

Australian Capital Territory

Public Sector Management Amendment Standards 2009 (No 5)

Disallowable instrument DI2009–89

made under the

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

EXPLANATORY STATEMENT

Background

The *Public Sector Management Act 1994* (the Act) regulates the management of the ACT public service (service or ACTPS). Section 251 of the Act empowers the Commissioner for Public Administration, with the written approval of the Chief Minister, to make Management Standards for the purpose of the Act.

Section 495 of the Management Standards was introduced to cover cases where an officer joined the service after 1 July 1994 then moved to the Australian Public Service (APS) at a later date and was subsequently made redundant. The section was introduced to authorise a special payment to the relevant APS agency to cover the officer's period of service with the ACTPS for the purpose of an APS redundancy.

This arrangement was achieved through an agreement between the ACTPS and the APS at the time the ACTPS was established as a separate service. The original intent of the agreement was to ensure that on the establishment of the ACTPS in July 1994, officers joining after 1 July 1994 and subsequently moving to the APS were not disadvantaged in relation to redundancy payments, when compared to officers moving within the APS prior to the establishment of the ACTPS.

As the ACTPS has been established for nearly 15 years, the time during which officers would be unnecessarily disadvantaged by the establishment of the ACTPS and movement between ACTPS and APS employment, has passed.

Detail

Clause 1 — Name of Instrument

This is a technical clause clarifying that the instrument will be known under the name '*Public Sector Management Amendment Standards 2009 (No 5)*'.

Clause 2 — Commencement

This clause sets the instrument's day of commencement as the day after it is notified.

Clause 3 — Legislation Amended

This clause makes clear that the instrument intends to amend the *Public Sector Management Standards 2006*.

Clause 4 — Omission of Section 495.

This clause details the amendment being made.

When the ACTPS was established in 1994, it was decided that the ACTPS should fund part of a redundancy payment to a Commonwealth public servant if the officer had joined the service on or after 1 July 1994, subsequently moved to the APS without a break in service, and then made redundant by the APS.

Section 495 places an indefinite obligation on the Territory to authorise payments in respect of former ACTPS officers made redundant by the APS. Considering the original policy intent of the redundancy provision, it now places an unreasonable financial burden on the Territory, which was not envisaged at the time of introduction. This is a burden that the Territory should not carry into the future.

Furthermore, it is not expected that this amendment will have any material effect on movement of officers between the services.

The section is being omitted for that reason.