

Australian Capital Territory

Public Sector Management Amendment Standards 2007 (No 5)

Disallowable instrument DI2007-187

made under the

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

I amend the Standards as set out below.

Catherine Hudson
Commissioner for Public Administration

25/07/2007

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

Jon Stanhope
Chief Minister

23/07/2007

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1 Name of instrument

This instrument is the *Public Sector Management Amendment Standards 2007 (No 5)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Legislation amended

This instrument amends the *Public Sector Management Standards 2006*.

4 New section 29A

insert

29A Chief Executive Employment Benefit

- (1) This section applies to chief executives engaged under the Act, section 28.
- (2) In this section *remuneration* means the cash salary remuneration payable to a chief executive as set out in Column 2 ‘Remuneration (per annum)’ of Schedule A Remuneration Tribunal Determination 5 of 2007 ‘Chief Executives and Executives’, effective 1 July 2007, as varied or any determination of the Remuneration Tribunal, which supersedes Determination 5 of 2007, and applies to chief executives.

Note Column 2 ‘Remuneration (per annum)’ of Schedule A of Remuneration Tribunal Determination 5 of 2007 ‘Chief Executives and Executives’, effective 1 July 2007, sets out the cash salary component of a chief executive’s remuneration.
- (3) The Chief Minister may by instrument approve the payment to a chief executive of a chief executive employment benefit that may be up to, but no greater than, 20% of the chief executive’s remuneration.

- (4) The Chief Minister may only approve a chief executive employment benefit if satisfied that it is necessary for the attraction to, or retention in, employment of a suitable person as a chief executive.
- (5) If the Chief Minister approves the payment of a chief executive employment benefit, then that benefit
 - (a) will commence on the date and in the amount (expressed as a percentage) specified in the instrument;
 - (b) will, unless specified in the instrument, apply for the term of the chief executive's contract;
 - (c) may, if less than the maximum, be increased by the Chief Minister at any time during the term of the chief executive's contract; and
 - (d) may be reduced or ended by the Chief Minister if the chief executive's remuneration is increased, but not so as to reduce the amount paid to the chief executive to an amount less than the sum of (i) the remuneration paid to the chief executive before its increase and (ii) the benefit.
- (6) To avoid any doubt, the payment of a chief executive employment benefit is in addition to any remuneration, allowance or entitlement determined by the Remuneration Tribunal under the *Remuneration Tribunal Act 1995*.
- (7) A chief executive employment benefit may only be made in fortnightly pro-rata payments, and is not available as a lump sum payment.
- (8) A chief executive employment benefit counts for salary for all purposes including, but not limited to:
 - (a) superannuation; and
 - (b) salary when on recreation leave; and
 - (c) salary when on long service leave; and
 - (d) salary when on paid personal leave; and
 - (e) salary when on paid maternity leave; and

- (f) redundancy payments; and
 - (g) salary when on other paid leave.
- (9) If a chief executive takes leave on reduced pay the chief executive employment benefit must be reduced on a pro-rata basis.
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Endnotes

1 Notification

Notified under the Legislation Act on 30 July 2007.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
