



Australian Capital Territory

# **Public Sector Management (Transitional Provisions) Regulation 2018**

**SL2018-10**

made under the

**Public Sector Management Act 1994**

**Republication No 1**

**Effective: 28 June 2018 – 1 September 2021**

Republication date: 28 June 2018

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Public Sector Management (Transitional Provisions) Regulation 2018*, made under the *Public Sector Management Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 28 June 2018. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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# Public Sector Management (Transitional Provisions) Regulation 2018

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Effective: 28/06/18-01/09/21

**1 Name of regulation**

This regulation is the *Public Sector Management (Transitional Provisions) Regulation 2018*.

**3 Modification of Act, pt 18—Act, s 299 (2)**

The [Act](#), part 18 applies as if the following section were inserted:

**‘293A Consecutive engagement of head of service, directors-general and executives**

- (1) The engager may engage a pre-amendment executive, after the pre-amendment executive’s current engagement has ended, as an SES member (a *consecutive engagement*) if—
  - (a) the engager is satisfied that during the pre-amendment executive’s current engagement, the pre-amendment executive met all expectations set out in the pre-amendment executive’s approved performance agreement; and
  - (b) there will be no working day between the pre-amendment executive’s current engagement and the first day of the pre-amendment executive’s consecutive engagement.
- (2) The classification for the consecutive engagement must be—
  - (a) if the current engagement of the pre-amendment executive is at a classification in table 293A, column 2—at the SES classification in table 293A, column 3 that corresponds with the classification in the table, column 2; or

- (b) if the current engagement of the pre-amendment executive is at a classification in table 293A, column 3—at the same classification.

**Table 293A Classifications for consecutive engagements**

column 1 item	column 2 pre-amendment executive classification	column 3 SES classification
1	1.1	1.2
2	1.2	1.3
3	1.3	1.4
4	2.4	2.2
5	2.5	2.3
6	2.6	2.4
7	3.7	3.2
8	3.8	3.3
9	3.9	3.4
10	3.10	4.2
11	3.11	4.3
12	3.12	4.4

- (3) In this section:

*pre-amendment executive* means a person who was engaged immediately before the commencement day under 1 of the following provisions of the pre-amendment Act:

- (a) section 23C (Head of service—engagement);
- (b) section 28 (Directors-general—engagement);
- (c) section 72 (Executives—engagement).

**4 Expiry**

This regulation expires on the day the *Public Sector Management Act 1994*, part 18 expires.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Public Sector Management (Transitional Provisions) Regulation 2018 SL2018-10**

notified LR 27 June 2018

s 1, s 2 commenced 27 June 2018 (LA s 75 (1))

remainder commenced 28 June 2018 (s 2)

*Note* Regulation exp 1 September 2021 (s 4 and see Public Sector Management Act 1994 [A1994-37](#), s 300)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

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