

1999

The Parliament of the Commonwealth of Australia

House of Representatives

**Public Employment (Consequential and Transitional)
Amendment Bill 1999**

Explanatory Memorandum

(Circulated by Authority of the Minister for Education, Training and Youth
Affairs and the Minister Assisting the Prime Minister for the Public Service, the
Honourable David Kemp, MP)

CONTENTS

CONTENTS	II
PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT BILL 1999 – OUTLINE	1
FINANCIAL IMPACT STATEMENT	2
CTA BILL	2
NOTES ON CLAUSES	3
PART 1 – PRELIMINARY	3
<i>Clause 1 - Short title</i>	3
<i>Clause 2 - Commencement</i>	3
PART 2 – REPEALS AND AMENDMENTS	4
<i>Clause 3 - Schedules</i>	4
Staffing provisions	4
Obsolete references to the PSB	5
References to 1922 PSA s.87E	6
Superannuation legislation	7
Remuneration and allowances	7
Reciprocal mobility	7
Part IV Mobility	8
Default Translation Table	9
<i>Merit Protection (Australian Government Employees) Act 1984</i>	10
Miscellaneous	10
PART 3 – TRANSITIONAL PROVISIONS	12
<i>Clause 4 - Interpretation</i>	12
Agency	12
Agency Head	12
APS employee	12
Classification	12
Code of Conduct	12
Commencing time	12
Continuing employee	13
Continuing SES officer	13
Core Department	13
Corresponding Agency	13
Disciplinary direction	13
Eligible public employment	14
First-tier person	14
Fixed-term Secretary	14
Fixed-term SES officer	14
Locally engaged employee	14
Merit Protection Act	15
Modifications	15
New Act	15
New Act Department	15
New Act Secretary	15
Non-SES officer	15
Old Act	15
Old Act Department	15
Old Act employee	16
Old Act officer	16
Overseas engaged employee	16
Parliamentary Department	16
Precommencement misconduct	16
Second-tier person	16
Statutory Agency	17
Statutory instrument	17
Term employee	17
Transitional s.82D determination	17
Transitional period	18
Unattached Secretary	18

<i>Clause 5 - Conversion of officers, employees etc.</i>	18
Fixed-term Secretaries	18
Public Service Commissioner	18
Fixed-term SES Officer	18
Continuing SES Officer	18
Non-SES Officer	19
Term Employees	19
Continuing Employees	19
Overseas-Engaged Employees	19
Application of PS Bill	19
<i>Clause 6 - Rights under Part IV of 1922 PSA – first tier</i>	19
Current law on officers' mobility	19
Comments on current law	22
Transitional arrangements – first tier	23
Transitional arrangements – leave credits	23
Transitional arrangements – resignation	24
Transitional arrangements – LWOP	24
<i>Clause 7 - Rights under Part IV of 1922 PSA – second tier</i>	25
Gazette access	25
Right of re-engagement	25
Leave credits	26
<i>Clause 8 - Retirement and redeployment of Secretaries</i>	26
Current law	26
Transitional arrangements	27
<i>Clause 9 - Determinations under s.82D of the old Act</i>	27
Current law	27
Transitional arrangements	27
<i>Clause 10 - Misconduct</i>	28
Current law	28
Transitional arrangements	28
<i>Clause 11 - Secretaries of Core Departments</i>	28
Transitional arrangements	28
<i>Clause 12 - Parliamentary Departments</i>	29
Current law	29
Parliamentary Service Bill 1997	29
Transitional arrangements	30
<i>Clause 13 - References to 'officer' etc.</i>	30
<i>Clause 14 - Regulations</i>	31
Transitional and savings	31
Consequential amendments	32
Commencement of regulations	32
Other regulation-making powers	32

SCHEDULE 1 – REPEALS AND AMENDMENTS.....33

<i>Aboriginal and Torres Strait Islander Commission Act 1989</i>	33
Aboriginal and Torres Strait Islander Commission	33
Office of Evaluation and Audit	33
Regional Councils	33
Torres Strait Regional Authority	33
Indigenous Land Corporation	34
Aboriginal Hostels Limited	34
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	34
<i>Aboriginal Councils and Associations Act 1976</i>	34
<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	35
<i>Acts Interpretation Act 1901</i>	35
<i>Administrative Appeals Tribunal Act 1975</i>	36
Administrative Appeals Tribunal	36
Administrative Review Council	36
<i>Administrative Arrangements Act 1987</i>	36
<i>Administrative Decisions (Judicial Review) Act 1977</i>	36
<i>Affirmative Action (Equal Employment Opportunity for Women) Act 1986</i>	37
<i>Aged Care Act 1997</i>	37
<i>Aged Care Income Testing Act 1997</i>	37
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	37

<i>Agricultural and Veterinary Chemicals Products (Collection of Interim Levy) Act 1994</i>	38
<i>Aircraft Noise Levy Collection Act 1995</i>	38
<i>Airline Equipment (Loan Guarantee) Act 1972</i>	38
<i>Airline Equipment (Loan Guarantee) Act 1976</i>	39
<i>Airline Equipment (Loan Guarantee) Act 1977</i>	39
<i>Airline Equipment (Loan Guarantee) Act 1978</i>	39
<i>Airline Equipment (Loan Guarantee) (No. 2) Act 1978</i>	39
<i>Airline Equipment (Loan Guarantee) Act 1980</i>	40
<i>Airline Equipment (Loan Guarantee) Act 1981</i>	40
<i>Airports Act 1996</i>	40
<i>Air Services Act 1995</i>	40
<i>Albury-Wodonga Development Act 1973</i>	41
<i>ANL Guarantee Act 1994</i>	41
<i>Anti-Dumping Authority Act 1988</i>	41
<i>Archives Act 1983</i>	41
<i>Auditor-General Act 1997</i>	42
<i>Australia Council Act 1975</i>	42
<i>Australia-Japan Foundation Act 1976</i>	42
<i>Australian Bicentennial Road Development Trust Fund Act 1982</i>	42
<i>Australian Broadcasting Corporation Act 1983</i>	42
<i>Australian Bureau of Statistics Act 1975</i>	42
<i>Australian Capital Territory Government Service (Consequential Provisions) Act 1994</i>	43
Definitions.....	43
Mobility.....	43
Personnel files.....	43
Arrangements relating to staff.....	43
Mobility.....	43
Leave entitlements.....	43
Leave payments.....	44
<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	44
<i>Australian Centre for International Agricultural Research Act 1982</i>	45
'Make available' provision.....	45
<i>Australian Communications Authority Act 1997</i>	45
<i>Australia New Zealand Food Authority Act 1991</i>	45
<i>Australian Federal Police Act 1979</i>	46
<i>Australian Film Commission Act 1975</i>	46
<i>Australian Film, Television and Radio School Act 1973</i>	46
<i>Australian Hearing Services Act 1991</i>	46
<i>Australian Heritage Commission Act 1975</i>	47
<i>Australian Industry Development Corporation Act 1970</i>	47
<i>Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989</i>	47
<i>Australian Institute of Health and Welfare Act 1987</i>	48
<i>Australian Institute of Marine Science Act 1972</i>	48
<i>Australian Land Transport Development Act 1988</i>	48
<i>Australian Land Transport (Financial Assistance) Act 1985</i>	48
<i>Australian Law Reform Commission Act 1996</i>	48
<i>Australian Maritime Safety Authority Act 1990</i>	48
<i>Australian National Maritime Museum Act 1990</i>	49
<i>Australian National Railways Commission Act 1983</i>	49
<i>Australian National Training Authority Act 1992</i>	49
<i>Australian Nuclear Science and Technology Organisation Act 1987</i>	50
ANSTO.....	50
Nuclear Safety Bureau.....	50
<i>Australian Protective Service Act 1987</i>	50
<i>Australian Science, Technology and Engineering Council Act 1978</i>	51
<i>Australian Securities Commission Act 1989</i>	51
Australian Securities Commission.....	51
Companies and Securities Advisory Committee.....	52
Corporations and Securities Panel.....	52
<i>Australian Security Intelligence Organization Act 1979</i>	52
<i>Australian Space Council Act 1994</i>	52

