associate diploma or higher qualification in Computing/Information Science; or
- (3) Significant relevant work experience (generally two or more years).

##### **202 Selection arrangements**

Applicants are selected for interview on the basis of quality of academic results and relevance of studies and work experience.

##### **203 Salary advancement provisions**

Accelerated Advancement to fifth salary point—

- (a) a minimum of two years' relevant on-the-job experience in information technology work, not including experience gained through a training course; and

- (b) the head of service is satisfied as to the officer's ability to create, innovate, analyse and evaluate; ability to organise time and resources; ability to meet deadlines; and ability to communicate effectively.

### **Subdivision 3.10.3.12 Legal 1**

#### **204 Eligibility requirements**

- (1) A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) Admission as a practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; or
- (3) Successful completion of a course of training as Aboriginal Professional Assistant or Professional Assistant.

#### **205 Salary advancement**

- (1) On appointment an officer must be paid salary at the second salary point applicable to the Legal 1 classification, unless the head of service determines otherwise (that is, approves a salary above the minimum as described in section 254) or the officer—
  - (a) has been admitted as a practitioner, however described, of the High Court or the Supreme Court of a State or Territory; and
  - (b) has served under articles of clerkship for a period of not less than one year; or
  - (c) before being so admitted, successfully completed a course of training in the Legal Workshop conducted by the Faculty of Law at the Australian National University or a comparable course in Australia; or
  - (d) has gained equivalent experience, in the opinion of the head of service.

- (2) On promotion, automatic advancement or transfer to Legal 1, the officer must be paid—
  - (a) salary at the second point in the scale; or
  - (b) salary at a higher rate, if the salary payable to an officer on transfer or promotion exceeds the second salary point in the scale, subject to subsection (5).
- (3) An officer must not be paid a higher salary than that which was paid on appointment, promotion, automatic advancement or transfer, unless the officer has complied with the conditions specified in subsection (1).
- (4) A person, who has complied with the conditions specified in subsection (1), must be paid—
  - (a) salary at the third point in the scale; or
  - (b) at the higher rate payable to the officer on appointment, transfer or promotion.
- (5) On appointment, promotion or transfer, an officer must not be paid salary above the seventh salary point unless the officer has complied with the conditions specified in subsection (1).
- (6) An officer who has complied with the conditions specified in subsection (1) is entitled to be advanced to salary points in the scale below in accordance with—
  - (a) performance appraisal procedures applicable to the classification; and
  - (b) conditions specified in subsection (7).



- (7) An officer who has attained a performance rating of 3, 4, or 5 must be advanced by the corresponding salary points specified in table 205, column 2, unless otherwise specified in subsections (7) to (10), if after transfer or promotion, the officer has completed at least three months service as a Legal 1 at the rate payable on transfer or promotion.

**Table 205**

<b>column 1</b> <b>performance rating</b>	<b>column 2</b> <b>rate of advancement</b>
1 and 2	no advancement
3	one salary point
4	two salary points
5	three salary points

- (8) An officer should not be advanced beyond the seventh salary point in the scale unless—
- (a) in the opinion of the head of service, the level of the work allocated for the office is classified as higher level work; and
  - (b) the officer has performed work at the higher level for a minimum period of three months and attained a performance rating of 3, 4, or 5 shown in table 205.
- (9) If an officer has complied with the provisions of conditions for advancement beyond the seventh salary point, the officer is entitled to advance to the eighth salary point.
- (10) An officer must not advance beyond the eighth salary point in the scale until the officer has completed 12 months service at the eighth salary point.

### **Subdivision 3.10.3.13 Legal 2**

#### **206 Eligibility requirements**

Admission as a practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory.

#### **207 Salary advancement**

- (1) An officer must be advanced in accordance with—
  - (a) performance appraisal procedures applicable to the classification, and
  - (b) conditions specified in subsection (2).
- (2) An officer is entitled to be paid salary at a rate exceeding that which was payable on appointment, transfer or promotion if the officer has attained a performance rating of 3, 4, or 5 if—
  - (a) the officer has completed 12 months service after appointment; or
  - (b) after transfer or promotion the officer has completed at least three months service as a Legal 2 at the rate payable on transfer or promotion.

### **Subdivision 3.10.3.14 Medical Officer Group**

#### **208 Application—sdiv 3.10.3.14**

- (1) This subdivision applies to—
  - (a) Assistant Medical Superintendent; and
  - (b) Chief Medical Adviser; and
  - (c) Deputy Medical Superintendent, Grade 1, 2; and
  - (d) Medical Officer, Class 1(b), 1(a), 2, 3, 4, 5, 6; and

- (e) Medical Superintendent, Grade 1, 2, 3, 4, 5; and
- (f) Rehabilitation Medical Officer; and
- (g) Senior Registrar.

**209 Eligibility requirements**

Registration as a medical practitioner under the laws of an Australian State or Territory.

**Subdivision 3.10.3.15 Nurse Educator**

**210 Salary advancement provisions**

**Salary barrier**

**Fourth salary point**

- (1) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the head of service.

**Accelerated advancement**

**Fifth salary point**

- (2) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the head of service.

### **Subdivision 3.10.3.16 Professional Officer and Senior Professional Officer**

#### **211 Application—sdiv 3.10.3.16**

- (1) This subdivision applies to—
  - (a) Professional Officer, Class 1, 2; and
  - (b) Senior Professional Officer , Grade A, B, C; and
  - (c) Senior Professional Officer (Engineering and Related), Grade A.

#### **212 Eligibility requirements**

- (1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) Eligibility for graduate membership of, or registration by, a professional body, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (3) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification and a graduate diploma in Librarianship of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the head of service, is appropriate to the duties of the office; or
- (4) Other qualifications, comparable to those referred to in subsection (1), which, in the opinion of the head of service, are appropriate to the duties of the office; or

- (5) The person was on 31 December 1985, eligible for admission to Graduate Membership or Corporate Membership of the Institution of Engineers, Australia, and was the occupant of, or was performing the whole of the duties of, one of the following offices:
- (a) Engineer, Class 1, 2, 3, 4, 5;
  - (b) Naval Architect, Class 1, 2, 3, 4, 5;
  - (c) Experimental Officer, Class 1, 2, 3, 4, 5;
  - (d) Area Manager, Class 1, 2, 3;
  - (e) Construction Manager;
  - (f) Project manager, Class 1, 2, 3;
  - (g) Science 1, 2, 3, 4, 5.
- (6) Successful completion of a course of training as—
- (a) Aboriginal Cadet Professional Officer; or
  - (b) Aboriginal Cadet Professional Officer (Defence Science); or
  - (c) Aboriginal Cadet Professional Officer (Engineer); or
  - (d) Aboriginal Cadet Professional Officer (Naval Architect); or
  - (e) Cadet Professional Officer; or
  - (f) Cadet Professional Officer (Defence Scientist); or
  - (g) Cadet Professional Officer (Engineer); or
  - (h) Cadet Professional Officer (Naval Architect); or
  - (i) Audiologist-in-training.

## **213 Salary advancement provisions for Professional Officer Class 1**

### **Accelerated advancement**

#### **Third salary point**

- (1) On and from 21 November 1991, an officer who has obtained a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than three years.

### **Accelerated advancement**

#### **Fourth salary point**

- (2) On and from 21 November 1991, an officer who has obtained—
  - (a) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, and the minimum period of full-time study for which is equivalent to four years; or
  - (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, and a graduate or post-graduate award of an Australian tertiary institution, or a comparable overseas qualification which, in the opinion of the head of service, are appropriate to the duties of the office; or
  - (c) a degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; and eligibility for registration with an Australian Pharmacy Board or Council.

**Accelerated advancement**

**Fifth salary point**

- (3) On and from 21 November 1991, an officer who has obtained—
- (a) a license or registration as a Surveyor in an Australian State or Territory; or
  - (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, and the minimum period of full-time study for which is three years; or Certificate of Competency from a Surveyors' Board of an Australian State or Territory.

**Accelerated advancement**

**Sixth salary point**

- (4) On and from 21 November 1991, an officer who has obtained—
- (a) a licence or registration as a Surveyor in an Australian State or Territory; or
  - (b) a degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years.

### **Subdivision 3.10.3.17 Prosthetic/Orthotic Assistant**

#### **214 Salary advancement provisions**

##### **Salary barrier**

##### **Fourth salary point**

- (1) Successful completion of an approved training course for advancement beyond this salary point.

##### **Accelerated advancement**

##### **Second salary point**

- (2) A trades certificate in woodwork, metalwork or plastics work.

##### **Accelerated advancement**

##### **Fifth salary point**

- (3) Successful completion of the Prosthetic/Orthotic Fabrication Skills training course.

### **Subdivision 3.10.3.18 Prosthetic/Orthotist Grade 1, 2, 3, 4, 5**

#### **215 Eligibility requirements**

- (1) A Diploma of Applied Science in Prosthetics and Orthotics from the Lincoln Institute of Health Sciences, La Trobe University; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office; or
- (3) At 31 December 1991, completion of the Certificate of Competence in Prosthetics or Orthotics conducted by the Department of Veterans' Affairs; and
- (4) A minimum of five years experience as a Limbmaker and Fitter in the Commonwealth Department of Veterans' Affairs which includes such experience gained while undertaking the Certificate of Competence in Prosthetics or Orthotics, or other comparable experience.



### **Subdivision 3.10.3.19 Public Affairs Officer**

#### **216 Application—sdiv 3.10.3.19**

This subdivision applies to—

- (a) Public Affairs Officer, Grade 1, 2, 3; and
- (b) Senior Public Affairs Officer, Grade 1, 2.

#### **217 Eligibility requirements**

- (1) Completion of a media cadetship leading to employment as a graded journalist, public relations or marketing officer, press photographer, film or video director or producer, or creative or graphic art designer; or
- (2) A degree or diploma or postgraduate diploma with a major in journalism, editing, communications, public relations, marketing, press photography, television or radio production, film or video production, creative or graphic art design, of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (3) Possession of recognised skills or relevant experience which, in the opinion of the head of service, are appropriate to the duties of the office.

### **Subdivision 3.10.3.20 Radiographer Grade 1, 2, 3, 4**

#### **218 Eligibility requirements**

- (1) Eligibility for ordinary membership of the Australian Institute of Radiography; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.
- (3) Successful completion of a course of training as Aboriginal Radiographer-in-training.

### **Subdivision 3.10.3.21 Research Officer**

#### **219 Application—sdiv 3.10.3.21**

This subdivision applies to—

- (a) Research Officer, Grade 1; and
- (b) Research Officer, Grade 2 (ASO 4); and
- (c) Senior Research Officer, Grade 1 (ASO 5); and
- (d) Senior Research Officer, Grade 2 (ASO 6); and
- (e) Principal Research Officer (SOG C).

#### **220 Eligibility requirements**

- (1) A degree of an Australian tertiary institution, or a comparable overseas qualification; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.
- (3) Successful completion of a course of training as—
  - (a) Aboriginal Cadet Agricultural Economist; or
  - (b) Aboriginal Cadet Economist; or
  - (c) Aboriginal Cadet Statistician; or
  - (d) Cadet Agricultural Economist; or
  - (e) Cadet Economist; or
  - (f) Cadet Statistician; or
  - (g) Graduate Administrative Assistant; or
  - (h) Graduate Administrative Assistant (Indigenous Employment).

## **221 Salary Points**

- (1) Salaries payable to Research Officers, Grade 1 are based on the level of academic qualifications held on the date of commencement—
  - (a) Degree of Bachelor with Second Class Honours—second salary point;
  - (b) Degree of Bachelor with First Class Honours—third salary point.
- (2) Normal incremental advancement applies thereafter.

## **Subdivision 3.10.3.22 Research Scientist**

### **222 Application—sdiv 3.10.3.22**

This subdivision applies to—

- (a) Research Scientist; and
- (b) Senior Research Scientist; and
- (c) Principal Research Scientist; and
- (d) Senior Principal Research Scientist; and
- (e) Chief of Division, Grade 1, 2, 3; and
- (f) Chief Research Scientist, Grade 1, 2.

### **223 Eligibility requirements**

- (1) A degree of Doctor of Philosophy of an Australian university or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office; and

- (2) The head of service is satisfied that the scientist possesses—
- (a) scientific research ability, a breadth and depth of scientific interests and the potential to vary those scientific interests and to accept responsibility for scientific research in fields broader than those encompassed by university training; and
  - (b) scientific skill and judgement, together with the capacity to make mature assessments and decisions on the progress of his or her scientific research work and to accept responsibility for—
    - (i) the accuracy and validity of that work; and
    - (ii) the scientific conclusions derived personally from that work; and
    - (iii) the advancement of that work in directions which might have a bearing on its application.
- (3) Successful completion of training as—
- (a) Aboriginal Cadet Research Scientist; or
  - (b) Cadet Research Scientist.

**224 Salary advancement provisions for Research Scientist, Senior Research Scientist, Principal Research Scientist and Senior Principal Research Scientist**

- (1) An officer must be advanced to salary points in the scale in accordance with—
- (a) performance appraisal procedures applicable to the classification; and
  - (b) conditions specified below.

- (2) An officer who has attained a performance rating of ‘outstanding’, ‘superior’ or ‘fully effective’, shown in table 224, column 1, is entitled to be advanced by the number of salary points specified in column 2 corresponding to the performance rating attained by the officer, except as specified otherwise.

**Table 224**

<b>column 1 performance rating</b>	<b>column 2 rate of advancement</b>
outstanding	two salary points
superior—first year	one salary point
superior—each successive year	two salary points
fully effective	one salary point
adequate	no advancement
unsatisfactory	no advancement

- (3) Performance appraisal-related remedial and regression provisions apply to officers holding an office within the classification of Senior Principal Research Scientist, Chief of Division Grade 1, 2 & 3 and Chief Research Scientist Grade 1 & 2.
- (4) Regression action will apply when an officer holding one of the above offices—
- (a) has attained a performance rating of ‘adequate’ in column 1, in which case remedial action must be initiated no later than one month after notification of an officer’s performance rating; or
  - (b) has attained a performance rating of ‘unsatisfactory’ in column 1, in which case regression action will apply; or
  - (c) has not achieved a performance rating of ‘fully effective’ after remedial action has been taken.

### **Subdivision 3.10.3.23 Scientific Officer**

#### **225 Eligibility requirements**

A degree with First or Second Class Honours in Science or Engineering of an Australian university, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office, or other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

#### **226 Salary points**

- (1) Salaries payable to Scientific Officers are based on the level of academic qualifications held on the date of commencement.
- (2) A Masters degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office—third salary point.
- (3) A degree of Doctor of Philosophy of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office—fourth salary point.

### **Subdivision 3.10.3.24 Senior Theatre Technician**

#### **227 Eligibility requirements**

- (1) A Nursing Aide Certificate recognised by the relevant Nurses' Registration Board; and a minimum of 12 months experience as a Nursing Aide or a minimum of 12 months equivalent experience in operating theatre duties; and the certificate of the Australian Society of Anaesthetic and Operating Theatre Technicians; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.

### **Subdivision 3.10.3.25 Specialist**

#### **228 Application—sdiv 3.10.3.25**

This subdivision applies to—

- (a) Specialist; and
- (b) Senior Specialist-in-charge; and
- (c) Consultant.

#### **229 Eligibility requirements**

- (1) Registration as a medical practitioner under the laws of an Australian State or Territory; and
- (2) A postgraduate degree or diploma of an Australian institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office.

### **Subdivision 3.10.3.26 Teacher (Schools)**

#### **230 Eligibility requirements**

Approved courses for status on appointment or engagement of teachers are classified using the nomenclature of the Australian Council on Tertiary Awards and are—

- (a) Undergraduate Awards—
  - Bachelor's Degree
  - Diploma;
- (b) Postgraduate Awards—
  - Graduate Diploma
  - Master's degree or higher qualification.

## **231 Salary advancement**

### **Category C**

- (1) A teacher who has successfully completed an approved course in teacher training which is at least of two years duration will be placed in Category C.

### **Category B**

- (2) A teacher will be placed in Category B by satisfying one of the following conditions:
  - (a) successful completion of a three year undergraduate Diploma teacher training course at an approved Australian tertiary institution;
  - (b) two years of recognised teacher training plus the equivalent of one year of full-time study within an undergraduate degree or diploma level course, or higher qualification, at an approved tertiary institution;
  - (c) two years of recognised teacher training, the subsequent completion of eight years of recognised full-time teaching service and the completion of a minimum of one half of a year of full-time study within an undergraduate degree or diploma level course, or higher qualification, at an approved Australian tertiary institution;
  - (d) two years of recognised teacher training, the subsequent completion of nine years of recognised full-time teaching service and the completion of a minimum of one quarter of a year of full year study within an undergraduate degree or diploma, or higher qualification, at an approved Australian tertiary institution;
  - (e) two years of recognised teacher training and the subsequent completion of 10 years of recognised full-time teaching service.



**Category A**

- (3) A teacher must be placed in Category A by satisfying one of the following conditions:
- (a) successful completion at approved tertiary institutions of either an undergraduate Bachelor's degree or undergraduate Diploma course, and of a pre-service postgraduate Graduate Diploma course in teacher training;
  - (b) successful completion of a 4-year integrated degree in education at an approved Australian tertiary institution;
  - (c) successful completion of an approved 4-year diploma course in education in an approved Australian tertiary institution;
  - (d) Category B or Category C plus the successful completion of a Bachelor's Degree course at an approved Australian tertiary institution, or Category B, as set out in subsections (2) (a) and (b) under category B, plus the successful completion of an appropriate, approved Graduate Diploma course at an approved Australian tertiary institution;
  - (e) a Category B teacher must be placed in Category A on the successful completion of an approved balanced selection of final year units offered as part of an integrated four year Bachelor of Education course (or its equivalent) at an Australian tertiary institution, provided—
    - (i) these units of study are the equivalent of one year of full-time study at fourth year level; and
    - (ii) that the units are the same as those taken by students in the fourth year of a Bachelor of Education degree program;

- (f) it should be noted that the determination of a balanced selection remains the relevant authority's prerogative and that the determination of Category A status on this basis is subject to approval by the relevant authority;
- (g) Category C teachers who commence a Post-Graduate Diploma course on or after 1 January 1990 will not be considered for Category A status on completion of that course;
- (h) overseas and other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office;
- (i) for appointment, promotion or transfer to Teacher Level 3, officers must have Category A status or have completed upgrading to Category A status by 1 January 1995;
- (j) for appointment, promotion or transfer to Teacher Level 4 and Teacher Level 5, officers must have Category A status.

## **232 Salary advancement—accelerated advancement**

A teacher with Category A classification who has satisfactorily completed a course or courses listed below, whether as pre-service or post-service training must be awarded one, and only one, additional increment in salary—

- (a) first or second class honours degree involving at least one year of additional full-time study following a Bachelor's degree from an approved Australian tertiary institution or its equivalent (eg certain acceptable Master's degree qualifying courses and post-graduate diplomas from approved Australian tertiary institutions); or
- (b) a degree at Master's or Doctorate level from an approved Australian tertiary institution; or
- (c) overseas or other qualifications considered by the head of service to be the equivalent of those listed above.

**233 Credit for completed years of teaching**

- (1) Level 1 teachers will be credited with the number of completed years and part of a year of full-time teaching experience which were—
  - (a) subsequent to the completion of an approved course of teacher education; and
  - (b) undertaken in an approved Government school or an approved non-Government school or other approved institution.
- (2) For the purposes of the above, non-continuous teaching experience equivalent to one year of full-time teaching may be considered equivalent to one completed year.

**234 Teacher Level 1—salary barrier**

- (1) No teacher will be advanced beyond the seventh year of service salary level of the Level 1 classification unless they have successfully completed one of the conditions specified to qualify as a Category A teacher.
- (2) Category B teachers must be considered for advancement beyond the seventh incremental point after a minimum of eight years service, by demonstrating at least 15 hours of relevant professional development in the year immediately preceding the application for advancement.
- (3) Once a teacher has moved to the eighth incremental point, they will then be entitled to progress through the remaining increments as set out in part 4.3.

**235      Advanced Skills Teacher 1 (AST 1)**

- (1) An officer must meet one of the following prerequisites to be eligible to apply for advancement to Advanced Skills Teacher Level 1—
  - (a) Category A on the tenth or eleventh incremental point;
  - (b) Category B on the eighth incremental point and with a minimum of 10 years of teaching experience which in the opinion of the head of service is appropriate;
  - (c) Category A with a minimum of 10 years of teaching experience which in the opinion of the head of service is appropriate.
- (2) Teachers who meet one of the above eligibility requirements may apply in writing to the head of service for AST 1 classification.
- (3) The head of service may approve advancement of applicants to this classification on the basis of a recommendation after assessment of the applicant.
- (4) The assessment process is subject to annual review by the Australian Industrial Relations Commission (AIRC) (See AIRC Case No. 90170 of 21 February 1992).

**Subdivision 3.10.3.27    Teacher (Technical and further education)**

**236      Eligibility requirements**

- (1) For promotion, appointment or transfer to Teacher Band 1, qualifications and experience which in the opinion of the head of service, are appropriate to the duties of the office, are required.
- (2) This may include relevant professional qualifications, in addition to a period of industry experience.

- (3) For promotion, appointment or transfer to a Senior Teaching Post, Teacher Band 2 and Teacher Band 3, qualifications in adult education, and relevant professional qualifications and industry experience, which in the opinion of the head of service are appropriate to the duties of the office, are required.

### **237 Salary advancement provisions**

- (1) Qualifications in adult education, which in the opinion of the head of service are appropriate to the duties of the office, are required for a Band 1 Teacher to advance beyond the eighth increment point.
- (2) A teacher on the eighth incremental point may advance from that point to the ninth increment point if they—
- (a) possess a recognised teaching qualification; and
  - (b) undertake a minimum of 15 hours professional development in the 12-month period the teacher is actually on the eighth incremental point of the Band 1 classification.
- (3) A teacher on the ninth incremental point may advance from that point to the tenth increment point if they undertake a minimum of 15 hours professional development in the 12-month period the teacher is actually on the ninth incremental point of the Band 1 classification.

### **Subdivision 3.10.3.28 Technical Officer and Senior Officer (Technical)**

#### **238 Application—sdiv 3.10.3.28**

This subdivision applies to—

- (a) Technical Officer, Level 2, 3, 4; and
- (b) Senior Officer (Technical), Grade B, C.

## **239 Eligibility requirements**

- (1) An associate diploma from an Australian Technical and Further Education (TAFE) institution, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) Relevant experience, training or accreditation, which, in the opinion of the head of service, enable the officer competently to perform the duties appropriate to the office; or
- (3) A competency assessment, such as an eligibility test, approved by the head of service and recognised as determining a level of skill equivalent to that described in subsection (1); or
- (4) Other qualifications comparable to those referred to in subsection (1) which, in the opinion of the head of service, are appropriate to the duties of the office; or
- (5) The person was, on 29 August 1990, the substantive occupant of an office of Ambulance Officer (ACT Government) and received salary at the fourth salary point or higher within the salary range for that classification; or
- (6) The person was, on 13 November 1990, the substantive occupant of an office of House Manager (ACT Government) or was an unattached officer having this designation; or
- (7) The person was, on 1 February 1991, the substantive occupant of an office of Works Supervisor, Grade 1, 2, or was an unattached officer having this designation; or
- (8) The person was, on 1 August 1991, the substantive occupant of an office of Dental Mechanic or Senior Dental Mechanic, or was an unattached officer having one of these designations.
- (9) The person was, on 29 August 1990, the substantive occupant of the offices listed below—
  - (a) Aboriginal Electrical Technician; or

- (b) Aboriginal Navy Systems Technician; or
- (c) Aboriginal Radio Technician; or
- (d) Senior Ambulance Officer (ACT Government); or
- (e) Station Officer (ACT Government); or
- (f) Communicator, Grade 3, 4, 5 (Meteorology); or
- (g) Controller, Radio Inspection Services; or
- (h) Drafting Officer, Grade 1, 2; or
- (i) Chief Drafting Officer, Grade 1, 2, 3; or
- (j) Senior Drafting Officer; or
- (k) Supervising Drafting Officer; or
- (l) Electrical Technical Officer, Grade 1, 2; or
- (m) Senior Electrical Technical Officer, Grade 1, 2, 3; or
- (n) Electrical Technician; or
- (o) Fallout Shelter Surveyor, Grade 1, 2, 3; or
- (p) Fire Safety Officer, Grade 1, 2, 3, (DAS only); or
- (q) Graphic Designer, Grade 1, 2, 3, 4, 5; or
- (r) Manager, Grade 1, 2, 3; or
- (s) Quality Assurance Officer, Grade 2; or
- (t) Radio Technical Officer, Grade 1, 2; or
- (u) Principal Radio Technical Officer, Grade 1, 2; or
- (v) Senior Radio Technical Officer, Grade 1, 2, 3; or
- (w) Radio Technician; or
- (x) Senior Technical Cataloguer, Grade 1, 2; or

- (y) Supervising Technical Cataloguer, Grade 1, 2, 3; or
- (z) Technical Instructor, Grade 2, (Electrical, DT&C); or
- (za) Senior Technical Instructor, Grade 1, 2 (Electrical, DT&C); or
- (zb) Technical Instructor (Lines, DT&C); or
- (zc) Senior Technical Instructor, Grade 1, 2 (Lines, DT&C); or
- (zd) Technical Instructor (Mechanical, DT&C); or
- (ze) Senior Technical Instructor, Grade 1 (Mechanical, DT&C); or
- (zf) Technical Instructor, Grade 2 (Meteorology); or
- (zg) Technical Instructor, Grade 2 (Radio, Meteorology); or
- (zh) Senior Technical Instructor, Grade 1 (Meteorology); or
- (zi) Technical Instructor, Grade 2 (Radio, DT&C); or
- (zj) Senior Technical Instructor, Grade 1, 2, 3 (Radio, DT&C); or
- (zk) Technical Officer (Buildings), Grade 1, 2; or
- (zl) Chief Technical Officer (Buildings) Grade 1, 2, 3; or
- (zm) Senior Technical Officer (Buildings), Grade 1, 2, 3; or
- (zn) Controller (Buildings); or
- (zo) Technical Officer (Engineering), Grade 1, 2; or
- (zp) Senior Technical Officer (Engineering), Grade 1, 2, 3; or
- (zq) Principal Technical Officer (Engineering); or
- (za) Principal Technical Officer (Engineering), Grade 2; or
- (zb) Technical Officer (Medical Laboratory), Grade 1, 2; or
- (zc) Technical Officer (Meteorology), Grade 1, 2; or
- (zd) Senior Technical Officer (Meteorology), Grade 1, 2, 3; or



- (zr) Principal Technical Officer (Meteorology); or
- (zs) Technical Officer (Science), Grade 1, 2; or
- (zt) Senior Technical Officer (Science), Grade 1, 2, 3; or
- (zu) Technical Officer (Surveying), Grade 1, 2; or
- (zv) Senior Technical Officer (Surveying), Grade 1, 2, 3; or
- (zw) was an unattached officer having one of the above designations.

(10) Officers who successfully complete a course of training as—

- (a) Aboriginal Trainee Technical Officer; or
- (b) Trainee Technical Officer;

will be advanced to Technical Officer, Level 2 under provisions for promotion from a training office.

## **240 Salary advancement provisions**

### **Technical Officer, Level 2**

#### **Salary barrier**

- (1) If an office of Senior Mechanic (Maritime Aids) has been translated to Technical Officer, Level 2, the following salary advancement provisions apply:
  - (a) an officer must not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or
    - (ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the head of service, is appropriate to the duties of the office.

**Technical Officer Level 4**

**Salary barrier**

- (2) If an office of Supervisor (Maritime Aids) Grade 3, has been translated to Technical Officer, Level 4, the following salary advancement provisions apply:
- (a) an officer shall not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or
    - (ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (3) If an office of Works Supervisor Grade 1, has been translated to Technical Officer, Level 4, the following salary advancement provisions apply:
- (a) an officer shall not advance beyond the third salary point unless the officer—
    - (i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) structure; or
    - (ii) passed a competency test conducted by a relevant body which, in the opinion of the head of service, is appropriate to the duties of the office.

### **Subdivision 3.10.3.29 Veterinary Officer Class 1, 2, 3, 4, 5**

#### **241 Eligibility requirements**

- (1) A degree in Veterinary Science or Veterinary Medicine of an Australian university, or a comparable overseas qualification, which, in the opinion of the head of service, is appropriate to the duties of the office; or
- (2) Other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.
- (3) On successful completion of a course of training as Aboriginal Cadet Veterinary Officer or Cadet Veterinary Officer, officers will be advanced to Veterinary Officer, Class 1.

### **Subdivision 3.10.3.30 Dental Assistants 1/2**

#### **242 Salary advancement provisions**

- (1) A Dental Assistant who does not hold the Dental Assistant Educational Council of Australia (DAECA) Certificate or equivalent will not advance beyond the fourth salary point of Dental Assistant 1/2.
- (2) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) the DAECA Dental Assistant Certificate or equivalent will be advanced to the fifth salary point in the salary scale of Dental Assistant 1/2.
- (3) In subsection (2):

*equivalent* means a nationally recognised portable dental assistant certificate from a recognised educational institution or a comparable qualification, which in the opinion of the head of service is appropriate to the duties of the office.

(4) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) both the DAECA Dental Assistant Certificate and DAECA Radiography Certificate or equivalents will be advanced to the sixth salary point in the salary scale of Dental Assistants 1/2.

(5) In subsection (4):

*equivalents* mean a nationally recognised portable dental assistant certificate from a recognised educational institution and other qualifications relevant to the duties of the office, (eg Dental Radiography Certificate) or a comparable qualification, which in the opinion of the head of service is appropriate to the duties of the office.

## **Part 3.11                    Equal Employment Opportunity Programs**

### **247                    Operation with the Public Sector Management Act 1994**

- (1) This part provides for equal employment opportunity programs in accordance with the Act, section 39 and 40.
- (2) Equal employment opportunity programs provided for in this part are approved programs under the Act, section 65 (3)
- (3) The Disability Employment Program in division 3.11.2 is a prescribed scheme under the Act, section 109.

### **Division 3.11.1            Aboriginal and Torres Strait Islander Traineeship Program**

#### **247B            Eligibility**

Aboriginal peoples and Torres Strait Islanders who are eligible for appointment to the service under the Act, section 68 are eligible to participate in the Aboriginal and Torres Strait Islander Traineeship Program.

#### **247C            Selection**

- (1) Successful applicants to the Aboriginal and Torres Strait Islander Traineeship Program will be appointed in order of merit based on the reports of selection committees.
- (2) Except if special arrangements have been approved by the head of service, relative suitability of applicants will be decided by reference to one or more of the following:
  - (a) expressions of interest;
  - (b) participation in a program preparing the applicant for full-time work;

(c) interviews.

**247D Classification on appointment**

Appointees to the Aboriginal and Torres Strait Islander Traineeship Program will be appointed as an Aboriginal and Torres Strait Islander Trainee.

**247E Salary on appointment**

- (1) The salary payable to an Aboriginal and Torres Strait Islander Trainee is equivalent to the base salary payable to an ASO Class 1 under the relevant industrial instrument.
- (2) The salary payable to an Aboriginal and Torres Strait Islander Trainee is not reduced if the participant is under 21 years of age.

**247EA Approved training**

In addition to the ordinary requirements for confirmation, the appointment of an Aboriginal and Torres Strait Islander Trainee will not be confirmed until the officer has been assessed by the approved training provider as having successfully completed a Certificate II or higher in the relevant area of training.

**247F Promotion**

The head of service may promote an Aboriginal and Torres Strait Islander Trainee to a position with the classification Administrative Service Officer Class 2, without an additional selection process if the appointment of the officer has been confirmed.

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## Division 3.11.2 Disability Employment Program

### 248 Interpretation—div 3.11.2

In this division:

*Employment Service* means a Commonwealth funded organisation established for the purpose of facilitating the provision of, coordination and/or access to employment for people with a disability.

*person with a disability* means a person with an employment restriction because of a disability. An employment restriction means that a person—

- (a) is restricted in the type of work that he or she can perform because of a disability; or
- (b) needs or would need modified hours of work (either a restriction in hours that can or could be worked, or different time schedules or flexible hours of attendance) because of a disability; or
- (c) requires or would require an employer to provide adaptive equipment, a modified work environment or to make other specific work related arrangements because of a disability; or
- (d) would require additional support to access employment or career development opportunities because of a disability.

*Note* Access to elements of the program as set out in s 251 (a) and s 251 (b) has additional eligibility requirements which are set out in s 250.

*program* means the Disability Employment Program.

**249 Purpose—div 3.11.2**

- (1) The Disability Employment Program supports the employment of people with disabilities in the ACTPS.
- (2) The program provides opportunities for people with disabilities to access permanent employment at various levels in the ACTPS, temporary contract engagement as an Executive or temporary employment opportunities that provide valuable training opportunities and may lead on to opportunities for permanent employment either within the ACTPS or elsewhere.
- (3) The program is consistent with the objectives of the *Human Rights Act 2004*, section 17 (c), the *Discrimination Act 1991*, section 27 and the *Disability Discrimination Act 1992* (Cwlth), section 45.

**250 Eligibility**

To be eligible to participate in elements set out in section 251 (a) and (b) of the program, a person must—

- (a) satisfy the requirements of the Act, section 68 for appointment, transfer, promotion or engagement to any position in the ACTPS; and
- (b) be registered with an Employment Service as a person with a disability; and
- (c) be provided as an applicant by an Employment Service for an identified vacancy or temporary employment position under the program.



## **251 Elements of the program**

The head of service may take any or all of the following measures:

- (a) identify vacancies for permanent or temporary employment of a person under this program. The identified vacancy is to be filled from the pool of applicants provided by an Employment Service;
- (b) for temporary employment less than 12 months, engage a person from an employment register provided by an Employment Service;
- (c) without limiting the powers of the head of service, provide permanent or temporary employment by appointing, engaging, transferring or promoting a person with a disability under this program;
- (d) redesign positions or workplace arrangements to remove barriers to the employment of people with disabilities.

## **252 Other employment arrangements**

- (1) In accordance with the principle of reasonable adjustment, an agency must also consider a person's disability and make reasonable adjustments in employment arrangements to accommodate the person.
- (2) This applies to this program and other positions in the ACTPS under ACT and Commonwealth anti-discrimination laws.
- (3) This may include, but is not limited to, any of the following adjustments:
  - (a) changes to recruitment and selection arrangements;
  - (b) changes to methods used for testing, assessing or selecting;
  - (c) changes to the workplace or work related premises, equipment, or facilities, including providing additional facilities;

- (d) changes to work-related communications or the provision of information;
- (e) changes to job design;
- (f) changes to work arrangements including hours of work and use of leave entitlements;
- (g) changes to work related rules or other matters necessary to enable a person to comply with rules;
- (h) changes to training, transfers, acting, trial or higher duties positions, traineeships, or other forms of opportunity to demonstrate or develop capacity in a position;
- (i) providing interpreters, readers, attendants or other work related assistance;
- (j) facilitating use of equipment or assistance;
- (k) providing training to co-workers and supervisors.

## Part 3.12 Graduate Program

### 252A Interpretation—pt 3.12

In this part:

*designated group* has the same meaning as in the Act, section 39.

### 252B Eligibility

- (1) To participate in the Graduate Program a person must meet the eligibility requirements set out in the Graduate Program Policy Statement.
- (2) The Graduate Program may restrict eligibility for some of the offices in the program to people in a designated group.

### 252C Selection

- (1) The head of service must give written approval, having considered the recommendations of a written selection report, for the selection of a person to participate in the Graduate Program.
- (2) When considering the recommendations of a written selection report the head of service must be satisfied that the process used to assess the comparative ability of the applicants to perform the duties of a position complied with the merit principle set out in the Act, section 65 before approval is given.

### 252D Classification on appointment

A participant in the Graduate Program is appointed at the commencement of the Graduate Program at the classification Graduate Administrative Assistant.

**252E Salary on appointment**

The salary payable to a Graduate Administrative Assistant is equivalent to the base salary payable to an Administrative Service Officer Class 4 under the relevant collective agreement or enterprise agreement.

**252F Probation**

In addition to the ordinary requirements for confirmation, the appointment of a Graduate Administrative Assistant will not be confirmed until the officer has been assessed by the approved training provider as having successfully completed—

- (a) a Diploma in Government; or
- (b) a Diploma in Government (Management); or
- (c) a Diploma in Government (Project Management); or
- (d) a Diploma in Government (Policy Development); or
- (e) a Diploma in Government (Procurement); or
- (f) a Diploma in Government (Contract Management).

**252G Promotion**

- (1) For this section, unless the contrary intention appears, part 3.10 applies.
- (2) The head of service may promote a Graduate Administrative Assistant without an additional selection process, if the appointment of the Graduate Administrative Assistant has been confirmed.
- (3) For subsection (2), the head of service may only promote a person to a position if—
  - (a) the classification has a pay point that either—

- (i) is the same as the base salary of an Administrative Services Officer Class 5; or
  - (ii) does not exceed the base salary of an Administrative Services Officer Class 5 by more than 10%; and
- (b) the position has 1 of the following classifications:
- Administrative Services Officer Class 5
  - Correctional Officer Class 2
  - Custodial Officer Grade 3
  - Disability Support Officer Level 3
  - Facilities Technical Officer Level 3
  - Family Services Worker 1
  - General Service Officer Level 9
  - Health Professional Level 2
  - Health Services Officer Level 9
  - Information Technology Officer Class 2
  - Legal 1
  - Professional Officer Class 1
  - Prosecutor Grade 1
  - Public Affairs Officer 1
  - Senior Research Officer 1
  - Technical Officer Level 3
  - Tourism & Events Officer Class 5
  - Trust Officer Level 1
  - WorkCover Officer 5
- (4) The head of service must not promote a person to a classification at a pay point that is below the base salary of an Administrative Services Officer Class 5.

## Chapter 4                      Conditions of employment and attendance

### Part 4.1                      Continuity of service

#### 253                      Interpretation—pt 4.1

In this part—

*full-time training* means a prescribed course of full-time training that meets the requirements of the *Long Service Leave (Commonwealth Employees) Act 1976* (Cwlth), section 12 (6).

*officer* includes an employee or a full-time statutory office-holder.

#### 254                      Continuity of service—general

- (1) Continuity of service with the Territory is not broken if—
  - (a) a person who was engaged as an employee is engaged again and there are no working days between the periods of engagement; or
  - (b) a person who was engaged as an employee is appointed as an officer and there are no working days between the period of engagement and the period of appointment; or
  - (c) a person who was appointed as an officer is engaged as an employee and there are no working days between the period of appointment and the period of engagement.
- (2) Continuity of service for the purpose of calculating any entitlement affected by the length of service with the Territory includes and is not broken by—
  - (a) the period between an officer being dismissed and reappointment under the Act, section 117 following the result of an appeal about the dismissal; or

- (b) the period between an officer's resignation to contest an election and reappointment under the Act, section 118 following failure to be elected; or
- (c) the period between an officer being retired through forfeiture of office under the Act, section 221 and reappointment following an application to the head of service under the Act, section 222.

**255 Continuity of service—personal leave**

Continuity of service for calculating personal leave accrual is not broken by a break in service of two months or less to undertake full-time training.

**256 Continuity of service—long service leave**

Continuity of service for calculating long service leave accrual is not broken by—

- (a) a period of leave; or
- (b) a period of unauthorised absence of 12 months or less; or
- (c) a break in service of 12 months or less; or
- (d) a break in service to undertake full-time training for a period of 12 months or less;
- (e) a break in service over 12 months if—
  - (i) the first service was with of the following—
    - (A) the Territory;
    - (B) the Australian Public Service;
    - (C) a State public service;
    - (D) a State authority;
    - (E) the public service of another Territory;

- (F) the police force of the Northern Territory;
  - (G) an authority established under a law of an external territory;
  - (H) the public service of the former Territory of Nauru;  
and
- (ii) ended because of an officer's ill health; and
  - (iii) the break between being well enough to resume the duties of the office which ended due to ill health and commencing the next period of service is 12 months or less.



## Part 4.2 Attendance and absence

### 257 Interpretation—pt 4.2

In this part—

*officer* includes an employee.

### 258 Direction to work outside the officer's span of hours

- (1) The head of service may direct an officer to work outside the officer's span of hours if to do so would be in the interests of the administrative unit or the service as a whole.
- (2) An officer who is directed to work outside the officer's span of hours is entitled to payments relating to overtime and emergency duty.
- (3) If overtime duty commences or is completed outside the officer's span of hours, the period of a meal break is not treated as a break in overtime duty.

### 259 Unauthorised absences

- (1) An officer must report an absence from duty if the period of absence is more than 30 minutes and is not authorised within a reasonable time.
- (2) If an officer is absent from duty for a period of more than 30 minutes and the absence is not authorised, the head of service may make one of the following directions:
  - (a) that the absence will be without pay and will not count as service for any purpose;
  - (b) that the absence will be with pay and will count as service for all purposes;

- (c) that the officer must make up the period of absence by working an equivalent time outside the officer's span of hours.

*Note* No overtime or penalty payment will be paid for the time made up.

## Part 4.3 Long service leave

### 260 Application—pt 4.3

- (1) The Act, section 5 applies to this part.
- (2) This part does not apply to a person who is—
  - (a) a member of the ACT Legislative Assembly; or
  - (b) employed under the *Legislative Assembly (Members' Staff) Act 1989*; or
  - (c) temporarily transferred to employment with the Territory or whose services are temporarily loaned to the Territory by the government of the Commonwealth, a State or a Territory; or
  - (d) appointed or engaged for employment outside Australia only.

### 261 Interpretation—pt 4.3

In this part—

*category A officer* means an officer whose eligible service has either been entirely part-time service or entirely full-time service.

*category B officer* means an officer whose eligible service has been both part-time service and full-time service.

*defence employment* means—

- (a) employment in the Reserve Forces or of the Citizen Forces either on a continuous full-time basis or for a period fixed in accordance with the *Defence Act 1903* (Cwlth), the *Naval Defence Act 1910* (Cwlth), or the *Air Force Act 1923* (Cwlth), as in force at the relevant time; or
- (b) national service.

***eligible employment*** means—

- (a) continuous employment by the Territory; and
- (b) continuous recognised prior service; and

*Note* Recognised prior service is set out in pt 3.6.

- (c) a period of leave without pay to count as service (other than personal leave without pay and leave in relation to defence employment); and
- (d) excludes—
  - (i) employment remunerated by fees, allowances or commission, honorarium or equivalent; and
  - (ii) appointment or engagement for the sole purpose of overseas employment; and
  - (iii) unauthorised absence.

