

Australian Capital Territory

Public Sector Management Amendment Standards 2009 (No 6)

Disallowable instrument DI2009–134

made under the

Public Sector Management Act 1994, s251 (Management Standards)

EXPLANATORY STATEMENT

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

Under sections 35, 36 and 592 of the Standards, a special benefits payment is made if a chief executive or executive's contract or a full time statutory office holder's appointment is terminated early due to operational requirements. Under section 35 for chief executives and executives, section 36 for transitional executives and section 592 for full time statutory office holders, a special benefits payment is calculated at a rate of two weeks of remuneration for every completed year of continuous recognised service, up to the relevant cap.

Sections 35, 36 and 592 have been amended to introduce a requirement in that continuous service for the purpose of calculating special benefits payments excludes any period of service for which the chief executive, executive or full time statutory office holder has previously received a special benefit or redundancy type payment in the ACTPS or another jurisdiction. It is intended that individuals do not receive more than one special benefits type payment for the same period of service.

Sections 34, 35, 36, 37 and 592 have been amended to add clarity to the operation of special benefits payment.

Section 29 (Interpretation – pt 3.1) and section 589 (Interpretation – div 8.5.1) have been amended to clarify that remuneration for the purposes of calculating special benefits payments under section 35, 36 and 592 means the cash component of a person's total remuneration package. In support of the amendment to section 29, the definition 'remuneration', and 'remuneration component' in sections 29A and 42 respectively have been omitted.

Section 29 has been amended to clarify that status as a transitional executive is contingent on being continuously employed by the Territory as an executive or a full time statutory office holder.