<i>Australian Sports Commission Act 1989</i>	53
<i>Australian Sports Drug Agency Act 1990</i>	53
<i>Australian Tourist Commission Act 1987</i>	53
<i>Australian Trade Commission Act 1985</i>	53
<i>Australian War Memorial Act 1980</i>	54
<i>Australian Wine and Brandy Corporation Act 1980</i>	54
<i>Australian Wool Research and Promotion Organisation Act 1993</i>	54
<i>Banking Act 1959</i>	54
<i>Bank Integration Act 1991</i>	54
<i>Bankruptcy Act 1966</i>	54
<i>Bounty (Books) Act 1986</i>	54
<i>Broadcasting Services Act 1992</i>	55
<i>Chemical Weapons (Prohibition) Act 1994</i>	55
<i>Child Support (Assessment) Act 1989</i>	55
<i>Child Support (Registration and Collection) Act 1988</i>	55
<i>Christmas Island Act 1958</i>	55
<i>Civil Aviation Act 1988</i>	56
<i>Classification (Publications, Films and Computer Games) Act 1995</i>	56
<i>Cocos (Keeling) Islands Act 1955</i>	56
<i>Commonwealth Authorities and Companies Act 1997</i>	56
<i>Commonwealth Bank Sale Act 1995</i>	56
<i>Commonwealth Electoral Act 1918</i>	56
Australian Electoral Commission.....	56
Redistribution Committee for a State.....	57
Redistribution Committee for the ACT.....	57
Electoral Rolls.....	57
Postal Voting.....	58
The Scrutiny.....	58
Disclosure of Electoral Expenditure.....	58
<i>Commonwealth Grants Commission Act 1973</i>	58
<i>Commonwealth Inscribed Stock Act 1911</i>	58
<i>Commonwealth Legal Aid Act 1997</i>	58
<i>Commonwealth Serum Laboratories Act 1961</i>	59
<i>Commonwealth Services Delivery Agency Act 1997</i>	59
<i>Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997</i>	59
<i>Complaints (Australian Federal Police) Act 1981</i>	59
<i>Constitutional Convention (Election) Act 1997</i>	59
<i>Construction Industry Reform and Development Act 1992</i>	60
<i>Co-operative Farmers and Graziers Direct Meat Supply Limited (Loan Guarantee) Act 1978</i>	60
<i>Copyright Act 1968</i>	60
<i>Cotton Research Act 1982</i>	60
<i>Council for Aboriginal Reconciliation Act 1991</i>	60
<i>Crimes Act 1914</i>	60
<i>Crimes (Aviation) Act 1991</i>	61
<i>Criminology Research Act 1971</i>	61
<i>CSL Sale Act 1993</i>	61
<i>Customs Act 1901</i>	61
<i>Customs Administration Act 1985</i>	62
<i>Dairy Produce Act 1986</i>	62
<i>Debits Tax Administration Act 1982</i>	62
<i>Deer Velvet Export Charge Act 1992</i>	62
<i>Deer Velvet Levy Act 1992</i>	62
<i>Defence Act 1903</i>	62
<i>Defence Force Discipline Act 1982</i>	63
<i>Defence Force Discipline Appeals Act 1955</i>	63
<i>Defence Force Retirement and Death Benefits Act 1973</i>	63
<i>Defence Housing Authority Act 1987</i>	63
<i>Defence Service Homes Act 1918</i>	64
<i>Defence (Special Undertakings) Act 1952</i>	64
<i>Designs Act 1906</i>	64
<i>Development Allowance Authority Act 1992</i>	64

<i>Director of Public Prosecutions Act 1983</i>	65
<i>Disability Discrimination Act 1992</i>	65
<i>Disability Services Act 1986</i>	65
<i>Economic Planning Advisory Commission Act 1983</i>	65
<i>Education Legislation Amendment Act 1997</i>	66
<i>Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991</i>	66
<i>Employment Education and Training Act 1988</i>	66
National Board.....	66
Councils.....	66
Annual Report.....	66
<i>Employment Services Act 1994</i>	67
<i>Endangered Species Protection Act 1992</i>	67
<i>Environment Protection (Alligator Rivers Region) Act 1978</i>	67
<i>Equal Employment Opportunity (Commonwealth Authorities) Act 1987</i>	67
<i>Evidence Act 1995</i>	68
<i>Excise Tariff Act 1921</i>	68
<i>Family Law Act 1975</i>	68
The Family Court of Australia.....	68
Management of the Family Court.....	69
Location and recovery of children.....	69
Australian Institute of Family Studies.....	69
Family Law Council.....	69
<i>Federal Airports Corporation Act 1986</i>	69
<i>Federal Court of Australia Act 1976</i>	70
Powers of Registrars.....	70
Assessors.....	70
<i>Financial Corporations Act 1974</i>	70
<i>Financial Management and Accountability Act 1997</i>	71
<i>Financial Transaction Reports Act 1988</i>	71
<i>First Home Owners Act 1983</i>	71
<i>Fisheries Management Act 1991</i>	71
<i>Fishing Industry Research Act 1969</i>	71
<i>Foreign Evidence Act 1994</i>	71
<i>Forestry and Timber Bureau Act 1930</i>	71
<i>Freedom of Information Act 1982</i>	72
<i>Fringe Benefits Tax (Application to the Commonwealth) Act 1986</i>	72
<i>Fringe Benefits Tax Assessment Act 1986</i>	72
<i>Governor-General Act 1974</i>	72
<i>Great Barrier Reef Marine Park Act 1975</i>	72
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	73
<i>Health Insurance Act 1973</i>	73
<i>Health Insurance Commission Act 1973</i>	73
<i>High Court of Australia Act 1979</i>	73
<i>Horticultural Policy Council Act 1987</i>	74
<i>Housing Assistance Act 1996</i>	74
<i>Housing Loans Insurance Corporation (Sale of Assets and Abolition) Act 1990</i>	74
<i>Human Rights and Equal Opportunity Commission Act 1986</i>	74
<i>Immigration (Education) Act 1971</i>	74
<i>Income Tax Assessment Act 1936</i>	75
Deductions for non-compulsory uniform.....	75
<i>Income Tax Assessment Act 1997</i>	76
<i>Industrial Chemicals (Notification and Assessment) Act 1989</i>	76
<i>Industry Commission Act 1989</i>	77
<i>Industry Research and Development Act 1986</i>	77
<i>Inspector-General of Intelligence and Security Act 1986</i>	77
<i>Insurance Acquisitions and Takeovers Act 1991</i>	78
<i>Insurance (Agents and Brokers) Act 1984</i>	78
<i>Insurance and Superannuation Commissioner Act 1987</i>	78
<i>Insurance Contracts Act 1984</i>	79
<i>Insurance Supervisory Levies Collection Act 1989</i>	79

<i>International Air Services Commission Act 1992</i>	79
<i>International Shipping (Australian-resident Seafarers) Grants Act 1995</i>	79
<i>International Transfer of Prisoners Act 1997</i>	80
<i>Lands Acquisition Act 1989</i>	80
<i>Legislative Instruments Act 1997</i>	80
<i>Life Insurance Act 1995</i>	80
<i>Long Service Leave (Commonwealth Employees) Act 1976</i>	80
<i>Management and Investment Companies Act 1983</i>	81
<i>Maternity Leave (Commonwealth Employees) Act 1973</i>	81
<i>Meat and Live-stock Industry Act 1995</i>	83
<i>Meat Inspection Arrangements Act 1964</i>	83
<i>Members of Parliament (Staff) Act 1984</i>	83
Definitions.....	83
Ministerial Consultants.....	83
Staff of office-holders.....	84
Staff of Senators and Members.....	84
<i>Merit Protection (Australian Government Employees) Act 1984</i>	84
<i>Migration Act 1958</i>	85
<i>Motor Vehicle Standards Act 1989</i>	85
<i>National Crime Authority Act 1984</i>	86
<i>National Environment Protection Council Act 1994</i>	86
<i>National Gallery Act 1975</i>	86
<i>National Health Act 1953</i>	86
Private Health Insurance Administration Council.....	86
Conduct and Supervision of Registered Organisations.....	87
Private Health Insurance Complaints Commissioner.....	87
<i>National Health and Medical Research Council Act 1992</i>	87
Commissioner of Complaints.....	87
<i>National Labour Consultative Council Act 1977</i>	88
<i>National Library Act 1960</i>	88
<i>National Museum of Australia Act 1980</i>	88
<i>National Occupational Health and Safety Commission Act 1985</i>	89
<i>National Parks and Wildlife Conservation Act 1975</i>	89
<i>National Roads Act 1974</i>	89
<i>National Transmission Network Sale Act 1997</i>	89
<i>Native Title Act 1993</i>	90
<i>Natural Heritage Trust of Australia Act 1997</i>	90
<i>Natural Resources Management (Financial Assistance) Act 1992</i>	90
<i>Naval Defence Act 1910</i>	90
<i>Norfolk Island Act 1979</i>	91
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	91
<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>	91
<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>	92
<i>Office of National Assessments Act 1977</i>	92
<i>Ombudsman Act 1976</i>	92
<i>Overseas Students (Refunds) Act 1990</i>	93
<i>Ozone Protection Act 1989</i>	93
<i>Parliamentary Contributory Superannuation Act 1948</i>	93
<i>Parliamentary Counsel Act 1970</i>	93
<i>Patents Act 1990</i>	94
<i>Petroleum Excise (Prices) Act 1987</i>	94
<i>Petroleum Resource Rent Tax Assessment Act 1987</i>	94
<i>Plant Breeder's Rights Act 1994</i>	94
<i>Pooled Development Funds Act 1992</i>	94
<i>Prawn Export Promotion Act 1995</i>	94
<i>Prices Surveillance Act 1983</i>	94
<i>Primary Industries Levies and Charges Collection Act 1991</i>	94
<i>Privacy Act 1988</i>	95
Reference of matters to other authorities.....	95
<i>Proceeds of Crime Act 1987</i>	95
<i>Protection of Movable Cultural Heritage Act 1986</i>	95

