

PUBLIC SERVICE COMMISSION

Circular No: 1995/20

Members of the Corporate Management Network
Departments and Agencies staffed under the
Public Service Act 1922
and Staff Associations

MOBILITY ARRANGEMENTS BETWEEN THE APS AND THE ACTGS

The purpose of this circular is to issue to agencies the attached document which provides guidelines on the mobility arrangements that operate between the Australian Public Service (APS) and the ACT Government Service (ACTGS).

The guidelines have been developed jointly by staff of the PSC and the ACT Government in the light of experience since the formation of the ACTGS, taking into account the questions most frequently asked. They replace previous advice contained in PSC Circular 1994/22 of 30 August 1994, and should be read in conjunction with the relevant legislation, and any instructions or guidelines of the two Services.

I would appreciate your assistance in ensuring that the guidelines are publicised widely within your agency.



Maria Maguire
Assistant Commissioner
Agency Liaison and Mobility Branch

27 September 1995





**MOBILITY ARRANGEMENTS FOR
OFFICERS OF
THE AUSTRALIAN PUBLIC SERVICE
AND
THE AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT SERVICE**

ACT Government Service



Public Service Commission

Foreword

When the Australian Capital Territory Government Service (ACTGS) was established as a separate entity from the Australian Public Service (APS) on 1 July 1994, both long term and transitional arrangements were made to facilitate mobility between the two Services.

These notes are intended to provide managers and staff with a better understanding of the mobility arrangements which have been agreed. They should be read in conjunction with the relevant legislation, and any instructions or guidelines of the two Services.

Attachment A lists the relevant legislation as well as the circulars and standards issued by the Public Service Commission and the ACT Chief Minister's Department on this matter.

These notes also provide advice on arrangements for temporary movements between the two Services.

September 1995

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1. RECIPROCAL MOBILITY ARRANGEMENTS

1.1 It has been agreed that officers of the APS and the ACTGS may apply, and compete on merit, for permanent vacancies in either Service advertised in the *Commonwealth of Australia Gazette*. These arrangements reinforce the fundamental concept of merit as the basis for appointment and advancement within modern and professional public services.

1.2 The key elements of these arrangements are:

- a right for non-SES officers in one Service to apply for advertised jobs in the other Service;
- the portability of certain benefits or recognition of service for certain purposes on movement between the two Services.

1.3 If you have any questions about these arrangements, consult your Personnel area.

Who is eligible?

1.4 To be eligible to apply, you must be an officer of either the APS or the ACTGS. An APS officer includes an officer of a Commonwealth Parliamentary Department.

1.5 You are an officer of the ACTGS if you were transferred to the ACTGS from the APS on 1 July 1994, or appointed to the ACTGS as an officer under the *Public Sector Management (Consequential and Transitional Provisions) Act 1994*, or you were appointed under the *Public Sector Management Act 1994* on or after 1 July 1994.

1.6 Current employees of the Australian Capital Territory Electricity and Water (ACTEW) Corporation who, at the time of corporatisation of the function, were officers of the ACT Government Service and who transferred to ACTEW Corporation as part of the corporatisation exercise, are eligible under the reciprocal mobility arrangements to apply for permanent APS vacancies advertised in the *Gazette* for the period 1 July 1995 to 30 June 1998.

1.7 If you work in the ACT Government, the tables in Attachment B will help you determine if you are an ACTGS officer.

Exclusions

1.8 The reciprocal mobility arrangements do not apply to vacancies in the Senior Executive Service of either Service as such vacancies are already open to applicants outside the APS and the ACTGS.

1.9 Temporary employees are not eligible to apply for positions in the other Service unless the position has been advertised as open to outside applicants (i.e. vacancies marked with one or two asterisks in the *Gazette*).

1.10 Temporary employees who have gained eligibility to apply for vacancies advertised only in the *Gazette* in their own Service are not eligible to apply for 'Gazette-only' advertised positions in the other Service.