***minimum retiring age*** means—

- (a) for an officer that the Act, part 6 applies to the minimum retiring age set out in that part; or
- (b) for an officer whose minimum retiring age is fixed by their terms and conditions of employment other than under the Act, part 6 the fixed age; or
- (c) 60 years.

***month*** may include part of a month.

***officer*** means an officer or employee.

***overtime payment*** means a payment of overtime made under the relevant industrial instrument.

***public authority*** means an authority or a local governing body that was or is constituted under a law of the Territory, the Commonwealth, a State or another Territory for a public purpose

***relevant day*** means

- (a) in relation to an officer who has been granted long service leave, the day immediately before the day that leave commences; and
- (b) in relation to an officer who receives a payment in lieu of long service leave, the day immediately before the day they cease to be an officer.

***relevant rate per hour*** means the rate per hour that salary would be payable to the officer at on the relevant day.

***shift penalty*** means a payment for shift workers made under the relevant industrial instrument.

***Territory*** includes a Territory instrumentality or statutory office.

***year*** may include part of a year.

## **262 Purpose—long service leave**

Long service leave is available to officers to enable them to be absent from duty in recognition of their length of service in the public sector.

*Note* Historically and in other jurisdictions long service leave may have been, or be, known by other names, including long leave, furlough or extended leave.

## **263 Eligibility—long service leave**

Long service leave is available to officers.

## 264 Entitlement—long service leave

- (1) An officer may be granted long service leave up to their available credit from the day they have completed seven years of eligible employment.
- (2) Long service leave is cumulative and there is no limit on the long service leave balance an officer may accrue.
- (3) Long service leave is measured in months.
- (4) For a category A officer who works full-time long service leave accrues at a rate of three months for every 10 years of service.

*Note* After seven years a category A officer who works full-time will have a long service leave credit of 2.1 months.

- (5) For a category A officer who works part-time, or a category B officer long service leave will accrue on a pro rata basis.
- (6) For officers who will return to service following completion of their long service leave—
  - (a) their long service leave credit is calculated based on completed years of eligible employment; and
  - (b) the *calculation day* is the day after the last day of the last completed year of eligible employment.
- (7) For officers who will not return to service following completion of their long service leave—
  - (a) their long service leave credit is calculated based on completed months of eligible employment; and
  - (b) the *calculation day* is the day after the last day of the last completed month of eligible employment.

- (8) The long service leave credit of a category A officer is worked out as follows:

$$\frac{3a}{10} - b$$

where—

*a* means the number of years of eligible employment accrued before the calculation day.

*b* means the aggregate number of months of long service leave previously granted to the officer at any time during their eligible employment.

- (9) The long service leave credit of a category B officer is worked out as follows:

$$\left( \frac{3c}{10} - d \right) + \left( \frac{3e}{10} - f \right)$$

*c* means the aggregate number of years of eligible employment in a full-time capacity before the calculation day.

*d* means the aggregate number of months of long service leave previously granted to the officer in relation to the officer's full-time employment at any time during their eligible employment.

*e* means the aggregate number of years of eligible employment in a part-time capacity before the calculation day.

*f* means the aggregate number of months of long service leave previously granted to the officer in relation to his or her part-time employment at any time during their eligible employment.

- (10) For calculating an officer's long service leave credit, if the long service leave previously granted to an officer during a period of eligible employment under any Act repealed by the *Long Service Leave (Commonwealth Employees) Act 1976* (Cwlth) or under the *Public Service Act 1922* (Cwlth) was not granted on full salary or half salary, that period of long service leave is taken to have been on full salary.
- (11) For calculating an officer's long service leave credit, if during a period of eligible employment an officer received a payment in lieu of long service leave, or an equivalent type of leave, in the ACTPS or another jurisdiction, the officer is taken to have been granted a period of long service leave equal to the period of long service leave that payment was made for.
- (12) If on the day an officer's long service leave is calculated he or she is concurrently employed in other eligible employment, the other employment does not count as eligible employment for the period that it was concurrent with employment by the Territory.
- (13) Eligible part-time employment that is or was concurrent with eligible full-time employment does not count as eligible employment.
- (14) If an officer is or was concurrently employed by the Territory in two offices both of which were in a part-time capacity, on a day when the officer works in both offices his or her period of employment on that day will be the sum of both periods.

## **265 Evidence and conditions—long service leave**

- (1) An officer should discuss with the head of service as soon as practicable their intention to be absent on long service leave.
- (2) An officer must make an application to the head of service to access their long service leave entitlement.



- (3) Having considered the requirements of this section the head of service may approve an officer's application to access long service leave.
- (4) The head of service may grant long service leave to an eligible category A officer up to the officer's available credit.
- (5) The head of service may grant long service leave to an eligible category B officer for one or more of the following:
  - (a) a period not exceeding the officer's long service leave credit accrued while working full-time;
  - (b) a period not exceeding the officer's long service leave credit accrued while working part-time.
- (6) Subject to the rules for category A and category B officers—
  - (a) subject to operational requirements, long service leave may be granted at half salary, full salary or double salary with credits to be deducted on the same basis; and
  - (b) the minimum period of long service leave an officer may request is seven days or seven shifts.
- (7) If the head of service does not approve an application by an officer for long service leave because of operational requirements the head of service must consult with the officer to determine a mutually convenient alternative time (or times) for the officer to take the leave.

## **266 Rate of payment—long service leave**

- (1) In this section:

*current rate of salary* means the salary an officer received on the relevant day.
- (2) The prescribed average number of hours for a category A officer is the greater of—

- (a) the officer's average number of hours of employment per week during the 12 months of eligible employment ending on the relevant day; or
  - (b) the officer's average number of hours of employment per week during the entire period of their eligible employment.
- (3) The prescribed average number of hours for a category B officer is the greater of—
- (a) the officer's average number of hours of employment per week during—
    - (i) the 12 months (or the periods aggregating 12 months) that the officer was last employed in a part-time capacity before the relevant day; or
    - (ii) if the officer has less than 12 months of eligible employment in a part-time capacity, the period or periods when the officer has been employed in a part-time capacity; or
  - (b) the officer's average number of hours of employment per week during the entire period of their eligible employment.
- (4) When determining an officer's prescribed average number of hours under subsection (2) or (3) the hours will be taken to be the hours calculated under subsection (2) (a) or (3) (a) unless the officer demonstrates that the hours under subsection (2) (b) or (3) (b) are greater.
- (5) A category A officer will receive the current rate of salary or relevant rate per week on the relevant day in relation to any part of long service leave they are granted if—
- (a) the officer's eligible employment has been in a full-time capacity; or
  - (b) in a part-time capacity with no change in their ordinary hours.

- (6) If a category A officer's eligible employment has been in a part-time capacity and there has been a change during that period in their ordinary hours the salary payable to the officer in relation to any part of long service leave they are granted is calculated by multiplying—
- (a) the relevant rate per hour for that part of the long service leave; and
  - (b) the prescribed average number of hours.
- (7) If a category B officer is employed in a full-time capacity on the relevant day the salary payable to the officer in relation to any part of leave that is granted—
- (a) in relation to eligible employment at a full-time capacity is at their current rate of salary on the relevant day; and
  - (b) in relation to eligible employment in a part-time capacity is at a weekly rate at the lower of—
    - (i) the officer's current rate of salary per week in relation to that part of the leave; or
    - (ii) worked out as follows:

$$\frac{ab}{c}$$

*a* means the officer's current rate of salary per week in relation to that part of the leave.

*b* means the prescribed average number of hours of the officer's employment.

*c* means the officer's number of hours of employment per week the officer worked on the relevant day.

- (8) If a category B officer is employed in a part-time capacity on the relevant day the salary payable to the officer in relation to any part of leave that is granted—

- (a) in relation to eligible employment at a full-time capacity is at the rate of salary that would be payable to the officer in relation to that part of the leave if the officer was working full-time on the relevant day; and
  - (b) in relation to eligible employment at a part-time capacity is at the rate per week is calculated by multiplying—
    - (i) the relevant rate per hour for that part of the long service leave; and
    - (ii) the prescribed average number of hours.
- (9) Salary for long service leave includes an allowance payable to an officer—
- (a) because they are required to perform their duties in a particular district in Australia if—
    - (i) the officer remains in a district for which the allowance is payable during their long service leave; or
    - (ii) if the officer is part of a domestic partnership, their family remains in the district during any part of their long service leave when the officer is absent from that district; and
  - (b) for the supply and maintenance by the officer of tools and equipment ordinarily required by them to perform the duties of their work.
- (10) Salary for long service leave does not include—
- (a) shift penalty payments; or
  - (b) overtime payments; or
  - (c) payments in the nature of a restriction, or on-call allowance.

## **267 Effect of other entitlements—long service leave**

- (1) Long service leave will count as service for all purposes.

- (2) When applying for long service leave an officer must seek approval if they propose to engage in outside employment during the leave.

**268 Access to other entitlements—long service leave**

- (1) Public holidays and weekends that fall during periods of absence on long service leave are deducted from the officer's long service leave balance.
- (2) An officer who is ill or injured or cares for a member of the officer's immediate family or household who is sick, for one day or more while on long service leave and who produces a certificate from a registered health professional who is operating within their scope of practice may apply for personal leave.
- (3) If personal leave is granted to the officer, long service leave will be re-credited for the period of personal leave granted.
- (4) An officer may be granted long service leave during a period they would be eligible to be granted—
- (a) unpaid maternity leave; or
  - (b) unpaid parental leave; or
  - (c) grandparental leave; or
  - (d) community service leave for voluntary community service.
- (5) An officer who is prevented from attending for duty under the *Public Health Act 1997*, part 6 may be granted long service leave during that period.

## Part 4.4 Reimbursements

### 269 Interpretation—pt 4.4

In this part—

*life insurance policy*—see definition of life policy in the *Life Insurance Act 1995* (Cwlth), section 9.

*loading* means a payment additional to a normal insurance premium.

*officer* includes an employee.

### 270 Life insurance indemnification payments

- (1) If an officer pays a premium for a life insurance policy on their life that includes a loading because of the officer's occupation, the head of service may reimburse the officer an amount equal to that loading.
- (2) The beneficiary of an insurance policy or the legal personal representatives of an officer's estate may be indemnified if a personal life insurance policy held by an officer is invalidated, or otherwise made inoperative, on death as a direct result of their ACTPS employment or the circumstances in which the officer worked.

### 271 Loss or damage to clothing or personal effects

- (1) The head of service may reimburse an officer for the loss or damage of the officer's clothing or personal effects if—
  - (a) the head of service accepts that the loss or damage is caused by the officer's employment; and
  - (b) the officer is not entitled to recover the amount of the loss or damage sustained under a contract of insurance.

- (2) The officer must reimburse the Territory an amount paid under subsection (1) if—
- (a) the officer was reimbursed under this section; and
  - (b) subsequently recovers damages equal to or greater than the amount paid by the Territory for the loss or damage from another source.

## Part 4.5 Additional requirements for salary and allowances

*Note* The requirements in this part are additional to the requirements provided under industrial instruments, and should be read in conjunction to the relevant industrial instrument, especially an ACTPS Enterprise Agreement which applies to the officer or employee. Some matters in this part may be subordinate to the requirements of a relevant industrial instrument.

### 272 Salary deductions

An officer or employee may, in writing, authorise deductions from their salary.

### 273 Salary for unattached officers

- (1) An unattached officer will be paid salary at the rate of the classification of the office they held before unattachment.
- (2) However, the head of service may determine a rate of salary of an unattached excess officer that is not the rate of the classification of the office they held before unattachment.

### 274 Salary on reclassification

- (1) If under a decision or industrial instrument of a Federal Industrial Tribunal or a process established under such a decision or industrial instrument, an officer is eligible for back-pay in respect of a period, the head of service may approve the payment to the officer of that back-pay.
- (2) In this section:  
*back-pay* means the difference between—
  - (a) the remuneration paid to the officer during a period; and
  - (b) the remuneration the officer is eligible for under the relevant decision or award of the Federal Industrial Tribunal.



**275 Skills and qualifications allowance payment while on leave**

- (1) Allowances for skills and qualifications are included in salary for paid leave.
- (2) Allowances for skills and qualifications for paid leave not granted at full pay will be paid on a pro rata basis.

**276 First aid allowance for an officer with certain qualifications**

- (1) An allowance may be paid to an officer as if they hold a Level 3 or equivalent award if the officer—
  - (a) holds a Certificate of General Nursing issued by a nurses registration authority; or
  - (b) is included on a nursing register and is not working full-time as a nurse; or
  - (c) holds a Medical Trade Certificate issued by the Australian Defence Force.

**277 Calculation of salary for Sunday or public holiday duty**

- (1) An allowance that is treated as part of salary under a relevant industrial instrument must be included when calculating the hourly rate for Sunday or public holiday duty.
- (2) If an officer or employee works on a public holiday the minimum payment is—
  - (a) four hours for duty which is not continuous with duty performed the day before or after; or
  - (b) four hours at public holiday salary rates for duty performed continuously over two consecutive days if all or part of the consecutive days includes a public holiday.

- (3) The period of a meal break must not be treated as a break in Sunday or public holiday duty.

## Part 4.6 Additional requirements for increments

*Note* The requirements in this part are additional to the requirements provided under industrial instruments, and should be read in conjunction to the relevant industrial instrument, especially an ACTPS Enterprise Agreement which applies to the officer or employee. Some matters in this part may be subordinate to the requirements of a relevant industrial instrument.

### 278 Deferral of increments—effect of leave without pay not to count as service

- (1) If an officer or employee takes leave that does not count as service which aggregates to one or more working months in a calendar year, then the date on which an increment falls due is deferred by one month for each completed month of absence or each completed month of aggregated absences.
- (2) In this section:

*one working month* means 30 calendar days.

*Note* 30 calendar days is equivalent to 22 working days based on a 5-day working week.

## Part 4.7 Additional requirements for managing overtime duty

*Note* The requirements in this part are additional to the requirements provided under industrial instruments, and should be read in conjunction to the relevant industrial instrument, especially an ACTPS Enterprise Agreement which applies to the officer or employee. Some matters in this part may be subordinate to the requirements of a relevant industrial instrument.

### 279 Application—pt 4.7

This part applies to officers and employees who are required or requested to work reasonable additional hours of duty, subject to the payment for overtime in accordance with an industrial instrument, and the reasonable additional hours provisions of the *Fair Work Act 2009* (Cwlth).

### 280 Interpretation—pt 4.7

In this part:

*additional hours of duty* means overtime duty that is performed in excess of an officer's ordinary hours of work that commence or are completed outside the officer's agreed span of hours.

*officer* includes an employee.

*overtime* means a period of duty that an officer performs in accordance with a direction of the head of service, in addition to the officer's ordinary hours of work or otherwise agreed span of hours, less the period, if any, for which the officer has been released from duty in lieu of payment for overtime.

**281 Eligibility for paid meal breaks**

An officer who is required to perform additional hours of duty is entitled to be paid for the meal break if the head of service is satisfied the officer cannot reasonably be expected to return home for a meal in the time allocated for the meal break.

**282 Time spent travelling to and from overtime duty**

Time spent in travelling to or from work must not be taken into account for calculating overtime payments unless—

- (a) officers are required by the head of service to drive, on official business and outside their normal hours of duty, an agency vehicle or their private motor vehicle; or
- (b) the travel is associated with emergency duty; or
- (c) excess travelling time is applicable under an industrial instrument.

**283 Weekend and shift overtime duty**

- (1) Payment must be made at the overtime rate relevant to the particular day on which it is worked unless it extends past midnight on a Sunday, when Sunday overtime rate must be applied until ceasing overtime on Monday.
- (2) If overtime extends beyond the time at which the officer would have commenced their rostered shift on Monday, the prescribed rate must change to the normal Monday rate starting from when the rostered Monday shift was due to commence.
- (3) Payment must be made at the overtime rate relevant to the particular day on which it is worked unless it extends past midnight on a public holiday, when public holiday overtime rate must be applied until ceasing overtime on the following day.

- (4) If overtime extends beyond the time at which the officer would have commenced their rostered shift on the following day, the prescribed rate must change to the normal rate for that day starting from when the rostered Monday shift was due to commence.
- (5) If overtime duty extends beyond Friday midnight, minimum Saturday overtime duty requirements continue to apply before a higher rate of penalty is payable.
- (6) Midnight does not break the continuity of an overtime attendance for the purposes of any minimum payment provisions.

**Example**

Three hours overtime must actually be worked, after midnight, on the Saturday (at time and a half) before a higher penalty rate (double time) can be applied.

*Note* An example is part of this standard, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (7) If overtime (other than a full overtime shift) is being worked when clocks are adjusted from standard time to daylight saving time, or *vice versa*, payment must be made for the time actually worked, not clock time.

## **284 Overtime on a public holiday**

- (1) If an officer works ordinary duty and overtime duty on a public holiday in one attendance, the minimum payment provisions must not be applied separately to the hours of ordinary duty and overtime duty.
- (2) In applying the minimum payment provisions, the period of duty worked must be taken as a whole, and payment based on the greater of either four hours or the hours of duty for that day if it had not been a public holiday.

- (3) For part-time officers, the minimum overtime payment for each separate attendance on a public holiday is the lesser of either four hours or the ordinary hours of duty for that day if it had not been a public holiday.

## Part 4.8 Additional requirements for leave

*Note* The requirements in this part are additional to the requirements provided under industrial instruments, and should be read in conjunction to the relevant industrial instrument, especially an ACTPS Enterprise Agreement which applies to the officer. Some matters in this part may be subordinate to the requirements of a relevant industrial instrument.

### 285 Interpretation—pt 4.7

In this part:

*medical officer* means a legally registered medical practitioner engaged to conduct medical examinations on behalf of the ACTPS, including examinations in connection with fitness for continued duty.

*officer* includes an employee.

### 286 Officer's health a danger to others—personal leave

- (1) If the head of service determines that an officer is in a state of health that makes them a danger to others the head of service may require the officer to get and provide a report of their condition from a medical officer.
- (2) Having regard to the medical report, the head of service may require the officer to take personal leave.

### 287 Non-continuous primary care givers' leave

The head of service may approve an officer taking primary care givers' leave in a non-continuous manner, until the officer has exhausted their paid primary care givers' leave credit, so long as annual leave or long service leave is not approved in between period of primary care givers' leave.



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## Part 4.9 Working with vulnerable people

### 287A Definitions—pt 4.9

In this part:

*employee* includes an officer.

*Working with Vulnerable People Act* means the [Working with Vulnerable People \(Background Checking\) Act 2011](#).

### 287B Application—pt 4.9

- (1) This part applies if—
  - (a) an employee is engaged in a regulated activity under the Working with Vulnerable People Act; and
  - (b) the employee is required to be registered to engage in the activity under the [Working with Vulnerable People Act](#), section 12.
- (2) If the [Working with Vulnerable People Act](#), section 12 (2) (c) applies to an employee, this part applies to the employee as if the employee had been registered under the Working with Vulnerable People Act.

*Note* The [Working with Vulnerable People Act](#), s 12 (2) (c) applies to people who are registered under a corresponding law in relation to an activity and who are engaged in the activity for not more than 28 days in any 12-month period.

### 287C Redeployment—suspension of registration under Working with Vulnerable People Act

- (1) This section applies if an employee's registration is suspended under the [Working with Vulnerable People Act](#), section 57 (Grounds for suspension or cancellation of registration) or section 59 (Suspension or cancellation of registration).

- (2) The head of service must take reasonable steps to—
  - (a) give the employee duties that do not require registration under the Working with Vulnerable People Act; or
  - (b) if the employee cannot be given duties that do not require registration under the Working with Vulnerable People Act—find a vacant position in an administrative unit that the employee is capable of performing and qualified to fill.
- (3) If the head of service finds a position under subsection (2) (b) the head of service must—
  - (a) offer the position to the employee; and
  - (b) if the employee consents to be redeployed—redeploy the employee to the position.

**287D Suspension of employment—suspension of registration under Working with Vulnerable People Act**

- (1) This section applies if an employee's registration is suspended under the [Working with Vulnerable People Act](#), section 57 (Grounds for suspension or cancellation of registration) or section 59 (Suspension or cancellation of registration).
- (2) The head of service may suspend the employee from work with pay until the earlier of the following:
  - (a) the day the employee is given alternative duties under section 287C (2) (a) or is redeployed under section 287C (3);
  - (b) the day the employee's suspension under the Working with Vulnerable People Act ends and the employee becomes—
    - (i) unconditionally registered under the Working with Vulnerable People Act; or

- (ii) registered under the Working with Vulnerable People Act subject to a condition that does not stop the employee exercising the functions of the employee's position;
- (c) if the employee's registration is cancelled under the [Working with Vulnerable People Act](#), section 57 (Grounds for suspension or cancellation of registration) or section 59 (Suspension or cancellation of registration)—the later of the following:
  - (i) the day ending 6 weeks after the day the suspension under this subsection started;
  - (ii) the day the employee's registration is cancelled.

**287E Redeployment—failure to hold etc registration under Working with Vulnerable People Act**

- (1) This section applies if—
  - (a) an employee is refused registration under the [Working with Vulnerable People Act](#), section 40 (Negative notices); or
  - (b) an employee is unable to exercise the functions of the employee's position because of a condition imposed on the employee's registration under the [Working with Vulnerable People Act](#), section 42 (Conditional registration); or
  - (c) an employee's registration is cancelled under the [Working with Vulnerable People Act](#), section 57 (Grounds for suspension or cancellation of registration) or section 59 (Suspension or cancellation of registration); or
  - (d) an employee surrenders the employee's registration under the [Working with Vulnerable People Act](#), section 60 (Surrendering registration).

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- (2) The Act, section 143 (3) to (8) apply as if an employee under this part were an officer under the Act, part 6.

*Note* The Act, s 143 (3) to (8) requires the head of service and the commissioner to take reasonable steps to identify a vacant position in an administrative unit that the employee is capable of performing and qualified to fill and, if the employee accepts the offer of the position, redeploy the employee.

**287F Suspension of employment—failure to hold etc registration under Working with Vulnerable People Act**

- (1) This section applies if section 287E (1) applies to an employee.
- (2) The head of service may suspend the employee from work with pay until the earlier of the following:
- (a) the day the employee is redeployed in accordance with the Act, section 143 (3) to (8);
  - (b) the day the employee becomes—
    - (i) unconditionally registered under the Working with Vulnerable People Act; or
    - (ii) registered under the Working with Vulnerable People Act subject to a condition that does not stop the employee exercising the functions of the employee’s position;
  - (c) the day ending 6 weeks after the day the suspension under this subsection started.

**287G Retirement for failure to hold etc registration under Working with Vulnerable People Act**

- (1) This section applies if—
- (a) both of the following apply:
    - (i) an employee is suspended from work with pay under section 287D for 6 weeks or more;

- (ii) the employee's registration under the Working with Vulnerable People Act is cancelled; or
  - (b) the employee is suspended from work with pay under section 287F (2) for 6 weeks or more.
- (2) The Act, section 143 (9) applies as if—
- (a) an employee under this part were an officer under the Act, part 6; and
  - (b) a referral had been given to the head of service.

*Note 1* The Act, s 143 (9) allows the head of service to give the employee written notice of the head of service's intention to reduce the employee's classification or retire the officer from the service.

*Note 2* A decision to give a notice under the Act, s 143 (9) is an appellable decision.

<b>Chapter 5</b>	Redeployment, retirement and cessation of employment
<b>Part 5.1</b>	Redeployment
<b>Division 5.1.1</b>	Officer unable to perform duties of classification—physical or mental incapacity

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## **Chapter 5                      Redeployment, retirement and cessation of employment**

### **Part 5.1                      Redeployment**

*Note*        Terms used in this part have the same meaning as in the Act, s 139, see [Legislation Act](#), s 148.

#### **Division 5.1.1              Officer unable to perform duties of classification—physical or mental incapacity**

##### **288                      Interpretation—div 5.1.1**

In this division:

*approved medical practitioner* means a legally registered medical practitioner or registered medical specialist (other than a treating doctor) selected by the head of service for the purpose of providing advice on an officer's medical condition.

*approved rehabilitation provider* means a provider of rehabilitation services who is registered by COMCARE as an approved provider under the [Safety, Rehabilitation and Compensation Act 1988](#) (Cwlth).

*case manager* means an officer nominated by the head of service to be responsible for monitoring a compensation case if an officer is or is likely to be, absent from work due to injury or illness for an extended period of time, or requires rehabilitation or support to return to work.

*case summary (non-compensation cases)* means a record detailing an officer's medical condition and action taken by management to return, retrain and/or rehabilitate the officer to achieve a return to work for officers with a non-compensable injury or illness.

*COMCARE* means the organisation established under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), section 68. A reference to COMCARE includes a reference to an officer or employee authorised by COMCARE for the purposes of the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

*compensation case* means a case where the injury or illness is the subject of a compensation claim for which liability has been accepted under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth).

*Comsuper* means the Commonwealth Superannuation Administration.

*health assessment* means independent advice of an officer's fitness for continued duty, taking account of all previous medical, and other advice relating to the officer's condition.

*independent advice* means advice relating to an officer's medical condition obtained from a medical officer or an approved medical practitioner who is not providing treatment to the officer.

*medical officer* means a legally registered medical practitioner engaged to conduct medical examinations on behalf of the ACTPS, including examinations in connection with fitness for continued duty.

*registered medical practitioner* means a person registered, or licensed as a medical practitioner under a law of a state or territory that provides for the registration or licensing of medical practitioners.

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***registered medical specialist*** means a registered medical practitioner who is approved by Health Services Australia, on behalf of the ACTPS, to provide independent specialist medical advice on an officer's medical condition.

***rehabilitation assessment*** means an assessment of an officer's capability to undertake a rehabilitation program.

***Return to Work Program (compensation cases)*** means an agreed plan of action established under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), section 40 detailing all the processes involved in returning an officer with a compensable condition to work.

***SRC Act (Commonwealth)*** means the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), formerly the *Commonwealth Employees' Rehabilitation and Compensation Act 1988* (Cwlth).

***the Board*** means the Commonwealth Superannuation Board of Trustees No 1, established under the *Superannuation Act 1990* (Cwlth) or the Commonwealth Superannuation Board of Trustees No 2 established under the *Superannuation Act 1976* (Cwlth).

***totally and permanently incapacitated*** in relation to an officer, means that the officer is unlikely ever to be able to work again in a job for which the officer is reasonably qualified by education, training or experience or for which the officer could reasonably be qualified after retraining.

***treating doctor*** means a legally registered medical practitioner chosen by an officer for the purposes of treatment of a medical condition of the officer.



**289 Case summary—non-compensation cases**

The head of service must prepare, or arrange for a supervisor to prepare, a case summary in the case of an officer not claiming compensation or if liability for a claim has not been accepted, if—

- (a) the officer has been absent from duty for a period of four weeks and is likely to be absent for more than 13 weeks; or
- (b) the officer has been absent from duty for a period of 13 weeks; or
- (c) it appears that the officer will be absent indefinitely and it is unclear whether they will be able to return to their former office.

**290 Health assessment—non-compensation cases**

- (1) A health assessment will be paid for by the administrative unit in which an officer is working at the time the injury is sustained or the illness is diagnosed.
- (2) The grant of further personal leave will be subject to the outcome of this medical examination.
- (3) A health assessment must be conducted by—
  - (a) an approved medical practitioner; or
  - (b) a medical officer; or
  - (c) a registered medical specialist; and
  - (d) not by the treating doctor.
- (4) A reasonable time before an officer is to be examined as part of a health assessment, the head of service must advise the officer, in writing of—
  - (a) the time and place of the examination; and

<b>Chapter 5</b>	Redeployment, retirement and cessation of employment
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- (b) the purpose of the examination; and
  - (c) the relevant provisions of the *Health Records (Privacy and Access) Act 1997* 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
  - (d) the officer's right to submit supporting material for consideration by the person conducting the health assessment.
- (5) On receipt of a health assessment, the head of service must provide a copy of the assessment report to the officer as soon as possible, subject to the rules on handling sensitive medical information.

**291 Implementation of health assessment report—non-compensation cases**

If, as a result of a health assessment report, the head of service considers an officer is fit for their normal duties, they must—

- (a) notify the officer in writing of the decision; and
- (b) advise the officer they have 14 days to dispute the decision; and
- (c) advise the officer that if they do not wish to dispute the decision, they must return to duty no later than 14 days after the date of the head of service's written notification.

**292 Disputing the fitness for duty decision—non-compensation cases**

- (1) An officer may dispute the decision by the head of service that they are fit for duty on the basis of new or more detailed medical evidence that they are not fit for duty.

- (2) The officer must provide any new or more detailed medical evidence within 14 days after the date of the head of service's written notification.
- (3) If at any stage it appears the officer is unable or unwilling to produce the required new evidence, the head of service must direct the officer to return to duty immediately.
- (4) If the head of service 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.

### **293 Medical review panels—non-compensation cases**

- (1) If there is disputed medical evidence, the head of service may arrange an independent medical panel to review the officer's condition and make recommendations as to the officer's fitness for duty.
- (2) A panel's report to the head of service must be taken as the definitive opinion on the medical condition of the officer.
- (3) The composition of the independent medical panel must be—
  - (a) a medical officer as the chairperson; and
  - (b) an appropriate medical specialist; and
  - (c) a registered medical practitioner or specialist nominated by the officer whose case is being considered.
- (4) With the exception of the officer's nominee, no member of the panel should have had any previous involvement in the case.
- (5) The head of service must advise the officer, in writing, of the establishment and composition of the panel.
- (6) The head of service must also advise the officer that they have the opportunity to present written evidence to the medical review panel.

- (7) A review panel must submit a written report to the head of service, signed by all members of the panel.
- (8) A member of the panel may also submit a separate report.
- (9) If the members of the panel disagree, the majority view is taken to be the view of the panel regarding the case.
- (10) The head of service must advise the officer of their decision in light of the review panel's findings and recommendations.
- (11) If the head of service decides that an officer is fit to resume duty on the basis of a recommendation from the medical review panel, they must—
  - (a) direct the officer to return to work; and
  - (b) refer any further medical certificates in relation to the injury or illness to a senior medical officer for advice on their acceptability.
- (12) If an officer does not comply with a direction to return to work, the head of service must immediately commence forfeiture of office procedures against the officer.
- (13) If the head of service decides that the officer is not fit to resume duty on the basis of a recommendation from the medical review panel, they should proceed with action detailed in part 5.2.
- (14) An officer must cooperate with all actions taken by the head of service to place them in a suitable office.

## **Division 5.1.2 Officer not qualified to perform duties**

### **294 Notifying loss of qualification**

An officer must notify the head of service if they lose an essential qualification.

**295**      **Voluntary redeployment**

- (1) An officer may consent in writing to being redeployed before the head of service takes formal steps under the Act, section 143.
- (2) The head of service must provide a statement of reasons and explain that if an officer consents to redeployment, they will not be able to appeal against the redeployment.

## Part 5.2 Retirement of officer from Service

*Note* Terms used in this part have the same meaning as in the Act, s 139, see [Legislation Act](#), s 148.

### 296 Application—pt 5.2

- (1) This section applies to an officer if the head of service for the office is satisfied on reasonable grounds that the officer—
  - (a) is unable to perform duties appropriate to the officer's classification, because of physical or mental incapacity; or
  - (b) is not qualified to perform the officer's duties; or
  - (c) is an excess officer.

### 297 Voluntary retirement

- (1) An officer may consent in writing to being retired before the head of service takes formal steps under the Act, section 143.
- (2) The head of service must provide a statement of reasons and explain that if an officer consents to retirement, they will not be able to appeal against the retirement.

### 298 Notice of retirement

A notice of retirement of an officer must—

- (a) provide a statement of the reasons for the notice; and
- (b) indicate the officer's right of appeal, unless the officer has given prior written consent to the retirement.

## Part 5.3 Underperformance

*Note 1* Terms used in this part have the same meaning as in the Act, s 139, see [Legislation Act](#), s 148.

*Note 2* The procedures that apply to underperformance by an officer are—

- (a) if an industrial instrument applies to the officer and includes procedures for underperformance—the underperformance procedures in the industrial instrument; or
- (b) in any other case, the prescribed procedures.

### 299 Voluntary retirement

- (1) An officer may consent in writing to being retired before the head of service takes formal steps under underperformance procedures.
- (2) The head of service must provide a statement of reasons and explain that if an officer consents to retirement, they will not be able to appeal against the retirement.

### 300 Notice of retirement

A notice of retirement of an officer must—

- (a) provide a statement of the reasons for the notice; and
- (b) indicate the officer's right of appeal, unless the officer has given prior written consent to the retirement.

## **Part 5.4**                      **Termination of probationary appointment**

### **301**            **Application—pt 5.4**

This part applies to an officer appointed on probation if their appointment is not yet confirmed.

### **302**            **Termination of probationary appointment**

- (1) The head of service must give an officer on probation the opportunity to state their case before making a termination decision.
- (2) If the head of service decides to terminate an appointment, they must—
  - (a) notify the officer of the decision, the reason for it and the date of effect of the decision;
  - (b) issue and sign a formal instrument of termination that states the name and classification of the officer, the date of termination and the office details.
- (3) Decisions made under this section are non-appealable.



## Part 5.5                      Payment in lieu of entitlements on cessation of employment or death

### 303                      Interpretation—pt 5.5

In this part:

*dependant* includes—

- (a) a surviving domestic partner; and
- (b) a former domestic partner; and
- (c) a child under 18 of the deceased officer; and
- (d) any person who is financially dependent on the deceased officer at the time of the officer's death, or at the time of the payment of the death benefit; and
- (e) any person with whom the deceased has an interdependency relationship.

*officer* includes an employee or a full-time statutory office-holder.

*relevant day* means the day immediately before the day an officer ceased to be an officer.

### 304                      Payment in lieu of annual leave—cessation of employment

- (1) An officer who is eligible to be granted annual leave who ceases employment for a reason other than death will be paid as if they had taken their full annual leave credit at full pay on the relevant day.
- (2) If an officer resigns in order to accept a job with an organisation which will accept their annual leave credits, they are not entitled to a payment in lieu of annual leave.

**305 Payment in lieu of annual leave loading—cessation of employment**

- (1) An officer who is eligible to be granted annual leave who ceases employment for a reason other than death will be paid any accrued annual leave loading on a pro rata basis on the relevant day.
- (2) Payment in lieu of annual leave loading will be paid at the rate the officer was paid on—
  - (a) 1 January of the year the annual leave loading accrued; or
  - (b) if the officer was not employed on 1 January of the year the annual leave loading accrued, at the rate the officer was paid on the day their employment commenced.

**306 Payment in lieu of annual leave—death**

- (1) This section applies in relation to an officer who has died, or who is considered by the head of service to have died.
- (2) The head of service may authorise payment of the amount that would have been authorised to be paid in accordance with this section if an officer had ceased to be an officer other than by death to—
  - (a) a dependant of the officer; or
  - (b) two or more dependants of the officer; and
  - (c) if a dependant of the officer is under a legal disability—
    - (i) a trustee for the benefit of the dependant; or
    - (ii) the legal personal representative of the officer.
- (3) If the officer has two or more dependants the head of service must consider the respective losses suffered by those dependants as a result of the loss of earnings.

- (4) The amount payable under this section in relation to the officer's death must not be paid if the officer had no next of kin.

**307 Payment in lieu of long service leave—cessation of employment**

- (1) In this section:

*category B officer* means an officer whose eligible service has been both full-time and part-time service.

*relevant day* means—

- (a) for an officer who has been granted long service leave, the day immediately before the day that leave commences; and
- (b) for an officer who receives a payment in lieu of long service leave, the day immediately before the day they cease to be an officer.
- (2) An officer who is eligible to be granted long service leave, who ceases to be an officer for a reason other than death will be paid at their full rate of pay as if they had taken their entire long service leave credit on the relevant day.
- (3) An officer with between one and seven years of service for the purpose of accruing their long service leave entitlement—
- (a) who will cease to be an officer—
- (i) on or after attaining the minimum retirement age; or
- (ii) on his or her redundancy; or
- (iii) due to ill health which the head of service is satisfied is the reason for ceasing employment

- (b) may elect to—
- (i) be paid an amount equal to the salary they would have received had they taken long service leave on the relevant day; or
  - (ii) be granted long service leave up to their available credits so that the long service leave ends immediately before they cease to be an officer.

*Note* A category B officer may choose the order in which they are granted their full-time and part-time credits.

- (4) If an officer who is eligible to receive payment or pro rata payment in lieu of long service leave requests in writing not to receive the payment, or to receive a lesser amount, that request must be approved.
- (5) An officer is not eligible to receive payment or pro rata payment in lieu of long service leave if their employment with the ACTPS ceases because they resign for the purpose of being appointed to the APS under mobility provisions.
- (6) A payment or pro rata payment in lieu of long service leave is paid—
  - (a) if the officer was employed in the same capacities on the relevant day and the day immediately before the relevant day—at the officer’s full rate of pay on the relevant day; or
  - (b) if the officer is employed in different capacities on the relevant day and on the day immediately before the relevant day—at the officer’s full rate of pay on the day immediately before the relevant day.

- (7) Payment in lieu of long service leave that must include an amount in respect of a higher duties allowance, if—
- (a) the officer has performed the duties of an office with a higher classification than their substantive office for a continuous period of 12 months or ending on the relevant day; or
  - (b) immediately before the person ceased to be an officer, the officer had performed the duties of two or more offices with a higher classification than their substantive office for periods that were continuous with one another aggregating 12 months or more.
- (8) Payment in lieu of long service leave which includes an amount in respect of higher duties allowance is paid at the lowest rate at which higher duties allowance was paid to the officer during that period of higher duties.

### **308 Payment in lieu of long service leave—death**

- (1) In this section:
- dependant* includes—
- (a) a surviving domestic partner; and
  - (b) a former domestic partner; and
  - (c) a child under 18 of the deceased officer; and
  - (d) any person who is financially dependent on the deceased officer at the time of the officer's death, or at the time of the payment of the death benefit; and
  - (e) any person with whom the deceased has an interdependency relationship.

*minor* means a person under 18 years old.

*relevant day* means—

- (a) in relation to an officer who has been granted long service leave, the day immediately before the day that leave commences; and
  - (b) in relation to an officer who receives a payment in lieu of long service leave, the day immediately before the day they cease to be an officer.
- (2) After consideration of all the circumstances, the head of service may direct that the death of an officer is to be presumed to have occurred on a specified date (*presumed death*).
  - (3) If an officer who is eligible to be granted long service leave or to receive a payment or pro rata payment in lieu of long service leave dies, an amount equal to the salary they would have received had they taken or received a pro rata payment in lieu of long service leave immediately before they died will be paid to their dependant, or divided between two or more dependants.
  - (4) If there are two or more dependants of a deceased officer, the head of service will have regard to the respective losses suffered by those dependants as a result of the loss of earnings of the officer.
  - (5) If a person dependent upon a deceased officer is a minor, or person under a legal disability, the money must be held in the Public Trustee's Common Fund where it will be invested, in accordance with the "Prudent Person Investment Principle" in the *Trustee Act 1925*, on behalf of the dependant and the amount is to be taken to have been paid to the person.
  - (6) If money is to be paid and the dependants are incapable of managing their own affairs, the head of service should authorise payment either to a public trustee or other official with authority to receive payment, or appoint either one or preferably two trustees to whom the payment will be made.

- (7) If an officer dies and payment has not been made to a dependant of the officer the head of service must authorise payment of an amount payable to the dependants to the legal personal representative of the officer within 12 months of the death or presumed death of the officer.
- (8) If an officer with no dependants and no legal personal representative dies intestate the amount is payable to the Territory.
- (9) Payment in lieu of long service leave that must include an amount in respect of higher duties allowance, if—
  - (a) the officer has performed the duties of an office with a higher classification than their substantive office for a continuous period of 12 months or ending on the relevant day; or
  - (b) immediately before the person ceased to be an officer, the officer had performed the duties of two or more offices with a higher classification than their substantive office for periods that were continuous with one another aggregating 12 months or more.
- (10) Payment in lieu of long service leave which includes an amount in respect of higher duties allowance is paid at the lowest rate at which higher duties allowance was paid to the officer during the period of higher duties.

**309 Payment in lieu of long service leave—members of the teaching service**

(1) In this section:

*prescribed teacher A* means a member of the service who became a member after 13 September 1973 and before 1 January 1974 and was, immediately before becoming such a member—

- (a) employed in the teaching service of New South Wales and engaged in teaching duties in a Territory school in the ACT; or
- (b) employed in the teaching service of South Australia and engaged in teaching duties in a Territory school in the Northern Territory.

*prescribed teacher B* means a member of the service who became a member after 31 December 1976 and before 1 April 1977 and was, immediately before becoming such a member, employed in the teaching service of New South Wales and engaged in full-time teaching duties in the ACT in relation to the provision of technical and further education, provided by way of a course of instruction or training—

- (a) that is, or that is preparatory to, a course of a kind relevant to a trade, technical or other skilled occupation; or
- (b) that otherwise meets the educational needs of people who are not enrolled in a full-time course of education at a primary school, a secondary school or a secondary college.

*relevant date* means in relation to a prescribed teacher A 1 January 1974 and in relation to the definition of prescribed teacher B 1 April 1977.

*relevant State* means the State in the teaching service of which a prescribed teacher was employed immediately before becoming a member of the service.



*service* means the Australian Capital Territory Teaching Service established by the *Teaching Service Act 1972*.

- (2) If the payment in lieu of long service leave on cessation of employment that a prescribed teacher would ordinarily be entitled to under section 307 is less than the long service leave entitlement the teacher would be entitled to if the scale of accrual of long service leave that applied to the teacher under the law of the relevant State on the relevant date if the teacher had continued to be employed in the teaching service of the relevant State the long service leave entitlement to which he or she is entitled will be determined in accordance with the former scale of accrual.
- (3) If a prescribed teacher ceases their employment with the ACTPS because they resign for the purpose of being appointed to the APS under mobility provisions, they are eligible to be paid the difference between the payment under section 307 and the entitlement they would be entitled to in accordance with the former scale of accrual less the long service leave entitlement to which he or she would be entitled in accordance with this part for the equivalent period of service.

## Chapter 7 Administration and training

### Part 7.1 Travel—domestic and international

#### 519 Application—pt 7.1

- (1) This part applies to officers and employees who travel for official purposes.
- (2) Officers and employees who travel for official purposes must follow Agency Travel Guidelines made under this part.