<i>Public Lending Right Act 1985</i>	95
<i>Public Service Act 1922</i>	95
<i>Qantas Sale Act 1992</i>	96
<i>Racial Discrimination Act 1975</i>	96
<i>Radiocommunications Act 1992</i>	96
Settlement of Interference Disputes.....	96
Spectrum Management Agency.....	96
<i>Referendum (Machinery Provisions) Act 1984</i>	96
<i>Registration of Deaths Abroad Act 1984</i>	97
<i>Remuneration and Allowances Act 1990</i>	97
<i>Remuneration Tribunal Act 1973</i>	97
<i>Repatriation Institutions (Transfer) Act 1992</i>	98
<i>Reserve Bank Act 1959</i>	98
<i>Retirement Savings Accounts Act 1997</i>	99
<i>Roads Grants Act 1974</i>	99
<i>Roads Grants Act 1980</i>	99
<i>Roads Grants Act 1981</i>	99
<i>Rural Adjustment Act 1992</i>	99
<i>Rural Industries Research Act 1985</i>	99
<i>Safety, Rehabilitation and Compensation Act 1988</i>	99
<i>Science and Industry Research Act 1949</i>	100
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	100
<i>Seafarers Rehabilitation and Compensation Levy Collection Act 1992</i>	100
<i>Sea Installations Act 1987</i>	101
<i>Sex Discrimination Act 1984</i>	101
<i>Shipping Registration Act 1981</i>	101
<i>Ships (Capital Grants) Act 1987</i>	101
<i>Snowy Mountains Engineering Corporation Limited Sale Act 1993</i>	102
<i>Snow Mountains Hydro-Electric Power Act 1949</i>	102
<i>Social Security Act 1991</i>	102
<i>Special Broadcasting Service Act 1991</i>	102
<i>Special Prosecutors Act 1982</i>	102
<i>States Grants (Education Assistance-Participation and Equity) Act 1983</i>	102
<i>States Grants (Petroleum Products) Act 1965</i>	102
<i>States Grants (Roads) Act 1977</i>	103
<i>States Grants (Schools Assistance) Act 1983</i>	103
<i>States Grants (Schools Assistance) Act 1984</i>	103
<i>Stevedoring Industry Charge Assessment Act 1947</i>	103
<i>Student and Youth Assistance Act 1973</i>	103
<i>Superannuation Act 1976</i>	103
Definitions.....	103
Application of 1976 Act to certain persons	104
Eligible employees deprived of salary.....	105
Commissioner for Superannuation	105
Leave of absence without pay.....	105
Age Retirement benefit.....	105
Early retirement benefit.....	105
Election candidates.....	106
Preservation of rights.....	106
Part XI - Miscellaneous.....	106
<i>Superannuation Act 1990</i>	107
<i>Superannuation Benefits (Supervisory Mechanisms) Act 1990</i>	107
<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i>	107
<i>Superannuation Entities (Taxation) Act 1987</i>	108
<i>Superannuation Guarantee (Administration) Act 1992</i>	108
<i>Superannuation Industry (Supervision) Act 1993</i>	108
<i>Superannuation (Productivity Benefit) Act 1988</i>	108
<i>Superannuation (Resolution of Complaints) Act 1993</i>	109
<i>Taxation Administration Act 1953</i>	109
<i>Telecommunications Act 1997</i>	109
<i>Telecommunications (Interception) Act 1979</i>	109

<i>Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997</i>	109
<i>Telstra Corporation Act 1991</i>	110
<i>Termination Payments Tax (Assessment and Collection) Act 1997</i>	110
<i>Therapeutic Goods Act 1989</i>	110
<i>Tobacco Charges Assessment Act 1955</i>	111
<i>Trade Marks Act 1995</i>	111
<i>Trade Practices Act 1974</i>	111
Australian Competition and Consumer Council	111
National Competition Council	112
Australian Competition Tribunal	112
Consumer Protection	112
International Liner Cargo Shipping	112
Legal and financial assistance	112
<i>Trade Representatives Act 1933</i>	112
<i>Transport (Planning and Research) Act 1974</i>	113
<i>Transport Planning and Research (Financial Assistance) Act 1977</i>	113
<i>Veterans' Entitlements Act 1986</i>	113
Treatment at hospitals etc	113
Veterans' Review Board	113
Repatriation Commission	114
Repatriation Medical Authority	114
Specialist Medical Review Council	114
Delegation	114
<i>War Graves Act 1980</i>	115
<i>Wet Tropics of Queensland World Heritage Area Conservation Act 1994</i>	115
<i>Wheat Marketing Act 1989</i>	115
<i>Wildlife Protection (Regulation of Exports and Imports) Act 1982</i>	115
<i>Williamstown Dockyard Employees Act 1987</i>	115
<i>Wool International Act 1993</i>	115
<i>Wool Tax (Administration) Act 1964</i>	115
<i>Workplace Relations Act 1996</i>	115
Australian Industrial Relations Commission	116
Australian Industrial Registry	116
Employment Advocate	116
Inspectors	116
Minimum entitlement of employees	116
Australian Workplace Agreements	116
ATTACHMENTS	117
ATTACHMENT A	118
LIST OF REFERENCES TO 1922 PSA S.87E	118
ATTACHMENT B	124
DEFAULT TRANSLATION TABLE	124
ATTACHMENT C	128
ABBREVIATIONS	128

PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) Amendment Bill 1999 – OUTLINE

1. The *Public Employment (Consequential and Transitional) Amendment Bill 1999* (hereafter 'CTA Bill') deals with the consequential and transitional matters arising from the repeal of the *Public Service Act 1922* ('1922 PSA') and the enactment of replacement legislation, namely, the *Public Service Bill 1999* (currently before the Parliament - referred to as 'PS Bill').

2. The 1922 PSA has provided a regulatory framework, since 19 July 1923, for the people management of agencies staffed under that Act (the staff in these agencies are collectively referred to as the 'Australian Public Service' ('APS')).

3. Following the establishment of the new legal framework for APS employees set out in the PS Bill, certain provisions will be necessary

- to validate actions and decisions taken under the former legislation;
- to cover some aspects of the transition from the old to the new employment framework; and
- to make consequential amendments to other legislation which incorporate references to the 1922 PSA framework.

4. These proposed provisions are set out in the CTA Bill which will enable an orderly transition to the new employment framework for the APS that will operate within the general workplace relations framework provided by the *Workplace Relations Act 1996* ('WRA').

5. Following the introduction of the *Public Service Bill 1997* and the *Public Employment (Consequential and Transitional) Amendment Bill 1997* into the House of Representatives on 26 June 1997, they were referred to the Joint Committee of Public Accounts ('JCPA'). The Committee's Report 353, *An Advisory Report on the Public Service Bill 1997 and the Public Employment (Consequential and Transitional) Amendment Bill 1997* ('JCPA Report') was subsequently handed down on 29 September 1997.

6. The Committee made no specific recommendations concerning the Consequential and Transitional Bill. However, the current CTA Bill incorporates amendments to the earlier Consequential and Transitional Bill which was introduced by the Government in the House of Representatives. Those amendments included the substitution of a new Schedule 1, which deals with repeals and amendments to a range of Commonwealth legislation, the application and terminology of which will be affected by enactment of the PS Bill. The amendments effected various technical and drafting changes and took account of legislative changes which had occurred since the original Bill was introduced on 26 June 1997.

7. The *Public Employment (Consequential and Transitional) Amendment Bill 1997* was introduced into the Senate on 11 November 1997, together with the *Public Service Bill 1997*. The Senate amended both Bills and they were returned to the House of Representatives at the end of November 1997.

8. On 5 December 1997, the Minister Assisting the Prime Minister for the Public Service informed the House of Representatives that the Government had rejected outright the amendments made to both Bills, and that the legislation would be returned to the Senate unchanged after three months. Both Bills were formally laid aside in the House of Representatives on 5 December 1997.

9. The Bills were subsequently reintroduced unchanged into the House of Representatives on 5 March 1998. After passage through the House, the legislation was returned to the Senate which made the same amendments to the Bills as it had in November 1997. On 6 April 1998 the Government again rejected outright the amendments made by the Senate, and the Bills were laid aside.