Procedures for appointment to the other Service

1.11 Applications for vacancies in either Service under these arrangements are applications for appointment and should be considered in the selection process as any other application for appointment.

1.12 Where an officer is selected on merit for a position in the other Service, he or she is appointed to the gaining Service and must resign from the losing Service.

1.13 In order to be eligible for appointment under these arrangements, a person must satisfy all the pre-appointment requirements of the gaining Service.

1.14 Once an officer has been selected and pre-appointment checks have been satisfactorily completed, an instrument of appointment must be signed. The instrument should indicate that the appointment will take effect in accordance with the requirements specified in the relevant legislation. Sample instruments of appointment are at Attachments C and D.

Appointment of ACTGS officers to the APS

1.15 Section 6 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* outlines the arrangements for appointment of ACTGS officers to the APS.

1.16 Under these arrangements, all appointments of ACTGS officers to the APS are deemed to be promotions even if they are at a comparable or lower level.

1.17 The deemed promotion is initially gazetted as a promotion in the Promotions section of the *Gazette*. The notification should include a footnote advising that this is a deemed promotion in accordance with ss.6(7) of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*.

1.18 If the deemed promotion is to an appellable classification, the footnote should make it clear that the promotion is subject to appeal by APS officers who applied for promotion to the position.

1.19 Deemed promotions take effect according to normal APS rules under s.50E of the Public Service Act, except where the deemed promotion is non-appellable and an application for review has been made under s.50DAA of the Public Service Act.

1.20 In these circumstances, the deemed promotion takes effect on the day after:

- the Merit Protection and Review Agency (MPRA) makes a decision under s.50DAA(3) of the Public Service Act affirming the promotion; or
- the Secretary decides not to accept a recommendation from the MPRA that the promotion be cancelled.

1.21 Where no application for review is lodged, the promotion will have come

into effect on the 7th day after notification. However, it should be noted that an officer seeking review of a non-appellable promotion has until the end of the 13th day after the day on which the promotion was notified in the *Gazette* to lodge the application for review. Clearly, it will not be known whether the promotion came into effect on the 7th day until the period in which a review can be sought has expired.

1.22 Once a deemed promotion takes effect, an appointment to the APS takes effect on the day on which the appointee resigns from the ACTGS.

1.23 The timing of the resignation is very important. An officer is not eligible for appointment to the APS under the reciprocal mobility arrangements if he or she resigns from the ACTGS before the deemed promotion takes effect.

1.24 An officer can resign from the ACTGS on or after the date on which the deemed promotion becomes effective. Negotiations should take place between the officer concerned and the losing and gaining departments regarding a suitable release date. Ideally, the date of resignation (and therefore the date of appointment) and the date of commencement should coincide.

1.25 In situations where an appointee does not commence duties within a reasonable time of the appointment taking effect, paragraph 6(7)(e) of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* provides that the appointment may be cancelled.

1.26 In situations where an officer who has been selected for appointment to the APS does not resign from the ACTGS within a reasonable time of the deemed promotion taking effect, the appointment lapses. What constitutes a 'reasonable time' should be specified by the agency in the instrument of appointment (see Attachment C).

1.27 Once the appointee has commenced duty, the appointment should be gazetted in the Appointments section of the *Gazette*.

Appointment of APS officers to the ACTGS

1.28 Section 115 of the *Public Sector Management Act 1994* provides the legal basis for appointment of APS officers to the ACTGS under the reciprocal mobility arrangements.

1.29 Appointments of APS officers to the ACTGS are deemed to be either transfers at or below level, or promotions.

1.30 An APS officer may be appointed to the ACTGS under section 115(6) of the *Public Sector Management Act 1994* by negotiating a direct deemed transfer at level or below to a vacant position, whether the position has been advertised or not. The appointment will take effect on the date the officer resigns from the APS, being a date negotiated between the officer and the ACTGS, and the officer should commence duty on that date. The appointment should be made by instrument and need not be notified in the *Gazette*.