*Note* This part and Agency Travel Guidelines made under this part may be subject to industrial instruments.

#### 520 Interpretation—pt 7.1

In this part:

*domestic travel* is defined as official travel to any destination within Australia.

*international travel* is defined as official travel to any destination outside Australia.

*lowest Logical Fare* is defined as the most economical available air fare that suits the requirements of a traveller in enabling business objectives to be met, and ensures effective use of the traveller's time.

*reasonable costs* are defined as legitimate work related expenses that are incurred to conduct official business efficiently and effectively.

*traveller* means an officer or employee who is travelling away from their normal place of work for official purposes.

**521 Agency travel guidelines**

It is the responsibility of the director-general of each agency to develop, implement and communicate current Travel Guidelines consistent with this part.

**522 Authority to travel**

- (1) All official ACT Public Service travel is to be authorised prior to travel.
- (2) Travel must not be authorised by the traveller under any circumstances.
- (3) All domestic travel is to be authorised according to arrangements determined by agency directors-general, that must be specified in agency Travel Guidelines.
- (4) All official international travel must be authorised by the relevant Minister or delegate.
- (5) This includes all official travel paid for privately or by the ACT Public Service.

**523 Travel arrangements**

- (1) The ACT Public Service will select, through a competitive process, a travel manager as a preferred provider of travel and related services.
- (2) The travel manager must be used at all times to provide domestic and international air travel, accommodation, rental cars and all other travel related services.
- (3) Details of the travel manager must be maintained in agency Travel Guidelines.

**524 Air travel class and booking**

- (1) The travel manager has been instructed to book all travel at the lowest logical fare.
- (2) All travel must be undertaken within the class specified in table 524 and every effort should be made to utilise any advance purchase ticket options available.

**Table 524**

<b>column 1</b>	<b>column 2 domestic</b>	<b>column 3 international</b>
head of service, directors-general and executives	<ul style="list-style-type: none"> <li>• lowest logical fare, economy class for all trips or parts of trips under 4 hours in the air</li> <li>• lowest logical fare, business class for all trips or parts of trips exceeding 4 hours in the air</li> </ul>	lowest logical fare, business class
non-executives	lowest logical fare, economy class for all travel	lowest logical fare, economy class

- (3) Booking procedures must be stated in agency Travel Guidelines.
- (4) The traveller must promptly advise the travel manager of cancelled or changed travel arrangements and arrange for a refund on unused tickets or portions of tickets.
- (5) This includes all paper and electronic tickets.
- (6) Lost or stolen tickets must be reported promptly to obtain the maximum refund.

- (7) Unused official tickets must not be used for unofficial purposes.

**525 Accommodation rating and booking**

- (1) All accommodation bookings should be in accordance with the approved maximum accommodation standards in table 525.

**Table 525**

column 1	column 2 domestic	column 3 international
head of service and directors-general	4.5 star	4.5 star
executives	4 star	4 star
non-executives	3 star	3.5 star

- (2) Any deviation must be justified as being a reasonable cost.

**526 Payment arrangements for travel related expenses**

- (1) The preferred arrangement for payment of travel expenses (including airfares, accommodation and car hire) is through the agreed charging arrangements with the ACT Public Service travel manager.
- (2) This arrangement must be stated in agency Travel Guidelines.
- (3) Other payment options available for expenses are—
- (a) reimbursement of reasonable travel expenses; and
  - (b) use of Cabcharge; and
  - (c) use of corporate credit card; and
  - (d) cash advances.

**527 Reimbursement of reasonable travel expenses**

- (1) The ACTPS will reimburse all reasonable and legitimate travel related expenses incurred in the course of travelling for official purposes.
- (2) This information must be incorporated into agency Travel Guidelines.

**528 Meals**

- (1) Travellers will be reimbursed for actual, reasonable and appropriate meal expenses.
- (2) Meal expenses must not be reimbursed for travel that is less than 10 hours or during single day travel, when meals would normally be provided by the traveller in the normal course of the working day.
- (3) Meal expenses must not be claimed when included in other travel expenses.

**529 Incidental expenses**

- (1) Reasonable incidental expenses, when directly related to official travel, are reimbursable by the ACTPS.
- (2) These include reasonable work related expenses not normally incurred in the normal course of the working day.
- (3) In instances when it is not practical or possible to use a corporate credit card, the traveller can claim a cash reimbursement provided legible receipts are provided.

**530 Corporate credit cards**

- (1) Corporate credit cards are a payment mechanism for official travel and related expenses for those travellers formally issued with a card.
- (2) Alternative reimbursement mechanisms will be available for those staff not approved to hold a corporate credit card.

- (3) Travellers issued with a corporate credit card should use the card to settle costs incurred when travelling for official purposes, if these costs are not able to be paid under the agreed charging arrangements with the ACT Public Service selected travel manager.
- (4) Corporate credit cards must not be used for the purchase of airline tickets except in exceptional circumstances, such as cancelled flights, lost tickets, etc.
- (5) Corporate cards must be used in accordance with cardholder agreements, the ACT Public Service's contractual obligations, agency Travel Guidelines and this part.
- (6) Corporate cards are intended for official use only and must not be used for personal expenses.

### **531 Cash access**

- (1) A cash access facility is available and should be authorised in accordance with arrangements determined by individual agencies which must be set out in agency Travel Guidelines.
- (2) In the event that a cash access facility is approved, the cardholder must submit a detailed substantiation of cash usage when requesting card reimbursement.

### **532 Reimbursement of cards**

- (1) Travellers must certify monthly corporate credit card expense statements, confirming that all costs were reasonable and incurred for official purposes.
- (2) All expenses charged to corporate credit cards must be supported by receipts or other acceptable documentation.
- (3) Managers must approve all expenditure as reasonable and for travel related purposes prior to payment of the account being authorised.

(4) This includes an audit of expense claims for accuracy, validity and compliance with this part.

(5) These procedures must be stated in agency Travel Guidelines.

**533 Misuse**

(1) Misuse of corporate credit cards including non-approved or unaccountable expenditure will be subject to recovery action and disciplinary action.

(2) Disciplinary provisions must be stated in agency Travel Guidelines.

**534 Cash advances**

(1) In certain circumstances an acquittable cash advance facility is available for domestic and international travel expenses.

(2) Authorisation procedures for this facility must be outlined in agency Travel Guidelines.

**535 Frequent Flyer Program**

(1) Frequent flyer points accrued as a result of travel and accommodation paid for by the ACT Public Service must be used for further official travel.

(2) The points should not be used to upgrade the class of air travel to a level exceeding that stated within this part.

(3) The head of service is accountable for ensuring that points earned by directors-general are used to the maximum benefit of the ACT Public Service.

(4) Directors-general are accountable for ensuring that points earned by executives and non-executives are used to the maximum benefit of the ACT Public Service.



**536 Official non-ACT Public Service travel**

- (1) Travel paid for by the ACT Public Service for non-ACT Public Service travellers may include official domestic partner travel, travel by interviewees and travel by consultants or contractors.
- (2) Travel must only be approved if it directly relates to the effective accomplishment of official business.
- (3) In these limited instances, prior written approval of the director-general or delegate must be obtained.

**537 Recreation leave while travelling**

- (1) Authorised travellers wishing to take recreation leave during, or at the conclusion of official travel should obtain the appropriate approval consistent with arrangements determined by agency directors-general.
- (2) Expenses incurred during leave are at the traveller's own cost.
- (3) If insurance has been obtained for official travel, it will not cover the traveller for the duration of the recreation leave.

**538 Travel insurance**

- (1) Travel insurance decisions should be based on risk management principles and include factors such as the nature and destination of the trip.
- (2) International travel will normally require travel insurance.
- (3) If necessary, the cost of travel insurance will be met as a reasonable work related expense by the ACT Public Service.
- (4) All legitimate and reasonable work related claims will be covered by the ACT Public Service.

**539 Traveller's health and safety**

- (1) Adequate resources and procedures must be established within agencies to ensure that appropriate precautions are taken to protect the health and safety of the traveller.
- (2) These procedures and strategies must be detailed in agency Travel Guidelines.

## **Part 7.2                      Non-executive vehicles**

### **539A      Application—pt 7.2**

This part applies to officers and employees.

### **539B      Interpretation—pt 7.2**

In this part:

*officer* includes an employee.

### **540      Authorised use**

- (1) An ACTPS vehicle must be made available for use by authorised personnel during normal working hours.
- (2) The use of a non-executive vehicle must be approved by the relevant director-general and include authority to drive and to carry passengers.
- (3) Approval to carry people other than officers may only be given if the use is related to the business operations of an agency or as a result of an emergency or special circumstance.
- (4) If a person other than an officer is transported in an ACTPS vehicle in an emergency or special circumstance the driver must advise their supervisor as soon as possible as to the circumstances.

### **541      Driver responsibilities**

- (1) A driver is responsible for the care of an ACTPS vehicle in their control in accordance with the guidelines set out in the whole of government policy for non-executive vehicle management and the general obligations of public employees as set out the Act, section 9.

- (2) A driver must hold a current, valid and appropriate licence, or if they are required to upgrade an existing driver's licence for employment purposes they must comply with the relevant conditions set out in the whole of government policy for non-executive vehicle management including obtaining the prior approval of their supervisor.
- (3) A driver of an ACTPS vehicle must not—
  - (a) smoke in an ACTPS vehicle; or
  - (b) consume alcohol in an ACTPS vehicle; or
  - (c) carry alcohol in or on an ACTPS vehicle unless special approval has been given by the relevant director-general.
- (4) 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.

**542 Home garaging**

- (1) Home garaging of non-executive vehicles, including home garaging outside of the ACT, is not permitted unless approved by the relevant director-general in accordance with the whole of government policy for non-executive vehicle management.
- (2) Approval for home garaging of a non-executive vehicle extends to travel to and from work for the purposes of home garaging, but does not extend to the private use of the vehicle.
- (3) A home garaged vehicle must be parked behind the property line and, if available, under cover.

**543 Private use**

Private use of a non-executive vehicle is not permitted unless approved by the relevant director-general.

**544 Recording and reporting**

An agency must keep appropriate records of ACTPS vehicles, including home garaging and private use, and comply with the reporting requirements set out in the whole of government policy for non-executive vehicle management.

**545 Range of available vehicles**

- (1) The relevant director-general will determine the range of vehicles available to agencies and the related replacement parameters.
- (2) In determining the range of available vehicles, including replacement vehicles, the relevant director-general should have regard to the specification requirements set out in the whole of government policy for non-executive vehicle management.
- (3) If the agency sells the vehicle early, the agency is liable for all financial penalties resulting from the sale.

**546 Additional vehicles**

All additional non-executive vehicles must be justified on the grounds of operational necessity or cost effectiveness and approved by the relevant director-general.

**547 Vehicle hire**

- (1) Vehicles must not be hired on a short term basis to cover a long term need.
- (2) Each vehicle hire must be individually justified to and approved by the relevant director-general.

**548 Private plated vehicles**

- (1) A private-plating of a non-executive vehicle is limited to special circumstances and subject to approval from the relevant director-general.

- (2) A request for approval must outline the purpose, requirements and justification for the request including details of compliance with government policy.

**549 Vehicle maintenance**

- (1) An ACTPS vehicle is to be maintained in a safe and roadworthy condition and serviced in accordance with the whole of government policy for non-executive vehicle management.
- (2) An agency must advise the Territory Fleet Provider of a defect requiring correction or arrange to have the defect corrected by an authorised repairer. A vehicle with a defect that renders it unsafe must not be driven.
- (3) An ACTPS vehicle must not be modified or have accessories added without the prior approval of the Territory Fleet Provider.
- (4) Prior approval by the relevant director-general is required before any logos are affixed to ACTPS vehicles.

**550 Purchase of fuel**

- (1) A fuel card is to be used only for the purchase of fuel and top up oil from approved outlets for the official use of specified ACTPS vehicles.
- (2) The use of a fuel card for any other vehicle or receptacle or for other than official purposes is not permitted.
- (3) An accurate odometer reading must be recorded each time an ACTPS vehicle is supplied with fuel.
- (4) A loss of fuel from an ACTPS vehicle is to be reported to agency management.
- (5) Damage to a fuel card must immediately be reported to the agency contact officer and to the Territory Fleet Provider.

## Part 7.4 Training and development

### 558 Performance Management Schemes

- (1) The head of service is responsible for—
  - (a) issuing principles and guidelines for ACT Public Service Performance Management Schemes; and
  - (b) ensuring appropriate monitoring and assistance to agencies in the implementation of Performance Management Schemes.
- (2) The relevant director-general is responsible for—
  - (a) implementing a Performance Management Scheme in the agency that is consistent with any principles and guidelines issued by the head of service; and
  - (b) ensuring that the Performance Management Scheme is regularly reviewed and evaluated.

### 559 Performance Management Plans

- (1) The relevant director-general is responsible for ensuring that—
  - (a) each staff member within the agency has a Performance Management Plan in place that is linked to the achievement of agency objectives, and is regularly reviewed and evaluated; and
  - (b) strategies are implemented, within available resources, to address the training, information and development needs as outlined in individual Performance Management Plans.
- (2) Individual staff members, in conjunction with managers, are responsible for—
  - (a) identifying current and future skills gaps; and
  - (b) identifying personal learning and development needs; and

- (c) initiating and participating in appropriate training, information and development activities as agreed in their Performance Management Plan.

**560 Studies assistance**

- (1) Studies assistance is one of a range of training and development options available to meet the key training priorities of agencies, and those identified in individual Performance Management Plans.
- (2) This part gives directors-general discretion over studies assistance arrangements and decisions within the agency, including the amount of any financial assistance, consistent with the following framework.
- (3) The relevant director-general shall establish and make available to staff, guidelines for studies assistance within the agency which incorporate the following areas:
  - (a) eligibility and approval process; and
  - (b) critical and relevant courses or study areas; and
  - (c) types and levels of assistance, including—
    - (i) approval as a student; and
    - (ii) paid study leave; and
    - (iii) financial assistance, if any;
  - (d) review and appeal procedures; and
  - (e) any provisions relating to consideration of special circumstances, such as—
    - (i) hardship; or
    - (ii) staff moving between agencies; or
    - (iii) those applying to particular employment, EEO or other groups.



- (4) The relevant director-general is responsible for ensuring that agency guidelines pay due consideration to—
- (a) the director-general, or their delegate, having discretion over the approval of studies assistance, including the type and level of assistance; and
  - (b) the maintenance of appropriate records relating to decision making processes, including written notification to studies assistance applicants; and
  - (c) access by studies assistance applicants to appropriate informal review processes, and if an applicant is still dissatisfied to available formal appeal and review procedures.
- (5) The relevant director-general shall ensure that decisions and procedures relating to applications for studies assistance reflect—
- (a) due consideration to the strategic needs of the agency, and the individual's needs for current and future skills development; and
  - (b) consideration of broader service-wide skills needs; and
  - (c) consistency and equity in the application of agency guidelines; and
  - (d) accountability in relation to processes and outcomes.

## **561 Reporting**

A director-general must report annually on training and development activities as set out in the *Chief Minister's Annual Reports Directions*.

## Chapter 8                      Miscellaneous

### Part 8.2                      Payments for work performed for the board of senior secondary studies

#### 575                      Application—pt 8.2

This part applies to officers or employees who perform work for the ACT Board of Senior Secondary Studies under the *Board of Senior Secondary Studies Act 1997*, section 5.

#### 576                      Interpretation—pt 8.2

In this part:

*course accreditation panel* means people appointed as members or chair of an advisory panel, under the *Board of Senior Secondary Studies Act 1997*, section 6 (a), for the purposes of reviewing and accrediting courses.

*moderation* means those processes designed to ensure comparability of grades and scores reported on the ACT Year 12 Certificate.

*moderation group leader* means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, direct and manage moderation day proceedings at a venue at which moderation day meetings are held.

*small group moderator* means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, monitor and report on teaching, curriculum and assessment practices in relation to subject moderation groups of 10 or fewer tertiary-eligible students.

*Note*                      From time to time the Board of Senior Secondary Studies may issue guidelines for the appointment of these positions.

*subject group leader* means a person appointed under the *Board of Senior Secondary Studies Act 1997*, section 6 (a) to oversee, direct and manage moderation for a specific subject group during scheduled moderation days.

### 577 Eligibility

- (1) The head of service may approve the payment of additional remuneration to an officer or employee who is appointed, under the *Board of Senior Secondary Studies Act 1997*, section 6 (a), to perform work for the Board of Senior Secondary Studies.
- (2) The officer or employee is eligible to receive, in addition to normal salary, a payment as set out in this part on completion of the specific work.

### 578 Payments

- (1) Payments count as salary for taxation purposes only.
- (2) The rates of payment are as set out in this part.
- (3) These rates will be subject to annual review with effect from 1 January 2002, and will be adjusted by the annual percentage increase in the Consumer Price Index (CPI) (All Groups—ACT) for the previous calendar year.
- (4) If there is no increase in the CPI the rate of payment will remain the same for that year.

**Table 578.1 Payments to Course Accreditation Panels**

column 1 number of courses accredited	column 2 payment to panel members	column 3 payment to chairs of course accreditation panels
1 – 4	\$225	\$350
5 – 9	\$275	\$400
10 or more	\$325	\$450

**Payments to Moderation Group Leaders and Subject Group Leaders**

- (5) A single payment of \$100 is payable to Moderation Group Leaders and Subject Group Leaders for each moderation day, or part thereof.

**Payments to Small Group Moderators**

- (6) Payments to Small Group Moderators will be made according to table 578.2 for each school they moderate.

**Table 578.2 Payments to Small Group Moderators**

<b>column 1</b> <b>number of</b> <b>students</b> <b>moderated</b>	<b>column 2</b> <b>payment to</b> <b>moderator</b>
1 – 4	\$120
5 – 9	\$230

## Part 8.3 Joint Council

### 579 Interpretation—pt 8.3

In this part:

*Joint Council* means the ACT Public Service consultative forum referred to in the *Public Sector Management Act 1994*, section 44.

*member* means people appointed to the Joint Council other than the Commissioner.

### 580 Function of the Joint Council

Subject to this part, the functions and operating arrangements of the Joint Council will be set in Terms of Reference approved by the Minister for Industrial Relations.

### 581 Chair and deputy chair

- (1) The Chair of the Joint Council is the Commissioner.
- (2) The Deputy Chair is a member of the Joint Council nominated by UnionsACT.

### 582 Members

- (1) The Commissioner and UnionsACT may nominate members for appointment to Joint Council.
- (2) The Joint Council must be comprised of an equal number of UnionsACT and Commissioner nominated members.
- (3) A person nominated for appointment to the Joint Council by UnionsACT must be a member of a relevant union that has members employed by the ACT Public Service.
- (4) Nominations must be in writing and forwarded to the Commissioner as soon as practicable after the nominee is selected.

**583 Deputy members**

- (1) If a member is unable to attend a meeting of the Joint Council a deputy may be nominated to attend the meeting in place of the member.
- (2) A deputy attending a Joint Council meeting may act in place of the relevant member.

**584 Termination of appointment**

- (1) The Commissioner on advice of the Joint Council may terminate the appointment of a member for misbehaviour or physical or mental incapacity.
- (2) The Commissioner, on advice of the Joint Council and in consultation with the Deputy Chair, may terminate the appointment of members to reduce the total membership of the Joint Council.
- (3) If a member nominated by the Commissioner ceases to be employed by the ACT Public Service the appointment shall lapse.
- (4) If a member nominated by the Commissioner remains employed by the ACT Public Service but is no longer employed in the position that he or she held at the time of appointment the appointment shall lapse unless the Commissioner, in consultation with the Deputy Chair, allows a membership to continue.
- (5) If a member nominated by UnionsACT ceases to be a member of UnionsACT the appointment shall lapse.
- (6) If a member nominated by UnionsACT remains a member of UnionsACT but is no longer affiliated in a capacity that would be representative of the relevant union the appointment shall lapse unless the Commissioner, in consultation with the Deputy Chair, allows a membership to continue.

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## Part 8.5 Rental for ACTPS housing

### 589 Application—pt 8.5

An officer or an employee of the ACTPS who lives in an ACTPS dwelling must pay rental contributions in accordance with this part, unless specifically excluded.

### 590 Interpretation—pt 8.5

In this part:

*ACTPS dwelling* means a house, townhouse, home unit or flat owned or occupied by the ACTPS.

*reasonable travelling distance* means a distance of up to 30 kilometres measured from the urban boundary.

### 591 Rental contribution

An officer who lives in an ACTPS dwelling must pay a rental contribution (towards his or her accommodation) from their salary.

### 592 Calculation of rental contribution

- (1) An officer must pay a rental contribution determined by their salary, as specified in table 594, column 1; and
  - (a) if the officer has no dependents—the amount of rental contribution is as listed in table 594, column 2; or
  - (b) if the officer is accompanied by dependents—the amount of rental contribution is as listed in table 594, column 3; or
  - (c) if the officer has dependents but is unaccompanied—the amount of rental contribution is the amount listed in table 594, column 2 ( $\frac{2}{3}$  of the amount listed in column 3).

- (2) An officer should pay no more than 10% of salary as rental contribution if their duty includes supervision or general control over personnel or property outside their ordinary hours of duty at, or around, the location of the ACTPS dwelling in which they reside.
- (3) If an officer shares the same ACTPS dwelling with one or more officers, the officer should pay the normal rent divided by the number of officers occupying the dwelling.

**593 Increase or decrease in contribution**

- (1) An officer who has been promoted must pay rental contributions at the higher rate of salary from the date of effect of the promotion, even if the officer was entitled to be paid at the higher rate of salary earlier than the date of effect of the promotion.
- (2) The head of service must determine the new amount of rental contribution of an officer who becomes entitled to be paid an annual salary at a higher rate, other than by promotion, as soon as practicable, but within 13 weeks of the date the officer becomes entitled to the higher salary.
- (3) The new amount of rental contribution is effective from the date the head of service determines the new amount payable.
- (4) The head of service may reduce an officer's contribution in whole, or part by certifying in writing that the location of an officer, or officers, in a particular location is critical to the operating efficiency of the agency.
- (5) The head of service should consider—
  - (a) the incidental obligations of the officer (eg after-hours caretaking or responsibility for staff or official property); or
  - (b) the remoteness of the locality from significant population centres; or



- (c) the extent to which subsidised housing is required to ensure adequate staff levels; or
- (d) the availability of private rental accommodation; or
- (e) the length of time for which an officer is transferred; or
- (f) the personal circumstances of the officer; or
- (g) the level of the costs arising from the officer's transfer; or
- (h) the circumstances in which a transfer has taken place; or
- (i) the condition of the ACTPS dwelling; or
- (j) any other relevant matter.

**594 Rental contributions for accommodation in ACTPS housing—rates payable by officers (excluding officers with, but unaccompanied by, dependents)**

**Table 594**

column 1 range of annual salary payable to the officer (\$)	column 2 rate per week of rental contribution for accommodation in ACTPS housing (\$)		column 3
	officer without dependants		officer accompanied by dependants
below 20 000	51.00		76.00
20 000 - 21 999	52.00		78.00
22 000 - 23 999	55.00		82.00
24 000 - 25 999	57.00		86.00
26 000 - 27 999	60.00		90.00
28 000 - 29 999	63.00		94.00
30 000 - 31 999	65.00		98.00

**Chapter 8**  
**Part 8.5**

Miscellaneous  
Rental for ACTPS housing

Section 594

column 1 range of annual salary payable to the officer (\$)	column 2 rate per week of rental contribution for accommodation in ACTPS housing (\$)		column 3
	officer without dependants	officer accompanied by dependants	
32 000 - 33 999	68.00		102.00
34 000 - 35 999	71.00		106.00
36 000 - 37 999	73.00		110.00
38 000 - 39 999	76.00		114.00
40 000 - 41 999	79.00		118.00
42 000 - 43 999	81.00		122.00
44 000 - 45 999	84.00		126.00
46 000 - 47 999	87.00		130.00
48 000 - 49 999	89.00		134.00
50 000 - 51 999	92.00		138.00
52 000 - 53 999	95.00		142.00
54 000 - 55 999	97.00		146.00
56 000 - 57 999	100.00		150.00
58 000 - 59 999	103.00		154.00
60 000 - 61 999	105.00		158.00
62 000 - 63 999	108.00		162.00
64 000 - 65 999	111.00		166.00
66 000 - 67 999	113.00		170.00
68 000 - 69 999	115.00		173.00

<b>column 1</b> <b>range of annual salary payable to the officer (\$)</b>	<b>column 2</b> <b>rate per week of rental contribution for accommodation in ACTPS housing (\$)</b>  officer without dependants	<b>column 3</b>  officer accompanied by dependants
70 000 and over	119.00	178.00

## Part 8.6 PSSAP eligibility

### 596 Interpretation—pt 8.6

In this part:

*declaration* means the *Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2006* (Cwlth).

*person employed in the service* means a person—

- (a) engaged under the Act, division 5.7; or
- (b) appointed to be an officer under the Act, division 5.3.

*PSSAP* or the *Public Sector Superannuation Accumulation Plan* means the superannuation scheme established under the *Superannuation Act 2005* (Cwlth).

### 597 Previous employment

- (1) A person employed in the service is eligible to be a member of the PSSAP if the employee—
  - (a) was employed under a temporary contract (the *previous contract*) which expired on the last business day before the commencement of the person's current period of employment; and
  - (b) was a member of the PSSAP on the day the previous contract expired.
- (2) This section applies on the day the declaration commences.

### 598 Regular employment

- (1) A person employed in the service is eligible to be a member of the PSSAP if the person—
  - (a) was a member of the PSSAP on the day before the declaration commences; and

(b) was employed on a regular and systematic basis for a sequence of periods before the declaration commences;

for as long as that person continues to be employed in the service on a regular or systematic basis or, if appointed as an officer under the Act, division 5.3, for as long as that appointment continues.

(2) In this section:

*regular and systematic basis* means the person—

(a) is employed in accordance with a regular work schedule or regular pattern of work; and

(b) has a reasonable expectation of continuing employment in the service.

(3) Section 598 (1) does not apply, or ceases to apply, if the person was employed by another employer between periods of employment in the service and that employment was not approved by the head of service.

## **599 Other circumstances**

The head of service may, having regard to the circumstances of a person's employment, deem that person to be a person to whom this part applies provided that person was a member of the PSSAP on the day before the declaration commences.

## Part 8.7                      Special arrangements for teachers

### 600                      Interpretation—pt 8.7

In this part:

*teacher* means a person who holds an office classified as a Teacher in this standard or other relevant industrial instrument.

*union agreed joint selection committee*—see section 43.

### 601                      Union agreed joint selection committee promotions—teachers

If the members of a union agreed joint selection committee cannot reach a unanimous recommendation—

- (a) the recommendation of the majority of the members of the joint selection committee becomes the recommendation of the joint selection committee; or
- (b) if neither a unanimous nor a majority decision can be reached, the recommendation of the chairperson becomes the recommendation of the joint selection committee.

### 602                      Appointment—teachers

- (1) The date of effect in section 51 (3) does not apply to a teacher appointed from a state teaching service or immediately after teacher training.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**603 Incremental advancement—casual teachers**

- (1) A teacher employed on a casual basis is entitled to incremental advancement on the completion of each 200 days of service.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**604 Higher duties—teachers in an isolated district**

- (1) A teacher is entitled to be paid higher duties allowance during a period of annual leave if the teacher—
  - (a) is eligible for higher duties allowance under the relevant industrial instrument; and
  - (b) is eligible for annual leave under the relevant industrial instrument; and
  - (c) is in an isolated district at the start of the period of annual leave; and
  - (d) has performed higher duties in that district for at least 12 months in the preceding two years; and
  - (e) is not returning to that district at the end of the leave.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**605 Sunday or public holiday duty—teachers**

- (1) A teacher is not eligible for payment for Sunday or public holiday duty.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**606 Direction to take annual leave—teachers**

- (1) The head of service may direct a teacher to take annual leave, at a time that is convenient to the agency, whether or not application for leave has been made.
- (2) Unless otherwise directed by the head of service a teacher, other than a teacher employed at the Canberra Institute of Technology, is considered to be on annual leave from the last day the teacher's school is open in a calendar year until—
  - (a) the day before the first day on which the school is open in the next calendar year; or
  - (b) the day the teacher's annual leave credit is exhausted on which day the teacher is considered to be on stand-down until the day before the first day on which the school is open in the next calendar year.

**607 Accrual of annual leave credit—teachers and school assistants**

- (1) A teacher or a school assistant in schools who commences duty on or before the first school day of a calendar year, and works without a break in service, during the year, is entitled to the equivalent of four weeks annual leave, expressed in hours, for each calendar year of service, for their ordinary hours of duty.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.



**608 Leave to accompany a domestic partner on a posting—  
teachers and school assistants**

- (1) A teacher or school assistant working in schools, returning to duty after accompanying a domestic partner on a posting must commence duties at the commencement of the next school year.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**609 Duties with an authority of the Commonwealth, a State,  
another Territory—teachers**

- (1) A teacher must consent before being directed to perform duties with an authority of the Commonwealth, a State, another Territory or a place overseas in accordance with an arrangement under the Act, section 121.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**610 Cancellation at the request of the promotee—teachers**

- (1) If a teacher applies to the head of service, under the Act, section 90, to cancel a promotion before its date of effect, the head of service must cancel that promotion.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

**611 Temporary transfer—appealable directions—teachers**

- (1) A temporary transfer to perform duties of a higher office in the teaching service is not appealable if a temporary vacancy occurred after the start of the school year.
- (2) This section does not apply to teachers employed at the Canberra Institute of Technology.

## **Part 8.8 Special arrangements— pathologists and people covered by ACT Public Sector Medical Practitioners Union Collective Agreement 2008-2011**

### **612 Allowance in lieu of right of private practice— pathologists**

- (1) This section applies to an officer who—
  - (a) is qualified to practice as a pathologist; and
  - (b) is employed as a Consultant, Senior Specialist in Charge, Senior Specialist or Specialist, in pathology.
- (2) Officers covered by this section are entitled to be paid in respect of the period of relevant service, the higher of the following allowances:
  - (a) an allowance equal to 35% of their annual gross salary;
  - (b) an allowance equivalent to the aggregate rate of bonus and expense allowance payable to salaried specialists drawing income from private practice (under a Right of Practice Scheme of the Health Directorate).

### **613 Allowance in lieu of right of private practice—specialists other than pathologists**

Officers are entitled to be paid an allowance, in respect of the period of relevant service, at a rate equal to 16% of the annual salary if the officer—

- (a) is a Senior Specialist or Specialist other than a pathologist; and

- (b) has elected to receive the allowance under this section in lieu of any remuneration from exercising a right of private practice under a Right of Private Practice Scheme of the Health Directorate.

**614 Calculation of salary for Sunday or public holiday duty—  
medical officers**

- (1) If an employee covered by the *Medical Officers' (Australian Capital Territory Public Sector) Award 2000* is rostered for duty on a public holiday which is not in excess of the set weekly hours as specified in that Award, the employee is paid at the rate of time and a half for the actual time worked on the public holiday.

**615 Additional annual leave for career medical officers,  
resident medical officers and registrars**

- (1) In addition to the annual leave a medical officer would ordinarily be entitled to, a medical officer who is rostered to work regularly on Sundays and Public Holidays, and who works for more than ten Sundays during a calendar year, accrues an additional seven consecutive days, expressed in hours, recreation leave for that year.
- (2) The seven consecutive days leave include non-working days.
- (3) A medical officer rostered to perform duty on less than ten Sundays during a year in which their annual leave accrues, accrue additional leave for that year at the rate of one tenth of a working week for each Sunday rostered.
- (4) Subject to this part, rostered Sunday overtime shift of less than three hours duration must not be taken into account for this section.
- (5) A rostered overtime shift which involves some hours to be worked on a Sunday and some on another day is to be treated as a Sunday overtime shift for this section.

- (6) The additional annual leave prescribed by this section is exclusive of Public Holidays.
- (7) The head of service may determine, if the amount of additional leave is less than one day, expressed in hours, that the amount be carried forward to the following year, if hospital working arrangements so require.

**616 Leave for specialists and senior specialists—conference leave**

- (1) The head of service may grant leave to a Specialist or Senior Specialist to attend a medical conference.
- (2) On commencement as a Specialist or Senior Specialist, and on completion of each year of service, an officer accrues a credit of one week of conference leave based on their ordinary hours of duty.
- (3) The maximum accruable credit of conference leave for Specialists and Senior Specialists is two weeks.
- (4) Conference leave cannot be granted in excess of available credits.
- (5) Conference leave must be granted with pay.
- (6) Conference leave counts as service for all purposes.
- (7) A Specialist or Senior Specialist is entitled to payment equal to the cost of return business class air travel to enable attendance at a medical conference provided—
  - (a) the air travel is by the most direct practicable route; and
  - (b) the cost does not exceed the maximum applicable between any two Australian capital cities.

**617 Leave for specialists and senior specialists—study leave**

- (1) The head of service may grant leave to a Specialist or Senior Specialist who has completed five years of service, for the purpose of undertaking medical study.
- (2) Subject to subsection (3), a period of three months study leave accrues for the first and each subsequent completed five years of service.
- (3) After the first credit has accrued, an officer may elect to accrue a credit of six weeks leave for each completed period of three years service.
- (4) The maximum study leave credit the officer may accrue is six months.
- (5) The period of study leave granted must not exceed the study leave credit of the officer.
- (6) Study leave is granted with pay.
- (7) A Specialist or Senior Specialist is entitled to payment equal to the cost of return business class air travel for study purposes provided—
  - (a) the air travel is by the most direct practicable route; and
  - (b) the cost does not exceed the maximum applicable between any two Australian capital cities.

## Chapter 9 Executives and statutory office-holders

### Part 9.1 Executive employee conditions of employment

#### 618 Application—pt 9.1 etc

Parts 9.1, 9.2, 9.3, 9.3A, 9.3B and 9.3C apply to an executive employee contract entered into on or after the commencement of this part.

#### 619 Executive employee—conditions of employment

- (1) Unless otherwise provided by the Act or these management standards, an executive employee's conditions of employment are made up of—
  - (a) the conditions stated in the employee's contract of employment with the Territory (the *contract conditions*); and
  - (b) the provisions in chapter 9 (excluding part 9.4); and
  - (c) any other condition imposed by law.
- (2) A contract condition that is inconsistent with a provision in chapter 9 (excluding part 9.4) is void to the extent of the inconsistency.

## **Part 9.2 Executive employee's functions**

### **620 Executive employee functions—generally**

An executive employee's functions are set out in—

- (a) the Act; and
- (b) the management standards; and
- (c) the employee's contract of employment with the Territory; and
- (d) other Territory and Commonwealth law.

### **621 Executive employee functions—financial management**

An executive employee must, for each financial year, ensure that expenditure for the directorate or business unit for which the employee is responsible is equal to or less than the budget (including any variation) approved by the relevant person for the employee for the directorate or business unit.

## Part 9.3 Executive employee remuneration

### 622 Executive employee salary

An executive employee must be paid a cash amount determined in accordance with the following:

- (a) the Act;
- (b) these management standards;
- (c) any determination made by the Chief Minister or the remuneration tribunal under the *Remuneration Tribunal Act 1995*;
- (d) any relevant industrial instrument.

### 623 Executive employee entitlements generally

An executive employee must be given all entitlements, benefits or allowances determined by, or provided for, under the following:

- (a) the Act;
- (b) these management standards;
- (c) any determination made by the Chief Minister or the remuneration tribunal under the *Remuneration Tribunal Act 1995*;
- (d) any relevant industrial instrument;
- (e) any relevant Territory and Commonwealth law.



## Part 9.3A Working out executive employee remuneration

### 624 Definitions—pt 9.3A

In this part:

*assessed work value*—see section 626 (2).

*base remuneration*—see section 628.

*independent job evaluation methodology*—see section 626 (1).

*remuneration*, in relation to an executive employee, means—

- (a) the employee's salary; and
- (b) the entitlements given to the employee under section 623.

*salary*, in relation to an executive employee, means the cash amount paid to the employee under section 622.

*total remuneration point*, for an executive employee office—see section 625.

### 625 Meaning of *total remuneration point*—pt 9.3A

In this part:

*total remuneration point*, in relation to an executive employee office that has an assessed work value in a range mentioned in table 625, column 2, means the figure mentioned in column 3 for that range of assessed work value.

**Table 625 Table of total remuneration points**

column 1 item	column 2 range of assessed work value	column 3 total remuneration point
1	680 – 735	1.1
2	736 – 791	1.2

column 1 item	column 2 range of assessed work value	column 3 total remuneration point
3	792 – 899	1.3
4	900 – 1000	2.4
5	1001 – 1200	2.5
6	1201 – 1299	2.6
7	1300 – 1488	3.7
8	1489 – 1679	3.8
9	1680 – 1870	3.9
10	1871 – 2061	3.10
11	2062 – 2249	3.11
12	2250 +	3.12

**626 Assessed work value for an executive employee office**

- (1) The head of service must approve a methodology (the *independent job evaluation methodology*) for working out the work value of an executive employee office.
- (2) For this part, an *assessed work value*, for an executive employee office, means the work value determined for the office by applying the independent job evaluation methodology.
- (3) An executive employee office must be given an assessed work value.

**627 Circumstances where assessed work value for an executive employee not required**

- (1) The head of service may decide that an assessed work value for an executive employee office does not apply to the office—
  - (a) if—

- (i) a person is to be employed under the [Act](#), section 76 (Executives—temporary contracts) to exercise the functions of the office; and
  - (ii) the head of service decides that it is in the interests of the service for an assessed work value not to apply to the office while the person is engaged to exercise the functions of the office; or
- (b) if—
- (i) a new administrative unit is established; and
  - (ii) a person is engaged under the [Act](#), section 30 (Directors-general—temporary contracts).
- (2) In the application of this section to an autonomous instrumentality, a reference to the head of service is a reference to the chief executive officer of the instrumentality.
- Note* **Autonomous instrumentality**—see the [Act](#), dictionary.
- (3) If the head of service decides that an assessed work value for an executive employee office does not apply to the office in relation to a person, the head of service must decide the total remuneration point for the person.
- (4) The Chief Minister may decide that an assessed work value for an executive employee office does not apply to the office if—
- (a) a person is to be employed under the [Act](#), section 23J (Head of service—temporary contract) to exercise the functions of the office; and
  - (b) the Chief Minister decides that it is in the interests of the service for an assessed work value not to apply to the office while the person is engaged to exercise the functions of the office.

- (5) If the Chief Minister decides that an assessed work value for an executive employee office does not apply to the office in relation to a person, the Chief Minister must decide the total remuneration point for the person.

**628 Executive employee—base remuneration**

For this part, *base remuneration* for an executive employee office means the remuneration determined by the remuneration tribunal for the total remuneration point for the executive employee office.

*Note* *Remuneration* means salary and entitlements (see s 624).

**629 Head of service may approve higher remuneration—new executive employees**

- (1) The head of service may on the head of service's own initiative, or on request by a director-general, approve remuneration for a new executive employee that is more than the base remuneration.

*Note* Power given by a law to make a decision includes power to reverse or change the decision (see [Legislation Act](#), s 180).

- (2) The head of service may only approve remuneration under subsection (1) if the head of service—
- (a) has consulted with the commissioner; and
  - (b) is satisfied of at least 1 of the following circumstances:
    - (i) the vacancy in the executive employee office was advertised at the base remuneration for the office and no suitable person successfully applied for the position;
    - (ii) having regard to advice from the entity responsible for preparing the independent job evaluation methodology, a higher remuneration is necessary to attract a suitable person to the position;

- (iii) for a new executive employee that was employed outside the service immediately before being offered employment in the executive employee office—the employee received higher remuneration for the employment outside the service than the base remuneration for the executive employee office.
- (c) is satisfied that the remuneration is fair having regard to the remuneration of other executive employees in the service.
- (3) For a new executive employee to whom subsection (2) (b) (iii) applies, the head of service must not approve remuneration that is more than 10% higher than the base remuneration.
- (4) For a proposed engagement of a new executive employee to an office that is, or will become, vacant—
  - (a) a request under subsection (1) may only be made before the executive employee is engaged; and
  - (b) the higher remuneration approved by the head of service may be advertised in relation to the vacancy.
- (5) A director-general may only delegate the power to make a request under subsection (1) to another director-general or an executive.
- (6) In this section:  
*new executive employee* means a person to be engaged in an executive employee office who has not previously been engaged under a contract for the same executive employee office.

### **630 Contract variation to increase total remuneration point**

- (1) For the [Act](#), section 23E (2) (b), section 28AB (2) (b) and section 72A (2) (b), a variation to an executive employee's contract may increase the employee's remuneration if—
  - (a) the employee's job responsibilities have been increased; and

- (b) a new work value assessment has been done and a higher total remuneration point applies to the office to which the employee is engaged; and
- (c) 1 of the following applies:
  - (i) if the total remuneration point that applies to the office before the new work assessment falls within zone 1—the higher total remuneration point falls within zone 1;
  - (ii) if the total remuneration point that applies to the office before the new work assessment falls within zone 2—the higher total remuneration point falls within zone 2;
  - (iii) if the total remuneration point that applies to the office before the new work assessment falls within zone 3 (the *original total remuneration point*)—the higher total remuneration point is no more than 2 remuneration points above the original total remuneration point.

(2) In this section:

*zone 1* means the ranges of assessed work values mentioned in table 625, items 1 to 3.

*zone 2* means the ranges of assessed work values mentioned in table 625, items 4 to 6.

*zone 3* means the ranges of assessed work values mentioned in table 625, items 7 to 12.

## **Part 9.3B                    Other executive employee    conditions of employment**

### **Division 9.3B.1        General matters**

#### **631            Exclusive employment**

- (1) An executive employee (other than the head of service) must comply with the [Act](#), section 244 (Second jobs) as if the employee were an officer.
- (2) The head of service must comply with the [Act](#), section 244 as if—
  - (a) the head of service were an officer; and
  - (b) a reference in the [Act](#), section 244 to the head of service were a reference to the Chief Minister.

#### **632            Warranty by executive employee**

An executive employee warrants that he or she—

- (a) is and will continue to be a fit and proper person; and
- (b) has disclosed to the relevant person for the executive employee any conviction or finding of guilt for an offence relating to the employee (other than an offence for which the conviction is spent).

#### **633            Disclosure of material interests**

- (1) This section applies to an executive employee engaged under a contract of employment for 3 months or longer.