10. A list of the abbreviations in this Explanatory Memorandum ('Ex Memo') is at Attachment C.

Financial Impact Statement

11. The proposed amendments have no financial impact.

CTA Bill

12. Notes on the clauses of the CTA Bill are set out below.

NOTES ON CLAUSES

Part 1 – Preliminary

Clause 1 - Short title

1.1. The CTA Bill, when passed, will be known as the *Public Employment (Consequential and Transitional) Amendment Act 1999* (CTA Bill cl.1).

Clause 2 - Commencement

1.2. Subject to any special requirements in relation to particular consequential amendments, this Bill will commence on the same day as the *Public Service Act 1999* (CTA Bill s-cl.2(1)).

1.3. Where the CTA Bill amends an Act which has not yet commenced, the amending provision in the Schedule to the CTA Bill will commence immediately after the commencement of that other Act (CTA Bill s-cl.2(3)).

1.4. Where the CTA Bill amends a section in another Act and the section has not yet commenced, the amending provision in the Schedule to the CTA Bill will commence immediately after the commencement of that amended section (CTA Bill s-cl.2(4)).

1.5. There will also be specific commencing times for particular amendments in relation to (CTA Bill s-cl.2(5)-(7))

- *Employment Education and Training Amendment Act 1997;*
- *Financial Laws Amendment Act 1997.*

Part 2 – Repeals and amendments

Clause 3 - Schedules

2.1. The Acts specified in Schedule 1 will be amended or repealed as set out in that Schedule (CTA Bill cl.3).

2.2. The amendments can be divided into the following categories

- changes in the provisions relating to staffing;
- removal of obsolete references to the Public Service Board (PSB);
- removal of references to the 1922 PSA s.87E which preserves certain rights in relation to leave;
- amendments to the superannuation legislation;
- remuneration and allowances;
- removal of references to reciprocal mobility;
- removal of references to Part IV mobility;
- changes for terms covered by the Default Translation Table; and
- other miscellaneous amendments to ensure appropriate links to the new APS employment framework.

2.3. Each of these categories is discussed below.

Staffing provisions

2.3.1. The 1922 PSA was originally drafted by reference to Secretaries of Departments of State (see 1922 PSA s.25).

2.3.2. These 1922 PSA staffing arrangements have been applied by other legislation constituting, or relating to, a Commonwealth body having APS staff. Two provisions were usually inserted in the legislation (the precise wording sometimes differed)

- the first provision stated that the staff of the body would be ‘persons appointed or employed under’ 1922 PSA (see, e.g. WRA s-sec.83(1) in relation to the Industrial Registry and 1922 PSA s-sec.18B(1) in relation to the PSMPC); and
- the second provision stated that the head of the body would have all the powers of an APS Secretary relating to ‘the branch of the Australian Public Service comprising the staff’ referred to in the first provision ‘as if that branch were a separate Department of the Australian Public Service’ (see, e.g. WRA s-sec.83(2) in relation to the Industrial Registrar and 1922 PSA s-sec.18B(2) in relation to the Public Service Commissioner).

2.3.3. In the case of the Auditor-General and the Commissioner of Taxation, the staffing provisions were included in 1922 PSA itself (see 1922 PSA s-sec.25(4)), rather than in their constituting legislation.

2.3.4. Without changing the policy in the legislation being amended, the CTA Bill will replace all the current 1922 PSA staffing provisions with standard provisions that state that for the purposes of the PS Bill

- (a) the [person with the Secretary powers under the 1922 PSA] and the APS employees assisting the [person with the Secretary powers] will together constitute a Statutory Agency; and
- (b) the [person with the Secretary powers under the 1922 PSA] will be the Agency Head of that Statutory Agency.

2.3.5. In these new staffing provisions the term 'APS employee' will be expressed to have the same meaning as in the PS Bill.

2.3.6. The normal location for this provision in an Act will be in the section dealing with staffing matters at the moment. If there is no existing section about staffing matters, then an additional provision will be included to provide that the staff necessary to assist the [person with the Secretary powers under the 1922 PSA] will be required to be persons engaged under the PS Bill. This has been done for

- the Australian National Audit Office;
- the Australian Taxation Office.

2.3.7. An alternative amendment to the staffing provisions is provided for the Human Rights and Equal Opportunity Commission - set out in amendment to the *Human Rights and Equal Opportunity Commission Act 1986* but depending on the timing of other amending legislation (see CTA Bill s-cl.3(2) and (3)).

2.3.8. A list of the Acts to be amended in relation to their staffing provisions is contained in Attachment B, Parts C and D, to the Ex Memo on the PS Bill.

2.3.9. Where a change to the staffing provisions in other legislation is made by the Schedule to the CTA Bill this is described in this Ex Memo as

'This changes the staffing provisions for...'

Obsolete references to the PSB

2.3.10. Some Acts have required that the terms and conditions of non-APS staff and of consultants be approved by the PSB (now, in effect, the Department of Employment, Workplace Relations and Small Business as the delegate of the Public Service Commissioner). Such requirements have already been deleted from some Acts

- the *Public Service and Statutory Authorities Amendment Act 1985* repealed provisions requiring PSB approval for the terms and conditions of consultants engaged by statutory authorities; and
- the *Prime Minister and Cabinet Legislation Amendment Act 1991* repealed provisions requiring PSB approval for the terms and conditions of non-APS staff.

2.3.11. However, there are still some Acts which retain an approval role for the Public Service Commissioner (as the successor to the PSB by virtue of s-sec.11(7) of the *Administrative Arrangements Act 1987* - but by delegation to the Secretary of what is now DEWRSB - formerly DIR) in relation to the terms and conditions of non-APS staff

- *Aboriginal Affairs (Arrangements with the States) Act 1973;*
- *Australian Bureau of Statistics Act 1975;*
- *Australian Security Intelligence Organisation Act 1979;*
- *Commonwealth Electoral Act 1918;*
- *Governor-General Act 1974;*
- *High Court of Australia Act 1979;*
- *Mint Employees Act 1964;*
- *National Parks and Wildlife Conservation Act 1975;*
- *Statistics (Arrangements with States) Act 1956; and*
- *Supply and Development Act 1939.*

2.3.12. In a devolved environment which emphasises the employer responsibilities of Commonwealth agencies, the retention of this central approval role is obsolete. Accordingly, a number of these Acts will be amended by the Schedule to the CTA Bill to remove this approval role.

2.3.13. Where such a change is made to other legislation by the Schedule to the CTA Bill this is described in this Ex Memo as

‘This removes an obsolete reference to the PSB.’

References to 1922 PSA s.87E

2.3.14. After the new Part IV mobility provisions in the 1922 PSA came into effect on 15 March 1981, APS staff on first tier mobility and ‘engaged in eligible public employment’ were able to preserve, and to continue to accrue, their recreation and sick leave credits as if they were still employed in the APS (1922 PSA s.87E). While they are in eligible public employment they also generally continue to be covered by the *Long Service Leave (Commonwealth Employees) Act 1976* (either directly or by virtue of 1922 PSA s.87F).

2.3.15. There are also provisions in various Acts which provide that the recreation leave entitlements of various statutory office holders will be as determined by the Remuneration Tribunal, ‘subject to’ 1922 PSA s.87E. These Acts are listed at Attachment A.

2.3.16. These references to 1922 PSA s.87E will be removed, consequential on the repeal of Part IV of the 1922 PSA. Leave arrangements during the transitional period will be preserved (CTA Bill cl.6).

2.3.17. Where this reference to s.87E is removed from other legislation by the Schedule to the CTA Bill this is described in this Ex Memo as

‘This removes a reference to 1922 PSA s.87E.’

Superannuation legislation

2.3.18. There will be a number of consequential amendments to the existing superannuation legislation in relation to APS staff and certain other people.

2.3.19. These amendments are not intended to have any effect on the operation of the superannuation schemes

- Commonwealth Superannuation Scheme ('CSS') provided for by the *Superannuation Act 1976*; and
- Public Sector Superannuation Scheme ('PSS') provided for by the *Superannuation Act 1990*.

Remuneration and allowances

2.3.20. As a result of the devolution of the arrangements for setting SES salaries, it is intended to replace the link between the remuneration of Members of Parliament ('MPs') and SES Band 2 minimum salary with a link to the classification structure created by the Remuneration Tribunal to apply to certain statutory and similar offices without increasing the level of remuneration.

2.3.21. Schedule 3 of the *Remuneration and Allowances Act 1990* links the remuneration of MPs to the minimum salary payable an SES Band 2 officer. The amendments are being made following changes to the arrangements for setting SES salaries, so that this linkage will in future be made to a principal executive office classification prescribed by regulation under the *Remuneration and Allowances Act 1990*. Principal executive office classifications are to be determined by the Remuneration Tribunal for the purpose of setting the remuneration of statutory offices. They will be subject to regular review in accordance with the *Remuneration Tribunal Act 1973*.

2.3.22. The amendments will also expand the functions of the Remuneration Tribunal to include an additional function for it to determine a classification structure for principal executive offices.

