

Australian Capital Territory

Public Sector Management Amendment Standards 2018 (No 1)

Disallowable instrument DI2018-201

made under the

[Public Sector Management Act 1994](#), s 251 (Management standards)

I amend the Standards as set out below.

Kathy Leigh
Head of Service

Date 26/6/2018

Approved under the [Public Sector Management Act 1994](#), s 251 (Management standards)

Andrew Barr
Chief Minister

Date 26/6/2018

Australian Capital Territory

Public Sector Management Amendment Standards 2018 (No 1)

Disallowable instrument DI2018-201

made under the

[Public Sector Management Act 1994](#), s 251 (Management standards)

Contents

	Page
1 Name of instrument	1
2 Commencement	1
3 Legislation amended	1
4 Section 43, new definition of <i>band 4 executive</i>	1
5 Section 50	2
6 Section 58	4
7 Section 59 (2)	6
8 Section 60	6
9 Section 67 (1) (b) (iii)	7
10 New part 12	7
11 Dictionary, new definition of <i>band 4 executive</i>	9

1 Name of instrument

This instrument is the *Public Sector Management Amendment Standards 2018 (No 1)*.

2 Commencement

This instrument commences on 1 July 2018.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This instrument amends the *Public Sector Management Standards 2016*.

4 Section 43, new definition of *band 4 executive*

insert

band 4 executive means an SES member engaged at an SES classification that corresponds with classification band 4 in table 50, column 2.

5 Section 50*substitute***50 Meaning of *SES classification*—pt 5**

In this part:

SES classification means a classification mentioned in table 50, column 3.**Table 50 SES classifications**

column 1 item	column 2 classification band	column 3 classification
1	1	1.1
2	1	1.2
3	1	1.3
4	1	1.4
5	2	2.1
6	2	2.2
7	2	2.3
8	2	2.4
9	3	3.1
10	3	3.2
11	3	3.3
12	3	3.4
13	4	4.1
14	4	4.2
15	4	4.3
16	4	4.4

50A SES classifications for SES members

- (1) An SES member's engager must decide a classification mentioned in table 50, items 1 to 15, column 3 for the SES member (other than the head of service).
- (2) In deciding the classification, the SES member's engager must consider any written recommendation from an SES position evaluation for the SES member's position.
- (3) However, if section 50B applies to the SES member, a classification for the SES member must be set under that section.
- (4) The classification for the head of service must be the SES classification mentioned in table 50, item 16, column 3.

50B SES classifications for acting engagements

- (1) This section applies if—
 - (a) a person is engaged as a short-term SES member to act in an SES position (an *acting SES position*)—
 - (i) to undertake partial performance of the duties of the acting SES position; or
 - (ii) as a development opportunity for the person; and
 - (b) the person is ordinarily—
 - (i) an officer or employee; or
 - (ii) engaged at an SES classification that is in a band below the band of the SES classification of the acting SES position.
- (2) The classification for the person in the acting SES position must be the first SES classification for the SES classification band that corresponds with the SES classification.

- (3) In this section:

SES classification band means a classification band mentioned in table 50, column 2.

6 Section 58

substitute

58 Executive vehicles

- (1) This section applies to a long-term SES member.
- (2) The SES member may lease a 4 cylinder vehicle in accordance with the executive vehicle policy and the Territory's leasing arrangements (an **executive vehicle**).

Note An executive vehicle is a Territory resource. A public servant must not improperly use a Territory resource (see [Act](#), s 9 (2) (c)).

- (3) The total value (including GST) of the lease package for an executive vehicle must not be more than—
- (a) for a band 1 executive—\$24 000 each year; or
 - (b) for a band 2 executive—\$24 500 each year; or
 - (c) for a band 3 executive—\$25 000 each year; or
 - (d) for a band 4 executive—\$25 500 each year.
- (4) For this section, the **total value** of the lease package for the executive vehicle—
- (a) means the manufacturer's recommended retail price on the day the quotation for the price of the vehicle is provided by the lessor of the vehicle contracted by the Territory; and

- (b) includes—
 - (i) the maintenance and running costs of the executive vehicle; and
 - Note* Running costs include fuel purchased using a fuel card provided by the Territory.
 - (ii) any equipment (other than equipment mentioned in paragraph (c)) that the engager has agreed to be included; and
- (c) if the SES member has a disability—does not include any equipment or modification necessary to enable the SES member to drive the vehicle.