- (2) An executive employee must give to the relevant person for the employee a written statement of material interests relevant to the employee's employment—
- (a) before entering into the employee's contract of employment; and
  - (b) at the end of every 12 month period after the employee's contract starts.
- (3) The statement must be in a form approved by the head of service.
- (4) An executive employee must tell the relevant person for the employee in writing if the employee has a material interest relevant to the employee's employment that has not been disclosed to the relevant person as soon as practicable after the relevant facts come to the employee's knowledge.
- (5) In this section:
- indirect interest***—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in a matter if any of the following has an interest in the matter:
- (a) an associate of the person;
  - (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
  - (c) a subsidiary of a corporation mentioned in paragraph (b);
  - (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;
  - (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
  - (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;



- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

**material interest**—an executive employee has a **material interest** relevant to the employee’s employment if the employee has—

- (a) a direct or indirect financial interest in a matter relevant to the employee’s employment; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the employee’s functions of the office to which the employee has been engaged.

#### **634 Confidentiality of information**

An executive employee must not, after stopping being an employee in the service, disclose any confidential information acquired by the employee as a consequence of the employee’s employment in the service without the written approval of the relevant person for the employee.

*Note* The [Act](#), s 9 (m) imposes an obligation of confidentiality on an executive employee while the employee is employed in the service.

#### **635 Equity and diversity—director-general responsibilities**

A director-general must take all reasonable steps to—

- (a) prepare an equity and diversity plan for the directorate for which the director-general is responsible—
- (i) for a new directorate—within 3 months after the unit is established; and
- (ii) for an existing directorate—before the end of the previous plan; and
- (b) ensure the plan is implemented by the directorate; and

- (c) monitor the implementation of the plan; and
- (d) report to the head of service on the directorate's implementation of the plan.

## **Division 9.3B.2 Performance**

### **636 Performance agreement**

- (1) An executive employee must give the relevant person for the employee a draft performance agreement within 3 months after the start of the employee's contract of employment.
- (2) The head of service must—
  - (a) approve the draft performance agreement; or
  - (b) after consulting with the executive employee, amend and approve the performance agreement.
- (3) A performance agreement must comply with any policy approved by the head of service.
- (4) The executive employee must comply with the terms of the employee's approved performance agreement.

### **636A Underperformance**

- (1) This section applies if the relevant person for an executive employee considers that the employee—
  - (a) has not met or is not meeting requirements or targets set out in the employee's approved performance agreement; or
  - (b) has not complied with section 621 (Executive employee functions—financial management); or
  - (c) is otherwise not working to a satisfactory level.

- (2) The relevant person for the executive employee may decide to manage the employee's performance but may only do so by following—
- (a) if the head of service has made a policy under section 636B—the policy; or
  - (b) principles of natural justice and procedural fairness.

**636B Performance policy**

- (1) The head of service may approve a policy setting out the procedures for dealing with underperformance by an executive employee.
- (2) The head of service must ensure the procedures are consistent with principles of natural justice and procedural fairness.

**Division 9.3B.3 Misconduct**

**636C Misconduct**

- (1) This section applies if the relevant person for an executive employee receives an allegation that the employee has engaged in misconduct.
- (2) The relevant person for the executive employee may, by written notice to the employee, do 1 or more of the following:
  - (a) suspend the employee from work without pay;
  - (b) suspend the employee from work with pay;
  - (c) transfer the employee to other duties.
- (3) If, after investigating the allegation, the relevant person for the executive employee is satisfied on reasonable grounds that the employee has engaged in misconduct the relevant person may do 1 or more of the following:
  - (a) counsel the employee;
  - (b) give the employee a warning;

- (c) transfer the employee to other duties;
- (d) deduct a monetary penalty from the employee's salary.

*Note 1* For the deduction of a monetary penalty from an executive employee—see the [Act](#), s 250A.

*Note 2* The relevant person for the executive employee may, on behalf of the Territory, terminate the employee's employment (see s 636F).

- (4) In taking action under subsection (2) and (3), the relevant person for the executive employee must follow—
  - (a) if the head of service has made a policy under section 636D—the policy; or
  - (b) principles of natural justice and procedural fairness.
- (5) For subsection (2) (a) and (b), notice of suspension must state—
  - (a) the day on which the suspension starts; and
  - (b) the reason for the suspension; and
  - (c) the day on which the suspension ends.
- (6) In this section:  
*misconduct* includes—
  - (a) conduct that harms, or is likely to harm, the reputation of the service or the Territory; and
  - (b) a breach of the [Act](#), section 9.

### **636D Misconduct policy**

- (1) The head of service may approve a policy setting out the procedures for dealing with misconduct by an executive employee.
- (2) The head of service must ensure the procedures are consistent with principles of natural justice and procedural fairness.

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## **Division 9.3B.4 Termination**

### **636E Termination by the executive employee**

An executive employee may terminate the employee's employment at any time, for any reason, on giving the relevant person for the employee—

- (a) at least 8 weeks written notice; or
- (b) some other period of notice agreed by the parties.

### **636F Termination by the Territory**

- (1) The relevant person for an executive employee may, on behalf of the Territory, terminate the employee's employment at any time, for a reason mentioned in subsection (2), on giving the employee—

- (a) at least 8 weeks written notice; or
- (b) some other period of notice agreed by the parties.

- (2) An executive employee's employment may be terminated if the relevant person for the employee is satisfied on reasonable grounds that—

- (a) the employee has engaged in misconduct; or

*Note* The employee's employment may be terminated without notice for serious misconduct (see s (3)).

- (b) the employee has failed to comply with the conditions of the employee's employment; or
- (c) changes to operational requirements result in substantial change to the nature of the work of the office for which the employee was engaged; or
- (d) the employee breaches the warranty mentioned in section 632; or

- (e) after the employee's underperformance has been managed in accordance with section 636B—the employee is continuing, or is likely to continue, to underperform.
- (3) The relevant person for an executive employee may, on behalf of the Territory, terminate the employee's employment at any time, without notice, if the relevant person is satisfied on reasonable grounds that the employee has engaged in serious misconduct.
- (4) A notice under subsection (1) must state the reason for terminating the executive employee's employment.

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## Part 9.3C Executive employee financial entitlements

### 636G Meaning of *continuous recognised service*—pt 9.3C

For this part, a period of *continuous recognised service* for an executive employee is a period worked out in the same way an officer's period of service is worked out for long service leave in section 64 (Recognition of prior service—long service leave).

### 636H Meaning of *transitional executive*—pt 9.3C

In this part:

*transitional executive* means a director-general or executive who—

- (a) was an ACT Senior Executive Service officer immediately before the commencement of the *Public Sector Management (Amendment) Act 1995* (repealed); and
- (b) has been continuously employed by the Territory from the commencement of the *Public Sector Management (Amendment) Act 1995* (repealed).

*Note* Continuous employment with the Territory may include an appointment to a full-time statutory office established under a territory law.

### 636I Head of service and director-general employment benefit

- (1) This section applies to a person engaged under the *Act*, section 23C (Head of service—engagement) or section 28 (Directors-general—engagement).
- (2) The Chief Minister may approve in writing the payment to a person of an amount (an *employment benefit*) if—

- (a) for an employment benefit equivalent to 20% or less of the person's salary—the Chief Minister is satisfied of the requirements of subsection (3); or
- (b) for an employment benefit equivalent to more than 20% of the person's salary—
  - (i) an assessed work value has been determined for the relevant office; and
  - (ii) the Chief Minister considers—
    - (A) the assessed work value for the relevant office; and
    - (B) the requirements under subsection (3); and
    - (C) market rate pressures; and
    - (D) the specialist skill and expert technical knowledge of the person; and
    - (E) any other relevant matter; and
  - (iii) the Chief Minister is satisfied that it is appropriate to approve the employment benefit under this section.
- (3) The Chief Minister may only approve an employment benefit to a person if satisfied that—
  - (a) the person is suitable for employment as the head of service or a director-general; and
  - (b) the benefit is necessary to secure, or retain, the person's employment as the head of service or a director-general.
- (4) If the Chief Minister approves the payment of an employment benefit to a person, the benefit—
  - (a) starts on the day and is for the amount stated in the approval; and



- (b) unless stated in the approval, applies for the term of the person's contract; and
  - (c) if the employment benefit is equivalent to 20% or less of the person's salary—may be increased by the Chief Minister at any time during the term of the person's contract; and
  - (d) may be reduced or ended by the Chief Minister if the person's salary is increased, but not so as to reduce the amount paid to the person to an amount less than the sum of—
    - (i) the salary paid to the person before its increase; and
    - (ii) the benefit.
- (5) To avoid doubt, the payment of an employment benefit is in addition to any remuneration determined by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.
- (6) An employment benefit must be paid by fortnightly payments.
- (7) An employment benefit is taken to be salary for all purposes including—
- (a) superannuation; and
  - (b) paid leave; and
  - (c) a payment instead of termination notice period under section 636J; and
  - (d) a special benefits payment under section 636K, section 636L or section 636M.
- (8) If a person takes leave on reduced pay the person's employment benefit must be reduced on an equivalent basis.
- (9) In this section:  
***assessed work value***—see section 626 (2).

**636J Payment instead of termination notice period**

- (1) If notice of termination is required under an executive employee's contract of employment, an amount equal to the employee's salary for that period of notice may, at the election of the employer or employee, be paid to the employee instead of giving notice.
- (2) A payment made instead of notice under this section is in addition to a payment made under section 636K, section 636L or section 636M.

**636K Special benefit payable on early termination of contract—generally**

- (1) This section applies if—
  - (a) an executive employee, other than a transitional executive, is engaged under a contract mentioned in any of the following provisions of the [Act](#):
    - (i) section 23F (Head of service—early termination of contract);
    - (ii) section 28A (Directors-general—early termination of contract);
    - (iii) section 73 (Early termination of contract); and
  - (b) the executive employee's contract is terminated by a person other than the employee.
- (2) If the reason the executive employee's contract is terminated is because of a change to operational requirements that results in a substantial change to the nature of the work required under the contract, the benefit payable in relation to the termination—
  - (a) is an amount equivalent to 2 weeks of the employee's salary for every completed year of continuous recognised service; and
  - (b) must not take into account any period of service for which the employee has received a special benefit or redundancy type

payment in relation to employment in the service or the public service of another jurisdiction; and

- (c) must not be more than an amount equivalent to 44 weeks of the employee's salary.
- (3) If the reason the executive employee's contract is terminated is because the employee failed to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent), the benefit payable in relation to the termination—
- (a) is an amount equivalent to 2 weeks of the employee's salary for every completed year of continuous recognised service; and
  - (b) must not take into account any period of service for which the employee has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
  - (c) must not be more than an amount equivalent to 1 month of the employee's salary.

**636L Special benefit payable on early termination of contract—transitional executives**

- (1) This section applies if—
- (a) a transitional executive is engaged under a contract mentioned in any of the following provisions of the [Act](#):
    - (i) section 23F (Head of service—early termination of contract);
    - (ii) section 28A (Directors-general—early termination of contract);
    - (iii) section 73 (Early termination of contract); and
  - (b) the transitional executive's contract is terminated by a person other than the transitional executive.

- (2) If the reason the transitional executive's contract is terminated is because of a change to operational requirements that results in a substantial change to the nature of the work required under the contract, the benefit payable in relation to the termination—
- (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
  - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
  - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.
- (3) If the reason the transitional executive's contract is terminated is because the transitional executive failed to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent), the benefit payable in relation to the termination—
- (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
  - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
  - (c) must not be more than an amount equivalent to 1 month of the transitional executive's salary.

**636M Special benefits payable on non-renewal of contract in certain circumstances—transitional executives**

- (1) This section applies if—
  - (a) a transitional executive is engaged under a contract mentioned in any of the following provisions of the [Act](#):
    - (i) section 23F (Head of service—early termination of contract);
    - (ii) section 28A (Directors-general—early termination of contract);
    - (iii) section 73 (Early termination of contract); and
  - (b) the transitional executive’s contract ends (the *existing contract*).
- (2) Subsection (3) applies if—
  - (a) before or immediately after the existing contract ends, the transitional executive is not offered another contract for the same office to which the existing contract relates; and
  - (b) the reason the transitional executive is not offered another contract does not relate to any 1 of the following:
    - (i) poor performance;
    - (ii) misconduct;
    - (iii) failure by the transitional executive to disclose a conviction or finding of guilt for an offence (other than an offence for which the conviction is spent).
- (3) The benefit payable to the transitional executive—
  - (a) is an amount equivalent to 2 weeks of the transitional executive’s salary for every completed year of continuous recognised service; and

- (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
  - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.
- (4) Subsection (5) applies if before or immediately after the existing contract ends, the transitional executive—
- (a) is offered another contract in relation to an executive office that has a significantly lower assessed work value than the office to which the existing contract relates; and
  - (b) the transitional executive does not accept the offer of the other contract.
- (5) The benefit payable to the transitional executive—
- (a) is an amount equivalent to 2 weeks of the transitional executive's salary for every completed year of continuous recognised service; and
  - (b) must not take into account any period of service for which the transitional executive has received a special benefit or redundancy type payment in relation to employment in the service or the public service of another jurisdiction; and
  - (c) must not be more than an amount equivalent to 52 weeks of the transitional executive's salary.

**636N Superannuation—executive employees**

- (1) This section—
- (a) applies to an executive employee engaged under a contract on or after 1 July 2006; but
  - (b) does not apply to an executive employee—

- (i) who is an existing Commonwealth Superannuation Scheme or Public Sector Superannuation Scheme member; or
  - (ii) who was engaged or appointed under the Act before 30 June 2006, if the employee's subsequent engagement was continuous with employment started before 30 June 2006; or
  - (iii) who was engaged or appointed to the Territory under a territory law before 30 June 2006, if the employee's subsequent engagement was continuous with employment started before 30 June 2006.
- (2) The executive employee's employer must pay for each income year, on behalf of the employee, to an agreed superannuation fund nominated by the employee—
- (a) the amount nominated in writing by the employee as the employee's personal superannuation contribution; and
  - (b) as the employer's superannuation contribution—an amount equivalent to—
    - (i) 9% of the employee's remuneration for the income year; or
    - (ii) if the employee pays an amount of personal superannuation contribution equivalent to 3% or more of the employee's remuneration to the employee's agreed superannuation fund in the income year—10% of the employee's remuneration for that income year.
- (3) In this section:
- income year* has the same meaning as in the *Income Tax Assessment Act 1997* (Cwlth).

## Part 9.4                      Statutory office-holder financial entitlements

### 637                      Application—pt 9.4

This part applies to—

- (a) Assistant Executive Officer, Legal Aid Commission (ACT);  
and
- (b) Auditor-General; and
- (c) Chief Executive Officer, Land Development Agency; and
- (d) Chief Planning Executive, ACT Planning and Land Authority;  
and
- (e) Children and Young People Commissioner; and
- (f) Director of Public Prosecutions; and
- (g) Director, Canberra Institute of Technology; and
- (h) Disability and Community Services Commissioner; and
- (i) Discrimination Commissioner; and
- (j) Electoral Commissioner; and
- (k) Executive Officer, Legal Aid Commission (ACT) ; and
- (l) Health Services Commissioner; and
- (m) Human Rights Commissioner; and
- (n) Presidential Members of the ACT Civil and Administrative  
Tribunal; and
- (o) Public Advocate; and
- (p) the Clerk of the Legislative Assembly, subject to the Act,  
section 52; and



- (q) Victims of Crime Commissioner; and
- (r) Work Safety Commissioner; and
- (s) a statutory office-holder covered by Remuneration Tribunal Determination 3 of 2010 - Full-time Holders of Public Office , effective 1 July 2010, as varied and any determination of the Remuneration Tribunal which supersedes Determination 3 of 2010 and applies to full-time statutory office-holders.

**638 Interpretation—pt 9.4**

- (1) In this division:

*continuous recognised service* is calculated in the same way as an officer's period of service is calculated for long service leave under section 64.

*remuneration* means the cash salary remuneration payable to full-time statutory office-holders as set out in table 1.1, column 2 of Remuneration Tribunal Determination 3 of 2010 'Full-time Holders of Public Office', effective 1 July 2010, as varied or any determination of the Remuneration Tribunal, which supersedes Determination 3 of 2010, and applies to full-time statutory office-holders.

*Note* Table 1.1, column 2 of Remuneration Tribunal Determination 3 of 2010 'Full-time Holders of Public Office', effective 1 July 2010, sets out the cash salary component of full-time statutory office-holder remuneration.

*special benefit*—as provided under section 640.

**639 Payment in lieu for notice period—statutory office-holders**

- (1) This section applies if the appointment of a statutory office-holder is to end before the appointment is due to end but does not apply if the appointment ends—
- (a) by expiry of the term of appointment; or

- (b) by the resignation of the statutory officer holder; or
  - (c) under the Act by which the statutory officer holder is appointed and the ending of the appointment relates to removal from office, termination of appointment or retirement provisions under that Act.
- (2) If the appointment of a statutory office-holder ends, before it was due to end, the appointer must give the statutory office-holder at least eight weeks notice in writing that the appointment will end.
- (3) At the election of the appointer or the statutory office-holder a payment equal to the remuneration for the eight weeks notice period may be made in lieu of notice.
- (4) A payment made in lieu of notice under this section is in addition to a payment made under section 640.

**640 Special benefits on early termination of appointment—  
statutory office-holders**

If the appointment of a statutory office-holder ends before the appointment is due to end, the statutory office-holder will be entitled to a special benefit—

- (a) of two weeks of remuneration for every completed year of continuous recognised service (excluding any period of service for which the statutory office-holder has received a special benefit or redundancy type payment in the ACTPS or another jurisdiction); and
- (b) up to a maximum of 44 weeks of remuneration.

**641 Appointment or engagement of former statutory office-holders**

- (1) This section applies to a statutory office-holder—
  - (a) whose appointment ends before their appointment is due to end for any reason other than their resignation; and
  - (b) who is entitled to receive a special benefit as prescribed under section 640.
- (2) A person to whom this section applies cannot be appointed as a statutory office-holder or an officer for the period that corresponds with the period of special benefit that follows immediately after the end of their appointment without the written consent of the head of service
- (3) A person to whom this section applies cannot be engaged as an employee for the period that corresponds with the period of special benefit that follows immediately after the end of their appointment without the written consent of the head of service.
- (4) The head of service—
  - (a) must consult with the commissioner before giving written consent under this section; and
  - (b) may impose conditions to the consent.

**642 Superannuation—statutory office-holders**

- (1) This section applies to—
  - (a) any person appointed as a statutory office-holder, on and after 1 July 2006; but
  - (b) does not apply to any person—
    - (i) who is an existing Commonwealth Superannuation Scheme or Public Sector Superannuation Scheme member; or

- (ii) who was engaged or appointed under the Act before 30 June 2006, if the subsequent appointment as a statutory office-holder would be continuous with employment commenced before 30 June 2006; or
  - (iii) who was engaged or appointed to the Territory under Territory legislation before 30 June 2006, if the subsequent appointment as a statutory office-holder would be continuous with employment commenced before 30 June 2006.
- (2) The value of the employer's superannuation contribution is to be contributed on behalf of the statutory office-holder to an agreed superannuation fund nominated by the statutory office-holder and is—
  - (a) 9% of the statutory office-holder's remuneration; or
  - (b) 10% of the statutory office-holder's remuneration, if the statutory office-holder contributes 3% or more of his or her remuneration to the agreed superannuation fund nominated by the statutory office-holder in the form of personal superannuation contributions.
- (3) The employer must contribute any nominated amount on behalf of the statutory officer holder to an agreed superannuation fund nominated by the statutory office-holder.
- (4) This amount is the personal superannuation contributions of the statutory office-holder to the nominated superannuation fund.
- (5) The value of the employer's superannuation contribution must not be paid in cash to a statutory office-holder.

## Part 9.5 Executive and statutory office-holder vehicle entitlements

### 643 Application—pt 9.5

- (1) This part applies to the head of service, directors-general, executives and statutory office-holders.
- (2) This part does not apply to—
  - (a) the clerk of the Legislative Assembly; or
  - (b) the Chief Justice of the Supreme Court; or
  - (c) Judges of the Supreme Court; or
  - (d) acting Judges of the Supreme Court; or
  - (e) the Master of the Supreme Court; or
  - (f) the Chief Magistrate; or
  - (g) Magistrates.

### 644 Interpretation—pt 9.5

In this part:

*business use* means the use of an executive vehicle for purposes associated with the operation of the agency.

*executive* means—

- (a) a person engaged as the head of service under the Act, section 23C or section 23J; or
- (b) a director-general employed under the Act, section 28 or section 30; or
- (c) an executive employed under the Act, section 72 or section 76;  
or

(d) a statutory office-holder to whom this part applies.

*executive vehicle* means a self drive and private plated passenger motor vehicle which is provided to the head of service or a director-general, executive or full-time statutory office-holder to whom this part applies as part of their total remuneration package, and includes any vehicle provided in lieu of that vehicle.

*private use* means the use of an executive vehicle for private or non-business purposes.

*statutory office-holder means—*

- (a) the holder of an office established under an ACT law and prescribed in table 1.1 of Remuneration Tribunal Determination 3 of 2010, as varied; or
- (b) the holder of an office established under and ACT law and prescribed in Remuneration Tribunal Determination 5 of 2010 as varied; or
- (c) any determination by the Remuneration Tribunal which supersedes Remuneration Tribunal Determination 5 of 2010 and applies to full-time holders of public offices; or
- (d) any determination by the Remuneration Tribunal which supersedes Determination 5 of 2010 and applies to the part-time presidential member of the ACT Civil and Administrative Tribunal.

## **645 Executive vehicle entitlement**

- (1) An executive is entitled to the use of a four cylinder executive vehicle, within the Territory's leasing arrangements.
- (2) An executive is entitled to a parking space for the executive's vehicle at or near the executive's principal place of work.
- (3) If an executive vehicle is to be returned, replaced, purchased or transferred, this must be done in accordance with the requirements

of the fleet provider and the whole of government policy for executive vehicle management.

**646 Executive vehicle entitlement—part-time executives**

- (1) Subject to subsection (2), an executive who works regular hours but is engaged on a part-time basis will continue to receive the vehicle entitlement as if they were a full-time executive.
- (2) The head of service may agree to a recommendation from the director-general of the relevant administrative unit, that the vehicle entitlement of an executive engaged on a part-time basis be restricted to a pro rata basis.
- (3) Having regard to all circumstances, the head of service, in consultation with the director-general of the relevant administrative unit, is required to consider and advise on the administrative arrangements required for the provision of a pro rata vehicle entitlement.

*Note* The usual pro rata arrangement will be pro rata payment in lieu in accordance with s 648.

**647 Choice of motor vehicle**

- (1) When entering into a lease for an executive vehicle an executive is entitled to choose an executive vehicle, subject to—
  - (a) the requirements of this section; and
  - (b) the requirements of the territory's fleet provider; and
  - (c) the specifications in the whole of government policy for executive vehicle management.
- (2) The vehicle selected by an executive must be a four cylinder vehicle.
- (3) The vehicle model selected by an executive must be suitable for business use at the ordinary place of work of the executive.

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- (4) The vehicle model selected by an executive must not be a high performance, luxury or prestige vehicle.
- (5) The vehicle selected by an executive may be Australian made or imported.
- (6) The vehicle selected by an executive must be valued by the territory's fleet provider at or below the applicable vehicle value set out in table 647.

*Note* The vehicle value is the value on the day the quotation is provided by the territory's fleet provider.

- (7) An executive is entitled to chose optional items of equipment for an executive vehicle provided—
  - (a) the equipment is approved; and
  - (b) the total value of the vehicle with the equipment does not exceed the applicable vehicle value set out in table 648.

**Table 647**

<b>column 1</b> <b>remuneration zone</b>	<b>column 2</b> <b>maximum vehicle value</b> <b>(excluding GST)</b>
Zone 1 or equivalent remuneration	\$38 300
Zone 2 or equivalent remuneration	\$41 800
Zone 3 or equivalent remuneration	\$46 000

*Note* In table 647 the maximum vehicle value listed in column 2 is determined by the manufacturer's recommended retail price.

- (8) If a statutory office-holder receives remuneration that does not align with a zone mentioned in table 647 the head of service must determine the appropriate maximum value applicable to the vehicle entitlement of the statutory office-holder.



(9) In this section:

*zone 1* means the ranges of assessed work values mentioned in table 625, items 1 to 3.

*zone 2* means the ranges of assessed work values mentioned in table 625, items 4 to 6.

*zone 3* means the ranges of assessed work values mentioned in table 625, items 7 to 12.

#### **648 Payment in lieu of an executive vehicle entitlement**

(1) An executive may elect to receive payment in lieu of the entitlement to an executive vehicle for the value set out in table 648.

*Note* In table 648 the value of payment is GST exclusive.

**Table 648**

<b>column 1</b> <b>remuneration zone</b>	<b>column 2</b> <b>value of payment in lieu</b>
Zone 1 or equivalent remuneration	\$19 500 per annum
Zone 2 or equivalent remuneration	\$20 000 per annum
Zone 3 or equivalent remuneration	\$21 500 per annum

(2) If a statutory office-holder receives remuneration that does not align with a zone mentioned in table 648 the head of service must determine the appropriate value of payment in lieu.

(3) Payment in lieu of an executive vehicle will be paid in fortnightly instalments.

(4) If an executive elects to receive payment in lieu of an executive vehicle, the executive—

(a) is entitled to retain access to a parking space; and

- (b) is not entitled to access any other entitlements provided under this part.
- (5) An executive may elect to receive payment of \$2 500 in lieu of the entitlement to a parking space.
- (6) Payment in lieu of a parking space will be paid in fortnightly instalments.
- (7) If an executive is engaged on a part-time basis, and is restricted to a pro rata vehicle entitlement under section 646, any payment in lieu of the entitlement to an executive vehicle must be made on a pro rata basis.
- (8) In this section:

*zone 1* means the ranges of assessed work values mentioned in table 625, items 1 to 3.

*zone 2* means the ranges of assessed work values mentioned in table 625, items 4 to 6.

*zone 3* means the ranges of assessed work values mentioned in table 625, items 7 to 12.

#### **649 Change to payment in lieu of an executive vehicle entitlement**

An executive who has elected to use an executive vehicle may subsequently elect to receive payment in lieu of an executive vehicle—

- (a) from the date the lease of the executive vehicle ends; or
- (b) with the agreement of—
- (i) for the head of service—the Chief Minister; or
  - (ii) for any other executive—the head of service, if the head of service—

(A) has received a recommendation from the relevant director-general; and

(B) is satisfied there are exceptional circumstances that warrant agreement.

### **650 Executive vehicle modification**

- (1) If an executive has a disability that affects his or her ability to drive a standard vehicle, the executive is entitled to such modifications the director-general certifies in writing as being reasonably necessary to enable the executive to drive a vehicle.
- (2) If a director-general has a disability that affects his or her ability to drive a standard vehicle, the director-general is entitled to such modifications or options as the head of service certifies in writing as being reasonably necessary to enable the director-general to drive a vehicle.
- (3) If the head of service has a disability that affects his or her ability to drive a standard vehicle, the head of service is entitled to the modifications or options the Chief Minister certifies in writing as being reasonably necessary to enable the head of service to drive a vehicle.
- (4) An executive may choose optional items of equipment to be fitted to his or her executive vehicle in accordance with requirements specified in the whole of government policy for executive vehicle management, provided the manufacturer's recommended retail price does not exceed the maximum value prescribed in table 648.
- (5) Any other modification to an executive vehicle must be made in accordance with the requirements specified in the whole of government policy for executive vehicle management.

**651 Executive vehicle maintenance and running costs**

- (1) Subject to subsection (3) all executive vehicle maintenance costs will be met by the Territory.
- (2) All running costs of an executive vehicle will be met by the Territory.
- (3) If, as a result of the conduct of the driver of an executive vehicle, the Territory's insurance arrangements will not respond in part or in whole to a claim for damage to an executive vehicle, the driver (or if the driver is the executive or a person nominated by the executive, the executive) will be required to meet the repair costs, not covered by the Territory's insurance arrangements, associated with restoring that executive vehicle.

**652 Executive vehicle care**

- (1) An executive must ensure that due care and security is afforded to executive vehicles.
- (2) An executive who home garages an executive vehicle must—
  - (a) park the executive vehicle behind the property line; and
  - (b) if possible, park the executive vehicle under cover.

**653 Authorised use of an executive vehicle**

- (1) Any driver of an executive vehicle must—
  - (a) hold an appropriate license; and
  - (b) obey all traffic laws and parking restrictions; and
  - (c) abide by the requirements outlined in the whole of government policy for executive vehicle management.
- (2) The driver in control of an executive vehicle is personally responsible for any breaches of traffic laws and parking restrictions, and must pay any fines incurred.

**654 Business use of an executive vehicle**

- (1) Subject to subsection (2), when an executive is at his or her normal place of work the executive must bring the executive vehicle to work and make it available for business use by the executive's agency during normal business hours.
- (2) When an executive's vehicle is being repaired or serviced, or undergoing a similar process, the executive is not required to bring the executive vehicle to his or her normal place of work.
- (3) Officers and employees who drive an executive vehicle are subject to the same conditions related to the authorised use of that vehicle as the executive.
- (4) Staff of the executive's agency who use the executive vehicle must—
  - (a) report vehicle accidents and defects to the agency; and
  - (b) record accurate and timely information on business use of the vehicle; and
  - (c) ensure that all cargo is properly secured; and
  - (d) abide by the requirements outlined in the whole of government policy for executive vehicle management.

**655 Private use of an executive vehicle**

- (1) An executive may use an executive vehicle for private purposes outside of normal business hours.
- (2) An executive vehicle may only be driven for private purposes by—
  - (a) the executive to whom the vehicle is provided; or
  - (b) an appropriately licensed driver nominated by the executive to the agency who is approved by the agency.

- (3) The executive's agency will maintain a register of drivers approved to drive executive vehicles for private purposes.
- (4) Drivers approved to drive an executive vehicle for private purposes are subject to the same conditions of authorised use of that vehicle as the executive.
- (5) An executive must not use an executive vehicle for personal gain, or the personal gain of any other person.
- (6) An executive must not permit another person to use an executive vehicle for the executive's personal gain, or the personal gain of any other person.

**656 Record keeping**

- (1) An agency must keep appropriate records on the use of executive vehicles—
  - (a) for fringe benefits tax calculation and audit purposes; and
  - (b) to enable the monitoring of the executive vehicle use for servicing and replacement purposes.
- (2) An agency is responsible for the calculation and payment of any fringe benefits tax liability associated with executive vehicles.

## **Part 9.6 Executive and statutory office-holder leave entitlements**

### **Division 9.6.1 General**

#### **657 Application—pt 9.6**

- (1) This part applies to—
  - (a) a person engaged as the head of service under the Act, section 23C or section 23J; and
  - (b) a director-general employed under the Act, section 28 or section 30; and
  - (c) an executive employed under the Act, section 72 or section 76; and
  - (d) a full-time statutory office-holder, subject to subsection (2).
- (2) This part does not apply to—
  - (a) the Chief Justice of the Supreme Court; or
  - (b) Judges of the Supreme Court; or
  - (c) acting Judges of the Supreme Court; or
  - (d) the Master of the Supreme Court; or
  - (e) the President of the Court of Appeal; or
  - (f) the Chief Magistrate; or
  - (g) Magistrates.

## 658 Interpretation—pt 9.6

In this part:

*decision-maker* means—

- (a) in relation to a person engaged as the head of service under the Act, section 23C or section 23J, the Chief Minister; and
- (b) in relation to a person engaged as the director-general of the administrative unit administered by the Chief Minister under section 23D, the Chief Minister; and

*Note* The head of service may also be engaged as the director-general of the administrative unit administered by the Chief Minister (see the Act, s 23D (1)).

- (c) in relation to an executive engaged under the Act, section 72 or section 76, the relevant director-general; and
- (d) in relation to a director-general engaged under the Act, section 28 or section 30, the head of service; and
- (e) in relation to a full-time statutory office-holder, the relevant Minister; and
- (f) in relation to the Clerk of the Legislative Assembly, the Presiding Officer.

*executive* includes the head of service, a director-general and a full-time statutory office-holder to whom this part applies.



**659 Purpose—leave general**

Leave supports the right of an executive in prescribed circumstances to be absent from duty without effecting their continuity of service.

**660 Part-time executives**

Part-time executives are credited leave and debited leave on a pro rata basis.

**661 Clerk of the Legislative Assembly**

In accordance with the Act, section 47 (2), leave provisions for the Clerk of the Legislative Assembly excludes the remuneration and allowances payable to the Clerk in respect of his or her leave of absence.

**662 Non-approval of leave**

- (1) The decision-maker will only deny an executive's request for leave if there are operational reasons for doing so.
- (2) If a request for leave is not approved the decision-maker will, if requested in writing by the executive, provide the reasons for the decision to the executive in writing.
- (3) If a request for leave is not approved the decision-maker will consult with the executive to determine mutually convenient alternative arrangements.

## Division 9.6.2 Leave entitlements

### Subdivision 9.6.2.1 Personal leave

#### 663 Purpose—personal leave

- (1) Personal leave is available to executives to enable them to be absent from duty—
  - (a) because the executive is unfit for work because of a personal illness, or personal injury; or
  - (b) to provide care or support to a member of the executive's immediate family, or a member of the executive's household; or
  - (c) in extraordinary circumstances.
- (2) Personal leave supports the Territory's commitment to a healthy workplace and workforce.

#### 664 Entitlement—personal leave

- (1) In this section:

*short term executive* means a person with less than 12 months continuous service with the Territory who is—

  - (a) engaged on a contract under the Act, section 23C or section 23J for a period of less than 12 months; or
  - (b) engaged on a contract under the Act, section 28 or section 30 for a period of less than 12 months; or
  - (c) engaged on a contract under the Act, section 72 or section 76 for a period of less than 12 months; or
  - (d) appointed as a statutory office-holder for a period of less than 12 months.

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- (2) An executive may be granted personal leave up to their available credit from the first day of service.
- (3) Personal leave is cumulative and there is no cap on the personal leave credit an executive may accrue.
- (4) If an executive's engagement or a statutory office-holder's appointment is the commencement of his or her employment with the Territory, the executive's personal leave balance will be credited with an equivalent of 3.6 weeks of personal leave on the day they commence with the Territory unless he or she is a short term executive.
- (5) Subject to subsection (4), from the day of commencement, an executive's personal leave accrues on a daily basis worked out as follows:

$$\frac{(A \times B \times D)}{C} = \text{total hours of leave accrued per day}$$

*A* means the number of ordinary hours worked per week.

*B* means one if the day counts as service, or zero if the day does not count as service.

*C* means the number of calendar days in the year.

*D* means the number of weeks of personal leave an executive is entitled to in a year.

- (6) The accrual worked out in subsection (5) will be credited to the executive on the anniversary of the executive's commencement.
- (7) A short term executive—
- (a) will be credited with one week of personal leave after four weeks continuous service and 0.2 weeks of personal leave for each subsequent four weeks of continuous service up to a maximum of two weeks in the executive's first 12 months of service; and

- (b) if a person who was engaged or appointed as a short term executive is subsequently engaged or appointed so that the entire period of continuous service with the Territory will be 12 months or more—
  - (i) the executive will be credited with 5.2 weeks of personal leave on the anniversary of the executive's commencement; and
  - (ii) for every subsequent 12 months of service, the executive will receive personal leave in accordance with subsection (5).
- (8) An executive in receipt of workers compensation for more than 45 weeks will accrue personal leave on the basis of hours actually worked.
- (9) Executives are not entitled to anticipate personal leave but may be granted up to an aggregate of 20 days without pay in the first 12 months of service.
- (10) If personal leave credits have been exhausted, the decision-maker may grant an executive a period of unpaid personal leave for personal illness or injury or for the care of a member of the executive's immediate family or household who is sick.
- (11) Unused personal leave credit will not be paid out on cessation of employment.

**665 Evidence and conditions—personal leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on personal leave.
- (2) The decision-maker grant personal leave if they are satisfied there is sufficient cause, having considered any requested or required documentary evidence.

- (3) The decision-maker will accept the following documentary evidence as proof of personal illness or injury or the need to care of a member of the executive's immediate family or household who is sick—
  - (a) a certificate from a registered health professional who is operating within their scope of practice; or
  - (b) a statutory declaration made by the employee if it is not reasonably practicable for the employee to give the decision-maker a certificate.
- (4) If documentary evidence is not produced when an executive applies for personal leave the decision-maker may grant personal leave up to three consecutive working days with pay, to a maximum of seven working days in any accrual year.
- (5) Absences for personal leave without documentary evidence in excess of three consecutive days, or seven days in any accrual year are unauthorised and will be without pay.
- (6) The decision-maker may, with reasonable cause, request the executive to provide a medical certificate or statutory declaration for any absence from duty on personal leave at the time of notification of the absence.
- (7) Personal leave may be granted up to an executive's available personal leave credit, provided the maximum continuous period of paid personal leave granted is 52 weeks and the maximum continuous period of unpaid personal leave granted is 78 weeks.
- (8) Subject to the production of satisfactory documentary evidence, a decision-maker may grant an executive further absence for personal illness or injury beyond 78 weeks provided the additional period of personal leave is granted without pay and does not count as service for any purpose.

- (9) The decision-maker must not grant personal leave for an absence caused by the misconduct of the executive and may determine that an absence caused by the misconduct does not count as service for any purpose.
- (10) A decision-maker must approve an application for up to five days personal leave applied for in conjunction with a period of bonding leave.
- (11) The decision-maker may refer an executive for a medical examination by a nominated registered medical practitioner at any time for reasons including—
  - (a) the decision-maker is concerned about the wellbeing of an executive and considers that the health of the executive is affecting the executive's ability to adequately perform their duties; or
  - (b) the decision-maker considers that documentary evidence supplied in support of an absence due to personal illness or injury is inadequate; or
  - (c) the executive has been absent on account of illness for a total of 13 weeks in any 26 week period.
- (12) The decision-maker may require the executive to take personal leave after considering the results of a medical examination requested by the decision-maker.

**666 Rate of payment—personal leave**

- (1) Personal leave will be granted with pay except if it is granted without pay under section 664 (9), section 664 (10) or section 665 (10).
- (2) Subject to the approval of the decision-maker, an executive may request to use personal leave at half pay—
  - (a) for absences of at least one week; and

- (b) to be deducted from the executive's accrued credits at a rate of 50% of the period of absence.
- (3) Any personal leave taken must be deducted from the executive's credit.

**667 Effect on other entitlements—personal leave**

- (1) Personal leave with pay will count as service for all purposes.
- (2) Personal leave without pay, other than provided under section 665 (10), will count as service for all purposes.
- (3) If an executive is absent on personal leave and a public holiday for which the executive is entitled to be paid falls within that period of absence—
  - (a) the executive will be paid as a normal public holiday for that day; and
  - (b) the public holiday will not be deducted from the executive's personal leave credits.
- (4) While personal leave will not be deducted over the Christmas shutdown period, the Christmas shutdown does not break continuity of the period of absence in relation to the maximum periods of leave under section 665 (9).

**668 Access to other leave entitlements—personal leave**

- (1) An executive who produces a certificate from a registered health professional operating within their scope of practice, may apply for personal leave for personal illness or injury, or to care for a member of the executive's immediate family or household who is sick, for one day or longer while on—
  - (a) annual leave; or
  - (b) long service leave; or

- (c) unpaid maternity leave; or
  - (d) unpaid parental leave; or
  - (e) grandparental leave.
- (2) An executive who produces a medical certificate from a registered health professional operating within their scope, may apply for personal leave for personal illness or injury, for one day or longer while on purchased leave.
  - (3) If personal leave is approved for a period which another form of leave had previously been approved under subsection (1) or (2), the other form leave will be re-credited to the extent of the paid personal leave granted.
  - (4) If the executive has exhausted their personal leave credit, personal leave without pay cannot be substituted for unpaid maternity leave.
  - (5) If an ill or injured executive exhausts the executive's paid personal leave entitlement and produces a certificate from a registered health professional who is operating within their scope of practice as evidence of continuing personal illness or injury, the executive may apply to the decision-maker for approval to take annual leave or long service leave provided the maximum period of paid leave taken in relation to the illness or injury does not exceed 52 weeks.

**669 Personal leave in extraordinary circumstances**

- (1) Personal leave in extraordinary circumstances, is non-cumulative and if granted is deducted from the executive's personal leave balance.
- (2) The decision-maker may grant to a maximum of four days of personal leave in an accrual year, in extraordinary, unforeseen or unexpected circumstances if it is essential that the executive have leave from the workplace.



- (3) Personal leave in extraordinary circumstances is in addition to the seven days personal leave without documentary evidence.
- (4) While personal leave in extraordinary circumstances does not normally require documentary evidence, the decision-maker may require reasonable evidence before granting personal leave in extraordinary circumstances.
- (5) Personal leave in extraordinary circumstances will be granted with pay.

#### **670 Infectious disease contacts**

- (1) If an executive is prevented from attending for duty under the *Public Health Act 1997*, part 6, the decision-maker may grant that executive personal leave.
- (2) The executive may also apply for the absence or a part of it to be deducted from their annual leave credit.

#### **Subdivision 9.6.2.2 Compassionate leave**

##### **671 Purpose—compassionate leave**

Compassionate leave is available to executives to enable them to be absent from duty when a member of an executive's immediate family or household—

- (a) has a personal illness or injury that poses a serious threat to the person's life; or
- (b) dies.

**672 Entitlement—compassionate leave**

- (1) An executive may be granted compassionate leave from the first day of service.
- (2) Compassionate leave is non-cumulative.
- (3) Executives are entitled to up to five days of compassionate leave on each occasion of the death of a member of the executive's immediate family or household.
- (4) Executives are entitled to up to two days of compassionate leave on each occasion of personal illness or injury of a member of the executive's immediate family or household that poses a serious threat to the person's life.
- (5) The decision-maker may grant an executive a period of paid or unpaid compassionate leave additional to the period of leave specified in subsections (3) and (4).

**673 Evidence and conditions—compassionate leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on compassionate leave.
- (2) An executive must make an application to the decision-maker to access compassionate leave.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access compassionate leave.
- (4) The decision-maker may request evidence that would satisfy a reasonable person that an application for compassionate leave is for a purpose set out in section 671.

**674 Rate of payment—compassionate leave**

Compassionate leave will be granted with pay except if it is granted without pay under section 672 (5).