2.3.23. The Tribunal is already empowered to give advice on the remuneration of executive offices and these amendments allow the range of offices that can be placed under this provision to be expanded by authorising the employing body to determine the terms and conditions applying to the offices and to override other provisions for this purpose. The employing body is required to obtain advice from the Tribunal if it wishes to make a determination which is not consistent with the Tribunal's principal executive office classifications.

Reciprocal mobility

2.3.24. There is a small number of bodies not staffed under the 1922 PSA that have what is termed 'reciprocal mobility' arrangements with the APS. The staff of these authorities are able to apply for APS jobs that are advertised in the *Commonwealth Gazette*, even where those jobs would not otherwise be open to non-APS staff.

2.3.25. Currently these reciprocal mobility arrangements are with:

- ACT Public Service - s.6 of *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* ;
- Albury-Wodonga Development Corporation - s.22 of *Albury-Wodonga Development Act 1973*;
- Austrade - s.63 of *Australian Trade Commission Act 1985*; and
- Australian Security Intelligence Organisation (ASIO) - s.90A of *Australian Security Intelligence Organization Act 1979* .

2.3.26. There have also been reciprocal mobility arrangements with the Commonwealth Funds Management, but these have lapsed.

2.3.27. In addition, there is a number of other groups who have a similar level of access to APS jobs. These groups are listed in the *Commonwealth Gazette* at the beginning of the material dealing with APS vacancies under the heading: 'eligibility to apply for vacancies notified in the Gazette'. Once such group is the staff of the Australian Secret Intelligence Service (ASIS) - notification under s.33A of 1922 PSA (*Commonwealth Gazette* No.PS1, 9 January 1997, p.7).

2.3.28. It is proposed that these reciprocal mobility provisions will all be discontinued. Similar access to APS jobs advertised in the *Commonwealth Gazette* will be conferred by Directions by the Public Service Commissioner (see PS Bill cl.11).

2.3.29. Where a reciprocal mobility provision is removed from another Act by the Schedule to the CTA Bill this is described in the Ex Memo as

'This removes a reciprocal mobility provision.'

Part IV Mobility

2.3.30. The 1922 PSA contains (in Part IV) complex provisions relating to the rights of APS staff who leave the APS to work for non-APS Commonwealth agencies.

2.3.31. These provisions operate in most cases without any related provisions in the legislation constituting the non-APS agency to which the APS staff have moved. However, in some cases, other Acts have included references to these mobility provisions or have applied analogous provisions.

2.3.32. The new APS employment framework established under the PS Bill does not deal with mobility in the same way as the 1922 PSA and will leave these matters to be dealt with by Agency Heads under their general powers to grant leave without pay.

2.3.33. Accordingly, the CTA Bill will remove a number of references in other Acts to these mobility arrangements e.g.

- *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*;
- *Australian Industry Development Corporation Act 1970*;
- *Commonwealth Electoral Act 1918*;

- *Governor-General Act 1974;*
- *Education Legislation Amendment Act 1997;*
- *Maternity Leave (Commonwealth Employees) Act 1973;*
- *Members of Parliament (Staff) Act 1984;*
- *Repatriation Institutions (Transfer) Act 1992;*
- *Special Broadcasting Service Act 1991; and*
- *Veterans' Entitlements Act 1986.*

2.3.34. Where a mobility provision relating to 1922 PSA is removed from another Act by the Schedule to the CTA Bill this is described in the Ex Memo as

‘This removes a mobility provision.’

2.3.35. Some other provisions relating to Part IV mobility have been left in other Acts because they contain historical references or are needed to assist with transitional arrangements.

Default Translation Table

2.3.36. There is a series of recurring expressions in other Acts that use the concepts relating to the staffing framework established by the 1922 PSA.

2.3.37. Examples of the types of provisions which use these concepts are as follows

- provisions that staff of particular bodies, or staff to perform or support particular functions, must be ‘persons appointed or employed under’ 1922 PSA;
- delegation provisions; and
- ‘make available’ provisions (i.e. provisions enabling an Agency head to arrange with other bodies to ‘make available’ their staff to work in the Agency).

2.3.38. These expressions have been given a consistent translation by the CTA Bill unless the context requires otherwise. These translations are set out in the Default Translation Table (‘DTT’) at Attachment B to this Ex Memo. The DTT also lists a number of common terms which were not considered to require amendment.

2.3.39. Where a provision in another Act is amended by the Schedule to the CTA Bill in accordance with the Default Translation Table, this is described in the Ex Memo as

‘This amends in accordance with the DTT.’

Merit Protection (Australian Government Employees) Act 1984

2.3.40. A number of other Acts contain references to the *Merit Protection (Australian Government Employees) Act 1984* which will be repealed by the CTA Bill.

2.3.41. A number of these references are historical or refer to Merit Protection and Review Agency ('MPRA') matters which may be incomplete when the PS Bill commences. These references (which will need to be retained) are contained in the following Acts

- *Members of Parliament (Staff) Act 1984*, ss.3, 17, 24;
- *Albury-Wodonga Development Act 1973*, para 22(5)(a); and s-paras.22(5)(d)(ii), (d)(iii), (e)(ii), (e)(iii);
- *Privacy Act 1988*; Schedule;
- *Australian Federal Police Act 1979*, ss.29, 36B, 36C;
- *Australian Security Intelligence Organization Act 1979* s-sec.90A(6), (9), (10);
- *ACT Self-Government (Consequential Provisions) Act 1988*, s.25 Schedule 4;
- *Australian Trade Commission Act 1985*, s.62;
- *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*, s-sec.6(7), s.18; and
- *Industrial Relations (Consequential Provisions) Act 1988*, Schedule 2.

2.3.42. No changes are made to these provisions in the CTA Bill.

2.3.43. However, two of the references relate to the transfer of complaints, and will be amended to enable these complaints to be transferred to the Public Service Commissioner

- *Ombudsman Act 1976*, s-sec.6(9), (10) and (11); and
- *Privacy Act 1988*, s-sec.50(1), (2) and (3).

2.3.44. Where an amendment is made by the Schedule to the CTA Bill to enable these complaints to be transferred to the Public Service Commissioner this is described in this Ex Memo as

'This enables a complaint to be transferred to the Public Service Commissioner.'

Miscellaneous

2.3.45. There is also a series of other changes to existing legislation

- that are required to ensure that references to the previous 1922 PSA employment framework are now clearly linked to the new framework created by the PS Bill;
- but that are not capable of translation by reference to the DTT.

2.3.46. Examples of such amendments are those relating to references in other Acts to

- unattached officers (e.g. in s-sec.3(1) of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*) - the concept of an unattached officer is related to the concept of office;
- 'permanent head' of a particular Department of State (e.g. in s.31 of the *Environment Protection (Alligator Rivers Region) Act 1978*) - the *Public Service*

Reform Act 1984 abolished the generic 'Permanent Head' title and formally established 'Secretary' as the standard title other than for the Parliamentary Departments;

- determinations under s.82D of the 1922 PSA (e.g. in s-sec.11(4) of the *Trade Representatives Act 1933*) - these references are converted to references to the corresponding provision (cl.24) of the PS Bill.

2.3.47. These amendments are described separately in this Ex Memo where they arise.

Part 3 – Transitional provisions

Clause 4 - Interpretation

3.1. The CTA Bill contains a number of interpretative provisions (CTA Bill cl.4).

Agency

3.1.1. The term 'Agency' is used to describe an Agency within the meaning of the PS Bill, namely

- (a) a Department of State;
- (b) an Executive Agency; or
- (c) a Statutory Agency.

Agency Head

3.1.2. The term 'Agency Head' is used to describe an Agency Head within the meaning of the PS Bill.

APS employee

3.1.3. The term 'APS employee' is used to describe an APS employee within the meaning of the PS Bill, namely

- (a) a person who is engaged (under PS Bill cl.22) by an Agency Head as an employee for the purposes of the Agency; or
- (b) a person who, following a machinery of government change, is engaged, or determined to become engaged (under PS Bill cl.72), by the Public Service Commissioner, as an APS employee in a specified Agency.

Classification

3.1.4. The term 'classification' is used to include a level.

3.1.5. This will ensure that the term 'classification' will also cover unattached Secretaries who do not have a normal 'classification'.

Code of Conduct

3.1.6. The term 'Code of Conduct' is used to describe the Code of Conduct within the meaning of the PS Bill.

Commencing time

3.1.7. The term 'commencing time' is used to describe the time at which the PS Bill will commence (CTA Bill s-cl.2(1) refers).

3.1.8. The PS Bill is to commence on a day to be fixed by Proclamation.

Continuing employee

3.1.9. The term ‘continuing employee’ is used to describe an employee within the meaning of the 1922 PSA other than

- a short term employee (1922 PSA s.82AD);
- a fixed term employee (1922 PSA s.82AE);
- an overseas employee (1922 PSA s.82AF); or
- a person employed under a special employment program (1922 PSA s.82AG).