1.31 The selection of an APS officer for an advertised ACTGS vacancy under the

mobility provisions of section 115 of the *Public Sector Management Act 1994* is notified in the *Gazette* in two stages: firstly, as either a deemed transfer or a deemed promotion and, secondly, as an appointment.

1.32 A deemed transfer or deemed promotion to an advertised vacancy is notified in either the Transfers or Promotions section of the *Gazette* in the same way as a transfer or a promotion. These notices are marked with the symbol '@' which denotes that the deemed transfer or deemed promotion is also an appointment to the ACTGS.

1.33 Deemed transfers and promotions normally take effect under section 91 of the *Public Sector Management Act 1994*. All appeal and review processes must be finalised before a deemed promotion takes effect. A deemed transfer is not subject to appeal.

1.34 If the deemed promotion is appellable, and an appeal has been made against the promotion, then the deemed promotion takes effect:

- after the appeal is disallowed; or
- the later of the day the appeal is allowed or the day the office becomes vacant.

1.35 If the deemed promotion is non-appellable and an application for review has been made, the deemed promotion takes effect on the day after:

- the MPRA affirms the promotion; or
- the Chief Executive decides not to accept a recommendation from the MPRA to cancel the promotion.

1.36 Where no application for review is lodged, the promotion will have come into effect on the 7th day after notification. However, it should be noted that an officer seeking review of a non-appellable promotion has until the end of the 13th day after the day on which the promotion was notified in the *Gazette* to lodge the application for review. Clearly, it will not be known whether the promotion came into effect on the 7th day until the period in which a review can be sought has expired.

1.37 Once a deemed transfer or promotion to an advertised vacancy takes effect, an appointment to the ACTGS takes effect on the day the appointee resigns from the APS.

1.38 The timing of the resignation from the APS is very important. An APS officer is not eligible for appointment to the ACTGS under these arrangements if he or she resigns from the APS before the deemed transfer or promotion takes effect.

1.39 An officer can resign from the APS on or after the date on which the deemed transfer or deemed promotion to an advertised vacancy takes effect. Negotiations should take place between the officer concerned and the losing and gaining departments regarding a suitable release date. Ideally, the date of resignation (and therefore the date of appointment) and the date of commencement should coincide.

1.40 If the appointee does not commence duty within a reasonable period of time of the appointment taking effect, the Chief Executive can cancel the appointment under subsections 115(6)(e) or 115(7)(e) of the *Public Sector Management Act 1994*.

1.41 In situations where an officer who has been selected for appointment to the ACTGS does not resign from the APS within a reasonable time of the deemed transfer or deemed promotion taking effect, the appointment lapses. What constitutes a 'reasonable time' should be specified by the agency in the instrument of appointment (see Attachment D).

1.42 Once the appointee has commenced duty, the appointment should be gazetted in the Appointments section of the *Gazette*.

Salary on appointment

1.43 Normal salary on appointment rules apply to appointments under the reciprocal mobility arrangements. Therefore, salary is payable from the date that the appointment takes effect. This reinforces the need, as noted above, for the date of commencement to coincide with date of appointment wherever possible.

1.44 For persons being appointed to the APS, Public Service Determination 1984/19 provides a discretionary power to authorise an above the minimum commencing salary having regard to the appointee's experience, qualifications and skills. For appointment to the ACTGS, these rules are set out in Standard 9 Chapter 1, Appointment, rule B:2.6.

Rights of appeal and review

1.45 A deemed promotion is subject to the normal rules of the gaining Service on rights of appeal and review in relation to promotion.

1.46 There are no rights of appeal for an officer who is unsuccessful in an application for a position in the other Service.