**675 Effect on other entitlements—compassionate leave**

- (1) Compassionate leave with pay will count as service for all purposes.
- (2) Public Holidays for which the executive is entitled to payment that fall during periods of absence on compassionate leave will be paid as a normal public holiday and will not be considered an absence on compassionate leave.
- (3) Compassionate leave that is granted under section 672 (3) is not deducted from an executive's personal leave balance.
- (4) Compassionate leave that is granted under section 672 (4) is deducted from an executive's personal leave balance.

**676 Access to other leave entitlements—compassionate leave**

If compassionate leave of at least one day is granted while an executive is absent on another type of leave, the other type of leave will be re-credited for the period of the absence on compassionate leave.

**Subdivision 9.6.2.3 Operational service personal leave**

**677 Interpretation—sdiv 9.6.2.3**

In this subdivision:

*operational service* has the same meaning as in the [Veterans' Entitlement Act 1986](#) (Cwlth).

*war-caused injuries or diseases* has the same meaning as in the [Veterans' Entitlement Act 1986](#) (Cwlth).

**678 Purpose—operational service personal leave**

Operational service personal leave enables executives who have rendered operational service to be absent from duty when they are unfit for work because of a war-caused injury or disease.

**679 Eligibility—operational service personal leave**

An executive who has rendered operational service is eligible for operational service personal leave.

**680 Entitlement—operational service personal leave**

- (1) Operational service personal leave is cumulative and is additional to personal leave entitlements.
- (2) On appointment, an eligible executive is entitled to nine days operational service personal leave.
- (3) An eligible executive is entitled to receive an additional credit of three days operational service personal leave—
  - (a) 12 months after the date of appointment; and
  - (b) 24 months after the date of appointment; and
  - (c) 36 months after the date of appointment.
- (4) If operational service personal leave credits have been exhausted, the decision-maker may grant an executive a period of unpaid operational service personal leave.
- (5) The maximum operational service personal leave balance that an eligible executive may have is 18 days.

**681 Evidence and conditions—operational service personal leave**

- (1) An eligible executive should discuss with the decision-maker as soon as practicable their intention to be absent on operational service personal leave.
- (2) An eligible executive must make an application to the decision-maker to access their operational service personal leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an eligible executive's application to access operational service personal leave.
- (4) Operational service personal leave may be granted by the relevant decision-maker—
  - (a) to cover absences resulting from war-caused injury or diseases; and
  - (b) following a written request from an eligible executive, which must include documentary evidence that the absence is due to the war-caused injury or disease, including evidence that the injury or disease is a war-caused injury or disease in accordance with the requirements of the *Veterans' Entitlement Act 1986* (Cwlth).

**682 Rate of payment—operational service personal leave**

Operational service personal leave will be granted with pay except if it is granted without pay under section 680 (4).

**683 Effect of other entitlements—operational service personal leave**

- (1) Operational service personal leave with pay will count as service for all purposes.
- (2) Operational service personal leave without pay will not count as service.

**Subdivision 9.6.2.4 Annual leave**

**684 Purpose—annual leave**

Annual leave is available to executives to enable them to be absent from duty for the purposes of rest and recreation.

**685 Entitlement—annual leave**

- (1) An executive may be granted annual leave up to their available credit from the first day of service.
- (2) Annual leave is cumulative.
- (3) An executive's annual leave credit accrues on a daily basis worked out as follow:

$$\frac{(A \times B \times D)}{C} = \text{total hours of leave accrued per day}$$

*A* means the number of ordinary hours worked per week.

*B* means one if the day counts as service, or zero where the day does not count as service or is an unauthorised absence.

*C* means the number of calendar days in the year.

*D* means the number of weeks of annual leave an executive is entitled to in a year.

- (4) An annual leave credit does not accrue to an executive if the executive is absent from duty on leave for specified defence service, or full-time defence service.
- (5) If the executive resumes duty after a period of specified defence service, annual leave will accrue from the date the executive resumes duty.

**686 Evidence and conditions—annual leave**

- (1) Executives are encouraged to utilise their annual leave in the year that it accrues, and to this end should discuss their leave intentions with the decision-maker as soon as practicable.
- (2) An executive must make an application to the decision-maker to access their annual leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access annual leave.
- (4) The decision-maker should approve an executive's application to take annual leave, subject to operational requirements.
- (5) If the decision-maker does not approve an executive's application for annual leave because of operational requirements, the decision-maker will consult with the executive to determine a mutually convenient alternative time (or times) for the executive to take the leave.

- (6) The decision-maker must, unless there are exceptional operational circumstances, approve an application for annual leave if it would enable an executive to reduce their annual leave balance below two and a half years worth of annual leave credit, however, in the case of exceptional operational circumstances, the decision-maker may consult with the executive to determine another time (or times) for the annual leave to be taken that is mutually convenient to both the administrative unit and the executive.

*Note* For full-time executives, two and half year's worth of annual leave credit is 10 weeks.

- (7) If an executive's annual leave is cancelled without reasonable notice, or an executive is recalled to duty from leave, the executive will be entitled to be reimbursed reasonable travel costs and incidental expenses not otherwise recoverable under any insurance or from any other source.
- (8) If the operations of an agency, or part of an agency, are suspended at Christmas or another holiday period, the decision-maker may direct an executive to take annual leave at a time that is convenient to the working of the agency, whether or not application for leave has been made.
- (9) If an executive has accrued two years worth of annual leave credits and unless exceptional operational circumstances exist, the executive and decision-maker must agree, and implement an annual leave usage plan to ensure the executive's accrued leave credit will not exceed two and a half years worth of annual leave credit.
- (10) If an executive does not agree to a reasonable annual leave usage plan the decision-maker may direct an executive who has two and a half years worth of annual leave credit to take annual leave to the extent that the executive's annual leave credit exceeds two and a half years worth of annual leave credit, subject to giving the executive one calendar month notice.



- (11) Subsection (11) does not apply to an executive who is on graduated return to work following compensation leave.
- (12) An executive may not be directed under subsection (10) to take annual leave if the executive has made an application for a period of annual leave equal to or greater than the period specified in subsection (10) in the past six months and the application was not approved.
- (13) An executive who has an annual leave credit in excess of two and a half years worth of annual leave credit—
- (a) on engagement or appointment; or
  - (b) on returning to duty from compensation leave;
- will have 12 months to reduce their annual leave balance to two and a half years worth of annual leave credit or below.
- (14) Annual leave may be granted at half pay with credits to be deducted on the same basis.

**687 Rate of payment—annual leave**

Annual leave will be granted with pay.

**688 Payment in lieu of annual leave**

- (1) An executive may cash out up to two weeks of the executive's annual leave credit if that credit has exceeded two years accumulated leave subject to—
- (a) the executive providing the decision-maker with a written election to do so; and
  - (b) the decision-maker authorising the election; and
  - (c) the executive taking at least one week of annual leave in conjunction with this entitlement or the executive has taken at least one week of annual leave in the past six months.

- (2) An executive may only cash out annual leave under this section once during each 12-month period.

**689 Effect on other entitlements—annual leave**

- (1) Annual leave will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on annual leave will be paid as a normal public holiday and will not be deducted from the executive's annual leave balance.

**690 Access to other leave entitlements—annual leave**

- (1) If personal leave is granted to the executive, annual leave will be re-credited for the period of personal leave granted.
- (2) Subject to the approval of the decision-maker, an executive who is on unpaid leave may be granted annual leave during that period, subject to the requirements of that leave type.
- (3) An executive who is prevented from attending for duty under the *Public Health Act 1997*, part 6 may be granted annual leave during that period.

**Subdivision 9.6.2.5 Purchased leave**

**691 Purpose—purchased leave**

Purchased leave is available to executives to enable them to be absent from duty to support their work/life balance.

**692 Entitlement—purchased leave**

- (1) Executives may purchase leave in addition to the executive's usual annual leave entitlement, up to a maximum of 12 weeks in any 12-month period, subject to approval.

- (2) An executive may apply, at any time, to the decision-maker for approval to participate in the purchased leave scheme.
- (3) The application must specify the amount of leave to be purchased in whole weeks up to a maximum of 12 weeks in any 12 month period, and the period over which the purchased leave is to be acquitted.
- (4) Approval by the decision-maker for an executive to purchase purchased leave, is subject to both the operational requirements of the workplace and the personal responsibilities of the executive.
- (5) Approval to purchase additional leave will not be given if an executive has an annual leave balance of two and a half years worth of annual leave credit or more, except if the executive intends to use all excess annual leave credit before taking purchased leave.
- (6) Once an executive commences participation in the scheme, the executive may only opt out of the scheme before the expiration of the agreed acquittal period, if—
  - (a) the executive can demonstrate, in writing, that exceptional circumstances exist, such as unforeseen financial hardship, and the decision-maker agrees; or
  - (b) the executive's employment with the Territory ceases before the expiration of the agreed acquittal period;
  - (c) the executive proceeds on paid maternity or primary care giver leave.
- (7) If an executive is transferred or reassigned from one ACT government agency to another ACT government agency during the agreed acquittal period, the executive's continuation in the purchased leave scheme is subject to the approval of the agency that would gain the executive.
- (8) If approval is not given under subsection (7), any money owing to the executive in respect of purchased leave not taken will be refunded to the executive as soon as practicable.

- (9) Any shortfall in salary payments will be deducted from monies owing to the executive.

**693 Evidence and conditions—purchased leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on purchased leave.
- (2) An executive must make an application to the decision-maker to access their purchased leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access purchased leave.
- (4) Approval by the decision-maker to grant purchased leave will be subject to operational requirements and the personal responsibilities of the executive.
- (5) A minimum of one week of purchased leave must be taken at any one time unless the remaining balance is less than one week or the relevant decision-maker is satisfied, on evidence presented, there are exceptional circumstances which warrant purchased leave being taken in shorter periods.
- (6) Purchased leave must be used within the agreed acquittal period, not exceeding 12 months from the date of commencement in the scheme.
- (7) Purchased leave not taken within the agreed acquittal period will be forfeited and the value of the leave refunded to the executive at the end of the acquittal period.

**694 Rate of payment—purchased leave**

- (1) While an executive is on a period of purchased leave the executive will be paid at the rate of salary used to calculate the executive's deduction.
- (2) Purchased leave will be paid for by a fortnightly deduction from the executive's salary over an agreed acquittal period not exceeding 12 months from the date the executive commences participation in the scheme.
- (3) Fortnightly deductions, from the executive's salary, will commence as soon as practicable following approval of the executive's application to participate in the purchased leave scheme.
- (4) The deductions will be calculated on the executive's salary at the date of commencement of participation in the scheme, the amount of leave to be purchased and the agreed acquittal period.
- (5) If the executive's salary changes during the acquittal period the executive may seek approval for the deduction to be recalculated.
- (6) Fortnightly tax deductions will be calculated on the executive's gross salary after the deduction has been made for purchased leave.

**695 Effect on other entitlements—purchased leave**

- (1) Leave taken as purchased leave will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on purchased leave will be paid as a normal public holiday and will not be deducted from the executive's purchased leave balance.
- (3) Purchased leave will not affect the accrual of other forms of leave.
- (4) The purchase of additional leave under this clause will not affect the superannuation obligations of the employer or the executive.

## **696 Access to other leave entitlements—purchased leave**

- (1) If an executive provides a certificate from a registered health professional operating within their scope of practice for a personal illness occurring during a period of absence on purchased leave, the executive will have the purchased leave re-credited for that period covered by the certificate, and substituted by personal leave.
- (2) An executive participating in the scheme who proceeds on paid maternity or paid primary care giver's leave will elect to, either—
  - (a) exit the purchased leave scheme and have any money owing refunded; or
  - (b) remain in the scheme and have salary deductions continue during the period of paid maternity or paid primary care giver's leave.
- (3) Purchased leave taken during an executive's absence on maternity or primary care giver's leave will not extend the executive's total period of maternity or primary care giver's leave.
- (4) An executive participating in the scheme who proceeds on paid workers compensation will have salary deductions for purchased leave continue.
- (5) Normal conditions for purchased leave will apply for executives on graduated return to work programs; however entry into the scheme should be discussed with the rehabilitation case manager.

### **Subdivision 9.6.2.6 Long service leave**

#### **697 Interpretation—sdiv 9.6.2.6**

In this part:

*category A officer* means an executive whose eligible service has either been entirely part-time service or entirely full-time service.

**category B officer** means an executive whose eligible service has been both part-time service and full-time service.

**defence employment** means—

- (a) employment in a part of the Reserve Forces or of the Citizen Forces either on a continuous full-time basis or for a period fixed in accordance with the *Defence Act 1903* (Cwlth), the *Naval Defence Act 1910* (Cwlth), or the *Air Force Act 1923* (Cwlth), as in force at the relevant time; or
- (b) national service.

**eligible employment** means—

- (a) continuous employment by the Territory; and
- (b) continuous recognised prior service; and

*Note* Recognised prior service is set out in pt 3.6.

- (c) a period of leave without pay to count as service (other than personal leave without pay and leave in relation to defence employment); and
- (d) excludes—
  - (i) employment remunerated by fees, allowances or commission, honorarium or equivalent; and
  - (ii) appointment or engagement for the sole purpose of overseas employment; and
  - (iii) unauthorised absence.

**minimum retiring age** means—

- (a) for an executive whose minimum retiring age is fixed by their terms and conditions of employment the age so fixed; or
- (b) 60 years.

**month** may include part of a month.

**public authority** means an authority or a local governing body that was or is constituted under a law of the Territory, the Commonwealth, a State or another Territory for a public purpose

**relevant day** means

- (a) in relation to an executive who has been granted long service leave, the day immediately before the day that leave commences; and
- (b) in relation to an executive who receives a payment in lieu of long service leave, the day immediately before the day they cease to be an executive.

**relevant rate per hour** means the rate per hour which salary would be payable to the executive on the relevant day.

**Territory** includes a Territory instrumentality or statutory office.

**year** may include part of a year.

### **698 Purpose—long service leave**

Long service leave is available to executives to enable them to be absent from duty in recognition of their length of service in the public sector.

*Note* Historically and in other jurisdictions long service leave may have been, or be, known by other names, including long leave, furlough or extended leave.

### **699 Entitlement—long service leave**

- (1) An executive may be granted long service leave up to their available credit from the day they have completed seven years of eligible employment.
- (2) Long service leave is cumulative and there is no limit on the long service leave balance an executive may accrue.
- (3) Long service leave is measured in months.



- (4) For a category A officer who works full-time long service leave accrues at a rate of three months every 10 years.

*Note* After seven years a category A officer who works full-time will have a long service leave credit of 2.1 months.

- (5) For a category A officer who works part-time, or a category B officer long service leave will accrue on a pro rata basis.

- (6) For executives returning to service following completion of their long service leave—

(a) their long service leave credit is calculated based on completed years of eligible employment; and

(b) the *calculation day* is the day after the last day of the last completed year of eligible employment.

- (7) For executives who are not returning to service following completion of their long service leave—

(a) their long service leave credit is calculated based on completed months of eligible employment; and

(b) the *calculation day* is the day after the last day of the last completed month of eligible employment.

- (8) The long service leave credit of a category A officer is worked out as follows:

$$\frac{3a}{10} - b$$

*a* means the number of years of eligible employment accrued before the calculation day.

*b* means the aggregate number of months of long service leave previously granted to the executive at any time during their eligible employment.

- (9) The long service leave credit of a category B officer is worked out as follows:
-

$$\left(\frac{3c}{10} - d\right) + \left(\frac{3e}{10} - f\right)$$

*c* means the aggregate number of years eligible employment in a full-time capacity before the calculation day.

*d* means the aggregate number of months of long service leave previously granted to the executive in relation to his or her full-time employment at any time during their eligible employment.

*e* means the aggregate number of years of eligible employment in a part-time capacity before the calculation day.

*f* means the aggregate number of months of long service leave previously granted to the executive in relation to his or her part-time employment at any time during their eligible employment.

- (10) For working out an executive's long service leave credit, if the decision-maker is satisfied that long service leave previously granted to an executive during a period of eligible employment under—

(a) any of the Acts repealed by the *Long Service Leave (Commonwealth Employees) Act 1976* (Cwlth); or

(b) the *Public Service Act 1922* (Cwlth);

was not granted to the executive on full salary or half salary, that period of long service leave is taken to have been on full salary.

- (11) For the purpose of calculating an executive's long service leave credit, if during a period of eligible employment an executive received a payment in lieu of long service leave, or an equivalent type of leave, in the ACTPS or another jurisdiction, the executive is taken to have been granted a period of long service leave equal to the period of long service leave to which that payment was made.

- (12) If on the day an executive's long service leave is calculated he or she is concurrently employed in other eligible employment, the

other employment does not count as eligible employment for the period it was concurrent with employment by the Territory.

- (13) Eligible part-time employment that is or was concurrent with eligible full-time employment does not count as eligible employment.
- (14) If an executive is or was concurrently employed by the Territory in two positions both of which were in a part-time capacity, on a day when the executive works in both positions his or her period of employment on that day will be the sum of those periods.

#### **700 Evidence and conditions—long service leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on long service leave.
- (2) An executive must make an application to the decision-maker to access their long service leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access long service leave.
- (4) The decision-maker may grant long service leave to an eligible category A officer up to his or her available credit.
- (5) The decision-maker may grant long service leave to an eligible category B officer—
  - (a) for a period not exceeding the executive's long service leave credit accrued while working full-time; and/or
  - (b) for a period not exceeding the executive's long service leave credit accrued while working part-time.
- (6) Subject to the rules for category A and category B officers—

- (a) subject to operational requirements, long service leave may be granted at half salary, full salary or double salary with credits to be deducted on the same basis; and
  - (b) the minimum period of long service leave an executive may request is seven days or shifts.
- (7) If the decision-maker does not approve an application by an executive for long service leave because of operational requirements the decision-maker will consult with the executive to determine a mutually convenient alternative time (or times) for the executive to take the leave.

#### **701 Rate of payment—long service leave**

- (1) In this section:
- current rate of salary* means the salary an executive received on the relevant day.
- (2) The prescribed average number of hours for a category A officer is the greater of—
- (a) the executive's average number of hours of employment per week during the 12 months of eligible employment ending on the relevant day; or
  - (b) the executive's average number of hours of employment per week during the entire period of their eligible employment.
- (3) The prescribed average number of hours for a category B officer is the greater of—
- (a) the executive's average number of hours of employment per week during—
    - (i) the 12 months (or the periods aggregating 12 months) that the executive was last employed in a part-time capacity before the relevant day; or

- (ii) if the executive has less than 12 months of eligible employment in a part-time capacity the period or periods during which the executive has been employed in a part-time capacity; or
  - (b) the executive's average number of hours of employment per week during the entire period of their eligible employment.
- (4) When determining an executive's prescribed average number of hours under subsection (2) or (3) the hours will be taken to be the hours calculated under subsection (2) (a) or (3) (a) unless the executive demonstrates that the hours under subsection (2) (b) or (3) (b) are greater.
- (5) A category A officer will receive the current rate of salary or relevant rate per week on the relevant day in relation to any part of long service leave they are granted if—
  - (a) the executive's eligible employment has been in a full-time capacity; or
  - (b) in a part-time capacity with no change in their ordinary hours.
- (6) If a category A officer's eligible employment has been in a part-time capacity and there has been a change during that period in their ordinary hours the salary payable to the executive in relation to any part of long service leave they are granted is calculated by multiplying—
  - (a) the relevant rate per hour for that part of the long service leave; and
  - (b) the prescribed average number hours.
- (7) If a category B officer is employed in a full-time capacity on the relevant day the salary payable to the executive in relation to any part of leave that is granted—
  - (a) in relation to eligible employment at a full-time capacity is at their current rate of salary on the relevant day; and

- (b) in relation to eligible employment in a part-time capacity is at a weekly rate of the lower of—
- (i) the executive's current rate of salary per week in relation to that part of the leave; or
  - (ii) worked out as follows:

$$\frac{ab}{c}$$

*a* means the executive's current rate of salary per week in relation to that part of the leave.

*b* means the prescribed average number of hours of the executive's employment.

*c* means the executive's number of hours of employment per week the executive worked on the relevant day.

- (8) If a category B officer is employed in a part-time capacity on the relevant day the salary payable to the executive in relation to any part of leave that is granted—
- (a) in relation to eligible employment at a full-time capacity is at the rate of salary that would be payable to the executive in relation to that part of the leave if the executive was rendering full-time on the relevant day; and
  - (b) in relation to eligible employment at a part-time capacity is at the rate per week is calculated by multiplying—
    - (i) the relevant rate per hour for that part of the long service leave; and
    - (ii) the prescribed average number of hours.

## 702 Effect of other entitlements

- (1) Long service leave will count as service for all purposes.

- (2) When applying for long service leave an executive must seek approval if they propose to engage in outside employment during the leave.

**703 Access to other entitlements—long service leave**

- (1) Public holidays and weekends that fall during periods of absence on long service leave are deducted from the executive's long service leave balance.
- (2) An executive who is ill or injured or cares for a member of the executive's immediate family or household who is sick, for one day or more while on long service leave and who produces a medical certificate may apply for personal leave.
- (3) If personal leave is granted to the executive, long service leave will be re-credited for the period of personal leave granted.
- (4) An executive who would otherwise be granted—
- (a) unpaid maternity leave; or
  - (b) unpaid parental leave; or
  - (c) grandparental leave; or
  - (d) community service leave for voluntary community service;
- may be granted long service leave during the period of that other leave type.
- (5) An executive who is prevented from attending for duty under the *Public Health Act 1997*, part 6 may be granted long service leave during that period.

### Subdivision 9.6.2.7 Maternity leave

#### 704 Purpose—maternity leave

Maternity leave is available to executives to enable them to be absent from duty to—

- (a) support her own wellbeing and to care for and bond with a new born child; and
- (b) support the protection of the family and children under the *Human Rights Act 2004*.

#### 705 Eligibility—maternity leave

- (1) An executive who is pregnant is eligible to apply for maternity leave.
- (2) An executive is eligible for maternity leave if termination of the pregnancy occurs within 20 weeks of the expected date of birth of the child.
- (3) If an executive's pregnancy terminates more than 20 weeks before the expected date of birth of the child any maternity leave which has been prospectively approved will be cancelled.

#### 706 Eligibility—paid maternity leave

- (1) An executive who is eligible for maternity leave and who has completed 12 months service, including recognised prior service, is eligible to be paid for the first 18 weeks of maternity leave.

*Note* Recognised prior service is set out in pt 3.6.

- (2) An executive who is eligible for maternity leave and who completes 12 months service during the first 18 weeks of maternity leave is eligible for paid maternity leave for the period between completing 12 months qualifying service and the end of the first 18 weeks of maternity leave.



- (3) An executive who is eligible for maternity leave and who is on approved leave without pay is eligible for paid maternity leave for the period between completing the approved period of leave without pay and the end of the first 18 weeks of maternity leave.

**707 Entitlement—maternity leave**

- (1) An eligible executive may be granted up to 52 weeks maternity leave for each pregnancy.
- (2) Subject to subsection (8), an employee who is eligible for paid maternity leave is entitled to be paid for the first eighteen weeks of maternity leave.
- (3) Maternity leave is non-cumulative.
- (4) Subject to subsections (5) and (6), an executive who is eligible for maternity leave must absent herself from duty for a period notionally commencing six weeks prior to the expected date of birth of the child and ending six weeks after the actual date of birth of the child.
- (5) An eligible executive's period of maternity leave will commence—
- (a) subject to subsection (6), six weeks prior to the expected date of birth of the child; or
  - (b) on the birth of the child if this occurs earlier than six weeks prior to the expected date of birth of the child; or
  - (c) on the date of termination of the pregnancy if termination occurs within 20 weeks of the expected date of birth of the child, or
  - (d) for an eligible executive, on the first day of paid maternity leave.
- (6) An executive who produces medical evidence from a medical practitioner that she is fit for duty until a date less than six weeks prior to the expected date of birth of the child may continue to work

up until a date recommended by the medical practitioner subject to the approval of the decision-maker.

- (7) An executive who has given birth to a child and produces medical evidence from a medical practitioner that she is fit for duty from a date less than six weeks after the date of birth of the child may resume duty on a date recommended by the medical practitioner subject to the approval of the decision-maker.
- (8) An executive who has given birth to a child may resume duty following the end of the 6-week period after the birth of the child and earlier than the end of the approved period of maternity leave, subject to the approval of the decision-maker.
- (9) An executive is entitled to return to work in accordance with the provisions in the National Employment Standards.

#### **708 Evidence and conditions—maternity leave**

- (1) Maternity leave under section 707 (4) is deemed to be approved; however, an executive is required to submit a leave form for any period of maternity leave.
- (2) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on maternity leave.
- (3) An executive must make an application to the decision-maker to access their paid maternity leave entitlement, or their entitlement to unpaid maternity leave other than under section 707 (4).
- (4) Having considered the requirements of this section the decision-maker may approve an executive's application to access maternity leave.
- (5) Prior to commencing maternity leave an executive will provide the decision-maker with evidence of her pregnancy and the expected date of birth from a registered health professional who is operating within their scope of practice.

- (6) As soon as possible after the birth of the child an executive will provide the decision-maker with evidence of the birth, and the date of the birth, from a registered health professional who is operating within their scope of practice.

**709 Rate of payment—maternity leave**

- (1) Paid maternity leave may be granted in any combination of full or half salary with credits to be deducted on the same basis.
- (2) The decision-maker may approve, subject to a medical certificate from a registered medical practitioner who is operating within their scope of practice, an executive taking paid maternity leave in a non-continuous manner, provided any other form of paid leave will not be approved until the executive has used all of the executive's paid maternity leave entitlement.
- (3) A period of paid maternity leave does not extend the maximum 52-week period of maternity leave available to an eligible executive.
- (4) An executive's period of absence on maternity leave between the paid period of maternity leave and the maximum 52-week period of maternity leave will be without pay, unless other paid leave entitlements are accessed.

**710 Effect on other entitlements—maternity leave**

- (1) Maternity leave with pay will count as service for all purposes.
- (2) Maternity leave without pay taken by an executive during the period commencing six weeks prior to the expected date of birth of the child and ending six weeks after the actual date of birth of the child will count as service for all purposes.
- (3) Subject to subsection (2) any period of maternity leave taken without pay will not count as service for any purpose but does not break continuity of service.

- (4) Public holidays for which the executive would otherwise have been entitled to payment that fall during periods of absence on maternity leave will not be paid as a normal public holiday and will not extend the maximum period of maternity leave.

### **711 Access to other leave entitlements—maternity leave**

- (1) An application by an executive for long service leave or annual leave during a period that would otherwise be an unpaid period of maternity leave will be granted to the extent of available entitlements.
- (2) An application by an executive for personal leave during a period that would otherwise be an unpaid period of maternity leave will be granted subject to the executive providing satisfactory evidence from a registered health professional operating within their scope of practice and to the extent of available entitlements.

### **Subdivision 9.6.2.8 Special maternity leave**

#### **712 Purpose—special maternity leave**

Special maternity leave is available to executives if—

- (a) the executive is not fit for work due to a pregnancy related illness, or
- (b) the pregnancy of the executive ends within 28 weeks of the expected date of birth, other than by the birth of a living child.

*Note* If a pregnancy ends within 20 weeks of the expected date of birth of the child the employee may be entitled to paid or unpaid maternity leave.

#### **713 Entitlement—special maternity leave**

An executive is entitled to a period of unpaid special maternity leave for the duration certified by a registered medical practitioner as necessary.

**714 Evidence and conditions—special maternity leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on special maternity leave (which may be after the leave has started) including the period, or expected period, of the leave.
- (2) An executive must make an application to the decision-maker to access their paid maternity leave entitlement, or their entitlement to unpaid maternity leave other than under section 707 (4).
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access maternity leave.
- (4) An executive who has given notice that special maternity leave will be (or is being) taken must provide reasonable evidence of the purpose for taking leave which may include a medical certificate from a registered medical practitioner.

**715 Rate of payment—special maternity leave**

Special maternity leave is granted without pay.

**716 Effect on other entitlements—special maternity leave**

- (1) Special maternity leave does not count as service for any purpose.
- (2) Special maternity leave does not break continuity of service.
- (3) Special maternity leave accessed due to pregnancy related illness is deducted from the entitlement for unpaid maternity leave accessed after the birth of the child.

**717 Access to other leave entitlements—special maternity leave**

- (1) Special maternity leave is in addition to any accrued personal leave entitlement.

- (2) Special maternity leave is in addition to compassionate leave.

### **Subdivision 9.6.2.9 Primary care giver leave**

#### **718 Purpose—primary care giver leave**

Primary care giver leave is available to executives to enable them to be absent from duty to—

- (a) care for and bond with a newborn, adopted or foster child, or a child for whom the executive has enduring parental responsibility due to a care and protection order; and
- (b) support the protection of the family and children under the *Human Rights Act 2004*.

#### **719 Eligibility—primary care giver leave**

- (1) Primary care giver leave is available to executives who are the primary care giver of a newborn, adopted or foster child, or a child for whom the executive has enduring parental responsibility due to a care and protection order.
- (2) An executive who has completed at least 12 months service, including recognised prior service, is eligible for paid primary care giver leave.

*Note* Recognised prior service is set out in pt 3.6.

- (3) An executive who is eligible for paid maternity leave is not eligible for primary care giver leave.
- (4) An executive who completes 12 months of qualifying service within 18 weeks of becoming the primary care giver for a child is eligible for primary care giver leave for the period between completing 12 months qualifying service and the end of the first 18 weeks of becoming the primary care giver for the child.

**720 Entitlement—primary care giver leave**

- (1) An executive is entitled to 18 weeks of paid primary care giver leave in relation to each birth, adoption or care and protection order.
- (2) Primary care giver leave is non-cumulative.
- (3) An executive is entitled to return to work in accordance with the provisions in the National Employment Standards.

**721 Evidence and conditions—primary care giver leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on primary care giver leave.
- (2) An executive must make an application to the decision-maker to access their primary care giver leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to primary care giver leave.
- (4) The executive must provide the decision-maker with appropriate evidence concerning the reasons for and circumstances under which the primary care giver leave application is made, which may include—
  - (a) a certificate from a registered health professional operating within their scope of practice relating to the expected date of birth of a child; or
  - (b) a birth certificate; or
  - (c) documents from an adoption authority concerning the proposed adoption of a child; or
  - (d) documents relating to the court orders granting parental responsibility of a foster child until the child reaches 18 years old.

- (5) In all cases details of leave being taken by the executive's domestic partner must be provided.
- (6) Before granting primary care giver leave, the decision-maker must be satisfied that the executive demonstrates that they are the primary care giver for the newborn, adopted or foster child.

**Examples**

- 1 The primary care giver may be the mother of an adopted child.
- 2 The primary care giver may be the father of the newborn child.
- 3 The primary care giver may be the domestic partner of the newborn child's mother.
- 4 The primary care giver may be a kinship carer or foster carer with parental responsibility until the child reaches 18 years old.

*Note* An example is part of this standard, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (7) Unless the decision-maker determines that exceptional circumstances apply, primary care giver leave will not be approved to care for—
  - (a) a baby over the age of 14 weeks; or
  - (b) an adopted or foster child—
    - (i) more than after 14 weeks after the adoption or foster care placement; or
    - (ii) if the child is over the age of 18, on the day of placement.
- (8) Primary care giver leave may be taken up to a maximum of 36 weeks at half pay.
- (9) The total combined entitlement under this subdivision, subdivision 9.6.2.7 and equivalent clauses under an industrial instrument is 18 weeks of paid leave in relation to the birth or adoption or fostering arrangement.



- (10) Primary care giver leave may be taken in any combination with maternity leave provided that the mother and the other executive entitled to primary care giver leave do not take these forms of paid leave concurrently.

**722 Rate of payment—primary care giver leave**

- (1) Primary care giver leave will be granted with pay.
- (2) The rate of payment to be paid during a paid period of primary care giver leave is the same rate as would be paid for approved personal leave.
- (3) Primary care giver leave may be granted in any combination of full or half pay, with credits to be deducted on the same basis.

**723 Effect on other entitlements—primary care giver leave**

- (1) Primary care giver leave will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on primary care giver leave will not be paid as a normal public holiday.

**724 Access to other leave entitlements—primary care giver leave**

Primary care giver leave does not extend the maximum period of unpaid parental leave available to an executive.

**Subdivision 9.6.2.10 Bonding leave**

**725 Purpose—bonding leave**

Bonding leave is available to executives to enable them to be absent from duty to—

- (a) bond with a newborn, adopted or foster child or a child for whom the employee has enduring parental responsibility due to a care and protection order;
- (b) support the protection of the family and children under the *Human Rights Act 2004*.

### **726 Eligibility—bonding leave**

- (1) Bonding leave is available to executives at the time of the child's birth, adoption, foster care or granting of enduring parental responsibility due to a care and protection order by the executive's domestic partner.
- (2) An executive who is entitled to paid maternity leave or paid primary care giver leave is not eligible for bonding leave.
- (3) If an executive is granted short-term parental responsibility of a child through and in accordance with a care and protection order, providing the child is under the age of eighteen on the day of placement, the executive may access paid bonding leave.

### **727 Entitlement—bonding leave**

- (1) An executive is entitled to be absent for a maximum of two weeks (10 days) at, or near, the time of the birth, adoption or care and protection order.

*Note* The maximum absence may be increased by a further five days of personal leave for bonding purposes.

- (2) Bonding leave is non-cumulative.
- (3) Bonding leave must be taken as a single block.

*Note* The five days of personal leave for bonding purposes may be taken at any time up to 14 weeks from the date of the birth, adoption or care and protection order.

- (4) If an executive's domestic partner is also an ACTPS officer, employee or executive bonding leave may be taken concurrently

with the domestic partner receiving maternity or primary caregiver leave.

**728 Evidence and conditions—bonding leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on bonding leave.
- (2) Bonding leave is deemed to be approved; however an executive must submit an application to the decision-maker for any period of bonding leave.
- (3) The executive must provide the decision-maker with appropriate evidence concerning the circumstances under which the bonding leave application is made, which may include—
  - (a) a medical certificate relating to the expected date of birth of a child; or
  - (b) a birth certificate; or
  - (c) documents from an adoption authority concerning the proposed adoption of a child; or
  - (d) documents relating to the court orders granting parental responsibility of a foster child until the child reaches 18 years old.
- (4) Unless the decision-maker determines that exceptional circumstances apply bonding leave will not be approved to care for—
  - (a) a baby over 14 weeks old; or
  - (b) an adopted or foster child over 18 years old on the day of placement.

**729 Rate of payment—bonding leave**

Bonding leave will be granted with pay.

**730 Effect on other entitlements—bonding leave**

- (1) Bonding leave will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on bonding leave will be paid as a normal public holiday and will not extend the maximum period of bonding leave.

**Subdivision 9.6.2.11 Parental leave**

**731 Purpose—parental leave**

Parental leave is in addition to the provisions available in maternity and primary care giver leave and is available to executives to enable them to be absent from duty following the birth or adoption of a child or the placement of a child in accordance with a care and protection order.

**732 Eligibility—parental leave**

Parental leave is available to an executive who is the primary care giver of a child following the birth or adoption of a child or the placement of a child in accordance with a care and protection order.

**733 Entitlement—parental leave**

- (1) An executive is entitled to up to two years of parental leave following the child's birth, adoption or placement in accordance with a care and protection order, less any period of maternity leave or primary care giver leave which the executive has taken in relation to the same child.

*Note* At the end of this time the employee is entitled to return to work in accordance with the provisions in the National Employment Standards.

- (2) An executive is entitled to apply and will be granted an additional year of parental leave for up to two occasions of birth, adoption or

placement in accordance with a care and protection order, provided that the executive agrees to become unattached.

**734 Evidence and conditions—parental leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on parental leave.
- (2) An executive must make an application to the decision-maker to access their parental leave entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access parental leave.
- (4) The executive must provide the decision-maker with appropriate evidence concerning the reasons for and circumstances under which the parental leave application is made, which may include—
  - (a) a birth certificate; or
  - (b) documents from an adoption authority concerning the adoption of a child; or
  - (c) documents relating to the court orders granting parental responsibility of a foster child until the child reaches 18 years old.
- (5) The decision-maker will not grant parental leave if the executive's domestic partner is on parental leave and is an officer or employee of the ACTPS.

**735 Rate of payment—parental leave**

Parental leave will be granted without pay.

**736 Effect on other entitlements—parental leave**

- (1) Parental leave will not count as service for any purpose.

- (2) Parental leave will not break continuity of service.
- (3) Public holidays for which the executive is entitled to payment that fall during periods of absence on parental leave—
  - (a) will not be paid as a normal public holiday; and
  - (b) will not extend the maximum period of parental leave.

**737 Access to other leave entitlements—parental leave**

- (1) An executive on parental leave may access annual and long service leave on full or half pay to the extent of available entitlements.
- (2) An application by an executive for personal leave during a period that would otherwise be a period of parental leave will be granted subject to the executive providing a certificate from a registered health professional operating within their scope of practice.

**Subdivision 9.6.2.12 Grandparental leave**

**738 Purpose—grandparental leave**

Grandparental leave is available to executives to enable them to be absent from duty to undertake a care giving role to their grandchild.

**739 Eligibility—grandparental leave**

To be eligible for grandparental leave, the baby or child whom the executive is providing care for must be—

- (a) their grandchild; or
- (b) their step-grandchild; or
- (c) their adopted grandchild; or
- (d) a child for whom the executive's child has parental or caring responsibility authorised under a law of a State or Territory.

## **740 Entitlement—grandparental leave**

- (1) An eligible executive may be granted up to 52 weeks of grandparental leave, in relation to each grandchild under care, which may be taken over a period not exceeding five years.
- (2) Grandparental leave is available up until the fifth birthday of the grandchild for whom the executive is the primary care giver.
- (3) Grandparental leave is non-cumulative.
- (4) The length of a period of absence on grandparental leave must be agreed between the eligible executive and the decision-maker.

### **Examples**

- 1 A day or part-day on an occasional basis.
- 2 A regular period of leave each week, fortnight or month.
- 3 A larger block of leave such as 6 or 12 months.

*Note* An example is part of this standard, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (5) If an executive is absent on grandparental leave and becomes a grandparent to another grandchild a new application must be made to extend the period of grandparental leave to care for the additional child.

## **741 Evidence and conditions—grandparental leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on grandparental leave.
- (2) An executive must make an application to the decision-maker to access their grandparental leave entitlement, and must include details of the period, or expected period, of the absence.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access grandparental leave.

- (4) The decision-maker should not approve an application for grandparental leave if an executive has an annual leave balance in excess of eight weeks.
- (5) An application for grandparental leave must include evidence in the form of—
  - (a) a statutory declaration or a medical certificate confirming the birth or the expected date of the birth of the grandchild; or
  - (b) the grandchild's adoption certificate or a statutory declaration confirming the adoption of the grandchild; or
  - (c) a letter or a statutory declaration confirming that there is an authorised care situation.
- (6) If both grandparents are employees of the ACTPS either grandparent may be granted leave but the leave may not be taken concurrently.

**742 Rate of payment—grandparental leave**

Grandparental leave will be granted without pay.

**743 Effect on other entitlements—grandparental leave**

- (1) Executives cannot engage in other work during a period of grandparental leave without the prior approval of the decision-maker.
- (2) Grandparental leave will count as service for all purposes except the accrual of annual leave and personal leave.
- (3) Grandparental leave will not break continuity of service.
- (4) Public holidays for which the executive is entitled to payment that fall during periods of absence on grandparental leave—
  - (a) will not be paid as normal public; and
  - (b) will not extend the maximum period of grandparental leave.



**744 Access to other leave entitlements—grandparental leave**

- (1) An executive on grandparental leave may access annual leave, purchased leave or long service leave.
- (2) An application by an employee for personal leave during a period that would otherwise be grandparental leave will be granted subject to the employee providing a certificate from a registered health professional who is operating within their scope of practice.

**Subdivision 9.6.2.13 Community service leave**

**745 Purpose—community service leave**

Community service leave is available to executives to allow them to be absent from duty to engage in the following community service activities—

- (a) jury service (including attendance for jury selection) that is required by or under a law of the Commonwealth, a State or a Territory; or
- (b) a voluntary emergency management activity; or
- (c) other recognised voluntary community service activity.

**746 Entitlement—jury service**

Community service leave for jury service is non-cumulative.

**747 Evidence and conditions—jury service**

- (1) Although the granting of community service leave for jury service is deemed to be approved, an executive must—
  - (a) submit a leave form for the period of the absence; and
  - (b) provide sufficient documentary evidence of the reason for the absence.

- (2) The executive should discuss with the decision-maker their intention to be absent on community service leave for jury service.

**748 Rate of payment—jury service**

- (1) Community service leave for jury service will be granted with pay.
- (2) If the executive is paid jury fees, this amount must be deducted from the executive's salary less reasonable out-of-pocket expenses.

**749 Effect on other entitlements—jury service**

- (1) Community service leave for jury service will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on community service leave for jury service will be paid as a normal public holiday and will not be considered to be community service leave for jury service.

**750 Eligibility—voluntary emergency management**

An executive who is a member of a relevant emergency service, including—

- (a) a State or Territory Emergency Service; or
- (b) a fire-fighting service; or
- (c) a search and rescue unit; or
- (d) other volunteer service performing similar functions;

is eligible for community service leave for voluntary emergency management.

**751 Entitlement—voluntary emergency management**

- (1) An eligible executive is entitled to be absent on unpaid leave to engage in voluntary emergency management activities, subject to operational requirements in the workplace.

- (2) An eligible executive is eligible for up to four days paid community service leave for voluntary emergency management per emergency.
- (3) Community service leave for voluntary emergency management is non-cumulative.

**752 Evidence and conditions—voluntary emergency management**

- (1) An executive should discuss their intention to be absent on paid or unpaid community service for voluntary emergency management with the decision-maker as soon as practicable, which may be a time after the absence has started.
- (2) An executive must advise the decision-maker of the period, or expected period, of the absence.
- (3) An executive must make an application to the decision-maker to access their paid community service leave for voluntary emergency management entitlement.
- (4) Having considered the requirements of this section the decision-maker may approve an executive's application to access community service leave for voluntary emergency management.
- (5) The decision-maker may grant community service leave for voluntary emergency management to enable the executive to fulfil an obligation in the event of a civil emergency.
- (6) The executive must, if requested by the decision-maker, provide sufficient documentary evidence of the reason for the absence.

**753 Rate of payment—voluntary emergency management**

Paid community service leave for voluntary emergency management will be granted at the executive's normal rate of pay.