58A Executive vehicle obligations

- (1) An SES member who leases an executive vehicle must—
 - (a) be the registered operator of the executive vehicle; and
 - (b) take reasonable care of the executive vehicle; and
 - (c) make the executive vehicle reasonably available for business use when the SES member is at work.
- (2) The SES member must not modify the executive vehicle unless—
 - (a) the head of service has approved the modification; and
 - (b) if the head of service requires—the SES member agrees to pay to restore the vehicle to its condition before the modification, when the vehicle is returned, transferred or replaced or otherwise recovered by the Territory.
- (3) When deciding to approve a modification to an executive vehicle under subsection (2) (a), the head of service may consider—
 - (a) the manufacturer's specifications for the executive vehicle; and

- (b) the extent of the modification, including the impact of the modification on the resale value of the executive vehicle; and
 - (c) whether the modification maintains the service's professional image; and
 - (d) any other relevant circumstances, including the personal circumstances of the SES member.
- (4) In this section:
- modify*, an executive vehicle, includes to fit the vehicle with equipment.

7 Section 59 (2)

substitute

- (2) The SES member must be paid in fortnightly instalments, a total of—
- (a) for a band 1 executive—\$24 000 each year; or
 - (b) for a band 2 executive—\$24 500 each year; or
 - (c) for a band 3 executive—\$25 000 each year; or
 - (d) for a band 4 executive—\$25 500 each year.

8 Section 60

substitute

60 Part-time SES member

If an SES member is engaged on a part-time basis, the engager must decide whether the SES member is entitled—

- (a) to an executive vehicle, or to a payment under section 59 that is in proportion to the hours for which the SES member is engaged; and

- (b) to parking under section 61 (1), or to a payment under section 61 (2) that is in proportion to the hours for which the SES member is engaged.

9 Section 67 (1) (b) (iii)

substitute

- (iii) for a band 3 executive—a higher band 3 classification; or
(iv) for a band 4 executive—a higher band 4 classification (other than classification 4.4).

10 New part 12

insert

Part 12 Transitional—Public Sector Management Amendment Standards 2018 (No 1)

129 Meaning of *commencement day*—pt 12

In this part:

commencement day means the day the *Public Sector Management Amendment Standards 2018 (No 1)*, section 5 commences.

130 SES classifications for existing SES members

- (1) This section applies to an SES member if—
- (a) immediately before the commencement day, the SES member is engaged under a contract at a classification in table 130, column 2 (the *original classification*); and
- (b) on the commencement day, the SES member continues to be engaged under the contract.

- (2) The classification for the SES member in relation to the contract is taken to be the SES classification in table 130, column 3 that corresponds with the SES member’s original classification in the table, column 2.

Note The SES classification determines whether the SES member is a band 1 executive, band 2 executive, band 3 executive, or band 4 executive for the purposes of pt 5.

- (3) To avoid doubt, on or after the commencement day, an SES classification for an SES member may be changed in accordance with the *Public Sector Management Act 1994*.

Table 130 SES classifications for existing SES members

column 1 item	column 2 original classification	column 3 SES classification
1	1.1	1.2
2	1.2	1.3
3	1.3	1.4
4	2.4	2.2
5	2.5	2.3
6	2.6	2.4
7	3.7	3.2
8	3.8	3.3
9	3.9	3.4
10	3.10	4.2
11	3.11	4.3
12	3.12	4.4

131 Existing leases of executive vehicles

- (1) This section applies to an SES member if, immediately before the commencement day, the SES member leases an executive vehicle under section 58.
- (2) Section 58 (3) of the pre-amendment standards continues to apply for the SES member for the lease of the executive vehicle as if section 58 (3) of the pre-amendment standards were still in force.
- (3) In this section:

pre-amendment standards means the *Public Sector Management Standards 2016*, as in force immediately before the commencement day.

132 Expiry—pt 12

This part expires 5 years after the commencement day.

Note Transitional provisions are kept in the standards for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

11 Dictionary, new definition of *band 4 executive*

insert

band 4 executive, for part 5 (SES members)—see section 43.