Recognition of probation already served

1.47 Appointment to either Service is without probation unless the officer was serving on probation in the other Service. Any period of probation served in either Service counts as service for probationary purposes. An officer on probation at the time of appointment to the other Service will be required to serve out the remainder of the probationary period in the gaining Service and is subject to the conditions applying to probation in that Service.

Transfer of accrued leave credits

Recreation Leave and Leave Loading

1.48 Where an officer is appointed to the other Service under the reciprocal mobility arrangements, recreation leave, leave loading and pro rata entitlements are carried over to the gaining Service. Recreation leave will then be calculated according to the conditions of the gaining Service. There is no option for payment in lieu for recreation leave credits. The gaining Service meets the cost of the credits that are carried over.

Sick Leave and Long Service Leave

1.49 Where an APS officer is appointed to the ACTGS, sick leave and long service leave credits are transferred to the ACTGS. Provisions for recognition of prior service are set out in Standard 9 Chapter 4, Recognition of Previous Employment.

1.50 Where an ACTGS officer is appointed to the APS, service with the ACTGS is to be treated as it would for any other prior service organisation recognised for sick leave purposes, ie. as though it had been service in the APS, with credits calculated at APS accrual rates (refer PMM Volume 8, Sub-section 5/C).

1.51 Long service leave credits are not paid in lieu where an ACTGS officer is appointed to the APS. Prior service with the ACTGS is treated for long serviced leave purposes as if it had been service with the APS, with credits calculated at APS accrual rates (refer PMM Volume 8, Sub-section 5/G).

1.52 Former NSW teachers who became members of the Commonwealth Teaching Service in 1973 or 1976/77 (refer PMM Volume 8, Order 5/G/20) may have a higher rate of long service leave accrual than people in the APS. Therefore, where an ACTGS officer who was a former NSW teacher is to be appointed to the APS, the officer may be entitled to a payment from the ACTGS in lieu of long service leave accrued prior to 1976/77. Such officers should seek advice from their ACTGS Personnel Officer prior to leaving the ACTGS.

Paid Maternity Leave

1.53 Employment in the losing Service is recognised as service in the gaining Service for the purpose of determining eligibility for paid maternity leave. Where the length of service requirement has been only partially completed, the balance of the length of service must be completed in the receiving Service for the officer to be eligible for such entitlements.

1.54 There is no eligibility period for entitlement to parental leave in either Service.

Recognition of prior service for redundancy purposes

1.55 The Commonwealth recognises any continuous period of ACTGS-Commonwealth service for redundancy purposes for all staff who transferred to the ACTGS on 1 July 1994, whether they joined the ACTGS from the APS or from a territory owned authority, until their appointment to the APS.

1.56 The Commonwealth will not recognise any prior service for redundancy purposes for staff who join the ACTGS on or after 1 July 1994 and who are subsequently appointed to the APS. However, if such an officer later receives a redundancy payment from the APS, the ACTGS will pay the officer the difference between the amount paid by the APS and the amount he/she would have received if the ACTGS service was recognised by the APS.

1.57 Where an APS officer is appointed to the ACTGS, the ACTGS recognises any continuous prior service with the APS for redundancy purposes in the ACTGS.

2. TRANSITIONAL ARRANGEMENTS FOR FORMER APS OFFICERS WHO WERE TRANSFERRED TO THE ACTGS ON 1 JULY 1994

2.1 Section 7 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* provides for special transitional provisions for former APS officers (other than Senior Executive Service officers) who were compulsorily transferred to the ACTGS on 1 July 1994. These provisions also apply to current employees of the Australian Capital Territory Electricity and Water (ACTEW) Corporation who were transferred from the APS to the ACTGS on 1 July 1994 and subsequently transferred from the ACTGS to ACTEW Corporation on 1 July 1995. References to ACTGS officers in this Part should be read as including the abovementioned ACTEW Corporation employees.

2.2 Up to 30 June 1996, a person in this situation who is still an ACTGS officer may be transferred to a vacant APS office at or below the classification level the person held in the APS on 30 June 1994.