**754 Effect on other entitlements—voluntary emergency management**

- (1) A period of recognised community service leave for voluntary emergency management will count as service for all purposes.
- (2) Public holidays for which the executive is entitled to payment that fall during periods of absence on community service leave for voluntary emergency management will be paid as a normal public holiday and will not be considered to be community service leave for voluntary emergency management.

**755 Additional leave—voluntary emergency management**

Additional paid leave may be approved by the decision-maker for any voluntary emergency management duties required to be performed by an executive who is a member of a State or Territory Emergency Service.

**756 Entitlement—voluntary community service**

- (1) An executive is entitled to up to three days of paid leave for community service leave to engage in a recognised community service activity within a 12-month period.
- (2) An executive may be granted additional unpaid voluntary community service leave to engage in a recognised voluntary community service activity, subject to operational requirements in the workplace.
- (3) Community service leave for voluntary community service is non-cumulative.

**757 Evidence and conditions—voluntary community service**

- (1) An executive should discuss their intention to be absent on community service leave for voluntary community service, as soon as practicable, with the decision-maker.

- (2) An executive must make an application to the decision-maker to access their community service leave for voluntary community service entitlement.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application to access unpaid community service leave for voluntary community service.
- (4) The executive must provide sufficient documentary evidence of the reason for the absence.
- (5) In considering an application from an executive for leave to engage in a voluntary community service activity, the decision-maker must consider whether—
  - (a) the activity is a recognised voluntary activity; and
  - (b) the community organisation or project is an acceptable organisation or project as defined in the agency's guidelines; and
  - (c) there is a risk the activity would place the executive in a real or perceived conflict of interest.
- (6) Leave for a voluntary community service activity must not be approved for activities which—
  - (a) involve any payment in cash or kind for the duties performed by the executive; or
  - (b) replace work ordinarily undertaken by a paid worker; or
  - (c) are undertaken solely for direct personal benefit of the executive; or
  - (d) place the executive in a conflict of interest situation; or
  - (e) are primarily focussed on promoting particular religious or political views; or
  - (f) involve work which does not have a community focus.

- (7) The decision-maker may refuse an application from an executive for leave to engage in a voluntary community service activity on operational grounds.

**758 Rate of payment—voluntary community service**

Community service leave for voluntary community service will be granted with pay for the first three days leave in a 12-month period.

**759 Effect on other entitlements—voluntary community service**

- (1) Community service leave for voluntary community service will count as service for all purposes up to a maximum of 23 days in any 12-month period.
- (2) If the decision-maker has approved a request for unpaid community service leave for voluntary community service exceeding 20 days in a 12-month period, any leave in excess of 20 days will not count as service.
- (3) Public holidays for which the executive is entitled to payment that fall during periods of absence on paid community service leave—
- (a) will be paid as normal public holidays; and
  - (b) will not be considered to be community service leave for voluntary community service.

**760 Access to other entitlements—voluntary community service**

Community service leave for voluntary community service may be taken in combination with approved annual or long service leave.

### **Subdivision 9.6.2.14 Other leave**

#### **761 Purpose—other leave**

- (1) Other leave is available to executives to enable them to be absent from duty for a variety of purposes.
- (2) Other leave may be granted in the interests of—
  - (a) the Agency, a State, a Territory or the Commonwealth; or
  - (b) the community in general; or
  - (c) the executive.

#### **762 Eligibility—other leave**

An executive who meets the eligibility requirements in table 766A, column 2 is eligible to that form of other leave.

#### **763 Entitlement—other leave**

An executive may be granted other leave to the maximum period in table 766A, column 4.

#### **764 Evidence and conditions—other leave**

- (1) An executive should discuss with the decision-maker as soon as practicable their intention to be absent on a form of other leave, including the reasons for the absence, and the period or expected period of absence.
- (2) An executive must make an application to the decision-maker to access a form of other leave.
- (3) Having considered the requirements of this section the decision-maker may approve an executive's application for a form of other leave.

- (4) The executive must, if requested by the decision-maker, provide sufficient documentary evidence supporting the reason for the absence.
- (5) When considering requests for other leave, the decision-maker will take into account—
  - (a) the executive’s circumstances; and
  - (b) community norms and obligations; and
  - (c) the operational requirements of the workplace; and
  - (d) other available leave options; and
  - (e) any conditions on the entitlement in table 766A, column 5.

**765 Rate of payment and effect on other entitlement—other leave**

- (1) Other leave may be granted with or without pay in accordance with table 766A, column 6.
- (2) A period of other leave will count as service in accordance with table 766A, column 7.
- (3) Public holidays for which the employee is entitled to payment that fall during periods of absence on paid other leave will be paid as a normal public holiday and will not reduce an entitlement of the employee to other leave.

**766 Access to other leave entitlements—other leave**

Leave will not be granted under this provision if another form of leave is more appropriate.

**766A Types of other leave**

Types of other leave are as provided in table 766A.



**Table 766A**

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Accompany a domestic partner on a posting	To enable an executive to accompany the executive's domestic partner for the period, or part of the period, of a posting	An executive	The maximum period is the period during which the domestic partner of the executive is required to perform duties overseas, or interstate.		Without pay.	Will not count for any purpose.
Attend Aboriginal or Torres Strait Islander Ceremonies	To attend a ceremony associated with the death of an immediate or extended family member or for other ceremonial obligations under Aboriginal and Torres Strait Islander law.	An executive who is of Aboriginal or Torres Strait Islander descent.	A maximum period of 10 days in any 2-year period.		Without pay.	Will not count for any purpose.

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**Division 9.6.2** Leave entitlements

Section 766A

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Attend Aboriginal or Torres Strait Islander meetings	For attending representative meetings in the capacity of an elected representative of the Aboriginal and Torres Strait Islander peak body.	An executive who is an elected representative of the ACT Aboriginal and Torres Strait Islander peak body.	The maximum period is the time necessary to attend representative meetings.	If an executive accepts any fee for attendance at the meeting, leave will be granted without pay. An executive may accept reimbursement for out-of-pocket expenses.	Full pay.	Will count as service for all purposes.
Attend NAIDOC week activities	To enable an executive to attend and participate in NAIDOC Week activities.	An executive who is of Aboriginal or Torres Strait Islander descent.	A maximum period of one complete day or for varying periods over the week's activities, totalling the equivalent of one complete day.		Full pay.	Will count as service for all purposes.

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Attend sporting events as an accredited competitor or official	To enable an executive to attend sporting events as an accredited competitor or official.	An executive who is selected by an official sporting body to participate as an accredited official or competitor with national or international sporting status.	The maximum period is the time necessary to attend training for, or attendance at, a major national or international sporting or other recognised event in the capacity of an accredited official or competitor.	Leave will be with pay unless otherwise agreed by the executive.	With pay or without pay.	With pay will count as service for all purposes.  Without pay will not count as service for any purpose.
Attend as a witness		An executive	The maximum period is the time necessary to attend as a witness.	If an executive is required to travel to give evidence, they may be reimbursed for reasonable travel expenses as if the executive had travelled in the course of the executive's duties, less any amount received as witnesses' expenses.	With pay for an executive to give evidence— (a) on behalf of a Territory, a State or the Commonwealth; (b) on behalf of an authority established by or under a law of a Territory, a State or the Commonwealth; (c) in a judicial review or administrative review proceeding if the matter being reviewed relates to the work of the employee; (d) before a Royal Commission appointed under a law of the Commonwealth;	Will count as service for all purposes.

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column 1 Type	column 2 Purpose	column 3 Eligibility	column 4 Entitlement	column 5 Conditions	column 6 Rate of payment	column 7 Effect on other entitlements
					(e) before a person conducting an inquiry under a law of a Territory, a State or the Commonwealth; or (f) before a person or authority exercising arbitral functions under a law of a Territory, a State or the Commonwealth. Without pay in all other circumstances under this type of other leave. An executive is entitled to retain any amounts received for witness' expenses; and be reimbursed for travel expenses minus the retained witness' expenses.	

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<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Campaign for election	To enable the executive to campaign for election	An executive who is standing for election to the ACT Legislative Assembly, Commonwealth or State House of Parliament, or other legislative or advisory body approved by the head of service or, for leave for the head of service, the Chief Minister.	A maximum period of three months.		Without pay.	Will not count for any purpose.
Cope with an emergency or disaster	If an executive is affected by a disaster which has destroyed or significantly damaged the executive's usual place of residence or its contents.	An executive whose home is wholly or partly uninhabitable for health or safety reasons.	A maximum period of three days in each consecutive 12-month period.		Full pay.	Counts as service for all purposes.

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<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Defence Service	To enable an executive to undertake specified defence service and, also, enlistment, training and/or deployment with the Australian Defence Force Reserve (ADFR).	An executive who is a member of one of the following forces is eligible for specific defence service leave— (a) the Australian Defence Force; or (b) a naval, military or air force of a country allied or associated with Australia for the purposes of defence; or (c) a naval, military or air force of the United Nations.	Determined in consultation with the head of service or, for leave for the head of service, the Chief Minister.	An eligible executive must give notice to the head of service or, for leave for the head of service, the Chief Minister as soon as practicable of their absence or intention to be absent for Defence Service Leave, including documentary evidence.	Determined in consultation with the head of service or, for leave for the head of service, the Chief Minister.	Determined in consultation with the head of service or, for leave for the head of service, the Chief Minister.
Donate an organ	To enable an executive to donate an organ.	An executive who volunteers as an organ donor.	A maximum period of three months in any 12-month period.		Full pay.	Will count as service for all purposes.

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Donate blood	To enable an executive to donate blood.	An executive, who volunteers as a blood donor.	The maximum period is the time necessary to attend to give blood, including travel and reasonable recovery time.		Full pay.	Will count as service for all purposes.
Engage in employment associated with compensation	To enable an executive to engage in employment outside the ACTPS as part of a rehabilitation process under the <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cwlth).	An executive who is, or was, entitled to compensation leave under the <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cwlth) and the employment is part of a rehabilitation process under that Act.	A maximum period of three years.		Without pay.	Will count as service for all purposes.

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<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Engage in employment in the interests of defence or public safety	To enable the executive to engage in work or employment that the head of service or, for leave for the head of service, the Chief Minister considers is in the interests of the defence or public safety of the Commonwealth or the Territories.	An executive who is engaging in work or employment that the decision-maker considers is in the interest of the defence or public safety of the Commonwealth or the Territories.	A maximum period of two years.		Without pay.	The first 12 months will count as service for all purposes. Subsequent leave will count as service for all purposes except annual leave. If an executive does not return to duty with the ACTPS the leave will not count as service for any purpose.



Executives and statutory office-holders  
Executive and statutory office-holder leave entitlements  
Leave entitlements

**Chapter 9**  
**Part 9.6**  
**Division 9.6.2**

Section 766A

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Engage in employment in the interests of the ACTPS	To enable an executive to engage in work or employment that the decision-maker considers is in the interests of the ACTPS.	An executive who is engaging in work or employment that the decision-maker considers is in the interests of the ACTPS.	A maximum period of five years.		Without pay.	Will counts as service for all purposes except for annual leave. If an executive does not return to duty with the ACTPS the leave will not count as service for any purpose.

**Chapter 9** Executives and statutory office-holders  
**Part 9.6** Executive and statutory office-holder leave entitlements  
**Division 9.6.2** Leave entitlements

Section 766A

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Local government purposes	To enable the executive to attend formal meetings, in the capacity of an elected office-holder, of a local government council.	An executive who is a duly elected office-holder of a local government council.	A maximum period of— (a) in the case of an executive who is mayor or president of the council, five days in any 12-month period; or (b) in any other case three days in any 12-month period.		Full pay.	Will count as service for all purposes.

Executives and statutory office-holders  
Executive and statutory office-holder leave entitlements  
Leave entitlements

**Chapter 9**  
**Part 9.6**  
**Division 9.6.2**  
Section 766A

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Religious purposes	To enable an executive to attend a ceremony integral to the practice of the executive's religious faith.	An executive who is an adherent to the particular religious faith and who is a practising member of that religious faith.	A maximum period of 10 days in any 2-year period.	Religious leave is only available for ceremonies that are of significant importance to the particular faith that are generally observed by the entire faith. Leave is not available for ceremonies that are only of significance to the individual member of the particular religious faith.	Without pay.	Will not count for any purpose.
Returned soldiers for medical purposes	To enable an executive to attend an appointment for treatment or review as a returned soldier under the <a href="#">Veterans' Entitlement Act 1986</a> (Cwlth).	An executive who is a returned soldier.	A maximum period of two weeks in any 12-month period.		Full pay.	Will count as service for all purposes.

**Chapter 9** Executives and statutory office-holders  
**Part 9.6** Executive and statutory office-holder leave entitlements  
**Division 9.6.2** Leave entitlements

Section 766A

<b>column 1 Type</b>	<b>column 2 Purpose</b>	<b>column 3 Eligibility</b>	<b>column 4 Entitlement</b>	<b>column 5 Conditions</b>	<b>column 6 Rate of payment</b>	<b>column 7 Effect on other entitlements</b>
Take leave if leave cannot be granted under any other provision	To enable an executive to be absent from duty if the leave cannot be provided for elsewhere.	An executive.	A maximum period of 12 months.		Without pay, except if the decision-maker determines there are special circumstances, having regard to— (a) the purpose for which the leave is being taken; and (b) the length of service of the executive; and (c) the length of the period for which the leave is being taken. In special circumstances the decision-maker determines whether leave is at full pay or half pay.	Leave without pay will not count as service for any purpose except if the decision-maker determines there are special circumstances that the period of leave granted is to be with pay.

### Subdivision 9.6.2.15 Public holidays

#### 767 Entitlement—public holidays

Executives are entitled to be absent from duty, in accordance with the *Holidays Act 1958*, on the following days:

- (a) 1 January (New Year's day), or, if that day falls on a Saturday or Sunday, the following Monday;
- (b) 26 January (Australia Day), or, if that day falls on a Saturday or Sunday, the following Monday;
- (c) the 2nd Monday in March (Canberra Day);
- (d) Good Friday;
- (e) the Saturday following Good Friday;
- (f) the Monday following Good Friday;
- (g) 25 April (Anzac Day), or, if that day falls on a Saturday or Sunday, the following Monday;
- (h) the 2nd Monday in June (the day for the observance of the anniversary of the birthday of the Sovereign);
- (i) Family and Community Day;
- (j) the 1st Monday in October (Labour Day);
- (k) Christmas Day, or, if that day falls on a Saturday or Sunday, the following Monday;
- (l) 26 December (Boxing Day), or, if that day falls on a Saturday, the following Monday; or, if that day falls on a Sunday or Monday, the following Tuesday;
- (m) any other day, or a part of any other day, declared to be a public holiday in the ACT in accordance with the *Holidays Act 1958*;

- (n) the next working day after Boxing Day;
- (o) any other day, or part of any day, declared to be a holiday by the Commissioner for Public Administration.

**768 Rate of payment—public holidays**

- (1) A public holiday will be granted with pay.
- (2) A part-time executive whose regular part-time hours do not fall on a public holiday will not be paid for that public holiday.
- (3) An executive will not be paid for a public holiday which occurs during a period of leave without pay.
- (4) If a public holiday occurs on the day immediately before or immediately after an executive is on a period of leave without pay the executive is entitled to be paid for the public holiday.

**769 Effect on other entitlements—public holidays**

- (1) Public holidays count as service for all purposes.
- (2) A public holiday will not count as service if it occurs while the executive is on a period of leave not to count as service.

**Subdivision 9.6.2.16 Christmas shutdown**

**770 Purpose—Christmas shutdown**

Christmas shutdown is available to executives to enable them to be absent from duty for purposes of operational efficiency and for the wellbeing of executives.

**771 Entitlement—Christmas shutdown**

- (1) Executives are entitled to two days of leave during each Christmas shutdown period, which are the working days beginning on 28 December and ending on 31 December.
- (2) Only executives who are directed to work during this period may attend for work over the Christmas shutdown period.
- (3) Executives who are working during the Christmas shutdown period will be entitled to either—
  - (a) take paid absence equivalent to the time worked at a time agreed between the executive and the decision-maker; or
  - (b) elect to receive a payment for the time worked.
- (4) Part-time executives whose regular part-time hours do not fall during the Christmas shutdown period will not be entitled to the additional two days of paid leave.

**772 Rate of payment—Christmas shutdown**

Christmas shutdown leave will be granted with pay.

**773 Effect on other entitlements—Christmas shutdown**

Christmas shutdown leave will count as service for all purposes.

## Dictionary

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Standard.

*Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- adult
- appoint
- Australia
- body
- breach
- by regulation
- calendar year
- change
- Chief Minister
- child
- commencement (see s 80)
- Commonwealth country
- corporation
- credit union
- daily newspaper
- definition (see s 130)
- dentist
- designation
- doctor
- document
- domestic partner (see s 169 (1))
- domestic partnership (see s 169 (2))
- establish
- estate
- exercise
- expire
- fail
- for



- function
- gazette
- High Court
- individual
- in relation to
- instrument (see s 14)
- law
- Legislative Assembly
- liability
- may (see s 146)
- medical practitioner
- midnight
- Minister (see s 162)
- modification
- month
- must (see s 146)
- name
- night
- Northern Territory
- notification
- notification day
- number
- nurse
- oath
- occupy
- office
- parent
- person
- position
- power
- proceeding
- property
- provision (see s 16)

- public service
- public trustee
- quarter
- regulation
- remuneration tribunal
- rules
- Self-Government Act
- Standards Australia
- State
- statutory declaration
- territory law
- the Territory
- transitional
- under
- working day
- writing
- year.

*Note 3* Terms used in this standard have the same meaning that they have in the *Public Sector Management Act 1994* (see *Legislation Act*, s 148.) For example, the following terms are defined in the *Public Sector Management Act 1994*, dict:

- classification
- clerk (see s 45)
- Commonwealth officer
- criminal offence
- director
- director-general
- employee
- excess officer
- executive
- executive office
- government agency
- head of service

- industrial award
- management standards
- officer
- overseas
- part-time office
- prescribed
- promotion
- public employee
- relevant union
- returned soldier
- service
- statutory office-holder
- territory instrumentality
- unattached officer.

**ACTPS** means the Australian Capital Territory Public Service established under the Act, section 12.

**APS** means the Australian Public Service.

**ASO** means the classification ‘*Administrative Service Officer*’ and includes a reference to an office classified by that name or a person occupying such an office.

**assessed work value**, for part 9.3A (Working out executive employee remuneration)—see section 626 (2).

**base remuneration**, for part 9.3A (Working out executive employee remuneration)—see section 628.

**Calvary Hospital** means Calvary Hospital A.C.T. Incorporated.

**COMCARE** has the same meaning as in the [Safety, Rehabilitation and Compensation Act 1988](#) (Cwlth).

**committee** in relation to a committee, means all the members of the committee or one or more members acting on behalf of all members.

**Commonwealth Superannuation Scheme** (or **CSS**) means the superannuation scheme administered under the [Superannuation Act 1976](#) (Cwlth).

**continuous recognised service**, for part 9.3C (Executive employee financial entitlements)—see section 636G.

**CPA**—see *the Commissioner*.

**CSS**—see *Commonwealth Superannuation Scheme*.

**disability**—see the [Discrimination Act 1991](#), section 5AA

**employee**, for part 4.9 (Working with vulnerable people)—see section 287A.

**executive employee** means a person employed under any of the following provisions of the [Act](#):

- (a) section 23C (Head of service—engagement);
- (b) section 23J (Head of service—temporary contract);
- (c) section 28 (Directors-general—engagement);
- (d) section 30 (Directors-general—temporary contracts);
- (e) section 72 (Executives—engagement);
- (f) section 76 (Executives—temporary contracts).

**GMO** means a Government Medical Officer registered as a medical practitioner who has been engaged to provide medical opinion to a government agency in respect of a person.

**GRTW** means a graduated return to work program.

**GSO** means the classification ‘General Service Officer’ and includes a reference to an office classified by that name or a person occupying such an office.

**HDA** means Higher Duties Allowance.

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***household member*** means a person residing in an officer's or employee's normal place of residence at the time of the officer's or employee's illness, injury, emergency or death who is not in the officer's or employee's immediate family.

***immediate family*** means—

- (a) an officer's or employee's—
  - (i) domestic partner; or
  - (ii) former domestic partner; or
  - (iii) child; or
  - (iv) adult child; or
  - (v) parent; or
  - (vi) grandparent; or
  - (vii) grandchild; or
  - (viii) sibling; or
- (b) the officer's or employee's domestic partner's or former domestic partner's—
  - (i) child; or
  - (ii) adult child; or
  - (iii) parent; or
  - (iv) grandparent; or
  - (v) grandchild; or
  - (vi) sibling; or
- (c) a person related to the executive by Aboriginal and/or Torres Strait Islander kinship structure; and
- (d) a person identified in paragraphs (a), (b) and (c) may be adopted, step-, fostered or ex-nuptial; and

- (e) and a person recognised by the head of service as a member of the officer's or employee's immediate family in exceptional circumstances.

*Note* This might include other close family member or for an employee who has no-one to nominate as 'immediate family', a nominated person.

***independent job evaluation methodology***, for part 9.3A (Working out executive employee remuneration)—see section 626 (1).

***locality*** means the ACT and surrounding region.

***part-time officer*** means an officer who occupies a part-time office or an unattached officer who occupied a part-time office immediately before becoming unattached.

***prior service*** is employment treated as if had been employment by the Territory, or included in length of service, for the purposes of ACTPS entitlements.

***PSS***—see ***Public Sector Superannuation Scheme***.

***public holiday*** means a day or part of a day at a location where a holiday has been declared for members of the Service.

***public purpose*** includes government purposes and purposes relating to the public interest or public benefit.

***Public Sector Superannuation Scheme*** (or ***PSS***) means the superannuation scheme administered under the [Superannuation Act 1990](#) (Cwlth).

***relevant person***, in relation to an executive employee, means—

- (a) for an executive employee other than the head of service—the head of service; and
- (b) for the head of service—the Chief Minister.

***remuneration***, for part 9.3A (Working out executive employee remuneration)—see section 624.

**salary**, for part 9.3A (Working out executive employee remuneration)—see section 624.

**selection committee** means a committee established to consider and recommend which officer, employee or person should be appointed, promoted, transferred to an office or employed.

**Self-Government (Consequential Provisions) Act** means the [ACT Self-Government \(Consequential Provisions\) Act 1988](#) (Cwlth).

**spent**, in relation to a conviction—see the [Spent Convictions Act 2000](#), section 7.

**Standard** means a Public Sector Management Standard made under the Act and includes a part of a Standard.

**substantive office** means the office an officer has been appointed, promoted or permanently transferred to.

**Superannuation Acts** means the [Superannuation Act 1976](#) (Cwlth) or the [Superannuation Act 1990](#) (Cwlth), or both, as the case requires.

**supervisor** means a person who has direct supervisory responsibility for one or more employees in a work unit or group activity.

**temporary transfer**—see section 81A

**the Commissioner** means the Commissioner for Public Administration

**total remuneration point**, for part 9.3A (Working out executive employee remuneration)—see section 625.

**transfer**—see section 77

**transitional executive**, for part 9.3C (Executive employee financial entitlements)—see section 636H.

**union**—see the Act, definition of **relevant staff organisation**.

**Working with Vulnerable People Act**, for part 4.9 (Working with vulnerable people)—see section 287A.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



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### 3 Legislation history

**Public Sector Management Standards 2006 DI2006-187**

notified LR 2 August 2006  
s 1, s 2 commenced 2 August 2006 (LA s 75 (1))  
remainder commenced 3 August 2006 (s 2)

as amended by

**Public Sector Management Amendment Standards 2006 (No 1)  
DI2006-218**

notified LR 11 October 2006  
s 1, s 2 commenced 11 October 2006 (LA s 75 (1))  
remainder commenced 12 October 2006 (s 2)

**Public Sector Management Amendment Standards 2007 (No 1)  
DI2007-64**

notified LR 8 March 2007  
s 1, s 2 commenced 8 March 2007 (LA s 75 (1))  
remainder commenced 9 March 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 2)  
DI2007-91**

notified LR 19 April 2007  
s 1, s 2 commenced 19 April 2007 (LA s 75 (1))  
remainder commenced 20 April 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 3)  
DI2007-92**

notified LR 19 April 2007  
s 1, s 2 commenced 19 April 2007 (LA s 75 (1))  
remainder commenced 20 April 2007 (s 2)

**Public Sector Management Amendment Standards 2007 (No 4)  
DI2007-125**

notified LR 21 June 2007  
s 1, s 2 commenced 21 June 2007 (LA s 75 (1))  
remainder commenced 22 June 2007 (s 2)

## Endnotes

3 Legislation history

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### **Public Sector Management Amendment Standards 2007 (No 5)**

#### **DI2007-187**

notified LR 30 July 2007  
s 1, s 2 commenced 30 July 2007 (LA s 75 (1))  
remainder commenced 31 July 2007 (s 2)

### **Public Sector Management Amendment Standards 2007 (No 6)**

#### **DI2007-196**

notified LR 9 August 2007  
s 1, s 2 commenced 9 August 2007 (LA s 75 (1))  
remainder commenced 10 August 2007 (s 2)

### **Public Sector Management Amendment Standards 2007 (No 7)**

#### **DI2007-198**

notified LR 9 August 2007  
s 1, s 2 commenced 9 August 2007 (LA s 75 (1))  
remainder commenced 10 August 2007 (s 2)

### **Public Sector Management Amendment Standards 2007 (No 8)**

#### **DI2007-246**

notified LR 25 October 2007  
s 1, s 2 commenced 25 October 2007 (LA s 75 (1))  
remainder commenced 1 December 2007 (s 2)

### **Public Sector Management Amendment Standards 2008 (No 1)**

#### **DI2008-56**

notified LR 17 April 2008  
s 1, s 2 commenced 17 April 2008 (LA s 75 (1))  
remainder commenced 19 April 2008 (s 2)

### **Public Sector Management Amendment Standards 2008 (No 2)**

#### **DI2008-171**

notified LR 3 July 2008  
s 1, s 2 commenced 3 July 2008 (LA s 75 (1))  
remainder commenced 10 August 2008 (s 2)

### **Public Sector Management Amendment Standards 2008 (No 3)**

#### **DI2008-215**

notified LR 21 August 2008  
s 1, s 2 commenced 21 August 2008 (LA s 75 (1))  
remainder commenced 22 August 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 4)****DI2008-278**

notified LR 13 November 2008  
s 1, s 2 commenced 13 November 2008 (LA s 75 (1))  
remainder commenced 14 November 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 5)****DI2008-280**

notified LR 20 November 2008  
s 1, s 2 commenced 20 November 2008 (LA s 75 (1))  
remainder commenced 21 November 2008 (s 2)

**Public Sector Management Amendment Standards 2008 (No 6)****DI2008-289**

notified LR 15 December 2008  
s 1, s 2 commenced 15 December 2008 (LA s 75 (1))  
remainder commenced 16 December 2008 (s 2)

**Public Sector Management Amendment Standards 2009 DI2009-46**

notified LR 9 April 2009  
s 1, s 2 commenced 9 April 2009 (LA s 75 (1))  
remainder commenced 10 April 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 2)****DI2009-54**

notified LR 14 April 2009  
s 1, s 2 commenced 14 April 2009 (LA s 75 (1))  
remainder commenced 19 April 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 3)****DI2009-88**

notified LR 4 June 2009  
s 1, s 2 commenced 4 June 2009 (LA s 75 (1))  
remainder commenced 5 June 2009 (s 2)

**Public Sector Management Amendment Standards 2009 (No 5)****DI2009-89**

notified LR 9 June 2009  
s 1, s 2 commenced 9 June 2009 (LA s 75 (1))  
remainder commenced 10 June 2009 (s 2)

## Endnotes

3 Legislation history

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### **Public Sector Management Amendment Standards 2009 (No 4)**

#### **DI2009-90**

notified LR 9 June 2009  
s 1, s 2 commenced 9 June 2009 (LA s 75 (1))  
remainder commenced 10 June 2009 (s 2)

### **Public Sector Management Amendment Standards 2009 (No 6)**

#### **DI2009-134**

notified LR 29 June 2009  
s 1, s 2 commenced 29 June 2009 (LA s 75 (1))  
remainder commenced 30 June 2009 (s 2)

### **Public Sector Management Amendment Standards 2009 (No 7)**

#### **DI2009-185**

notified LR 7 August 2009  
s 1, s 2 commenced 7 August 2009 (LA s 75 (1))  
remainder commenced 10 August 2009 (s 2)

### **Public Sector Management Amendment Standards 2009 (No 8)**

#### **DI2009-222**

notified LR 29 October 2009  
s 1, s 2 commenced 29 October 2009 (LA s 75 (1))  
remainder commenced 30 October 2009 (s 2)

### **Public Sector Management Amendment Standards 2010 (No 1)**

#### **DI2010-67**

notified LR 10 May 2010  
s 1, s 2 commenced 10 May 2010 (LA s 75 (1))  
remainder commenced 11 May 2010 (LA s 73 (3))

### **Public Sector Management Amendment Standards 2010 (No 2)**

#### **DI2010-137**

notified LR 1 July 2010  
s 1, s 2 commenced 1 July 2010 (LA s 75 (1))  
remainder commenced 2 July 2010 (s 2)

### **Public Sector Management Amendment Standards 2010 (No 3)**

#### **DI2010-164**

notified LR 15 July 2010  
s 1, s 2 commenced 15 July 2010 (LA s 75 (1))  
remainder commenced 16 July 2010 (s 2)

**Public Sector Management Amendment Standards 2010 (No 4)****DI2010-193**

notified LR 20 August 2010  
s 1, s 2 commenced 20 August 2010 (LA s 75 (1))  
remainder commenced 24 August 2010 (s 2)

**Public Sector Management Amendment Standards 2010 (No 5)****DI2010-206**

notified LR 9 September 2010  
s 1, s 2 commenced 9 September 2010 (LA s 75 (1))  
remainder commenced 10 September 2010 (s 2)

**Public Sector Management Amendment Standards 2011 (No 1)****DI2011-4**

notified LR 20 January 2011  
s 1, s 2 commenced 20 January 2011 (LA s 75 (1))  
remainder commenced 21 January 2011 (s 2)

**Public Sector Management Amendment Standards 2011 (No 2)****DI2011-10**

notified LR 3 February 2011  
s 1, s 2 commenced 3 February 2011 (LA s 75 (1))  
remainder commenced 4 February 2011 (s 2)

**Public Sector Management Amendment Standards 2011 (No 3)****DI2011-49**

notified LR 7 April 2011  
s 1, s 2 commenced 7 April 2011 (LA s 75 (1))  
remainder commenced 18 April 2011 (s 2 and see [Public Sector Management Amendment Act 2011 A2011-1](#), s 2 and [CN2011-5](#))

**Public Sector Management Amendment Standards 2011 (No 4)****DI2011-160**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
remainder commenced 1 July 2011 (s 2 and see [Public Sector Management \(One ACT Public Service\) Amendment Act 2011 A2011-21](#), s 2)

## Endnotes

3 Legislation history

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### **Public Sector Management Amendment Standards 2012 (No 1)**

#### **DI2012-9**

notified LR 2 February 2012  
s 1, s 2 commenced 2 February 2012 (LA s 75 (1))  
remainder commenced 3 February 2012 (s 2)

### **Public Sector Management Amendment Standards 2012 (No 2)**

#### **DI2012-23**

notified LR 1 March 2012  
s 1, s 2 taken to have commenced 3 February 2012 (LA s 75 (2))  
remainder taken to have commenced 3 February 2012 (s 2)

### **Public Sector Management Amendment Standards 2012 (No 3)**

#### **DI2012-238**

notified LR 30 October 2012  
s 1, s 2 taken to have commenced 1 July 2012 (LA s 75 (2))  
remainder taken to have commenced 1 July 2012 (s 2)

### **Public Sector Management (Executive Employee Conditions of Employment) Amendment Standards 2013 (No 1) DI2013-187**

notified LR 5 July 2013  
s 1, s 2 commenced 5 July 2013 (LA s 75 (1))  
remainder commenced 6 July 2013 (s 2)

### **Public Sector Management Amendment Standards 2014 (No 1)**

#### **DI2014-66**

notified LR 22 May 2014  
s 1, s 2 commenced 22 May 2014 (LA s 75 (1))  
remainder commenced 23 May 2014 (s 2)

### **Public Sector Management (Executive Vehicle Entitlement) Amendment Standards 2014 (No 1) DI2014-272**

notified LR 16 October 2014  
s 1, s 2 taken to have commenced 3 July 2014 (LA s 75 (2))  
remainder taken to have commenced 3 July 2014 (s 2)

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Administration and management of the public sector

ch 2 hdg sub [DI2011-49](#) s 41; [DI2012-238](#) s 4

### Code of conduct

pt 2.1 hdg ins [DI2011-49](#) s 5  
sub [DI2012-238](#) s 4

### Reasonable care and skill

div 2.1.1 hdg ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

### Conflict of interest

div 2.1.2 hdg ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

### Integrity

div 2.1.3 hdg ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

### Personal use of IT resources

div 2.1.4 hdg ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

### Purposes of pt 2.1

s 5 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4

### ACTPS code of conduct

s 6 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4  
def **Code of Ethics** om [DI2011-49](#) s 5  
def **core hours** sub [DI2011-49](#) s 5  
am [DI2011-160](#) s 89  
om [DI2012-238](#) s 4  
def **manager** sub [DI2011-49](#) s 5  
om [DI2012-238](#) s 4  
def **officer** sub [DI2011-49](#) s 5  
om [DI2012-238](#) s 4  
def **senior manager** sub [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

### Supplementary code of conduct

s 7 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4

### Employee values

pt 2.2 hdg sub [DI2011-49](#) s 6; [DI2012-238](#) s 4

## Endnotes

### 4 Amendment history

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#### Public Holidays

div 2.2.1 hdg ins [DI2011-49](#) s 6  
om [DI2012-238](#) s 4

#### Equity and Diversity

div 2.2.2 hdg ins [DI2011-49](#) s 6  
om [DI2012-238](#) s 4

#### Purposes of pt 2.2

s 8 sub [DI2011-49](#) s 5 [DI2012-238](#) s 4

#### Application—pt 2.2

s 9 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4

#### The employee values

s 10 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4  
def **confidential information** ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4  
def **core hours** ins [DI2011-49](#) s 5  
am [DI2011-160](#) s 89  
om [DI2012-238](#) s 4  
def **second job** ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4

#### Promoting the employee values

s 11 sub [DI2011-49](#) s 5  
am [DI2011-160](#) s 4, s 5  
sub [DI2012-238](#) s 4

#### Fraud and corruption

pt 2.3 hdg om [DI2011-49](#) s 7  
ins [DI2012-238](#) s 4

#### Interpretation—pt 2.3

s 12 sub [DI2011-49](#) s 5  
am [DI2011-160](#) s 83  
sub [DI2012-238](#) s 4  
def **Audit Committee** ins [DI2012-238](#) s 4  
def **corruption** ins [DI2012-238](#) s 4  
def **fraud** ins [DI2012-238](#) s 4  
def **integrity** ins [DI2012-238](#) s 4  
def **manager** ins [DI2012-238](#) s 4  
def **Risk Management Standard** ins [DI2012-238](#) s 4

#### Fraud and corruption prevention

s 13 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4

#### Monitoring and recording integrity strategies

s 14 sub [DI2011-49](#) s 5; [DI2012-238](#) s 4  
def **Audit Committee** ins [DI2011-49](#) s 5  
am [DI2011-160](#) s 6



om [DI2012-238](#) s 4  
 def **corruption** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4  
 def **fraud** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4  
 def **integrity** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4  
 def **manager** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4  
 def **Risk Management Standard** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4

**Investigation of fraud and corruption**

s 15 om [DI2011-49](#) s 7  
 ins [DI2011-49](#) s 5  
 am [DI2011-160](#) s 7, s 83  
 sub [DI2012-238](#) s 4

**Miscellaneous**

pt 2.4 hdg om [DI2011-49](#) s 7  
 ins [DI2012-238](#) s 4

**Interpretation—pt 2.4**

s 16 om [DI2011-49](#) s 7  
 ins [DI2011-49](#) s 5  
 am [DI2011-160](#) s 83  
 sub [DI2012-238](#) s 4  
 def **IT resources** ins [DI2012-238](#) s 4  
 def **officer** ins [DI2012-238](#) s 4

**Alcohol**

s 17 om [DI2011-49](#) s 7  
 ins [DI2011-49](#) s 5  
 am [DI2011-160](#) s 83  
 sub [DI2012-238](#) s 4

**Unauthorised disclosure of information**

s 18 om [DI2011-49](#) s 7  
 ins [DI2011-49](#) s 5  
 sub [DI2012-238](#) s 4

**Personal use of IT resources**

s 19 om [DI2011-49](#) s 7  
 ins [DI2011-49](#) s 5  
 sub [DI2012-238](#) s 4  
 def **Audit Committee** om [DI2011-49](#) s 7  
 def **corruption** om [DI2011-49](#) s 7  
 def **employees** ins [DI2011-49](#) s 5  
 om [DI2012-238](#) s 4  
 def **fraud** om [DI2011-49](#) s 7

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def **integrity** om [DI2011-49](#) s 7  
def **IT resources** ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4  
def **manager** om [DI2011-49](#) s 7  
def **officer** ins [DI2011-49](#) s 5  
om [DI2012-238](#) s 4  
def **Risk Management Standard** om [DI2011-49](#) s 7

#### **Public holiday for the ACTPS**

s 20 om [DI2011-49](#) s 7  
ins [DI2011-49](#) s 5  
sub [DI2012-238](#) s 4

#### **Equal employment opportunity programs**

s 21 om [DI2011-49](#) s 7  
ins [DI2011-49](#) s 5  
sub [DI2012-238](#) s 4

#### **Second jobs**

s 22 om [DI2011-49](#) s 7  
ins [DI2011-49](#) s 5  
sub [DI2012-238](#) s 4

#### **Public holiday in the ACTPS**

s 23 om [DI2011-49](#) s 7  
ins [DI2011-49](#) s 6  
om [DI2012-238](#) s 4

#### **Commissioner for Public Administration responsibilities**

s 24 om [DI2011-49](#) s 7  
ins [DI2011-49](#) s 6  
am [DI2011-160](#) s 8  
om [DI2012-238](#) s 4

#### **Personal use of IT resources**

pt 2.5 hdg om [DI2011-49](#) s 7

#### **General**

s 25 om [DI2011-49](#) s 7

#### **Network Resources**

s 26 om [DI2011-49](#) s 7

#### **Electronic Mail (both internal and external)**

s 27 om [DI2011-49](#) s 7

#### **Employment in the Service**

ch 3 hdg sub [DI2011-49](#) s 8

#### **Merit and the selection process**

pt 3.1 hdg sub [DI2011-49](#) s 9

**Application—pt 3.1**s 28 sub [DI2011-49](#) s 9**Identified positions**s 29 am [DI2009-134](#) s 4, s 5; [DI2010-206](#) s 4  
sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 88  
sub [DI2014-66](#) s 4**Chief Executive Employment Benefit**s 29A ins [DI2007-187](#) s 4  
am [DI2009-134](#) s 6; ss renum R19 LA; [DI2010-206](#) s 5, s 6  
om [DI2011-49](#) s 9**Merit in selection**s 30 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88**Testing of applicants**s 31 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 87, s 90**Advertising**s 32 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88; [DI2014-66](#) s 5, s 6**Recurring and identical vacancies**s 33 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 88**Notice of appointment or engagement**s 33A ins [DI2011-49](#) s 9  
am [DI2011-160](#) s 84**Merit and the selection process in temporary employment**pt 3.2 hdg sub [DI2011-49](#) s 9**Application—pt 3.2**s 34 om [DI2009-134](#) s 7  
ins [DI2011-49](#) s 9**Interpretation—pt 3.2**s 35 sub [DI2009-134](#) s 8; [DI2011-49](#) s 9  
def *temporary employee register* ins [DI2011-49](#) s 9**Temporary employee registers**s 36 sub [DI2009-134](#) s 9; [DI2011-49](#) s 9  
am [DI2011-160](#) s 9, s 87**Advertising temporary employment**s 37 sub [DI2009-134](#) s 10; [DI2011-49](#) s 9  
am [DI2011-160](#) s 9, s 88

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### **Selection of employees**

s 38 am [DI2008-280](#) s 4; [DI2011-49](#) s 9

### **Use of joint selection committees in the selection process**

pt 3.3 hdg sub [DI2011-49](#) s 9

### **Application—pt 3.3**

s 39 sub [DI2011-49](#) s 9  
am [DI2014-66](#) s 7

### **Interpretation—pt 3.3**

s 40 sub [DI2009-222](#) s 4; [DI2011-49](#) s 9  
am [DI2011-160](#) s 88  
def **officer** ins [DI2011-49](#) s 9  
am [DI2011-160](#) s 10

### **Procedure of a joint selection committee**

s 41 sub [DI2011-49](#) s 9  
ss renum R29 LA  
am [DI2011-160](#) s 78, s 88; [DI2014-66](#) s 8

### **Composition of a joint selection committee**

s 42 sub [DI2007-198](#) s 4; [DI2009-134](#) s 11; [DI2011-49](#) s 9  
am [DI2011-160](#) s 88; pars renum R30 LA

### **Establishing a union agreed joint selection committee**

s 43 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 78, s 82, s 88

### **Chief Executive of the Department of the Environment, Climate Change, Energy and Water**

s 43A ins [DI2008-280](#) s 5  
om [DI2009-90](#) s 4

### **Reconstituting a union agreed joint selection committee**

s 44 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 88  
def **press advertising** om [DI2011-49](#) s 9

### **Establishing a management-initiated joint selection committee**

s 45 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 86, s 88

### **Reconstituting a management-initiated joint selection committee**

s 46 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 86, s 88

### **Failure to reach a unanimous recommendation—union agreed joint selection committees**

s 47 sub [DI2011-49](#) s 9

**Appealable and non appealable promotions**

s 48 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 78

**Notification of applicants**

s 49 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 78

**Appointment**

pt 3.4 hdg sub [DI2011-49](#) s 9

**Application—pt 3.4**

s 50 sub [DI2011-49](#) s 9

**Interpretation—pt 3.4**

s 50A ins [DI2014-66](#) s 9  
def **administrative arrangements** ins [DI2014-66](#) s 9  
def **Canberra Institute of Technology** ins [DI2014-66](#) s 9  
def **commencement day** ins [DI2014-66](#) s 9  
def **Education and Training Directorate** ins [DI2014-66](#) s 9  
def **Health Directorate** ins [DI2014-66](#) s 9  
def **Justice and Community Safety Directorate** ins  
[DI2014-66](#) s 9  
def **nominally vacant** ins [DI2014-66](#) s 9  
def **teaching classification** ins [DI2014-66](#) s 9  
def **teaching office** ins [DI2014-66](#) s 9