3.1.10. This term is relevant to the provision in the CTA Bill which converts the status of the existing APS staff covered by this definition to the status of non-SES employee under the PS Bill (see CTA Bill s-cl.5(7)).

Continuing SES officer

3.1.11. The term ‘continuing SES officer’ is used to describe a Senior Executive Service (‘SES’) officer under 1922 PSA other than an SES officer appointed for a fixed term (under 1922 PSA s.44).

3.1.12. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill cl.5). A person covered by the term ‘continuing SES officer’ will become an SES employee when the PS Bill commences (see CTA Bill s-cl.5(4)).

Core Department

3.1.13. The term ‘core department’ is used to describe a Department of State under 1922 PSA s-sec.25(9).

Corresponding Agency

3.1.14. The term ‘corresponding Agency’ is used to describe the Agency within the meaning of the PS Bill that is the body which corresponds to the Department within the meaning of the 1922 PSA so far as any individual APS staff member is concerned.

3.1.15. One use of this term will be to ensure that when the PS Bill commences all existing APS staff will go to the correct corresponding agency (see CTA Bill cl.5).

Disciplinary direction

3.1.16. The term ‘disciplinary direction’ is used to describe a disciplinary direction made by an APS agency head under the 1922 PSA, including a direction following a court conviction, of

- an officer (1922 PSA s.62 and 63);
- an unattached officer (1922 PSA s.63K, 63L and 63M); or
- an employee (1922 PS Regs r.167).

Eligible public employment

3.1.17. The term 'eligible public employment' is used to describe that same term under the 'mobility provisions' (Part IV) of 1922 PSA where it is defined (1922 PSA s-sec.87(1)) to mean

- (a) employment as the holder of a public office (itself defined); or
- (b) employment by a Commonwealth authority (also defined).

First-tier person

3.1.18. The term 'first-tier person' is used to describe

- (a) a person to whom Division 2 of Part IV of the 1922 PSA applied immediately before the PS Bill commences; and
- (b) a person to whom the *Officers' Rights Declaration Act 1928* ('ORDA') applied because of preserved rights immediately before the PS Bill commences (1922 PSA s.87TA).

Fixed-term Secretary

3.1.19. The term 'fixed-term Secretary' is used to describe a Secretary of a Department of State who is appointed on a fixed-term basis (under 1922 PSA s.37).

3.1.20. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill cl.5). One use of this term will be to ensure that when the PS Bill commences persons of this status become Secretaries under the PS Bill for the unexpired portion of their original fixed term (see CTA Bill s-cl.5(1)).

Fixed-term SES officer

3.1.21. The term 'fixed-term SES officer' is used to describe a person appointed as an SES officer under 1922 PSA s.44 on a fixed term basis.

3.1.22. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill cl.5). A person covered by the term 'fixed-term SES officer' will, when the PS Bill commences, become an SES employee, in the corresponding Agency (as defined) and with a corresponding classification, for a period equal to the unexpired part of the fixed term (see CTA Bill s-cl.5(3)).

Locally engaged employee

3.1.23. The term 'locally engaged employee' is used to describe a person engaged overseas by an Agency Head under PS Bill cl.74 to perform duties overseas.

3.1.24. The corresponding term that is used in the 1922 PSA is 'overseas employee' (under s.82AF of the 1922 PSA).

Merit Protection Act

3.1.25. The term 'Merit Protection Act' is used to describe the *Merit Protection (Australian Government Employees) Act 1984* (referred to in this Ex Memo as 'MP(AGE)A').

Modifications

3.1.26. The term 'modifications' is used to include additions, omissions and substitutions effected by the CTA Bill.

New Act

3.1.27. The term 'new Act' is used to describe the PS Bill which is being introduced at the same time as the CTA Bill.

New Act Department

3.1.28. The term 'new Act Department' is used to describe a Department within the meaning of the PS Bill.

New Act Secretary

3.1.29. The term 'new Act Secretary' is used to describe a Secretary within the meaning of the PS Bill.

Non-SES officer

3.1.30. The term 'non-SES officer' is used to describe a person who under the 1922 PSA is an officer other than an SES officer.

3.1.31. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill s-cl.5(5)).

Old Act

3.1.32. The term 'old Act' is used to describe the 1922 PSA.

Old Act Department

3.1.33. The term 'old Act Department' is used to describe a Department under the 1922 PSA, which (in 1922 PSA s.7) defines a 'Department' to mean

- '(a) any Department of the Service (other than a Department of the Service that has been abolished or the name of which has been altered) the name of which is specified, or deemed by virtue of section 7A to be specified, in Schedule 2; or
- (b) a branch or part of the Service in relation to which a person has, under this Act or another Act, the powers of, or exercisable by, a Secretary as if that branch or part of the Service were a separate Department.'

Old Act employee

3.1.34. The term 'old Act employee' is used to describe a person who under the 1922 PSA was an employee (see 1922 PSA, Part III, Division 10).

3.1.35. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill cl.5).

Old Act officer

3.1.36. The term 'old Act officer' is used to describe a person who under the 1922 PSA was appointed or transferred to the APS as an 'officer'.

3.1.37. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill cl.5).

Overseas engaged employee

3.1.38. The term 'overseas engaged employee' is used to describe a person who was engaged overseas under the 1922 PSA (s.87AF) to perform duties overseas - described in 1922 PSA as an 'overseas employee'.

3.1.39. The corresponding term in the PS Bill (cl.74) is 'locally engaged employee'.

3.1.40. The term 'overseas engaged employee' is relevant to the provisions in the CTA Bill which convert the status of existing APS staff who are overseas employees under 1922 PSA to their corresponding status of locally engaged employee under the PS Bill (see CTA Bill s-cl.5(8)).

3.1.41. Persons who were overseas employees under 1922 PSA (s.87AF) will become locally engaged employees when the PS Bill commences.

Parliamentary Department

3.1.42. The term 'Parliamentary Department' is used to describe one of the five Parliamentary Departments referred to in 1922 PSA s.9B which deals with the annual reports to Parliament by the Presiding Officers.

Precommencement misconduct

3.1.43. The term 'precommencement misconduct' is used to describe conduct by a member of the APS before the PS Bill commences which was misconduct for the purposes of the disciplinary provisions of the 1922 PSA.

Second-tier person

3.1.44. The term 'second-tier person' is used to describe a person who immediately before the PS Bill commences had the rights and entitlements provided by Division 3 of Part IV of the 1922 PSA.

3.1.45. The term 'second-tier' person is used in the provisions of the CTA Bill setting out the transitional arrangements in relation to the current mobility provisions.

Statutory Agency

3.1.46. The term 'Statutory Agency' is used to describe a Statutory Agency as defined in the PS Bill.

Statutory instrument

3.1.47. The term 'statutory instrument' is used to describe

- (a) a law of the Commonwealth (other than the PS Bill);
- (b) a law of an Australian Territory; or
- (c) an instrument made under one of those laws.

3.1.48. By virtue of the AIA (para 17(p)), an Australian Territory is

- the Australian Capital Territory;
- the Northern Territory;
- the Jervis Bay Territory;
- the Territory of Norfolk Island;
- the Territory of the Cocos (Keeling) Islands;
- the Territory of Christmas Island;
- the Territory of Ashmore and Cartier Islands;
- the Territory of Heard and McDonald Islands;
- the Territory of the Coral Sea Islands; and
- the Australian Antarctic Territory.

Term employee

3.1.49. The term 'term employee' is used to describe a person who under the 1922 PSA is

- a short-term employee (1922 PSA s.82AD);
- a fixed-term employee (1922 PSA s.82AE); or
- a person employed under a special employment program (1922 PSA s.82AG).

3.1.50. This term is relevant to the provisions in the CTA Bill which convert the status of existing APS staff to their corresponding status under the PS Bill (see CTA Bill s-cl.5(6)).

Transitional s.82D determination

3.1.51. The term 'transitional s.82D determination' is used to describe an existing s.82D determination under 1922 PSA which is in force when the PS Bill commences, subject to any amendments that are prescribed by the CTA Regs.

Transitional period

3.1.52. The term 'transitional period' is used to describe the period during which the transitional arrangements will operate for persons on first-tier mobility (under 1922 PSA Part IV).

Unattached Secretary

3.1.53. The term 'unattached Secretary' is used to describe a person who was an unattached Secretary within the meaning of 1922 PSA where the term is defined (1922 PSA s-sec.7(1)) to mean

'a person who

- (a) is an unattached officer (not having a Senior Executive Service classification or a classification lower than the lowest Senior Executive Service classification); and
- (b) immediately before becoming an unattached officer held an office referred to in paragraph (a) of the definition of 'office of Secretary'.

Clause 5 - Conversion of officers, employees etc.

