

Australian Capital Territory

Public Sector Management Amendment Standards 2011 (No 2)

EXPLANATORY STATEMENT

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1 Name of instrument

This is a technical clause stating the name of the instrument as the *Public Sector Management Amendment Standards 2011 (No 2)*.

2 Commencement

This is a technical clause stating that the instrument will commence the day after it is notified.

3 Legislation amended

This is a technical clause stating the name of the instrument being amended as the *Public Sector Management Standards 2006*.

4 Section 589 (1) New definition

This clause inserts a new definition of special benefit which is used in new section 592A.

5 New Section 592A

This clause adopts existing provisions within the *Public Sector Management Act 1994* which prohibit the re-engagement of certain former officers and employees during a period covered by a special benefit payment.

The purpose of the clause is to ensure that persons who receive or are entitled to a special benefit payment under section 592 because their appointment was ended before the appointment was due to end cannot immediately take up another ACT public sector appointment or position, without the written approval of the Commissioner for Public Administration (the Commissioner).

It ensures that persons must wait until the period covered by the special benefit payment (the relevant period) has elapsed before taking up a further offer of employment by the Territory or its instrumentalities.

Alternatively, where a person makes application to the Commissioner to take up employment with the Territory or a territory instrumentality within the relevant period, the Commissioner may impose conditions in approving further employment.

In this circumstance, conditions imposed by the Commissioner may relate to the following matters:

- a) the length of the relevant period;
- b) entitlement to the special benefit payment;
- c) payment, accrual and/or recognition of any other entitlement; and
- d) any other condition the Commissioner considers is relevant to the interests of the Service.

For example, where the Commissioner approves an application for appointment or engagement to position with the Territory or a territory instrumentality which is to commence immediately following the ending of the person's statutory office appointment, the Commissioner may determine that the special benefit is not payable in the case of a long term appointment/engagement or is to be delayed in the circumstance of a short term appointment/engagement which is made in the interests of the service.

In other circumstances, the Commissioner may agree to reduce the length of the relevant period, but may determine that any remaining period of the relevant period may not be counted as service for the purposes of a subsequent special benefit payment or redundancy.

Endnotes

1 Notification

Notified under the Legislation Act on 2011.

2 Republications of amended laws

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