



Public Service Classification Rules Amendment Instrument 2012 (No.1)

Public Service Act 1999

I, STEPHEN SEDGWICK, Public Service Commissioner, delegate of the Public Service Minister, make these Rules under subsection 23 (1) of the *Public Service Act 1999*.

Dated 27 November 2012

Stephen Sedgwick
Public Service Commissioner

1 Name of Instrument

This Instrument is the *Public Service Classification Rules Amendment Instrument 2012 (No.1)*.

2 Commencement

Schedules 1 and 2 of this Instrument commence on the day after it is registered.

3 Amendment

Schedule 1 amends the *Public Service Classification Rules 2000*.

Schedule 1 Amendment of the *Public Service Classification Rules 2000*.

Item 1 Rule 5

substitute

For the purposes of these Rules, a classification is an ***approved classification*** if it is:

- (a) a classification under a ***modern award*** or a ***transitional APCS*** as in force at a particular time or as in force from time to time; or
- (b) a classification mentioned in column 2 of Schedule 1; or
- (c) a training classification mentioned in column 2 of Schedule 2.

Note Subsection 23 (2) of the Act provides that the Classification Rules may apply, adopt or incorporate, with or without modification, any of the provisions of a modern award or a transitional APCS, as in force at a particular time or as in force from time to time.

Item 2 Rule 8

substitute

For section 34 of the Act, an APS employee is classified as an ***SES employee*** if the employee's classification is any of the following approved classifications:

- (a) Senior Executive Band 1;
- (b) Senior Executive Band 2;
- (c) Senior Executive Band 3.

Item 3 Subrule 9(2)

insert

- (2A) For SES classifications, the appropriate work value requirements are those described in the SES work level standards issued or approved by the Commissioner.

Item 4 Rule 10

omit

- (1) An Agency Head must issue, in writing, work level standards describing the work requirements for each classification applying to a group of duties to be performed in the Agency.

substitute

- (1) An Agency Head must issue, in writing, work level standards describing the work requirements for each classification that is not an SES classification, applying to a group of duties to be performed in the Agency.

Item 5 Schedule 1, Table, Column 2, Classification Group 9

omit

Antarctic Medical Practitioner Level 3
Chief of Division Grade 1
Chief Research Scientist Grade 1
Medical Officer Class 5
Senior Executive Band 1
Senior Executive (Specialist) Band 1

substitute

Antarctic Medical Practitioner Level 3
Chief of Division Grade 1
Chief Research Scientist Grade 1
Medical Officer Class 5
Senior Executive Band 1

Item 6 Schedule 1, Table, Column 2, Classification Group 10

omit

Chief of Division Grade 2
Chief Research Scientist Grade 2
Medical Officer Class 6
Senior Executive Band 2
Senior Executive (Specialist) Band 2

substitute

Chief of Division Grade 2
Chief Research Scientist Grade 2
Medical Officer Class 6
Senior Executive Band 2

Item 7 Schedule 1, Table, Column 2, Classification Group 11

omit

Chief of Division Grade 3
DAFF Band 4
Senior Executive Band 3
Senior Executive (Specialist) Band 3

substitute

Chief of Division Grade 3
DAFF Band 4
Senior Executive Band 3

Item 8 Dictionary, definition of *award*

omit

Item 9 Dictionary, after definition of *classification group*

insert

"*Commissioner* means the Public Service Commissioner appointed under the Act.

* *modern award* has the same meaning as in the *Fair Work Act 2009*."

Item 10 Dictionary, after definition of *SES*

insert

"***SES classification*** means the classifications of Senior Executive Band 1, Senior Executive Band 2 and Senior Executive Band 3."

Item 11 Dictionary, definition of *SES employee*, note

substitute

"****SES employee*** has the meaning given by section 34 [of the Act].

Note See rules 6 and 8 in relation to the classification of SES employees."

Item 12 Dictionary, after definition of *training classification*

insert

"****transitional APCS*** has the meaning given by Schedule 2 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*."

Schedule 2 Transitional

Item 1 **Transitioning from Senior Executive (Specialist) Band to Senior Executive Band**

If, before the commencement of this Schedule, an Agency Head had allocated to an APS employee a classification of:

- (a) Senior Executive (Specialist) Band 1;
- (b) Senior Executive (Specialist) Band 2; or
- (c) Senior Executive (Specialist) Band 3,

on and from the commencement of this Schedule, the Agency Head is taken to have allocated to that employee an approved classification in accordance with the following table:

Classification before commencement of this Schedule	Approved classification on and from commencement of this Schedule
Senior Executive (Specialist) Band 1	Senior Executive Band 1
Senior Executive (Specialist) Band 2	Senior Executive Band 2
Senior Executive (Specialist) Band 3	Senior Executive Band 3

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.