2.3 While an eligible ACTGS officer must apply for transfer to the vacancy, it is not necessary for the vacancy to be advertised. The person may be transferred to the vacant office under section 50 of the *Public Service Act 1922*, either with or without a merit competition.

2.4 The transfer of an officer of the ACTGS under these transitional provisions is taken to be an appointment to the APS, although there is no need to issue an instrument of appointment.

2.5 The appointment is without probation where the person was not on probation when he/she transferred to the ACTGS, or where the person was a probationer at the time of transfer and the appointment has subsequently been confirmed.

2.6 Otherwise, the appointment is taken to be on probation. However, any part of the probationary period already completed counts towards the probationary period in the APS. Where the probationary period in the ACTGS is incomplete at the time an officer transfers to the APS, the ACTGS will provide reports on probationary service up to the date of departure.

2.7 Where an ACTGS officer is transferred to an advertised APS vacancy under these provisions, the transfer must be notified in the *Gazette* with a footnote advising that the transfer has been made in accordance with s.7 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*.

2.8 The date of effect for a transfer under these provisions is in accordance with s.50E of the *Public Service Act 1922* except that:

- the transfer cannot take effect unless the ACT officer's resignation from the ACTGS takes effect immediately before the transfer takes effect;
- if the office to which the person is to be transferred is occupied on the day on which the transfer would take effect under s.50E, the transfer does not take effect and the transferee is taken to be appointed on that day to the APS

as an unattached officer.

2.9 A transfer of an ACTGS officer to the APS under these provisions cannot be made after 30 June 1996. If a transfer made before this date would normally take effect after 30 June 1996, ss.7(9) of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* provides that the transfer will come into effect on that day.

2.10 If a person who has been transferred under these provisions does not commence duties in the APS within a reasonable time after the transfer takes effect, ss.7(11) of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* provides that the transfer may be cancelled.

3. TRANSITIONAL ARRANGEMENTS FOR EXCESS OFFICERS WHO WERE TRANSFERRED TO THE ACTGS ON 1 JULY 1994

3.1 Up to 30 June 1998, former APS officers (apart from Senior Executive Service officers) who were compulsorily transferred to the ACTGS on 1 July 1994 and are subsequently declared excess by the ACTGS, will be treated the same as excess APS officers when applying for transfer to advertised APS vacancies during their formal retention period. Current employees of the Australian Capital Territory Electricity and Water (ACTEW) Corporation who were transferred from the APS to the ACTGS on 1 July 1994 and subsequently transferred from the ACTGS to ACTEW Corporation on 1 July 1995 are included in these arrangements.

3.2 These arrangements:

- recognise the officer's substantive classification in the APS as at 30 June 1994 for the purposes of defining a transfer; and
- allow a former APS officer to apply for an advertised APS vacancy at or below his/her former APS substantive classification and be considered in isolation from, and not in competition with, other applicants during his/her formal retention period;
 - however, where more than one excess officer (APS or former APS) applies for the vacancy, a merit competition is required.

3.3 An excess former APS officer found suitable in accordance with paragraph 3.23 of the APS Excess Staff instructions is eligible for either transfer or re-appointment to the APS. Until 30 June 1996, movement between the ACTGS and the APS is to be effected under s.7 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* (ie the "transitional provisions" outlined above). After that date, reappointment will be effected under s.47B of the *Public Service Act 1922*.

3.4 Excess former APS officers remain in the ACTGS until transfer or re-appointment to a vacant position in the APS or retrenchment by the ACTGS occurs. A former APS officer transferred or reappointed under these arrangements cannot be appealed against, and the former officer has no rights of appeal against a promotion to an APS vacancy.

4. TRANSFER OF PERSONNEL FILES

4.1 Section 8 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* and section 20 of the *Public Sector Management (Consequential and Transitional Provisions) Act 1994* provide for the transfer of personal information between the respective Services in situations where an individual moves from one Service to the other and it is reasonably necessary for the information to be transferred in connection with the person's employment in the gaining Service.

