

Australian Capital Territory

Public Sector Management Amendment Standards 2011 (No 1)

EXPLANATORY STATEMENT

Disallowable instrument DI2011–4

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Background

Since commencement of the Indigenous Traineeship Program provisions in the Public Sector Management Standards, several ambiguities and restrictions have been raised over their present construction.

The technical and uncontentious amendments proposed are intended to clarify and remove unnecessary restrictions in the way the provisions currently appear. They have also been drafted to remain consistent with the overall ACT Public Service employment framework.

The amendment is not intended to extend beyond existing government policy.

Overview

The amendment does three things:

- Updates the name of the program to the Aboriginal and Torres Strait Islander Traineeship Program from the Indigenous Traineeship Program;
- Clarifies that an Aboriginal and Torres Strait Islander Trainee can be promoted to the ASO2 level upon confirmation of their appointment which is contingent on their completion of relevant Certificate level training; and
- Enables an Aboriginal and Torres Strait Islander Trainee to undertake an appropriate Certificate II or higher qualification relevant to their work rather than be restricted to a finite list of Certificate II and III qualifications.

1 Name of instrument

This is a technical clause stating the name of the instrument as the *Public Sector Management Amendment Standards 2011 (No 1)*.

2 Commencement

This is a technical clause stating that the instrument commences on the day after it is notified.

3 Legislation amended

This is a technical clause stating the legislation being amended as the *Public Sector Management Standards 2006* (the Standards).

4 Division 3.11.1

This clause replaces ‘Indigenous’ with ‘Aboriginal and Torres Strait Islander’ in the title of the Division to clarify that the program is intended for Australian indigenous people, being Aboriginal and Torres Strait Islander people, and not other indigenous peoples.

This clarification is consistent with current Aboriginal and Torres Strait Islander Elected Body policy.

5 Section 247A

This clause removes the definitions of *ASO* and *relevant collective agreement* and adds a definition of *relevant industrial instrument*.

6 Section 247B

This clause reflects the changes explained at clause 4, Division 3.11.1.

7 Section 247C

This clause reflects the changes explained at clause 4, Division 3.11.1.

8 Section 247D

This clause reflects the changes explained at clause 4, Division 3.11.1.

9 Section 247E

This clause replaces the words ‘collective agreement’ with ‘industrial instrument’.

10 Section 247E (1)

This clause reflects the changes explained at clause 4, Division 3.11.1.

11 Section 247E (2)

This clause reflects the changes explained at clause 4, Division 3.11.1.

12 New Section 247EA

New section 247EA enables Aboriginal and Torres Strait Islander Trainees to undertake Certificate II level training or higher that is relevant to their area of work.

While a Certificate II or higher level qualification is still required, there is no longer prescription concerning the specific type of Certificate qualification an Aboriginal and Torres Strait Islander Trainee must complete for the purpose of confirming their appointment.

Relevance of the type and level of Certificate II or higher qualification is to be determined by, but not limited to:

- (a) an appropriate delegate in the agency that is appointing the Aboriginal and Torres Strait Islander Trainee; or
- (b) a supervisor of the Aboriginal and Torres Strait Islander Trainee; or
- (c) the Aboriginal and Torres Strait Islander Traineeship Program Co-ordinator.

13 Section 247F Promotion

This clause amends section 247F to enable an Aboriginal and Torres Strait Islander Trainee to be promoted without an additional selection process to the ASO2 level following confirmation of their appointment in accordance with new section 247EA.

Endnotes

1 Notification

Notified under the Legislation Act on 2010.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.