3.2. The CTA Bill contains a series of provisions which will operate, when the PS Bill commences, to convert the status that existing APS staff will have under 1922 PSA into their corresponding status under the PS Bill (CTA Bill cl.5).

Fixed-term Secretaries

3.2.1. When the PS Bill commences, a person who was a Secretary of a Department of State holding office on a fixed-term basis (1922 PSA s.37) will become a Secretary of a Department of State as if she or he had been appointed under the PS Bill for a period equal to the unexpired part of the Secretary's existing term under 1922 PSA (CTA Bill s-cl.5(1)).

Public Service Commissioner

3.2.2. When the PS Bill commences, the Public Service Commissioner appointed under 1922 PSA (s.11) will become the Public Service Commissioner appointed under the PS Bill for a period equal to the unexpired part of his or her term under 1922 PSA (CTA Bill s-cl.5(2)).

Fixed-term SES Officer

3.2.3. When the PS Bill commences, a person who is at that time a fixed-term SES officer (under 1922 PSA s.44) will become an SES employee in the corresponding Agency and with a corresponding classification as if she or he had been engaged as an APS employee under the PS Bill for a period equal to the unexpired part of the fixed term (CTA Bill s-cl.5(3)).

Continuing SES Officer

3.2.4. When the PS Bill commences, a person who is at that time an SES officer under the 1922 PSA, other than a fixed term SES officer (defined as a continuing SES officer), will become an SES employee in the corresponding Agency and with a corresponding

classification as if she or he had been engaged as an APS employee under the PS Bill (CTA Bill s-cl.5(4)).

Non-SES Officer

3.2.5. When the PS Bill commences, a person who is at that time a non-SES officer (under 1922 PSA) will become a non-SES employee in the corresponding Agency and with a corresponding classification as if she or he had been engaged as an APS employee under the PS Bill (CTA Bill s-cl.5(5)).

Term Employees

3.2.6. When the PS Bill commences, a person who is at that time a term employee (under the 1922 PS Act) will become a non-SES employee in the corresponding Agency and with a corresponding classification as if she or he had been engaged as an APS employee under the PS Bill for a period equal to the unexpired part of the period of engagement under the 1922 PSA (CTA Bill s-cl.5(6)).

Continuing Employees

3.2.7. When the PS Bill commences, a person who is at that time a continuing employee (under 1922 PSA) will become a non-SES employee in the corresponding Agency and with a corresponding classification as if she or he had been engaged as an APS employee under the PS Bill (CTA Bill s-cl.5(7)).

Overseas-Engaged Employees

3.2.8. When the PS Bill commences, a person who is at that time an overseas employee (under 1922 PSA s.82AF) will become engaged in the corresponding Agency and in an equivalent capacity as if she or he had been engaged as a locally-engaged employee under the PS Bill (CTA Bill s-cl.5(8)).

Application of PS Bill

3.2.9. Except where the CTA Bill otherwise expressly provides, the PS Bill will apply to existing APS staff in the same way as if they had actually been engaged or appointed under the PS Bill (CTA Bill s-cl.5(9)).

Clause 6 - Rights under Part IV of 1922 PSA – first tier

Current law on officers' mobility

3.3.1. The original 1922 PSA contained no provisions about the rights of staff who went to work for non-APS Commonwealth agencies.

3.3.2. General provisions to deal with this matter were introduced with the *Officers' Rights Declaration Act 1928* (ORDA). ORDA applied to officers employed under an Act specified in the Schedule to the ORDA (or under regulations made under an Act and section specified in that Schedule). Additionally, other Commonwealth Acts subsequently made provision for the ORDA to apply to the employment of APS officers in a wide range of separate authorities. By June 1973, employment in some 79 authorities, offices etc. was covered by the ORDA, rising to 115 by March 1981.

3.3.3. The ORDA was subject to only minor detailed amendments until its repeal by the *Public Service Amendment Act 1978*, the repeal becoming effective on 15 March 1981.

3.3.4. The ORDA was then replaced by the provisions now in Part IV of 1922 PSA. These provisions, although amended on 19 occasions since 1978, have remained substantially unchanged from the legislative framework then put in place and have been generally known as the officers' mobility provisions.

3.3.5. At the time of its enactment, Part IV inserted 32 new substantive provisions into the Act in six Divisions. The legislation was, and is, of a complex and detailed nature, running originally to some 50 pages (up to 40 substantive provisions and 61 pages in current official Reprint No. 6 of the 1922 PSA).

3.3.6. The broad framework and key elements of the provisions of Part IV of the 1922 PSA may be summarised as follows

3.3.7. Division 1 of Part IV (current s-sec.87-87B) contains special definitions and interpretation provisions. In particular, it draws a distinction between

- bodies in respect of which the Commonwealth has legislative power ('Commonwealth authority and Commonwealth office'); and
- bodies and statutory offices in respect of which the Commonwealth does not have such legislative power ('public authority' and 'public office'), with such bodies having to be prescribed in the Public Service Regulations (Part XI of the 1922 PS Regs refers) for Part IV to apply.

3.3.8. Division 2 of Part IV of the 1922 PSA (current ss.87C-87JC) deals with first-tier persons

- Division 2 details the provisions applicable to officers who take up employment with an authority, or who are appointed to statutory offices, and have first tier coverage (described in the CTA Bill as 'first-tier persons')
 - it also addresses the circumstances of staff who are transferred to an independently-staffed Commonwealth authority (or to a non-Commonwealth authority with second tier coverage), as a result of a transfer of functions to the authority;
 - first-tier persons can, in effect, return to the APS at any time they please;
- The detailed provisions of Division 2 in relation to first tier persons are as follows
 - such officers are deemed to be on leave without pay from the APS, with such absences counting as 1922 PSA service for all purposes (1922 PSA s-sec.87(6));
 - APS sick leave and recreation leave rights against the employing authority and as a condition of service of statutory office holders are preserved (1922 PSA s.87E);

- similarly long service leave entitlements are preserved where particular authorities are not covered by the provisions of the *Long Service Leave (Commonwealth Employees) Act 1976* ('LSLA') (1922 PSA s.87F);
- the position held by an officer, at the time of attaining first tier coverage, is declared to be vacant, with a similar provision applying where such an officer is promoted or transferred to an office in the APS but does not resume duty in that office within 30 days or such longer period as may be determined by the Public Service Commissioner (1922 PSA s.87G);
- officers who are identified as performing duties associated with a declared Commonwealth function, which has been, or is to be, transferred from an APS agency to an independently-staffed Commonwealth authority (or to a non-Commonwealth authority), and who are transferred to that authority, are deemed, on transfer, to have ceased to be APS officers and become persons to whom the (second tier) provisions of Division 3 apply, with preservation of certain APS leave and superannuation entitlements (1922 PSA s.87J and s-sec.87K(2));

3.3.9. Division 3 of Part IV of the 1922 PSA (current ss.87KAA-87SC) deals with second-tier persons

- Division 3 applies to APS officers who, at the end of the initial three-year period of employment with an authority under Division 2 provisions, choose to remain in the employment of that authority, or another authority covered by Part IV, under second tier provisions (described in the CTA Bill as 'second-tier persons')
 - it also applies to APS officers who are transferred to an authority from the APS as a result of a transfer of APS functions to that authority;
- The detailed provisions of Division 3 in relation to second-tier persons are as follows
 - the employment is counted for purposes of the LSLA unless the second-tier person elects, in writing, for the LSL entitlements to be determined otherwise (s.87L);
 - Officers covered by Division 3 can apply for promotion or transfer to APS vacancies, and exercise promotion appeal rights, as if they were still APS officers (1922 PSA s.87M);
 - They have certain rights to apply for re-entry to the APS (other than by way of the s.87M entitlements), in circumstances of actual or prospective termination of employment by the non-APS authority (by way of foreshortening of a term of appointment, retrenchment, annulment of appointment, termination of employment for reasons other than invalidity or resignation) and also refusal to re-engage following nullification of a conviction which had resulted in dismissal from the authority - decisions on such applications being made by an independent Reappointment Review Committee, formerly constituted under s.87T of the Act (repealed in 1984) and now established under the provisions of the MP(AGE)A (1922 PSA s.87N);
 - The Public Service Commissioner can approve an application for reappointment to the APS where the Commissioner is satisfied that special circumstances (e.g. compassionate grounds) so justify (1922 PSA s.87R);

3.3.10. A summary of the remaining Divisions of Part IV of the 1922 PSA is as follows

- Division 4 (current ss.87TA-87V) enables continued application of the provisions of the repealed ORDA, and the former s.6 of the *Trade Commissioners Act 1933* (now the *Trade Representatives Act 1933*), to officers who were previously covered by those provisions, and who have not elected to be covered by the provisions of Part IV of the 1922 PSA
- Division 5 (current ss.87X-87ZCA) provides for the correction of certain inequities which had resulted from the transfer of APS officers to various authorities prior to, and in the light of, the enactment of Part IV
- Division 6 (current ss.87ZD-87ZG) contains various machinery provisions bearing on the operation of the other Divisions of Part IV.

