

## **EXPLANATORY STATEMENT**

Issued by the authority of the Australian Public Service Commissioner

*Public Service Act 1999*

### **Public Service Classification Amendment (Work Level Standards and Other Measures) Rule 2014**

#### **Authority**

Subsection 23(1) of the *Public Service Act 1999* (PS Act) provides that the Australian Public Service Commissioner (the Commissioner) may, by legislative instrument, make rules about classifications of Australian Public Service (APS) employees.

#### **Background**

The PS Act provides for the establishment and management of the APS.

The *Public Service Classification Rules 2000* (the Classification Rules) made under subsection 23(1) of the PS Act provide a systematic, APS-wide approach to the classification of duties (or jobs) in the APS with work value as the underlying basis. The Classification Rules are integral to the structure of the APS workforce and facilitate mobility in the APS.

The Classification Rules require an Agency Head to allocate an approved classification to each group of duties to be performed in the Agency and to allocate an approved classification to each APS employee based on the group of duties to be performed by the employee. Allocation of a classification to a group of duties is based on the work value of the duties. Work value is assessed by reference to work level standards.

The Classification Rules are being amended to strengthen the integrity of the classification system and achieve greater consistency in classification across the APS. This Amendment requires Agency Heads use work level standards issued by the Commissioner when allocating APS Level and Executive Level classifications (APS work level standards).

In 2013, the Australian Public Service Commission published the APS work level standards and agencies were encouraged to adopt them. In March 2014, it was indicated in the *Australian Government Public Sector Workplace Bargaining Policy* that the Commissioner intended to mandate the APS work level standards through changes to the Classification Rules.

Requiring that Agency Heads use the APS work level standards issued by the Commissioner for allocating classifications to APS Level and Executive Level jobs—rather than agency specific work level standards—is consistent with the approach for Senior Executive Service (SES) work level standards issued by the Commissioner and mandated through changes to the Classification Rules on 5 December 2012.

Under this Amendment, agencies are not required to evaluate existing jobs against work level standards issued by the Commissioner for APS Level and Executive Level classifications.

Agency Heads are required, however, to use the work level standards issued by the Commissioner whenever assessing work value and allocating an approved classification for an APS Level or Executive Level job, from 1 December 2014.

#### **Purpose of these amendments**

The main purpose of the *Public Service Classification Amendment (Work Level Standards and Other Measures) Rule 2014* is to amend the Classification Rules to require that, from 1 December 2014, whenever an Agency Head allocates an APS Level, Executive Level or SES

classification to a group of duties, it must be in accordance with work level standards issued in writing by the Commissioner as those standards exist on 1 December 2014.

- These work level standards are published in documents titled *Australian Public Service Work level standards APS Level and Executive Level classifications* (APS Work level standards) and *APS Senior Executive Service Work Level Standards* (SES Work level standards).
- Links to the APS Work level standards as at 1 December 2014, can be found at <http://www.apsc.gov.au/publications-and-media/current-publications/worklevel-standards>
- Links to the SES Work level standards as at 1 December 2014 can be found at <http://www.apsc.gov.au/aps-employment-policy-and-advice/ses/ses-classifications>

In addition the amendments:

- provide transitional arrangements;
- make technical changes so that the term ‘work value’ is consistently applied;
- make a technical change so that the term ‘broadband’ is more clearly defined; and
- make it clear that all APS employees who are allocated a training classification will—at the satisfactory completion of the relevant training requirements—be allocated a specified operational classification.

## **Consultation**

Consultation was undertaken in the development of the APS work level standards, and APS agencies and staff associations were invited to contribute their views. The APS work level standards have been extensively trialed and endorsed by agencies across a wide range of duties. The proposal to mandate the APS work level standards was endorsed by agencies and discussed with those staff associations that had engaged in their development.

## **Regulation Impact Statement**

As these regulatory changes relate to intra-governmental public sector employment and have no effect on business or the not-for-profit sector no regulatory impact consultation process is required. The Office of Best Practice Regulation has granted a ‘carve out’ from the requirement to undertake preliminary assessments in these circumstances (OBPR ref 16985).

## **Statement of Compatibility with Human Rights**

The Classification Rules are not a disallowable legislative instrument and therefore do not fall within the scope of section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **Notes on clauses**

**Clause 1** sets out the name of the instrument.

**Clause 2** provides that the instrument commences on 1 December 2014.

**Clause 3** specifies the authority for making the instrument.

**Clause 4** provides that Schedule 1 amends the Classification Rules.

## **Schedule 1—Amendments**

**Item 1** of Schedule 1 substitutes subrules 9(2) and 9(2A) with new provisions.

Subrule 9(2) has been amended to make it clear that the allocation of an approved classification to a group of duties must be based on the work value of the group of duties.

Subrule 9(2A), which previously only referred to SES classifications, has been amended to require that, whenever there is an allocation of an APS Level, Executive Level or SES classification to a group of duties, it must be based on the work value of the group of duties

described in the work level standards for that classification issued by the Commissioner, as those standards exist at 1 December 2014.

**Item 2** of Schedule 1 amends subrule 9(3) to omit reference to ‘the group of duties’ and replace it with reference to ‘a group of duties’, to provide clarity and consistency with other provisions.

**Item 3** of Schedule 1 replaces subrule 9(4) with a new provision to provide clarity that an Agency Head may allocate more than one classification to a group of duties to be performed in an Agency, and that this is called ‘a broadband’.

**Item 4** of Schedule 1 replaces previous rule 10 with a new provision that provides that the requirement for Agency Heads to issue work level standards remains for certain approved classifications that are not APS Level, Executive Level or SES classifications (for example, Medical Officer).

**Item 5** of Schedule 1 inserts rule 14. This is a new rule that provides transitional arrangements.

Subrule 14(1)(a) provides that an approved classification that has been allocated to a group of duties prior to 1 December 2014 will continue to have effect.

Subrule 14(1)(b) provides that work level standards issued by an Agency Head prior to 1 December 2014 for classifications other than APS Level, Executive Level and SES classifications will continue to have effect.

Subrule 14(2) provides that, whenever an agency head allocates an APS Level, Executive Level or SES classification to a group of duties on or after 1 December 2014, the allocation must be based on the work value of the group of duties described in the work level standards for the relevant classification issued by the Commissioner, as those standards exist on 1 December 2014.

**Item 6** of Schedule 1 specifies each of the classification levels included in APS Level classifications and Executive Level classifications and inserts them into the Dictionary to the Classification Rules.

**Item 7** of Schedule 1 is a technical amendment which repeals rule 3 of the Classification Rules as it no longer has any application.

**Item 8** of Schedule 1 is a technical amendment which repeals subrule 4(2) of the Classification Rules as it no longer applies, given that the Dictionary to the Classification Rules has been amended to comply with drafting conventions – see Items 10, 11 and 12.

**Item 9** of Schedule 1 amends subrule 11(1) which relates to the advancement of a person in a training classification to a higher classification on completion of training. It is a technical amendment that clarifies that rule 11 applies to all APS employees who undertakes training in a training classification, and is not restricted to employees who were engaged under the PS Act at a training classification.

**Item 10, 11 and 12** of Schedule 1 are technical amendments amending the Dictionary to the Classification Rules in accordance with drafting conventions, mainly to remove terms that are defined in the *Public Service Act 1999*.