**Appointment**

s 51 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 78, s 82

**Eligibility for appointment**

s 52 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82

**Appointment after temporary engagement for 12 months**

s 53 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88  
sub [DI2014-66](#) s 10

**Appointment after temporary engagement—Canberra Institute of Technology—non-teaching offices**

s 53A ins [DI2014-66](#) s 11

**Appointment after temporary engagement—Canberra Institute of Technology—teaching offices**

s 53B ins [DI2014-66](#) s 11

**Appointment after temporary engagement—Education and Training Directorate**

s 53C ins [DI2014-66](#) s 11

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**Appointment after temporary engagement—Health Directorate**

s 53D ins [DI2014-66](#) s 11

**Appointment after temporary engagement—Justice and Community Safety Directorate**

s 53E ins [DI2014-66](#) s 11

**Appointment after temporary engagement—certain other directorates**

s 53F ins [DI2014-66](#) s 11

**Appointment—certain Health Professional offices**

s 53G ins [DI2014-66](#) s 11

**Direct appointment—Health Directorate**

s 53H ins [DI2014-66](#) s 11

**Direct appointment—Education and Training Directorate**

s 53I ins [DI2014-66](#) s 11

**Re-appointment**

pt 3.5 hdg sub [DI2011-49](#) s 9

**Application—pt 3.5**

s 54 sub [DI2011-49](#) s 9

**Re-appointment process**

s 55 sub [DI2011-49](#) s 9

**Recognition of prior service on appointment or engagement**

pt 3.6 hdg sub [DI2011-49](#) s 9

**Interpretation—pt 3.6**

s 56 sub [DI2011-49](#) s 9  
def **government** ins [DI2011-49](#) s 9  
def **government owned** ins [DI2011-49](#) s 9  
def **industrial instrument** ins [DI2011-49](#) s 9  
def **officer** ins [DI2011-49](#) s 9  
def **public authority** ins [DI2011-49](#) s 9

**Recognition of prior service—officer appointed before 23 January 2006**

s 57 sub [DI2011-49](#) s 9

**Recognition of prior service in Papua New Guinea**

s 58 sub [DI2011-49](#) s 9

**Recognition of prior service with a Territory-owned corporation**

s 59 sub [DI2011-49](#) s 9

**Recognition of prior service—personal leave**

s 60 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 11, s 88, s 90

**Recognition of prior service—operational service personal leave**

s 61 sub [DI2011-49](#) s 9

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- Recognition of prior service—annual leave**  
s 62 sub [DI2011-49](#) s 9
- Recognition of prior service—annual leave loading**  
s 63 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 12, s 13; pars renum R30 LA
- Recognition of prior service—long service leave**  
s 64 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 14, s 88; pars renum R30 LA
- Recognition of prior service—paid maternity leave and primary care giver leave**  
s 65 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 15, s 88, s 90
- Recognition of prior service—redundancy**  
s 66 sub [DI2011-49](#) s 9
- Recognition of service—reappointment following forfeiture of office**  
s 67 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 88
- Recognition of prior service—head of service discretion**  
s 68 hdg am [DI2011-160](#) s 90  
s 68 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 16, s 90
- Re-credit of personal leave**  
s 69 sub [DI2011-49](#) s 9
- Promotions**  
pt 3.7 hdg sub [DI2011-49](#) s 9
- Interpretation—pt 3.7**  
s 70 sub [DI2011-49](#) s 9  
def *appellable level position* ins [DI2011-49](#) s 9
- Promotion after acting for 12 months**  
s 71 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88
- Re-notifying promotions with major errors**  
s 72 sub [DI2011-49](#) s 9
- Date of effect of promotions**  
s 73 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88
- Multiple promotions**  
s 74 sub [DI2011-49](#) s 9  
ss renum R29 LA  
am [DI2011-160](#) s 88, s 90

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#### **Cancellation of promotion**

s 75 sub [DI2011-49](#) s 9  
am [DI2011-160](#) s 82, s 88

#### **Officers allowed to appeal**

s 76 sub [DI2011-49](#) s 9

#### **Transfer**

pt 3.8 hdg sub [DI2011-49](#) s 9

#### **Interpretation—pt 3.8**

s 77 sub [DI2011-49](#) s 9  
def **transfer** ins [DI2011-49](#) s 9

#### **Date of effect of transfers**

s 78 sub [DI2008-215](#) s 4; [DI2011-49](#) s 9  
am [DI2011-160](#) s 89

#### **Interpretation—pt 3.9**

s 78A ins [DI2008-215](#) s 4  
om [DI2011-49](#) s 9  
def **temporary employee register** ins [DI2008-215](#) s 4  
om [DI2011-49](#) s 9

#### **Declining transfer**

s 79 sub [DI2008-215](#) s 4; [DI2011-49](#) s 9  
am [DI2011-160](#) s 88

#### **Salary on transfer**

s 80 sub [DI2008-215](#) s 4; [DI2011-49](#) s 9

#### **Reduction in classification**

s 81 am [DI2007-91](#) s 4; pars renum R4 LA  
sub [DI2008-215](#) s 4; [DI2011-49](#) s 9  
am [DI2011-160](#) s 78

#### **Temporary transfer**

pt 3.9 hdg sub [DI2008-215](#) s 4; [DI2011-49](#) s 9

#### **Interpretation—pt 3.9**

s 81A ins [DI2011-49](#) s 9  
def **temporary transfer** ins [DI2011-49](#) s 9

#### **Appealable directions**

s 81B ins [DI2011-49](#) s 9

#### **Temporary reduction of classification**

s 81C ins [DI2011-49](#) s 9  
am [DI2011-160](#) s 78, s 82

#### **Salary on temporary transfer**

s 81D ins [DI2011-49](#) s 9



**Skills and qualifications payments**s 81E ins [DI2011-49](#) s 9**Periods when higher duties allowance is payable**s 81F ins [DI2011-49](#) s 9  
am [DI2011-160](#) s 90**Higher duties allowance pay points and increments**s 81G ins [DI2011-49](#) s 9**Training offices**s 85 sub [DI2011-49](#) s 10**Eligibility requirements**s 91 am [DI2011-160](#) s 84**Selection requirements**s 92 am [DI2011-160](#) s 92**Eligibility requirements**s 95 am [DI2011-160](#) s 84**Selection requirements**s 96 am [DI2011-160](#) s 92**Training provisions**

s 97 am R32 LA

**Selection requirements**s 100 am [DI2011-160](#) s 92**Eligibility requirements**s 103 am [DI2011-160](#) s 84**Selection requirements**s 104 am [DI2011-160](#) s 92**Eligibility requirements**s 107 am [DI2011-160](#) s 84**Selection requirements**s 108 am [DI2011-160](#) s 92**Selection arrangements**s 112 am [DI2011-160](#) s 92**Training provisions**s 113 am [DI2011-160](#) s 92**Eligibility requirements**s 115 am [DI2011-160](#) s 84**Selection requirements**s 116 am [DI2011-160](#) s 92

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**Selection**

s 120 am [DI2011-160](#) s 92

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s 124 am [DI2011-160](#) s 84

**Selection requirements**

s 125 am [DI2011-160](#) s 92

**Eligibility requirements**

s 128 am [DI2011-160](#) s 84

**Selection requirements**

s 129 am [DI2011-160](#) s 92

**Training provisions**

s 130 am [DI2011-160](#) s 91

**Selection requirements**

s 133 am [DI2011-160](#) s 92

**Training provisions**

s 134 am [DI2011-160](#) s 91

**Eligibility requirements**

s 136 am [DI2011-160](#) s 84

**Selection requirements**

s 137 am [DI2011-160](#) s 92

**Eligibility requirements**

s 140 am [DI2011-160](#) s 84

**Selection requirements**

s 141 am [DI2011-160](#) s 92

**Training provisions**

s 142 am [DI2011-160](#) s 92

**Selection requirements**

s 145 am [DI2011-160](#) s 92

**Training provisions**

s 146 am [DI2011-160](#) s 92

**Eligibility requirements**

s 148 am [DI2011-160](#) s 84

**Selection requirements**

s 149 am [DI2011-160](#) s 92

**Eligibility requirements**

s 152 am [DI2011-160](#) s 84

**Selection requirements**s 153 am [DI2011-160](#) s 92**Training provisions**s 154 am [DI2011-160](#) s 91**Eligibility requirements**s 156 am [DI2011-160](#) s 84**Selection requirements**s 157 am [DI2011-160](#) s 92**Training provisions**s 158 am [DI2011-160](#) s 90**Eligibility requirements**s 160 am [DI2011-160](#) s 84**Selection requirements**s 161 am [DI2011-160](#) s 92**Training provisions**s 162 am [DI2011-160](#) s 90**Selection arrangements**s 165 am [DI2011-160](#) s 92**Eligibility requirements**s 169 am [DI2011-160](#) s 84**Selection arrangements**s 170 am [DI2011-160](#) s 92**Eligibility requirements**s 174 am [DI2011-160](#) s 84**Selection arrangements**s 175 am [DI2011-160](#) s 92**Training provisions**s 176 am [DI2011-160](#) s 92**Graduate Administrative Assistant**sdiv 3.10.3.9 hdg om [DI2010-164](#) s 4**Eligibility requirements**s 178 am [DI2011-160](#) s 17, s 18, s 89**Salary advancement provisions—Academic Level 1**s 179 am [DI2011-160](#) s 89**Eligibility requirements**s 180 am [DI2011-160](#) s 84

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### **Salary advancement provisions**

s 182 am [DI2011-160](#) s 84

### **Accelerated advancement**

s 183 am [DI2011-160](#) s 84

### **Eligibility requirements**

s 184 am [DI2011-160](#) s 84

### **Eligibility requirements**

s 185 am [DI2011-160](#) s 84

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s 186 am [DI2011-160](#) s 84

### **Eligibility requirements**

s 187 am [DI2011-160](#) s 84

### **Eligibility requirements**

s 188 am [DI2011-160](#) s 84

### **Interpretation—sdiv 3.10.3.9**

s 191 om [DI2010-164](#) s 4

### **Eligibility requirements**

s 192 om [DI2010-164](#) s 4

### **Selection Arrangements**

s 193 om [DI2010-164](#) s 4

### **Salaries**

s 194 om [DI2010-164](#) s 4

### **Salary Points**

s 195 om [DI2010-164](#) s 4

### **Graduate Administrative Assistant (Indigenous Employment)**

sdiv 3.10.3.10 hdg om [DI2010-164](#) s 5

### **Interpretation—sdiv 3.10.3.10**

s 196 om [DI2010-164](#) s 5

### **Eligibility Requirements**

s 197 om [DI2010-164](#) s 5

### **Selection Arrangements**

s 198 om [DI2010-164](#) s 5

### **Salaries**

s 199 om [DI2010-164](#) s 5

### **Salary Points**

s 200 om [DI2010-164](#) s 5

**Salary advancement provisions**s 203 am [DI2011-160](#) s 84**Eligibility requirements**s 204 am [DI2011-160](#) s 84**Salary advancement**s 205 am [DI2011-160](#) s 84**Salary advancement provisions**s 210 am [DI2011-160](#) s 84**Eligibility requirements**s 212 am [DI2011-160](#) s 84**Salary advancement provisions for Professional Officer Class 1**s 213 am [DI2011-160](#) s 84**Eligibility requirements**s 215 am [DI2011-160](#) s 84**Eligibility requirements**s 217 am [DI2011-160](#) s 84**Eligibility requirements**s 218 am [DI2011-160](#) s 84**Eligibility requirements**s 220 am [DI2011-160](#) s 84**Eligibility requirements**s 223 am [DI2011-160](#) s 84**Eligibility requirements**s 225 am [DI2011-160](#) s 84**Salary points**s 226 am [DI2011-160](#) s 84**Eligibility requirements**s 227 am [DI2011-160](#) s 84**Eligibility requirements**s 229 am [DI2011-160](#) s 84**Salary advancement**s 231 am [DI2011-160](#) s 84**Salary advancement—accelerated advancement**s 232 am [DI2011-160](#) s 84**Advanced Skills Teacher 1 (AST 1)**s 235 am [DI2011-160](#) s 84

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#### **Eligibility Requirements**

s 236 am [DI2011-160](#) s 89

#### **Salary advancement provisions**

s 237 am [DI2011-160](#) s 89

#### **Eligibility requirements**

s 239 am [DI2011-160](#) s 84, s 90

#### **Salary advancement provisions**

s 240 am [DI2011-160](#) s 84

#### **Eligibility requirements**

s 241 am [DI2011-160](#) s 84

#### **Salary advancement provisions**

s 242 am [DI2011-160](#) s 84

#### **Independent Reviewers**

div 3.10.4 hdg om [DI2012-9](#) s 4

#### **Interpretation—div 3.10.4**

s 243 om [DI2012-9](#) s 4  
def **day** om [DI2007-91](#) s 5  
def **Independent Reviewer** sub [DI2011-49](#) s 11  
om [DI2012-9](#) s 4  
def **Work level standards** om [DI2012-9](#) s 4

#### **Application—div 3.10.4**

s 244 om [DI2012-9](#) s 4

#### **Remuneration**

s 245 sub [DI2007-91](#) s 6  
om [DI2012-9](#) s 4

#### **Classification**

s 246 om [DI2012-9](#) s 4

#### **Operation with the Public Sector Management Act 1994**

s 247 sub [DI2009-46](#) s 4

#### **Aboriginal and Torres Strait Islander Traineeship Program**

div 3.11.1 hdg sub [DI2009-46](#) s 4  
am [DI2011-4](#) s 4

#### **Interpretation—div 3.11.1**

s 247A ins [DI2009-46](#) s 4  
sub [DI2011-4](#) s 5  
om [DI2011-49](#) s 12  
def **ASO** ins [DI2009-46](#) s 4  
om [DI2011-4](#) s 5

def **relevant collective agreement** ins [DI2009-46](#) s 4  
sub [DI2011-4](#) s 5  
om [DI2011-49](#) s 12

**Eligibility**

s 247B ins [DI2009-46](#) s 4  
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**Selection**

s 247C ins [DI2009-46](#) s 4  
am [DI2011-4](#) s 7; [DI2011-160](#) s 90

**Classification on appointment**

s 247D ins [DI2009-46](#) s 4  
am [DI2011-4](#) s 8

**Salary on appointment**

s 247E ins [DI2009-46](#) s 4  
am [DI2011-4](#) ss 9-11

**Approved training**

s 247EA ins [DI2011-4](#) s 12

**Promotion**

s 247F ins [DI2009-46](#) s 4  
sub [DI2011-4](#) s 13  
am [DI2011-160](#) s 88

**Interpretation—div 3.11.2**

s 248 def **Executive** om [DI2011-49](#) s 13

**Elements of the program**

s 251 am [DI2011-160](#) s 79

**Graduate Program**

pt 3.12 hdg ins [DI2010-164](#) s 6

**Interpretation—pt 3.12**

s 252A ins [DI2010-164](#) s 6

**Eligibility**

s 252B ins [DI2010-164](#) s 6

**Selection**

s 252C ins [DI2010-164](#) s 6  
am [DI2011-160](#) s 90

**Classification on appointment**

s 252D ins [DI2010-164](#) s 6

**Salary on appointment**

s 252E ins [DI2010-164](#) s 6

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#### **Probation**

s 252F ins [DI2010-164](#) s 6

#### **Promotion**

s 252G ins [DI2010-164](#) s 6  
am [DI2011-160](#) s 88  
sub [DI2012-9](#) s 5  
am [DI2012-23](#) s 4

#### **Salary on promotion**

s 252H ins [DI2012-9](#) s 6  
om [DI2012-23](#) s 5

#### **Conditions of employment and attendance**

ch 4 hdg sub [DI2011-49](#) s 14

#### **Continuity of service**

pt 4.1 hdg sub [DI2011-49](#) s 14

#### **Interpretation—pt 4.1**

s 253 sub [DI2011-49](#) s 14  
def **full-time training** ins [DI2011-49](#) s 14  
def **officer** ins [DI2011-49](#) s 14

#### **Continuity of service—general**

s 254 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

#### **Continuity of service—personal leave**

s 255 sub [DI2011-49](#) s 14

#### **Continuity of service—long service leave**

s 256 sub [DI2011-49](#) s 14

#### **Attendance and absence**

pt 4.2 hdg sub [DI2011-49](#) s 14

#### **Interpretation—pt 4.2**

s 257 sub [DI2011-49](#) s 14  
def **officer** ins [DI2011-49](#) s 14

#### **Direction to work outside the officer's span of hours**

s 258 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

#### **Unauthorised absences**

s 259 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

#### **Linguistic Availability/Performance Allowance (LAPA)**

div 4.2.1 hdg om [DI2011-49](#) s 14



**First Aid Allowance**

div 4.2.2 hdg om [DI2011-49](#) s 14

**Long service leave**

pt 4.3 hdg sub [DI2011-49](#) s 14

**Application—pt 4.3**

s 260 sub [DI2011-49](#) s 14

**Interpretation—pt 4.3**

s 261 sub [DI2011-49](#) s 14  
def **category A officer** ins [DI2011-49](#) s 14  
def **category B officer** ins [DI2011-49](#) s 14  
def **defence employment** ins [DI2011-49](#) s 14  
def **eligible employment** ins [DI2011-49](#) s 14  
def **minimum retiring age** ins [DI2011-49](#) s 14  
def **month** ins [DI2011-49](#) s 14  
def **officer** ins [DI2011-49](#) s 14  
def **overtime payment** ins [DI2011-49](#) s 14  
def **public authority** ins [DI2011-49](#) s 14  
def **relevant day** ins [DI2011-49](#) s 14  
def **relevant rate per hour** ins [DI2011-49](#) s 14  
def **shift penalty** ins [DI2011-49](#) s 14  
def **Territory** ins [DI2011-49](#) s 14  
def **year** ins [DI2011-49](#) s 14

**Purpose—long service leave**

s 262 sub [DI2011-49](#) s 14

**Eligibility—long service leave**

s 263 sub [DI2011-49](#) s 14

**Entitlement—long service leave**

s 264 sub [DI2011-49](#) s 14

**Evidence and conditions—long service leave**

s 265 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

**Rate of payment—long service leave**

s 266 sub [DI2011-49](#) s 14

**Effect of other entitlements—long service leave**

s 267 sub [DI2011-49](#) s 14

**Access to other entitlements—long service leave**

s 268 sub [DI2011-49](#) s 14

**Reimbursements**

pt 4.4 hdg sub [DI2011-49](#) s 14

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### **Interpretation—pt 4.4**

s 269 sub [DI2011-49](#) s 14  
def *life insurance policy* ins [DI2011-49](#) s 14  
def *loading* ins [DI2011-49](#) s 14  
def *officer* ins [DI2011-49](#) s 14

### **Life insurance indemnification payments**

s 270 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

### **Loss or damage to clothing or personal effects**

s 271 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

### **Additional requirements for salary and allowances**

pt 4.5 hdg sub [DI2011-49](#) s 14

### **Salary deductions**

s 272 sub [DI2011-49](#) s 14

### **Salary for unattached officers**

s 273 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 90

### **Salary on reclassification**

s 274 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 90

### **Skills and qualifications allowance payment while on leave**

s 275 sub [DI2011-49](#) s 14

### **First aid allowance for an officer with certain qualifications**

s 276 sub [DI2011-49](#) s 14

### **Calculation of salary for Sunday or public holiday duty**

s 277 sub [DI2011-49](#) s 14

### **Additional requirements for increments**

pt 4.6 hdg sub [DI2011-49](#) s 14

### **Deferral of increments—effect of leave without pay not to count as service**

s 278 sub [DI2011-49](#) s 14

### **Additional requirements for managing overtime duty**

pt 4.7 hdg sub [DI2011-49](#) s 14

### **Application—pt 4.7**

s 279 sub [DI2011-49](#) s 14

**Interpretation—pt 4.7**

- s 280 sub [DI2011-49](#) s 14  
 def **additional hours of duty** ins [DI2011-49](#) s 14  
 def **officer** ins [DI2011-49](#) s 14  
 def **overtime** ins [DI2011-49](#) s 14  
 am [DI2011-160](#) s 78

**Eligibility for paid meal breaks**

- s 281 sub [DI2011-49](#) s 14  
 am [DI2011-160](#) s 88

**Time spent travelling to and from overtime duty**

- s 282 sub [DI2011-49](#) s 14  
 am [DI2011-160](#) s 88

**Weekend and shift overtime duty**

- s 283 sub [DI2011-49](#) s 14

**Overtime on a public holiday**

- s 284 sub [DI2011-49](#) s 14

**Additional requirements for leave**

- pt 4.8 hdg sub [DI2011-49](#) s 14

**Interpretation—pt 4.7**

- s 285 sub [DI2011-49](#) s 14  
 def **medical officer** ins [DI2011-49](#) s 14  
 def **officer** ins [DI2011-49](#) s 14

**Officer's health a danger to others—personal leave**

- s 286 sub [DI2011-49](#) s 14  
 am [DI2011-160](#) s 78, s 82

**Non-continuous primary care givers' leave**

- s 287 sub [DI2011-49](#) s 14  
 am [DI2011-160](#) s 78

**Working with vulnerable people**

- pt 4.9 hdg om [DI2011-49](#) s 14  
 ins [DI2014-66](#) s 12

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- s 287A ins [DI2014-66](#) s 12  
 def **employee** ins [DI2014-66](#) s 12  
 def **Working with Vulnerable People Act** ins [DI2014-66](#) s 12

**Application—pt 4.9**

- s 287B ins [DI2014-66](#) s 12

**Redeployment—suspension of registration under Working with Vulnerable People Act**

- s 287C ins [DI2014-66](#) s 12

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s 287D ins [DI2014-66](#) s 12

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s 287E ins [DI2014-66](#) s 12

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s 287F ins [DI2014-66](#) s 12

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s 287G ins [DI2014-66](#) s 12

**Payments other than salary or allowances**

pt 4.10 hdg om [DI2011-49](#) s 14

**General payments**

div 4.10.1 hdg om [DI2011-49](#) s 14

**Vacation childcare program**

div 4.10.2 hdg om [DI2011-49](#) s 14

**Attendance and absence**

pt 4.11 hdg om [DI2011-49](#) s 14

**Overtime duty**

pt 4.12 hdg om [DI2011-49](#) s 14

**Restricted duty**

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**Sunday or public holiday duty**

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pt 4.15 hdg om [DI2011-49](#) s 14

**Recreation leave**

pt 4.16 hdg om [DI2011-49](#) s 14

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pt 4.18 hdg om [DI2011-49](#) s 14

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pt 4.19 hdg om [DI2011-49](#) s 14

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pt 4.20 hdg om [DI2011-49](#) s 14

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def **approved medical practitioner** ins [DI2011-49](#) s 14  
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def **approved rehabilitation provider** ins [DI2011-49](#) s 14

def **case manager** ins [DI2011-49](#) s 14  
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def **case summary (non-compensation cases)** ins [DI2011-49](#) s 14

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def **medical officer** ins [DI2011-49](#) s 14

def **registered medical practitioner** ins [DI2011-49](#) s 14

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def **Return to Work Program (compensation cases)** ins [DI2011-49](#) s 14

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s 290 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 82, s 88

### **Implementation of health assessment report—non-compensation cases**

s 291 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 86, s 88

### **Disputing the fitness for duty decision—non-compensation cases**

s 292 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 86, s 88

### **Medical review panels—non-compensation cases**

s 293 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 78, s 82, s 88

### **Officer not qualified to perform duties**

div 5.1.2 hdg ins [DI2011-49](#) s 14

### **Notifying loss of qualification**

s 294 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 89

### **Voluntary redeployment**

s 295 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

### **Retirement of officer from Service**

pt 5.2 hdg sub [DI2011-49](#) s 14

### **Application—pt 5.2**

s 296 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

### **Voluntary retirement**

s 297 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88

### **Notice of retirement**

s 298 sub [DI2011-49](#) s 14

### **Underperformance**

pt 5.3 hdg sub [DI2011-49](#) s 14  
note 2 am [DI2011-160](#) s 19

### **Voluntary retirement**

s 299 sub [DI2011-49](#) s 14  
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### **Notice of retirement**

s 300 sub [DI2011-49](#) s 14

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def *officer* ins [DI2011-49](#) s 14  
def *relevant day* ins [DI2011-49](#) s 14**Payment in lieu of annual leave—cessation of employment**s 304 sub [DI2011-49](#) s 14**Payment in lieu of annual leave loading—cessation of employment**s 305 sub [DI2011-49](#) s 14**Payment in lieu of annual leave—death**s 306 sub [DI2011-49](#) s 14  
am [DI2011-160](#) s 88**Payment in lieu of long service leave—cessation of employment**s 307 sub [DI2011-49](#) s 14  
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def *ACTPS dwelling* om [DI2011-49](#) s 14  
def *reasonable travelling distance* om [DI2011-49](#) s 14**Rental contribution**s 313 om [DI2011-49](#) s 14

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### Calculation of rental contribution

s 314 om [DI2011-49](#) s 14

### Increase or decrease in contribution

s 315 om [DI2011-49](#) s 14

### Rental contributions for accommodation in ACTPS housing—rates payable by officers (excluding officers with, but unaccompanied by, dependents)

s 316 om [DI2011-49](#) s 14

### Application—pt 4.9

s 317 om [DI2011-49](#) s 14

### Interpretation—pt 4.9

s 318 om [DI2011-49](#) s 14

def *isolated establishment* om [DI2011-49](#) s 14

### ACTPS non-urban isolated establishments

s 319 om [DI2011-49](#) s 14

### Non-eligibility

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### Special conditions

s 321 om [DI2011-49](#) s 14

### Isolated establishment allowance rates—non-urban establishments

s 322 om [DI2011-49](#) s 14

### Application—div 4.10.1

s 323 om [DI2011-49](#) s 14

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s 324 om [DI2011-49](#) s 14

def *incidental expenses* om [DI2011-49](#) s 14

def *leave* om [DI2011-49](#) s 14

def *life insurance policy* om [DI2011-49](#) s 14

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### Indemnification

s 325 om [DI2011-49](#) s 14

### Loss or damage to clothing or personal effects

s 326 om [DI2011-49](#) s 14

### Expenses—cancellation of leave or recall to duty from leave

s 327 om [DI2011-49](#) s 14

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s 328 om [DI2011-49](#) s 14



**Application—div 4.10.2**

s 329 om [DI2011-49](#) s 14

**Interpretation—div 4.10.2**

s 330 om [DI2011-49](#) s 14

def ***iaccredited school holiday program*** om [DI2011-49](#) s 14

def ***employee*** om [DI2011-49](#) s 14

def ***officer*** om [DI2011-49](#) s 14

**Payment for vacation childcare program**

s 331 om [DI2011-49](#) s 14

**Application—pt 4.11**

s 332 om [DI2011-49](#) s 14

**Interpretation—pt 4.11**

s 333 om [DI2011-49](#) s 14

def ***officer*** om [DI2011-49](#) s 14

**Hours of attendance**

s 334 om [DI2011-49](#) s 14

**Penalty rate and overtime**

s 335 om [DI2011-49](#) s 14

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s 339 om [DI2011-49](#) s 14

**Application—pt 4.12**

s 340 om [DI2011-49](#) s 14

**Interpretation—pt 4.12**

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def ***duty outside normal hours*** om [DI2011-49](#) s 14

def ***normal weekly hours*** om [DI2011-49](#) s 14

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### **Time off instead of full payment for overtime duty**

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### **Calculating part payment**

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### **Eligibility for overtime duty meal allowance**

s 347 am [DI2007-92](#) s 5; [DI2008-56](#) s 4; [DI2009-54](#) s 5; [DI2010-67](#)  
s 4  
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### **Rest period between normal duty on successive days**

s 348 om [DI2011-49](#) s 14

### **Eligibility for payment of overtime**

s 349 om [DI2011-49](#) s 14

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s 350 om [DI2011-49](#) s 14

### **Weekend and shift overtime duty**

s 351 om [DI2011-49](#) s 14

### **Overtime on a public holiday**

s 352 om [DI2011-49](#) s 14

### **Application—pt 4.13**

s 353 om [DI2011-49](#) s 14

### **Interpretation—pt 4.13**

s 354 om [DI2011-49](#) s 14  
def **officer** ins [DI2011-49](#) s 14

### **Approval**

s 355 om [DI2011-49](#) s 14

### **Restricted duty allowance**

s 356 om [DI2011-49](#) s 14

### **Application—pt 4.14**

s 357 om [DI2011-49](#) s 14

### **Interpretation—pt 4.14**

s 358 om [DI2011-49](#) s 14  
def **public holiday** om [DI2011-49](#) s 14  
def **substitute duty** om [DI2011-49](#) s 14

### **Sunday or public holiday duty**

s 359 om [DI2011-49](#) s 14

### **Calculation of salary for Sunday or public holiday duty**

s 360 om [DI2011-49](#) s 14

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### **Use of recreation leave**

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s 376 am [DI2007-246](#) s 10  
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### **Access to recreation leave while on maternity or parental leave**

s 377 om [DI2011-49](#) s 14

### **Accrual of recreation leave credit**

s 378 sub [DI2007-246](#) s 11  
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### **Additional recreation leave for career medical officers, resident medical officers and registrars**

s 379 am [DI2007-246](#) s 12, s 13  
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### **Accrual for periods including differing hours of duty**

s 380 om [DI2007-246](#) s 14

### **Deferral of accrual of recreation leave for certain purposes**

s 381 sub [DI2007-246](#) s 15  
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### **Effect of defence service on recreation leave accrual**

s 382 om [DI2011-49](#) s 14

### **Recreation leave considered to have been taken**

s 383 am [DI2007-246](#) ss 16-18  
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### **Recreation leave credit to be reduced by amount of leave taken**

s 384 om [DI2011-49](#) s 14

### **Recreation leave credit for officers with multiple leave balances**

s 385 sub [DI2007-246](#) s 19  
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### **Payment in lieu of recreation leave**

s 386 om [DI2011-49](#) s 14

### **Payment to dependants on death**

s 387 om [DI2011-49](#) s 14

### **Payment in lieu on separation from ACTPS (except by death)—officers who commenced employment before 26 October 1966**

s 388 om [DI2011-49](#) s 14

**Annual leave loading**

s 389 om [DI2011-49](#) s 14

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s 390 om [DI2011-49](#) s 14

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s 391 om [DI2011-49](#) s 14  
def **accrual date** om [DI2011-49](#) s 14  
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def **accumulative personal leave** om [DI2011-49](#) s 14  
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s 393 om [DI2011-49](#) s 14

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s 395 om [DI2011-49](#) s 14

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### **Special provisions for recognising prior service in Papua New Guinea after Independence**

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### **Medical examination**

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### **Officer's health a danger to others**

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### **Infectious disease contacts**

s 407 om [DI2011-49](#) s 14

### **Application—pt 4.18**

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### **Interpretation—pt 4.18**

s 409 om [DI2011-49](#) s 14  
def **dependant** om [DI2011-49](#) s 14  
def **government** om [DI2011-49](#) s 14  
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def **Higher Duties Allowance** (or **HDA**) om [DI2011-49](#) s 14  
def **LSL** om [DI2011-49](#) s 14  
def **minor** om [DI2011-49](#) s 14  
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### **Allowances paid while on LSL**

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### **Salary for LSL not to include certain payments**

s 411 om [DI2011-49](#) s 14

### **Recognition of unrecorded employment**

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### **LSL or payment in lieu to persons under a legal disability**

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s 415 om [DI2011-49](#) s 14

### **Recognition of prior service for long service leave**

s 416 om [DI2011-49](#) s 14

### **Chief Executive discretion to recognise prior service for long service leave**

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s 434 om [DI2011-49](#) s 14

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s 435 om [DI2011-49](#) s 14

### **Jury service leave**

s 436 om [DI2011-49](#) s 14

### **Leave for Local Government purposes**

s 437 om [DI2011-49](#) s 14

### **Leave not provided for elsewhere**

s 438 om [DI2011-49](#) s 14

### **Leave for returned soldiers for medical treatment and pension review**

s 439 om [DI2011-49](#) s 14

### **Leave for specialists and senior specialists**

s 440 om [DI2011-49](#) s 14

### **Staff organisation leave**

s 441 om [DI2011-49](#) s 14

### **Leave to attend as witness**

s 442 om [DI2011-49](#) s 14

### **Purchased leave**

s 443 om [DI2011-49](#) s 14

### **Interpretation—div 4.20.2**

s 444 om [DI2011-49](#) s 14  
def **Christmas shutdown** om [DI2011-49](#) s 14  
def **officer** om [DI2011-49](#) s 14  
def **public holiday** om [DI2011-49](#) s 14

### **Paid leave during Christmas shutdown**

s 445 om [DI2011-49](#) s 14

### **Application—div 4.20.3**

s 446 om [DI2011-49](#) s 14

### **Primary care givers' leave**

s 447 om [DI2011-49](#) s 14

### **Paid bonding leave**

s 448 om [DI2011-49](#) s 14

### **Unpaid parental leave**

s 449 om [DI2011-49](#) s 14

### **Interpretation—pt 4.21**

s 450 om [DI2011-49](#) s 14  
def **officer** om [DI2011-49](#) s 14



**Part-time work following maternity or parental leave**

s 451 om [DI2011-49](#) s 14

**Application—pt 5.1**

s 452 om [DI2011-49](#) s 14

**Interpretation—pt 5.1**

s 453 om [DI2011-49](#) s 14  
def *Joint Selection Committee power to promote* om [DI2011-49](#) s 14  
def *management-initiated Joint Selection Committee power to promote* om [DI2011-49](#) s 14  
def *normal power to promote* om [DI2011-49](#) s 14

**Advertising vacancies**

s 454 am [DI2010-164](#) s 7  
om [DI2011-49](#) s 14

**Non-appealable promotions**

s 455 om [DI2011-49](#) s 14

**Re-notifying promotions with major errors**

s 456 om [DI2011-49](#) s 14

**Date of effect of promotions**

s 457 om [DI2011-49](#) s 14

**Payment of salary**

s 458 om [DI2011-49](#) s 14

**Multiple Promotions**

s 459 om [DI2011-49](#) s 14

**Application—pt 5.2**

s 460 om [DI2011-49](#) s 14

**Interpretation—pt 5.2**

s 461 om [DI2011-49](#) s 14  
def *normal power to transfer* om [DI2011-49](#) s 14  
def *transfer* om [DI2011-49](#) s 14

**Date of effect of transfers**

s 462 om [DI2011-49](#) s 14

**Declining transfer within an agency**

s 463 om [DI2011-49](#) s 14

**Application—pt 5.3**

s 464 om [DI2011-49](#) s 14

**Cancellation at the request of the promotee**

s 465 om [DI2011-49](#) s 14

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### **Application—pt 5.4**

s 466 om [DI2011-49](#) s 14

### **Appealable directions**

s 467 om [DI2011-49](#) s 14

### **Temporary reduction of classification**

s 468 om [DI2011-49](#) s 14

### **Application—pt 5.5**

s 469 om [DI2011-49](#) s 14

### **Recreation leave**

s 470 om [DI2011-49](#) s 14

### **Mobility with approved organisations**

pt 5.6 hdg om [DI2011-49](#) s 14

### **Application—pt 5.6**

s 471 om [DI2011-49](#) s 14

### **Interpretation—pt 5.6**

s 472 om [DI2011-49](#) s 14

def **approved organisation** om [DI2011-49](#) s 14

def **employee** om [DI2011-49](#) s 14

### **Appointment of employees to the ACTPS**

s 473 om [DI2011-49](#) s 14

### **Appointment by deemed transfer**

s 474 om [DI2011-49](#) s 14

### **Appointment by deemed promotion**

s 475 om [DI2011-49](#) s 14

### **Notification arrangements**

s 476 om [DI2011-49](#) s 14

### **Transfer of personnel files**

s 477 om [DI2011-49](#) s 14

### **Organisations Schedule—Approved organisations**

s 478 om [DI2011-49](#) s 14

### **Appointment of certain Rhodium employees**

pt 5.6A hdg ins [DI2007-125](#) s 4

om [DI2009-90](#) s 5

### **Application—pt 5.6A**

s 478A ins [DI2007-125](#) s 4

om [DI2009-90](#) s 5

**Interpretation—pt 5.6A**

- s 478B ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5  
def **Act** ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5  
def **Chief Executive** ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5  
def **Rhodium** ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5  
def **right of return staff** ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5  
def **Treasury** ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Application of the *Public Sector Management Act 1994***

- s 478C ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Application of other provisions of the Public Sector Management Standards 2006**

- s 478D ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Appointment by the Commissioner**

- s 478E ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Increment increases**

- s 478F ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Transfer of entitlements**

- s 478G ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Voluntary redundancy**

- s 478H ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Transfer of personnel files**

- s 478I ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**Subsequent transfer**

- s 478J ins [DI2007-125](#) s 4  
om [DI2009-90](#) s 5

**General power of the Commissioner**

- s 478K ins [DI2007-125](#) s 4  
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### **Managing excess officers**

pt 5.7 hdg om [DI2011-49](#) s 14

### **Application—pt 5.7**

s 479 om [DI2011-49](#) s 14

### **Length of service of an excess officer**

s 480 om [DI2011-49](#) s 14

### **Redeployment of officers for medical reasons**

pt 5.8 hdg om [DI2011-49](#) s 14

### **Application—pt 5.8**

s 481 om [DI2011-49](#) s 14

### **Interpretation—pt 5.8**

s 482 om [DI2011-49](#) s 14  
def **approved medical practitioner** om [DI2011-49](#) s 14  
def **approved rehabilitation provider** om [DI2011-49](#) s 14  
def **case manager** om [DI2011-49](#) s 14  
def **case summary** om [DI2011-49](#) s 14  
def **COMCARE** om [DI2011-49](#) s 14  
def **compensation case** om [DI2011-49](#) s 14  
def **Comsuper** om [DI2011-49](#) s 14  
def **health assessment** om [DI2011-49](#) s 14  
def **independent advice** om [DI2011-49](#) s 14  
def **medical officer** om [DI2011-49](#) s 14  
def **registered medical specialist** om [DI2011-49](#) s 14  
def **rehabilitation assessment** om [DI2011-49](#) s 14  
def **Return to Work Program** om [DI2011-49](#) s 14  
def **SRC Act (Commonwealth)** om [DI2011-49](#) s 14  
def **the Board** om [DI2011-49](#) s 14  
def **totally and permanently incapacitated** om [DI2011-49](#)  
s 14  
def **treating doctor** om [DI2011-49](#) s 14

### **Case summary—non-compensation cases**

s 483 om [DI2011-49](#) s 14

### **Health assessment—non-compensation cases**

s 484 om [DI2011-49](#) s 14

### **Implementation of health assessment report—non-compensation cases**

s 485 om [DI2011-49](#) s 14

### **Disputing the fitness for duty decision—non-compensation cases**

s 486 om [DI2011-49](#) s 14

### **Medical review panels—non-compensation cases**

s 487 om [DI2011-49](#) s 14

**Redeploying officers who lose an essential qualification**pt 5.9 hdg om [DI2011-49](#) s 14**Application—pt 5.9**s 488 om [DI2011-49](#) s 14**Notifying loss of qualification**s 489 om [DI2011-49](#) s 14**Consent to reduction**s 490 om [DI2011-49](#) s 14**Retrenching excess officers**pt 5.10 hdg om [DI2011-49](#) s 14**Application—pt 5.10**s 491 om [DI2011-49](#) s 14**Interpretation—pt 5.10**s 492 om [DI2011-49](#) s 14  
def **excess officer** om [DI2011-49](#) s 14  
def **retrenchment** om [DI2011-49](#) s 14  
def **service** om [DI2011-49](#) s 14**Effect of consent on appeal rights**s 493 om [DI2011-49](#) s 14**Notice of retrenchment—officers**s 494 om [DI2011-49](#) s 14**Recognised redundancy pay for former ACTPS employees retrenched by the APS**s 495 om [DI2009-89](#) s 4**Invalidity retirement—officers**pt 5.11 hdg om [DI2011-49](#) s 14**Application—pt 5.11**s 496 om [DI2011-49](#) s 14**Interpretation—pt 5.11**s 497 om [DI2011-49](#) s 14  
def **invalidity** om [DI2011-49](#) s 14**Invalidity retirement with consent**s 498 om [DI2011-49](#) s 14**Retirement of officers**pt 5.12 hdg om [DI2011-49](#) s 14**Application—pt 5.12**s 499 om [DI2011-49](#) s 14

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s 500 om [DI2011-49](#) s 14  
def *inefficiency* om [DI2011-49](#) s 14

### Inefficiency retirement with consent

s 501 om [DI2011-49](#) s 14

### Retirement of officers who lose an essential qualification

s 502 om [DI2011-49](#) s 14

### Termination of probationary Appointment

s 503 om [DI2011-49](#) s 14

### Managing grievances, appeals and discipline

ch 6 hdg om [DI2011-49](#) s 14

### Dealing with grievances and other appeals

pt 6.1 hdg om [DI2011-49](#) s 14

### Application—pt 6.1

s 504 om [DI2011-49](#) s 14

### Interpretation—pt 6.1

s 505 om [DI2011-49](#) s 14  
def *Director* om [DI2011-49](#) s 14  
def *internal appeal officer* om [DI2011-49](#) s 14  
def *Merit Protection Act* om [DI2011-49](#) s 14  
def *MPRA* om [DI2011-49](#) s 14  
def *officer* om [DI2011-49](#) s 14

### Delay in responding to request

s 506 om [DI2011-49](#) s 14

### Promotion appeals

pt 6.2 hdg om [DI2011-49](#) s 14

### Application—pt 6.2

s 507 om [DI2011-49](#) s 14

### Interpretation—pt 6.2

s 508 om [DI2011-49](#) s 14  
def *non-appealable promotion* om [DI2011-49](#) s 14

