

# Public Sector Management Amendment Standards 2024 (No 2)

Disallowable instrument DI2024-287

made under the

[Public Sector Management Act 1994](#), s 251 (Management standards)

## EXPLANATORY STATEMENT

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### Background

The *Public Sector Management Act 1994* (the PSM Act) regulates the management of the public sector. Section 251 of the PSM Act empowers the Head of Service, with the written approval of the Chief Minister, to make Public Sector Management Standards (Standards) for the purposes of the PSM Act.

### Consecutive engagement of long-term SES member as short-term SES member

Division 5.4 of the Standards provides for the employment of senior executive service members (SES members) on either a long-term or a short-term basis. A long-term SES member cannot be engaged [section 54(2)] for a single period of more than 5 years and may be consecutively engaged under section 55 of the PSM Standards. A short-term SES member cannot be engaged [section 54(3)] for a single period of more than 2 years. There is no mechanism to facilitate consecutive engagement of short-term SES members under section 55 of the PSM Standards.

This amendment provides for the ability of the engager to engage a long-term SES member as a short-term SES member immediately after the SES member's current engagement has ended at the same classification and the ability to re-engage that SES member on a long-term contract at the conclusion of their short-term contract.

This amendment is sought to facilitate the re-engagement of the most senior SES members in a manner which is consistent with the Caretaker Conventions. Advice has been received that outlines that amendment to the Standards is required to accommodate consecutive appointment in these circumstances in a manner in which would enable an incoming government to be consulted with respect to long-term re-engagements.

### Purposes of instrument

This instrument amends the Standards with the following purposes:

- To enable senior SES members to be re-engaged in a manner that is consistent with the Caretaker Conventions.

- To enable an SES member to be re-engaged at the completion of their long-term engagement on a short-term contract to facilitate consultation with an incoming government.
- To enable the engager to engage a long-term SES member as a short-term SES member immediately after the SES member's current engagement has ended at the same classification.
- To enable the engager to re-engage that SES member on a long-term contract at the conclusion of their short-term contract.

### **Section 1 Name of Instrument**

This is a technical provision stating the name of the instrument as the *Public Sector Management Amendment Standards 2024 (No 2)*.

### **Section 2 Commencement**

This section states this instrument commences on the day after its notification.

### **Section 3 Legislation amended**

This section states that the instrument amends the *Public Sector Management Standards 2016*.

### **Section 4 New section 55 (1A)**

Section 4 inserts additional text at section 55 (1A) to include consideration of a short-term SES member engaged under section 55A when considering the reference to long-term SES members under section 55(1).

### **Section 5 New section 55A**

Section 5 inserts a new section 55A. The purpose of new section 55A is to provide for a new type of re-engagement under the Standards. This new section provides that the engager may re-engage a long-term SES member as a short-term SES member immediately after the SES member's current engagement has ended in circumstances where the engager is satisfied as to the SES member's performance and where there are no working days between the current engagement and the subsequent short-term engagement. The new section 55A provides SES members re-engaged under this section with the same entitlements to payments as SES members re-engaged under section 55.

### **Section 6 New section 56(3)**

Section 6 amends section 56 to ensure that the presentation to the Legislative Assembly requirements outlined at section 56 apply to SES members re-engaged under the new section 55A.