

EXPLANATORY STATEMENT

PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARD 2003 (No 1) DISALLOWABLE INSTRUMENT No DI2003-7

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.

Outline

Management Standard 3 deals with conditions of employment and attendance, including long service leave.

Under the Act, an officer may be entitled to receive payment in lieu of long service leave on separation from the ACT Public Service. The Act provides that the Standards may specify the types of allowances that are treated as salary for the purposes of the payment in lieu of the long service leave.

In relation to the inclusion of higher duties allowance, a provision was previously included in the Standards to specify that higher duties allowance is treated as salary for payments in lieu of long service leave on separation from the ACT Public Service, where the officer has been performing that higher office for a minimum of 12 months continuously.

It appears that this provision was inadvertently removed in a previous consolidation of the Standards. This consolidation of the Standards was intended to provide greater distinction between legislative rules and guidance material; the consolidation was not intended to alter terms and conditions of employment.

This amendment re-instates the former provision to set out that where an officer is entitled to payment in lieu of long service leave under the Act, higher duties allowance must be treated as salary for the purposes of payments in lieu of long service leave, where the higher duties has continued for a minimum of 12 months continuously.

Financial Impact

Nil.