### Officers allowed to appeal

s 509 om [DI2011-49](#) s 14

### 14 day period for lodgement of promotion appeals

s 510 om [DI2011-49](#) s 14

### Appeals against temporary transfer

s 511 om [DI2011-49](#) s 14

### Determination of appeals by returned soldiers

s 512 om [DI2011-49](#) s 14

**Review of non-appealable promotions**s 513 om [DI2011-49](#) s 14**Misconduct**pt 6.3 hdg om [DI2011-49](#) s 14**Application—pt 6.3**s 514 om [DI2011-49](#) s 14**Interpretation—pt 6.3**s 515 om [DI2011-49](#) s 14  
def *misconduct* om [DI2011-49](#) s 14**Misconduct committed before becoming a detached officer**s 516 om [DI2011-49](#) s 14**Misconduct while detached officer**s 517 om [DI2011-49](#) s 14**Criminal offences and detached officers**s 518 om [DI2011-49](#) s 14**Application—pt 7.1**s 519 sub [DI2011-49](#) s 15**Interpretation—pt 7.1**s 520 def *official travellers* om [DI2011-49](#) s 16  
def *traveller* ins [DI2011-49](#) s 17**Agency Travel Guides**s 521 am [DI2011-160](#) s 83**Authority to travel**s 522 am [DI2011-160](#) s 85**Air travel class and booking**s 524 table am [DI2011-160](#) s 20**Accommodation rating and booking**s 525 table am [DI2011-160](#) s 21**Reimbursement of reasonable travel expenses**s 527 am [DI2011-49](#) s 18**Frequent Flyer Program**s 535 am [DI2011-160](#) s 22**Official non-ACT Public Service travel**s 536 am [DI2011-160](#) s 83**Recreation leave while travelling**s 537 am [DI2011-49](#) s 19; [DI2011-160](#) s 85**Application—pt 7.2**s 539A ins [DI2011-49](#) s 20

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#### Interpretation—pt 7.2

s 539B ins [DI2011-49](#) s 20  
def **officer** ins [DI2011-49](#) s 20

#### Authorised use

s 540 am [DI2011-49](#) s 21; [DI2011-160](#) s 83

#### Driver responsibilities

s 541 am [DI2009-90](#) s 6; [DI2011-160](#) s 83

#### Home garaging

s 542 am [DI2009-90](#) s 5; [DI2011-160](#) s 83

#### Private use

s 543 am [DI2011-160](#) s 83

#### Recording and reporting

s 544 am [DI2009-90](#) s 6

#### Range of available vehicles

s 545 am [DI2009-90](#) s 6; [DI2011-160](#) s 83

#### Additional vehicles

s 546 am [DI2011-160](#) s 83

#### Vehicle hire

s 547 am [DI2011-160](#) s 83

#### Private plated vehicles

s 548 am [DI2011-160](#) s 83

#### Vehicle maintenance

s 549 am [DI2009-90](#) s 6, s 7; [DI2011-160](#) s 83

#### Purchase of fuel

s 550 am [DI2009-90](#) s 7

#### Executive vehicles

pt 7.3 hdg sub [DI2007-64](#) s 4  
om [DI2011-49](#) s 22

#### Application—pt 7.3

s 551 sub [DI2007-64](#) s 4; [DI2010-193](#) s 4  
om [DI2011-49](#) s 22  
def **business use** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4  
def **executive** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4  
def **executive vehicle** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4  
def **monthly lease rate** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4



- def **people mover** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4
- def **private use** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4
- def **statutory office** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4
- def **sedan** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4
- def **wagon** ins [DI2007-64](#) s 4  
om [DI2010-193](#) s 4

**Interpretation—pt 7.3**

- s 551A sub [DI2007-64](#) s 4; [DI2010-193](#) s 5  
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- def **business use** ins [DI2010-193](#) s 5  
om [DI2011-49](#) s 22
- def **executive** ins [DI2010-193](#) s 5  
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- def **executive vehicle** ins [DI2010-193](#) s 5  
om [DI2011-49](#) s 22
- def **private use** ins [DI2010-193](#) s 5  
om [DI2011-49](#) s 22
- def **statutory office-holder** ins [DI2010-193](#) s 5  
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**Executive vehicle entitlement**

- s 551B sub [DI2007-64](#) s 4  
am [DI2009-90](#) s 8  
om [DI2011-49](#) s 22

**Executive vehicle entitlement—part-time executives**

- s 551C sub [DI2007-64](#) s 4; [DI2010-193](#) s 6  
om [DI2011-49](#) s 22

**Choice of motor vehicle**

- s 552 sub [DI2007-64](#) s 4  
am [DI2007-196](#) s 4; [DI2008-171](#) s 4; [DI2009-90](#) s 8;  
[DI2009-185](#) s 4  
sub [DI2010-193](#) s 7  
om [DI2011-49](#) s 22

**Payment in lieu of an executive vehicle entitlement**

- s 553 sub [DI2007-64](#) s 4  
am [DI2008-278](#) s 4; ss renum R12 LA; [DI2009-185](#) s 5;  
[DI2010-193](#) s 8  
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**Changing to payment in lieu of an executive vehicle entitlement**

- s 553A ins [DI2010-193](#) s 9  
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#### **Executive vehicle modification**

s 554 sub [DI2007-64](#) s 4  
am [DI2009-90](#) s 8; [DI2010-193](#) ss 10-12  
om [DI2011-49](#) s 22

#### **Executive vehicle maintenance and running costs**

s 554A sub [DI2007-64](#) s 4  
om [DI2011-49](#) s 22

#### **Executive vehicle care**

s 554B sub [DI2007-64](#) s 4; [DI2010-193](#) s 13  
om [DI2011-49](#) s 22

#### **Authorised use of an executive vehicle**

s 555 sub [DI2007-64](#) s 4  
am [DI2009-90](#) s 8  
om [DI2011-49](#) s 22

#### **Business use of an executive vehicle**

s 555A sub [DI2007-64](#) s 4  
am [DI2009-90](#) s 8  
om [DI2011-49](#) s 22

#### **Private use of an executive vehicle**

s 555B sub [DI2007-64](#) s 4  
om [DI2011-49](#) s 22

#### **Record-keeping**

s 556 sub [DI2007-64](#) s 4  
om [DI2011-49](#) s 22

#### **Interpretation—pt 7.4**

s 557 om [DI2011-49](#) s 23  
def **development** om [DI2011-49](#) s 23  
def **training** om [DI2011-49](#) s 23

#### **Performance Management Schemes**

s 558 am [DI2011-160](#) s 83, s 90

#### **Performance Management Plans**

s 559 am [DI2011-160](#) s 83

#### **Studies assistance**

s 560 am [DI2011-160](#) s 83, s 85

#### **Reporting**

s 561 am [DI2011-160](#) s 83

#### **ACTEW officers**

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#### **Application—pt 8.1**

s 562 om [DI2010-137](#) s 4

**Interpretation—pt 8.1**s 563 om [DI2010-137](#) s 4**Conditions of service**s 564 om [DI2010-137](#) s 4**Home garaging and private use of vehicles arrangement**s 565 om [DI2010-137](#) s 4**Contribution by officers**s 566 om [DI2010-137](#) s 4**Home garaging of vehicles—obligations**s 567 om [DI2010-137](#) s 4**Home garaging with no private use**s 568 om [DI2010-137](#) s 4**On-call and restricted duty provisions**s 569 om [DI2010-137](#) s 4**GSO 10 incremental pay structure**s 570 om [DI2010-137](#) s 4**Progression to senior plumbing inspector**s 571 om [DI2010-137](#) s 4**Electricians licence allowance**s 572 om [DI2010-137](#) s 4**Reimbursement of home telephone expenses**s 573 om [DI2010-137](#) s 4**Conditions of service of some former ACTEW officers**s 574 om [DI2010-137](#) s 4**Application—pt 8.2**s 575 sub [DI2011-49](#) s 24**Eligibility**s 577 am [DI2011-160](#) s 79**Payments**s 578 am [DI2009-88](#) s 4**Joint Council**pt 8.3 hdg sub [DI2008-289](#) s 4

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#### Interpretation—pt 8.3

- s 579 sub [DI2008-289](#) s 4  
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def **Joint Council** sub [DI2008-289](#) s 4  
def **Management Council** om [DI2008-289](#) s 4  
def **member** ins [DI2008-289](#) s 4  
def **members** om [DI2008-289](#) s 4  
def **officer** om [DI2008-289](#) s 4  
def **organisation registered under the Workplace Relations Act 1996** sub [DI2008-289](#) s 4  
om [DI2011-49](#) s 25

#### Function of the Joint Council

- s 580 sub [DI2008-289](#) s 4

#### Chair and deputy chair

- s 581 sub [DI2008-289](#) s 4

#### Members

- s 582 sub [DI2008-289](#) s 4  
am [DI2011-49](#) s 26

#### Deputy members

- s 583 sub [DI2008-289](#) s 4

#### Termination of appointment

- s 584 sub [DI2008-289](#) s 4  
am [DI2011-49](#) s 27

#### Committees

- s 585 om [DI2008-289](#) s 4

#### Consultation

- s 586 om [DI2008-289](#) s 4

#### Occupational Health and Safety Management System

- pt 8.4 hdg om [DI2012-9](#) s 7

#### Interpretation—pt 8.4

- s 587 om [DI2012-9](#) s 7  
def **Occupational Health and Safety Management System**  
om [DI2012-9](#) s 7

#### Implementation

- s 588 am [DI2011-160](#) s 83, s 85  
om [DI2012-9](#) s 7

#### Rental for ACTPS housing

- pt 8.5 hdg sub [DI2011-49](#) s 28

#### Notice and special benefits for statutory office-holders

- div 8.5.1 hdg om [DI2011-49](#) s 28

**Application—pt 8.5**

- s 589 sub [DI2011-49](#) s 28  
 def **chief executive** om [DI2011-49](#) s 28  
 def **continuous recognised service** am [DI2009-134](#) s 12  
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 def **relevant Remuneration Tribunal Determination** om  
[DI2011-49](#) s 28  
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**Interpretation—pt 8.5**

- s 590 sub [DI2011-49](#) s 28  
 def **ACTPS dwelling** ins [DI2011-49](#) s 28  
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**Rental contribution**

- s 591 am [DI2009-134](#) s 14  
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**Calculation of rental contribution**

- s 592 sub [DI2009-134](#) s 15; sub [DI2011-49](#) s 28

**Superannuation for statutory officer holders on and from 1 July 2006**

- s 592A ins [DI2011-10](#) s 5  
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**Notice and special benefits for statutory office-holders**

- div 8.5.2 hdg om [DI2011-49](#) s 28

**Increase or decrease in contribution**

- s 593 sub [DI2007-198](#) s 5; sub [DI2011-49](#) s 28  
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**Rental contributions for accommodation in ACTPS housing—rates payable by officers (excluding officers with, but unaccompanied by, dependents)**

- s 594 sub [DI2011-49](#) s 28

**Superannuation contributions**

- s 595 om [DI2011-49](#) s 28

**PSSAP eligibility**

- pt 8.6 hdg ins [DI2006-218](#) s 4

**Interpretation—pt 8.6**

- s 596 ins [DI2006-218](#) s 4  
 def **declaration** ins [DI2006-218](#) s 4  
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### **Previous employment**

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### **Regular employment**

s 598 ins [DI2006-218](#) s 4  
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### **Other circumstances**

s 599 ins [DI2006-218](#) s 4  
am [DI2011-160](#) s 23

### **Special arrangements for teachers**

pt 8.7 hdg ins [DI2011-49](#) s 29

### **Interpretation—pt 8.7**

s 600 ins [DI2011-49](#) s 29  
def **teacher** ins [DI2011-49](#) s 29  
def **union agreed joint selection committee** ins [DI2011-49](#)  
s 29

### **Union agreed joint selection committee promotions—teachers**

s 601 ins [DI2011-49](#) s 29

### **Appointment—teachers**

s 602 ins [DI2011-49](#) s 29

### **Incremental advancement—casual teachers**

s 603 ins [DI2011-49](#) s 29

### **Higher duties—teachers in an isolated district**

s 604 ins [DI2011-49](#) s 29

### **Sunday or public holiday duty—teachers**

s 605 ins [DI2011-49](#) s 29

### **Direction to take annual leave—teachers**

s 606 ins [DI2011-49](#) s 29  
am [DI2011-160](#) s 82, s 88

### **Accrual of annual leave credit—teachers and school assistants**

s 607 ins [DI2011-49](#) s 29

### **Leave to accompany a domestic partner on a posting—teachers and school assistants**

s 608 ins [DI2011-49](#) s 29

### **Duties with an authority of the Commonwealth, a State, another Territory—teachers**

s 609 ins [DI2011-49](#) s 29

### **Cancellation at the request of the promotee—teachers**

s 610 ins [DI2011-49](#) s 29  
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am [DI2011-160](#) s 78**Leave for specialists and senior specialists—study leave**s 617 ins [DI2011-49](#) s 30  
am [DI2011-160](#) s 78**Executives and statutory office-holders**ch 9 hdg ins [DI2011-49](#) s 31**Executive employee conditions of employment**pt 9.1 hdg ins [DI2011-49](#) s 31  
sub [DI2013-187](#) s 4**Application—pt 9.1 etc**s 618 sub [DI2011-49](#) s 26; [DI2013-187](#) s 4**Executive employee—conditions of employment**s 619 ins [DI2011-49](#) s 31  
sub [DI2011-160](#) s 26; [DI2013-187](#) s 4  
def **remuneration zone** ins [DI2011-49](#) s 31  
om [DI2013-187](#) s 4  
def **total remuneration point** ins [DI2011-49](#) s 31  
om [DI2013-187](#) s 4**Executive employee's functions—pt 9.2**pt 9.2 hdg ins [DI2011-49](#) s 31

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sub [DI2013-187](#) s 4

### **Executive responsibilities**

div 9.2.1 hdg ins [DI2011-49](#) s 31  
om [DI2013-187](#) s 4

### **Equity and diversity**

div 9.2.2 hdg ins [DI2011-49](#) s 31  
om [DI2013-187](#) s 4

### **Executive employee functions—generally**

s 620 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 27  
sub [DI2013-187](#) s 4

### **Executive employee functions—financial management**

s 621 hdg sub [DI2011-160](#) s 28  
s 621 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 28  
sub [DI2013-187](#) s 4

### **Executive employee remuneration**

pt 9.3 hdg ins [DI2011-49](#) s 31  
sub [DI2013-187](#) s 4

### **Executive employee salary**

s 622 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 29, s 30, s 90; [DI2012-9](#) s 8, ss renum  
R31 LA  
sub [DI2013-187](#) s 4

### **Executive employee entitlements generally**

s 623 ins [DI2011-49](#) s 31  
sub [DI2011-160](#) s 32; [DI2013-187](#) s 4

### **Working out executive employee remuneration**

pt 9.3A hdg ins [DI2013-187](#) s 4

### **Definitions—pt 9.3A**

s 624 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 33  
sub [DI2013-187](#) s 4  
def **assessed work value** ins [DI2013-187](#) s 4  
def **base remuneration** ins [DI2013-187](#) s 4  
def **independent job evaluation methodology** ins [DI2013-187](#) s 4  
def **remuneration** ins [DI2013-187](#) s 4  
def **salary** ins [DI2013-187](#) s 4  
def **total remuneration point** ins [DI2013-187](#) s 4



**Meaning of total remuneration point—pt 9.3A**

s 625 ins [DI2011-49](#) s 31  
 am [DI2011-160](#) ss 34-36  
 sub [DI2013-187](#) s 4

**Assessed work value for an executive employee office**

s 626 ins [DI2011-49](#) s 31  
 am [DI2011-160](#) s 37, s 78, s 88  
 sub [DI2013-187](#) s 4

**Unauthorised disclosure of information**

s 626A (prev s 629) ins [DI2011-49](#) s 31  
 sub [DI2011-160](#) s 39  
 reloc and renum as s 626A [DI2011-160](#) s 40  
 om [DI2013-187](#) s 4

**Circumstances where assessed work value for an executive employee not required**

s 627 ins [DI2011-49](#) s 31  
 sub [DI2011-160](#) s 38; [DI2013-187](#) s 4

**Executive employee—base remuneration**

s 628 hdg am [DI2011-160](#) s 81  
 s 628 ins [DI2011-49](#) s 31  
 am [DI2011-160](#) s 81  
 sub [DI2013-187](#) s 4

**Head of service may approve higher remuneration—new executive employees**

s 629 reloc and renum as s 626A  
 ins [DI2013-187](#) s 4

**Contract variation to increase total remuneration point**

s 630 ins [DI2011-49](#) s 31  
 sub [DI2011-160](#) s 41; [DI2013-187](#) s 4

**Other executive employee conditions of employment**

pt 9.3B hdg ins [DI2013-187](#) s 4

**General matters**

div 9.3B.1 hdg ins [DI2013-187](#) s 4

**Exclusive employment**

s 631 ins [DI2011-49](#) s 31  
 sub [DI2013-187](#) s 4  
 def **remuneration** ins [DI2011-49](#) s 31  
 sub [DI2011-160](#) s 42  
 om [DI2013-187](#) s 4  
 def **transitional executive** ins [DI2011-49](#) s 31  
 am [DI2011-160](#) s 81  
 om [DI2013-187](#) s 4

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#### **Warranty by executive employee**

s 632 ins [DI2011-49](#) s 31  
sub [DI2011-160](#) s 43; [DI2013-187](#) s 4

#### **Disclosure of material interests**

s 633 hdg sub [DI2011-160](#) s 44  
s 633 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 45  
sub [DI2013-187](#) s 4

#### **Confidentiality of information**

s 634 hdg sub [DI2011-160](#) s 46  
s 634 ins [DI2011-49](#) s 31  
am [DI2011-160](#) ss 47-50; [DI2012-9](#) s 9  
sub [DI2013-187](#) s 4

#### **Equity and diversity—director-general responsibilities**

s 635 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 81; [DI2012-9](#) s 10  
sub [DI2013-187](#) s 4

#### **Performance**

div 9.3B.2 hdg ins [DI2013-187](#) s 4

#### **Performance agreement**

s 636 hdg sub [DI2011-160](#) s 51  
s 636 ins [DI2011-49](#) s 31  
am [DI2011-160](#) ss 52-56  
sub [DI2013-187](#) s 4

#### **Underperformance**

s 636A ins [DI2013-187](#) s 4

#### **Performance policy**

s 636B ins [DI2013-187](#) s 4

#### **Misconduct**

div 9.3B.3 hdg ins [DI2013-187](#) s 4

#### **Misconduct**

s 636C ins [DI2013-187](#) s 4

#### **Misconduct policy**

s 636D ins [DI2013-187](#) s 4

#### **Termination**

div 9.3B.4 hdg ins [DI2013-187](#) s 4

#### **Termination by the executive employee**

s 636E ins [DI2013-187](#) s 4

#### **Termination by the Territory**

s 636F ins [DI2013-187](#) s 4

**Executive employee financial entitlements**pt 9.3C hdg ins [DI2013-187](#) s 4**Meaning of *continuous recognised service*—pt 9.3C**s 636G ins [DI2013-187](#) s 4**Meaning of *transitional executive*—pt 9.3C**s 636H ins [DI2013-187](#) s 4**Head of service and director-general employment benefit**s 636I ins [DI2013-187](#) s 4**Payment instead of termination notice period**s 636J ins [DI2013-187](#) s 4**Special benefit payable on early termination of contract—generally**s 636K ins [DI2013-187](#) s 4**Special benefit payable on early termination of contract—transitional executives**s 636L ins [DI2013-187](#) s 4**Special benefits payable on non-renewal of contract in certain circumstances—transitional executives**s 636M ins [DI2013-187](#) s 4**Superannuation—executive employees**s 636N ins [DI2013-187](#) s 4**Statutory office-holder financial entitlements**pt 9.4 hdg ins [DI2011-49](#) s 31  
sub [DI2013-187](#) s 4**Application—pt 9.4**s 637 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 57, s 58; pars renum R30 LA**Interpretation—pt 9.4**s 638 ins [DI2011-49](#) s 31  
def *continuous recognised service* ins [DI2011-49](#) s 31  
def *remuneration* ins [DI2011-49](#) s 31  
def *special benefit* ins [DI2011-49](#) s 31**Payment in lieu for notice period—statutory office-holders**s 639 ins [DI2011-49](#) s 31  
ss renum R29 LA**Special benefits on early termination of appointment—statutory office-holders**s 640 ins [DI2011-49](#) s 31  
am pars renum R32 LA

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### **Appointment or engagement of former statutory office-holders**

s 641 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 59, s 60

### **Superannuation—statutory office-holders**

s 642 ins [DI2011-49](#) s 31

### **Executive and statutory office-holder vehicle entitlements**

pt 9.5 hdg ins [DI2011-49](#) s 31

### **Application—pt 9.5**

s 643 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 61

### **Interpretation—pt 9.5**

s 644 ins [DI2011-49](#) s 31  
def **business use** ins [DI2011-49](#) s 31  
def **executive** ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 62, s 81; pars renum R30 LA  
def **executive vehicle** ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 63  
def **private use** ins [DI2011-49](#) s 31  
def **statutory office-holder** ins [DI2011-49](#) s 31

### **Executive vehicle entitlement**

s 645 ins [DI2011-49](#) s 31

### **Executive vehicle entitlement—part-time executives**

s 646 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 80, s 81

### **Choice of motor vehicle**

s 647 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 80; [DI2013-187](#) ss 5-7

### **Payment in lieu of an executive vehicle entitlement**

s 648 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 80; [DI2013-187](#) ss 8-10; [DI2014-272](#) s 4

### **Change to payment in lieu of an executive vehicle entitlement**

s 649 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 64

### **Executive vehicle modification**

s 650 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 65, s 81, s 87, s 90; ss renum R30 LA

### **Executive vehicle maintenance and running costs**

s 651 ins [DI2011-49](#) s 31

### **Executive vehicle care**

s 652 ins [DI2011-49](#) s 31

**Authorised use of an executive vehicle**s 653 ins [DI2011-49](#) s 31**Business use of an executive vehicle**s 654 ins [DI2011-49](#) s 31**Private use of an executive vehicle**s 655 ins [DI2011-49](#) s 31**Record-keeping**s 656 ins [DI2011-49](#) s 31**Executive and statutory office-holder leave entitlements**pt 9.6 hdg ins [DI2011-49](#) s 31**General**div 9.6.1 hdg ins [DI2011-49](#) s 31**Application—pt 9.6**s 657 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 66, s 81; pars renum R30 LA**Interpretation—pt 9.6**s 658 ins [DI2011-49](#) s 31  
def **decision-maker** ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 67, s 68, s 81; pars renum R30 LA  
def **executive** ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 69**Purpose—leave general**s 659 ins [DI2011-49](#) s 31**Part-time executives**s 660 ins [DI2011-49](#) s 31**Clerk of the Legislative Assembly**s 661 ins [DI2011-49](#) s 31**Non-approval of leave**s 662 ins [DI2011-49](#) s 31**Leave entitlements**div 9.6.2 hdg ins [DI2011-49](#) s 31**Personal leave**sdiv 9.6.2.1 hdg ins [DI2011-49](#) s 31**Purpose—personal leave**s 663 ins [DI2011-49](#) s 31**Entitlement—personal leave**s 664 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 70; pars renum R30 LA

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### **Evidence and conditions—personal leave**

s 665 ins [DI2011-49](#) s 31

### **Rate of payment—personal leave**

s 666 ins [DI2011-49](#) s 31

### **Effect on other entitlements—personal leave**

s 667 ins [DI2011-49](#) s 31

### **Access to other leave entitlements—personal leave**

s 668 ins [DI2011-49](#) s 31  
ss renum R29 LA

### **Personal leave in extraordinary circumstances**

s 669 ins [DI2011-49](#) s 31  
ss renum R29 LA

### **Infectious disease contacts**

s 670 ins [DI2011-49](#) s 31

### **Compassionate leave**

sdiv 9.6.2.2 hdg ins [DI2011-49](#) s 31

### **Purpose—compassionate leave**

s 671 ins [DI2011-49](#) s 31

### **Entitlement—compassionate leave**

s 672 ins [DI2011-49](#) s 31

### **Evidence and conditions—compassionate leave**

s 673 ins [DI2011-49](#) s 31

### **Rate of payment—compassionate leave**

s 674 ins [DI2011-49](#) s 31

### **Effect on other entitlements—compassionate leave**

s 675 ins [DI2011-49](#) s 31

### **Access to other leave entitlements—compassionate leave**

s 676 ins [DI2011-49](#) s 31

### **Operational service personal leave**

sdiv 9.6.2.3 hdg ins [DI2011-49](#) s 31

### **Interpretation—sdiv 9.6.2.3**

s 677 ins [DI2011-49](#) s 31  
def **operational service** ins [DI2011-49](#) s 31  
def **war-caused injuries or diseases** ins [DI2011-49](#) s 31

### **Purpose—operational service personal leave**

s 678 ins [DI2011-49](#) s 31

### **Eligibility—operational service personal leave**

s 679 ins [DI2011-49](#) s 31

**Entitlement—operational service personal leave**s 680 ins [DI2011-49](#) s 31**Evidence and conditions—operational service personal leave**s 681 ins [DI2011-49](#) s 31**Rate of payment—operational service personal leave**s 682 ins [DI2011-49](#) s 31**Effect of other entitlements—operational service personal leave**s 683 ins [DI2011-49](#) s 31**Annual leave**sdiv 9.6.2.4 hdg ins [DI2011-49](#) s 31**Purpose—annual leave**s 684 ins [DI2011-49](#) s 31**Entitlement—annual leave**s 685 ins [DI2011-49](#) s 31**Evidence and conditions—annual leave**s 686 ins [DI2011-49](#) s 31  
ss renum R29 LA**Rate of payment—annual leave**s 687 ins [DI2011-49](#) s 31**Payment in lieu of annual leave**s 688 ins [DI2011-49](#) s 31**Effect on other entitlements—annual leave**s 689 ins [DI2011-49](#) s 31**Access to other leave entitlements—annual leave**s 690 ins [DI2011-49](#) s 31**Purchased leave**sdiv 9.6.2.5 hdg ins [DI2011-49](#) s 31**Purpose—purchased leave**s 691 ins [DI2011-49](#) s 31**Entitlement—purchased leave**s 692 ins [DI2011-49](#) s 31  
am [DI2011-160](#) s 71**Evidence and conditions—purchased leave**s 693 ins [DI2011-49](#) s 31**Rate of payment—purchased leave**s 694 ins [DI2011-49](#) s 31**Effect on other entitlements—purchased leave**s 695 ins [DI2011-49](#) s 31

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### **Access to other leave entitlements—purchased leave**

s 696 ins [DI2011-49](#) s 31

### **Long service leave**

sdiv 9.6.2.6 hdg ins [DI2011-49](#) s 31

### **Interpretation—sdiv 9.6.2.6**

s 697 ins [DI2011-49](#) s 31

def **category A officer** ins [DI2011-49](#) s 31

def **category B officer** ins [DI2011-49](#) s 31

def **defence employment** ins [DI2011-49](#) s 31

def **eligible employment** ins [DI2011-49](#) s 31

def **minimum retiring age** ins [DI2011-49](#) s 31

def **month** ins [DI2011-49](#) s 31

def **public authority** ins [DI2011-49](#) s 31

def **relevant day** ins [DI2011-49](#) s 31

def **relevant rate per hour** ins [DI2011-49](#) s 31

def **Territory** ins [DI2011-49](#) s 31

def **year** ins [DI2011-49](#) s 31

### **Purpose—long service leave**

s 698 ins [DI2011-49](#) s 31

### **Entitlement—long service leave**

s 699 ins [DI2011-49](#) s 31

### **Evidence and conditions—long service leave**

s 700 ins [DI2011-49](#) s 31

### **Rate of payment—long service leave**

s 701 ins [DI2011-49](#) s 31

### **Effect of other entitlements**

s 702 ins [DI2011-49](#) s 31

### **Access to other entitlements—long service leave**

s 703 ins [DI2011-49](#) s 31

### **Maternity leave**

sdiv 9.6.2.7 hdg ins [DI2011-49](#) s 31

### **Purpose—maternity leave**

s 704 ins [DI2011-49](#) s 31

### **Eligibility—maternity leave**

s 705 ins [DI2011-49](#) s 31

### **Eligibility—paid maternity leave**

s 706 ins [DI2011-49](#) s 31

### **Entitlement—maternity leave**

s 707 ins [DI2011-49](#) s 31



**Evidence and conditions—maternity leave**s 708 ins [DI2011-49](#) s 31**Rate of payment—maternity leave**s 709 ins [DI2011-49](#) s 31**Effect on other entitlements—maternity leave**s 710 ins [DI2011-49](#) s 31**Access to other leave entitlements—maternity leave**s 711 ins [DI2011-49](#) s 31**Special maternity leave**sdiv 9.6.2.8 hdg ins [DI2011-49](#) s 31**Purpose—special maternity leave**s 712 ins [DI2011-49](#) s 31**Entitlement—special maternity leave**s 713 ins [DI2011-49](#) s 31**Evidence and conditions—special maternity leave**s 714 ins [DI2011-49](#) s 31**Rate of payment—special maternity leave**s 715 ins [DI2011-49](#) s 31**Effect on other entitlements—special maternity leave**s 716 ins [DI2011-49](#) s 31**Access to other leave entitlements—special maternity leave**s 717 ins [DI2011-49](#) s 31**Primary care giver leave**sdiv 9.6.2.9 hdg ins [DI2011-49](#) s 31**Purpose—primary care giver leave**s 718 ins [DI2011-49](#) s 31**Eligibility—primary care giver leave**s 719 ins [DI2011-49](#) s 31**Entitlement—primary care giver leave**s 720 ins [DI2011-49](#) s 31**Evidence and conditions—primary care giver leave**s 721 ins [DI2011-49](#) s 31**Rate of payment—primary care giver leave**s 722 ins [DI2011-49](#) s 31**Effect on other entitlements—primary care giver leave**s 723 ins [DI2011-49](#) s 31

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**Access to other leave entitlements—primary care giver leave**

s 724 ins [DI2011-49](#) s 31

**Bonding leave**

sdiv 9.6.2.10 hdg ins [DI2011-49](#) s 31

**Purpose—bonding leave**

s 725 ins [DI2011-49](#) s 31

**Eligibility—bonding leave**

s 726 ins [DI2011-49](#) s 31

**Entitlement—bonding leave**

s 727 ins [DI2011-49](#) s 31

**Evidence and conditions—bonding leave**

s 728 ins [DI2011-49](#) s 31

**Rate of payment—bonding leave**

s 729 ins [DI2011-49](#) s 31

**Effect on other entitlements—bonding leave**

s 730 ins [DI2011-49](#) s 31

**Parental leave**

sdiv 9.6.2.11 hdg ins [DI2011-49](#) s 31

**Purpose—parental leave**

s 731 ins [DI2011-49](#) s 31

**Eligibility—parental leave**

s 732 ins [DI2011-49](#) s 31

**Entitlement—parental leave**

s 733 ins [DI2011-49](#) s 31

**Evidence and conditions—parental leave**

s 734 ins [DI2011-49](#) s 31

**Rate of payment—parental leave**

s 735 ins [DI2011-49](#) s 31

**Effect on other entitlements—parental leave**

s 736 ins [DI2011-49](#) s 31

**Access to other leave entitlements—parental leave**

s 737 ins [DI2011-49](#) s 31

**Grandparental leave**

sdiv 9.6.2.12 hdg ins [DI2011-49](#) s 31

**Purpose—grandparental leave**

s 738 ins [DI2011-49](#) s 31

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- Eligibility—grandparental leave**  
s 739 ins [DI2011-49](#) s 31
- Entitlement—grandparental leave**  
s 740 ins [DI2011-49](#) s 31
- Evidence and conditions—grandparental leave**  
s 741 ins [DI2011-49](#) s 31
- Rate of payment—grandparental leave**  
s 742 ins [DI2011-49](#) s 31
- Effect on other entitlements—grandparental leave**  
s 743 ins [DI2011-49](#) s 31  
ss renum R29 LA
- Access to other leave entitlements—grandparental leave**  
s 744 ins [DI2011-49](#) s 31
- Community service leave**  
sdiv 9.6.2.13 hdg ins [DI2011-49](#) s 31
- Purpose—community service leave**  
s 745 ins [DI2011-49](#) s 31
- Entitlement—jury service**  
s 746 ins [DI2011-49](#) s 31
- Evidence and conditions—jury service**  
s 747 ins [DI2011-49](#) s 31
- Rate of payment—jury service**  
s 748 ins [DI2011-49](#) s 31
- Effect on other entitlements—jury service**  
s 749 ins [DI2011-49](#) s 31
- Eligibility—voluntary emergency management**  
s 750 ins [DI2011-49](#) s 31
- Entitlement—voluntary emergency management**  
s 751 ins [DI2011-49](#) s 31
- Evidence and conditions—voluntary emergency management**  
s 752 ins [DI2011-49](#) s 31
- Rate of payment—voluntary emergency management**  
s 753 ins [DI2011-49](#) s 31
- Effect on other entitlements—voluntary emergency management**  
s 754 ins [DI2011-49](#) s 31
- Additional leave—voluntary emergency management**  
s 755 ins [DI2011-49](#) s 31

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**Entitlement—voluntary community service**

s 756 ins [DI2011-49](#) s 31

**Evidence and conditions—voluntary community service**

s 757 ins [DI2011-49](#) s 31

**Rate of payment—voluntary community service**

s 758 ins [DI2011-49](#) s 31

**Effect on other entitlements—voluntary community service**

s 759 ins [DI2011-49](#) s 31

**Access to other entitlements—voluntary community service**

s 760 ins [DI2011-49](#) s 31

**Other leave**

sdiv 9.6.2.14 hdg ins [DI2011-49](#) s 31

**Purpose—other leave**

s 761 ins [DI2011-49](#) s 31

**Eligibility—other leave**

s 762 ins [DI2011-49](#) s 31

**Entitlement—other leave**

s 763 ins [DI2011-49](#) s 31

**Evidence and conditions—other leave**

s 764 ins [DI2011-49](#) s 31

**Rate of payment and effect on other entitlement—other leave**

s 765 ins [DI2011-49](#) s 31

**Access to other leave entitlements—other leave**

s 766 ins [DI2011-49](#) s 31

**Types of other leave**

s 766A ins [DI2011-49](#) s 31  
table am [DI2011-160](#) ss 72-74

**Public holidays**

sdiv 9.6.2.15 hdg ins [DI2011-49](#) s 31

**Entitlement—public holidays**

s 767 ins [DI2011-49](#) s 31

**Rate of payment—public holidays**

s 768 ins [DI2011-49](#) s 31

**Effect on other entitlements—public holidays**

s 769 ins [DI2011-49](#) s 31

**Christmas shutdown**

sdiv 9.6.2.16 hdg ins [DI2011-49](#) s 31

**Purpose—Christmas shutdown**s 770 ins [DI2011-49](#) s 31**Entitlement—Christmas shutdown**s 771 ins [DI2011-49](#) s 31**Rate of payment—Christmas shutdown**s 772 ins [DI2011-49](#) s 31**Effect on other entitlements—Christmas shutdown**s 773 ins [DI2011-49](#) s 31**Dictionary**

am [DI2011-160](#) s 75, s 76; [DI2014-66](#) s 13, s 14

def **ABS** om [DI2011-49](#) s 32

def **ACTGS** om [DI2011-49](#) s 33

def **Agency** om [DI2011-49](#) s 34

def **assessed work value** ins [DI2013-187](#) s 11

def **Award** om [DI2011-49](#) s 35

def **base remuneration** ins [DI2013-187](#) s 11

def **Certified Agreement** om [DI2011-49](#) s 36

def **Chief Executive** om [DI2011-160](#) s 77

def **Consequential and Transitional Provisions Act** om [DI2011-49](#) s 37

def **continuous recognised service** ins [DI2013-187](#) s 11

def **current office** om [DI2011-49](#) s 38

def **disability** ins [DI2011-49](#) s 39

def **employee** ins [DI2014-66](#) s 15

def **executive employee** ins [DI2013-187](#) s 11

def **household member** ins [DI2011-49](#) s 40

def **immediate family** ins [DI2011-49](#) s 41

am [DI2011-160](#) s 88; pars renum R30 LA

def **independent job evaluation methodology** ins [DI2013-187](#) s 11

def **MPRA** om [DI2011-49](#) s 42

def **public holiday** ins [DI2011-49](#) s 43

def **Public Sector Management** om [DI2011-49](#) s 44

def **relevant person** ins [DI2013-187](#) s 11

def **remuneration** ins [DI2013-187](#) s 11

def **returned soldier** om R32 LA

def **salary** ins [DI2013-187](#) s 11

def **spent** ins [DI2013-187](#) s 11

def **staff bulletin** om [DI2011-160](#) s 77

def **State** om [DI2011-49](#) s 45

def **substantive office** ins [DI2011-49](#) s 46

def **supervisor** ins [DI2011-49](#) s 47

def **temporary transfer** ins [DI2011-49](#) s 48

def **total remuneration point** ins [DI2013-187](#) s 11

def **transfer** ins [DI2011-49](#) s 49

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### 5 Earlier republications

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def *transitional executive* ins [DI2013-187](#) s 11  
def *Working with Vulnerable People Act* ins [DI2014-66](#) s 15

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 3 Aug 2006	3 Aug 2006– 11 Oct 2006	not amended	new instrument
R2 12 Oct 2006	12 Oct 2006– 8 Mar 2007	<a href="#">DI2006-218</a>	amendments made by <a href="#">DI2006-218</a>
R3 9 Mar 2007	9 Mar 2007– 19 Apr 2007	<a href="#">DI2007-64</a>	amendments made by <a href="#">DI2007-64</a>
R4 20 Apr 2007	20 Apr 2007– 21 June 2007	<a href="#">DI2007-92</a>	amendments made by <a href="#">DI2007-91</a> and <a href="#">DI2007-92</a>
R5 22 June 2007	22 June 2007– 30 July 2007	<a href="#">DI2007-125</a>	amendments made by <a href="#">DI2007-125</a>
R6 31 July 2007	31 July 2007– 9 Aug 2007	<a href="#">DI2007-187</a>	amendments made by <a href="#">DI2007-187</a>
R7 10 Aug 2007	10 Aug 2007– 30 Nov 2007	<a href="#">DI2007-198</a>	amendments made by <a href="#">DI2007-196</a> and <a href="#">DI2007-198</a>
R8 1 Dec 2007	1 Dec 2007– 18 Apr 2008	<a href="#">DI2007-246</a>	amendments made by <a href="#">DI2007-246</a>
R9 19 Apr 2008	19 Apr 2008– 9 Aug 2008	<a href="#">DI2008-56</a>	amendments made by <a href="#">DI2008-56</a>
R10 10 Aug 2008	10 Aug 2008– 21 Aug 2008	<a href="#">DI2008-171</a>	amendments made by <a href="#">DI2008-171</a>

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R11 22 Aug 2008	22 Aug 2008– 13 Nov 2008	<a href="#">DI2008-215</a>	amendments made by <a href="#">DI2008-215</a>
R12 14 Nov 2008	14 Nov 2008– 20 Nov 2008	<a href="#">DI2008-278</a>	amendments made by <a href="#">DI2008-278</a>
R13 21 Nov 2008	21 Nov 2008– 15 Dec 2008	<a href="#">DI2008-280</a>	amendments made by <a href="#">DI2008-280</a>
R14 16 Dec 2008	16 Dec 2008– 9 Apr 2009	<a href="#">DI2008-289</a>	amendments made by <a href="#">DI2008-289</a>
R15 10 Apr 2009	10 Apr 2009– 18 Apr 2009	<a href="#">DI2009-46</a>	amendments made by <a href="#">DI2009-46</a>
R16 19 Apr 2009	19 Apr 2009– 4 June 2009	<a href="#">DI2009-54</a>	amendments made by <a href="#">DI2009-54</a>
R17 5 June 2009	5 June 2009– 9 June 2009	<a href="#">DI2009-88</a>	amendments made by <a href="#">DI2009-88</a>
R18 10 June 2009	10 June 2009– 29 June 2009	<a href="#">DI2009-90</a>	amendments made by <a href="#">DI2009-89</a> and <a href="#">DI2009-90</a>
R19 30 June 2009	30 June 2009– 9 Aug 2009	<a href="#">DI2009-134</a>	amendments made by <a href="#">DI2009-134</a>
R20 10 Aug 2009	10 Aug 2009– 29 Oct 2009	<a href="#">DI2009-185</a>	amendments made by <a href="#">DI2009-185</a>
R21 30 Oct 2009	30 Oct 2009– 10 May 2010	<a href="#">DI2009-222</a>	amendments made by <a href="#">DI2009-222</a>
R22 11 May 2010	11 May 2010– 1 July 2010	<a href="#">DI2010-67</a>	amendments made by <a href="#">DI2010-67</a>
R23 2 July 2010	2 July 2010– 15 July 2010	<a href="#">DI2010-137</a>	amendments made by <a href="#">DI2010-137</a>
R24 16 July 2010	16 July 2010– 23 Aug 2010	<a href="#">DI2010-164</a>	amendments made by <a href="#">DI2010-164</a>
R25 24 Aug 2010	24 Aug 2010– 9 Sept 2010	<a href="#">DI2010-193</a>	amendments made by <a href="#">DI2010-193</a>
R26 10 Sept 2010	10 Sept 2010– 20 Jan 2011	<a href="#">DI2010-206</a>	amendments made by <a href="#">DI2010-206</a>

## Endnotes

5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R27 21 Jan 2011	21 Jan 2011– 3 Feb 2011	<a href="#">DI2011-4</a>	amendments by <a href="#">DI2011-4</a>
R28 4 Feb 2011	4 Feb 2011– 17 Apr 2011	<a href="#">DI2011-10</a>	amendments by <a href="#">DI2011-10</a>
R29 18 Apr 2011	18 Apr 2011– 30 June 2011	<a href="#">DI2011-49</a>	amendments by <a href="#">DI2011-49</a>
R30 1 July 2011	1 July 2011– 2 Feb 2012	<a href="#">DI2011-160</a>	amendments by <a href="#">DI2011-160</a>
R31 3 Feb 2012	3 Feb 2012– 30 June 2012	<a href="#">DI2012-9</a>	amendment by <a href="#">DI2012-9</a>
R31 (RI) 1 Mar 2012	3 Feb 2012– 30 June 2012	<a href="#">DI2012-9</a>	retrospective amendments by <a href="#">DI2012-23</a>
R32 1 July 2013	1 July 2012– 5 July 2013	<a href="#">DI2012-238</a>	amendments by <a href="#">DI2012-238</a>
R33 6 July 2013	6 July 2013– 22 May 2014	<a href="#">DI2013-187</a>	amendments by <a href="#">DI2013-187</a>
R34 23 May 2014	23 May 2014– 2 July 2014	<a href="#">DI2014-66</a>	amendments by <a href="#">DI2014-66</a>

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