5. TEMPORARY MOVEMENTS BETWEEN THE TWO SERVICES

5.1 Secondments and other temporary employment arrangements between the two Services are subject to normal APS and ACTGS procedures.

Secondments

5.2 Section 10 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* allows the Secretary of an APS department to make arrangements for:

- the services of officers or employees of the department to be made available to the ACTGS; and
- the services of officers or employees of the ACTGS to be made available to the Secretary.

5.3 Secondments between the ACTGS and the APS may be arranged under Section 120 (to the ACTGS) and Section 121 (from the ACTGS) of the *Public Sector Management Act 1994*.

5.4 Seconded staff continue to be employed by their home Service and therefore retain continuity of benefits and salary for the period and may readily access their accrued leave credits and other entitlements.

Temporary employment

5.5 Temporary employment in the APS is provided for in Division 10 of Part III of the *Public Service Act 1922*. In the ACTGS, temporary employment provisions are set out in Division 7 of Part V of the *Public Sector Management Act 1994* and in Standard 9 Chapter 6, Temporary Employment.

5.6 Temporary employment in the other Service requires a combination of approved leave without pay from one Service and temporary employment with the gaining Service. The maximum period of leave without pay under the provisions of PS Determination 1983/10, Clause 2.3.12 (leave for engagement in employment in the interests of the Service) currently available to APS officers is three years. The maximum period of leave without pay available to ACTGS officers is five years (Standard 17, Chapter 6, Other Leave, rule B:14.2).

5.7 Temporary employment in the gaining Service is subject to the normal rules in relation to the selection of temporary employees.

5.8 An officer on temporary employment in the other Service is subject to the terms and conditions of employment established for temporary employees by the gaining Service. Prior service is recognised for sick and long service leave purposes. At the end of the period of temporary employment, details of any sick and long service leave taken are forwarded to the other Service.

5.9 It should be noted that prior service for recreation leave is not recognised during a period of temporary employment. To access recreation leave credits an officer must apply to the Service in which those credits were accrued. Access is subject to the arrangements applying in the accruing agency.

5.10 At the end of the period of temporary employment, accrued recreation leave credits which are not taken are paid in lieu to the officer and are not transferable to the other Service.

Relevant Legislation, Circulars and Standards

Commonwealth

Australian Capital Territory Government Service (Consequential Provisions) Act 1994;

Public Service Commission Circular No 1994/22, 'Establishment of a Separate Australian Capital Territory (ACT) Government Service';

Public Service Commission Circular No 1994/26, 'Redeployment and Retirement Arrangements for Former APS Officers Transferred to the ACTGS on 1 July 1994'.

ACT

Public Sector Management Act 1994;

Public Sector Management (Consequential and Transitional Provisions) Act 1994;

Public Sector Management Standards:

Standard 9 - Entry to Employment

Chapter 1 Appointment

Chapter 4 Recognition of Previous Employment

Chapter 7 Pre-employment Checks

Standard 11 - Career Moves

Chapter 1 Promotion

Chapter 2 Transfer

Chapter 7 Mobility with the APS

Chapter 8 Other Mobility

Electricity and Water (Corporatisation) (Consequential Amendments) Act 1995

Eligibility of Officers of the ACTGS for the Reciprocal Mobility Arrangements

IF, immediately before 1 July 1994, you

- held an office in the former ACT Branch of the APS; or
- were covered by 'first tier' provisions of the *Public Service Act 1922* and your home department is now part of the ACT's responsibilities; or
- were covered by the repealed *Officers' Rights Declaration Act 1928* and included in the ACT branch of the APS; or
- were an unattached officer of the ACT Branch of the APS,

then you were transferred to the ACTGS on 1 July 1994 and became an officer of the ACTGS. As an officer of the ACTGS, you are eligible to apply for positions in the APS under the reciprocal mobility provisions set out in the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*.

