

## EXPLANATORY STATEMENT

### **PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARD 2004 (No 2) DISALLOWABLE INSTRUMENT DI2004-28**

*Public Sector Management Act 1994*

#### Legislative Context

The *Public Sector Management Act 1994* (the Act) regulates the management of the public sector and, in particular, section 251 of the Act empowers the Commissioner, with the approval in advance of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

Sections 251(6) and (7) of the Act also provides that the Chief Minister can give a general approval for the making of Standards by the Commissioner for specified purposes. The purposes currently specified include amendments that are consistent with a policy direction previously endorsed by Government and changes of a technical nature, which do not include any significant policy changes, such as changes to clarify existing Standards, updating allowances and correcting typographical errors.

#### Outline

The Commissioner makes these amendments to the Standards in accordance with parameters agreed to by the Chief Minister under sections 251(6) and (7) of the Act.

Previous amendments were made to the definition of spouse under the Management Standards to provide for the recognition of relationships between persons of the same sex.

These amendments replace the use of the word 'spouse' with the terminology 'domestic partner' and 'domestic partnership' for consistency with the *Legislation Act 2001*. The change in terminology does not affect entitlements under the Management Standards.

The amendments also remove outdated references to a discretionary entitlement to bereavement leave for partners, as an automatic entitlement for partners is now provided following the recognition of relationships between persons of the same sex.

Further, outdated references to retrospective commencement for earlier amendments to implement maternity and primary care givers' leave in the ACT Public Service are also removed.

Other minor technical changes (e.g. grammatical) are also made.

#### Financial Impact

Nil.