OR

IF:

- you were a permanent employee of an ACT authority (e.g. the ACT Teaching Service) and you were appointed as an officer of the ACTGS on or after 1 July 1994; or
- you were a continuing employee under the Commonwealth *Public Service Act 1922* performing duties in the ACT Branch of the APS immediately before 1 July 1994 and you were transferred to the ACTGS on 1 July 1994 and appointed as an officer of the ACTGS; or
- you were a long term employee of an ACT authority and, on or after 1 July 1994, you were appointed as an officer of the ACTGS; or
- you were recruited to and appointed as an officer of the ACTGS on or after 1 July 1994,

then, as an officer of the ACTGS, you are eligible to apply for positions in the APS under the reciprocal mobility provisions set out in the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*.

IN ADDITION

Current employees of the Australian Capital Territory Electricity and Water (ACTEW) Corporation who, at the time of corporatisation of the function, were officers of the ACT Government Service and who transferred to ACTEW Corporation as part of the corporatisation exercise, are eligible under the reciprocal mobility arrangements to apply for permanent APS vacancies advertised in the *Gazette* for the period 1 July 1995 to 30 June 1998.

ACTGS staff unsure of their eligibility should talk to their supervisor or the personnel area in the ACTGS.

Sample Instrument of Appointment to be used to appoint ACTGS officers to the
APS under s.42 of the *Public Service Act 1922*

COMMONWEALTH OF AUSTRALIA

Public Service Act 1922

INSTRUMENT OF APPOINTMENT

I, *(name of delegate/sub-delegate)*, *(office held)* being a person to whom the *(Public Service Commissioner/ Secretary of Department)* has by instrument in writing under *(subsection 18(1)/18(3))* of the *Public Service Act 1922* (the Act), *(delegated/sub-delegated)* *(his/her)* powers and functions under section 42 of the Act, appoint *(full name of appointee)*, as *(classification, branch/division, department/agency, location, position number)*, *(on/without)* probation, with a salary of *(\$\$\$\$\$)*.

In accordance with section 6 of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*, the appointment of *(name of appointee)* is a deemed promotion and takes effect on the date of *(name of appointee's)* resignation from the ACT Government Service, being a date not earlier than the date on which the deemed promotion takes effect.

If *(name of appointee)* does not resign from the ACT Government Service within *(insert period as determined)* of the date on which the deemed promotion takes effect, the appointment of *(name of appointee)* lapses.

Dated *(day, month, year)*

(Signature)

(Name)

(Delegate/Sub-delegate) of the Public Service Commissioner

Sample Instrument of appointment to be used to appoint APS officers to the
ACTGS under s.68 of the *Public Sector Management Act 1994*

Public Sector Management Act 1994

INSTRUMENT OF APPOINTMENT

I, (*name of delegate*), the person for the time being occupying an office in respect of which the Chief Executive of the (*name of Government Agency*) has, pursuant to their powers under section 36 of the *Public Sector Management Act 1994* delegated their powers and functions under section 68 of the *Public Sector Management Act 1994*, appoint (*on/without*) probation (*full name of appointee*) to the office of (*Administrative Classification, section, branch/division, government agency, position number*), with an annual salary of (\$\$\$\$).

In accordance with section 115 of the *Public Sector Management Act 1994*, the appointment of (*name of appointee*) is a deemed (*promotion/transfer*) and takes effect on the date of (*name of appointee's*) resignation from the Australian Public Service, being a date not earlier than the date on which the deemed (*promotion/transfer*) takes effect.

If (*name of appointee*) does not resign from the Australian Public Service within (*insert period as determined*) of the date on which the deemed (*promotion/transfer*) takes effect, the appointment of (*name of appointee*) lapses.

Delegate of the Chief Executive of the Government Agency

Date