Comments on current law

3.3.11. The McLeod Report commented on 1922 PSA Part IV as follows

‘4.63 These provisions are complex and impose requirements on departments to release and accept staff with minimal notice, which inhibits effective staff management. They were introduced in a significantly different environment to that which exists now. In particular there has been

- an increase in the diversity of Commonwealth employment outside the APS;
- large-scale redundancies in organisations employing staff with re-entry rights to the APS; and
- downsizing in many departments.’

3.3.12. The ADMF Paper commented (pp.29–30) that

‘...The arrangements are extremely complex...Such conditions represent a considerable liability for public service agencies. In the private sector, such mobility arrangements are normally dealt with on the basis of management agreeing to extend unpaid leave to employees for a set period. This should also be the model for the APS. It is proposed that under the new Act Secretaries have the discretion to determine arrangements that best meet the needs of their organisations. They will be able to grant periods of leave with or without pay and to decide whether it counts for service. This will provide a low cost, easily administered arrangement to enable mobility between the APS and non-APS public employment.

Existing Part IV mobility provisions will be removed. Employees who wish to take up non-APS employment—including under the *Governor-General Act 1974* and the *Members of Parliament (Staff) Act 1984* (MOPS Act)—will have to resign or seek leave from their agency. Similarly APS employees taking up statutory appointments will do so on the basis of arrangements made with their Secretary.

It is seen as necessary to set in place appropriate transitional arrangements to apply to those employees currently covered by the mobility provisions. At present some 50 000 people working outside the APS retain some mobility (return) rights. It is proposed that employees presently outside the

APS under 'first tier' or 'second tier' arrangements (including employees who are statutory office holders, and who are employed under the MOPS Act or the Governor-General Act) will continue to be covered by current arrangements for a period of one year from implementation of the new legislation.'

Transitional arrangements – first tier

3.3.13. The first-tier transitional arrangements will apply to a 'first-tier person', defined as (CTA Bill cl.4)

- (a) a person to whom 1922 PSA Division 2 of Part IV applied immediately before the PS Bill commences; or
- (b) a person to whom the ORDA applied immediately before the PS Bill commences because of 1922 PSA s.87TA.

3.3.14. These first-tier transitional arrangements will apply during a transitional period, which is defined as starting when the PS Bill commences and ending at the earliest of the following (CTA Bill cl.4)

- (a) a period to be fixed by the CTA Regs after the PS Bill commences;
- (b) the time when the person ceases to be in eligible public employment (within the meaning of 1922 PSA Part IV);
- (c) the time when the person resigns or retires as an APS employee; or
- (d) the end of the first-tier period (fixed under 1922 PSA s-sec.87D(5)) and described in 1922 PSA as the 'relevant period' - normally three years but can be extended at present by an Agency Head under delegation from the Public Service Commissioner.

3.3.15 In relation to para 3.3.14(a), the JCPA Report recommended (recommendation 20) that the transitional period for people with mobility rights should be three years. The Government has accepted that recommendation and appropriate instructions will be provided to ensure that the transitional regulations are drafted to that effect.

3.3.16. During the transitional period a first-tier person will be taken to be absent from duty as an APS employee on leave without pay (CTA Bill s-cl.6(1)).

Transitional arrangements – leave credits

3.3.17. The following leave conditions apply currently to APS officers on first-tier mobility

- recreation leave
 - officers take with them their unused APS credits;
 - future recreation leave credits accrue as if first-tier employment were in the APS;
 - on 1 January immediately following commencement in the Part IV organisation, the officer is credited with recreation leave as if the previous

calendar year had all been service in the APS (determined under 1922 PSA s-sec.87E(4));

- APS conditions on the period of availability of credits (the 'deeming' provisions) and payment in lieu continue to apply;
- sick leave
 - officers take with them their unused APS credits;
 - future sick leave credits accrue as if first-tier employment were in the APS;
 - APS sick leave conditions continue to apply;
- long service leave
 - officers continue to be covered by the LSLA; and
- all other conditions of employment will be those of the Part IV organisation.

3.3.18. Service by a first-tier person during the transitional period will be counted, for the purposes of accrual of recreation leave credits and sick leave credits, as if it were service as an APS employee (CTA Bill s-cl.6(2)).

Transitional arrangements – resignation

3.3.19. A first-tier person will be deemed to have resigned as an APS employee at the end of the transitional period unless, before the end of the transitional period (Bill s-cl.6(3))

- (a) the person has given written notice to the Agency Head, stating that the person intends to resume duties as an APS employee on the first working day after the end of the transitional period; or
- (b) the person has been granted leave for a period that consists of or includes the first working day after the end of the transitional period.

3.3.20. If the person gives a notice about resuming duty, but is absent from duty without leave on the first working day after the end of the transitional period, then the person will be deemed to have resigned as an APS employee at the end of that first working day (Bill s-cl.6(4)).

3.3.21. If a person would have ceased to be an officer under the 1922 PSA at a particular time because of 1922 PSA s.87JA or 87JB (if 1922 PSA had not been repealed), then the person will be deemed to have resigned as an APS employee at that time (Bill s-cl.6(5)).

Transitional arrangements – LWOP

3.3.22. The JCPA Report recommended (recommendation 19) that the Prime Minister should exercise the power under cl.21 of the PS Bill to issue a general direction to Agency Heads, requiring them to grant leave without pay to APS employees to take up statutory appointments, employment under the MOPS Act or employment under the Governor-General Act 1974. The Government has accepted this recommendation in principle and the matter will be addressed further after passage of the PS Bill.

Clause 7 - Rights under Part IV of 1922 PSA – second tier

Gazette access

3.4.1. Currently, a second-tier person has certain rights to apply for APS jobs (set out above - see 1922 PSA s.87M).

3.4.2. It is proposed that access to jobs advertised in the *Commonwealth Gazette* will continue, as part of the access to be provided through Directions issued by the Public Service Commissioner (see PS Bill s.11).

Right of re-engagement

3.4.3. A person to whom Division 3 of Part IV of the 1922 PSA applied (defined as a 'second-tier person') immediately before the PS Bill commences will be entitled to be re-engaged as an APS employee (CTA Bill s-cl.7(1))

- in accordance with the CTA Regs; and
- within time limits prescribed by the CTA Regs.

3.4.4. The CTA Regs will be able to prescribe exceptions to the entitlement (CTA Bill s-cl.7(2)).

3.4.5. The scheme proposed to be set out in the CTA Regs will be along the following lines: Agency Heads will be required to reappoint a second-tier person who applies for re-engagement if the following conditions are met

- the application is made within the transitional period to be fixed by the CTA Regs;
- the application is made while the applicant is still in eligible public employment or if eligible public employment has ceased;
 - where the cessation was because the person had been notified that he or she was excess: within 28 days of the notification;
 - in any other case: within 30 days of the cessation;
- the applicant has not received a redundancy benefit while in eligible public employment (cf 1922 PSA ss.87SA-87SC); and
- the applicant satisfies the Agency Head that if Division 3 were still in force the person would satisfy one or other of the prescribed conditions of re-appointment set out in 1922 PSA s-sec.87N(2).

3.4.6. The JCPA Report recommended (recommendation 20) that the transitional period for people with mobility rights should be three years. The Government has accepted that recommendation and appropriate instructions will be provided to ensure that the transitional regulations are drafted to that effect.

3.4.7. It is proposed that the CTA Regs would also provide that the reappointment would be at the same classification as the person had before ceasing to be an 'officer' within the meaning of the 1922 PSA or, if there is no longer such a classification, at such a classification as the Agency Head considers appropriate.

Leave credits

3.4.8. While second-tier persons at the time the new PS Bill commences no longer have access to APS recreation or sick leave arrangements, they would have been able to carry over their credits, which would then form part of their entitlements with their actual employer, and these would not be able to be changed retrospectively.

Clause 8 - Retirement and redeployment of Secretaries

Current law

3.5.1. On 1 October 1984 Secretaries ceased to be subject to the *Commonwealth Employees (Redeployment and Retirement) Act 1979* ('CE(RR)A'). Since then the redeployment and retirement of Secretaries has been regulated by Division 8A of Part III of 1922 PSA. Its key features are

- its non-application to a Secretary appointed on a fixed-term basis (1922 PSA s.37(15));
- the option of retiring at age 55 (or such other minimum age as might be prescribed) (1922 PSA s.76B);
- the requirement to retire at age 65 (or such other maximum age as might be prescribed), subject to any approved extension of employment beyond that age (1922 PSA s.76C);
- retirement by the Governor-General, on the basis of report and investigation by the PSB (now the Public Service Commissioner) on grounds that the Secretary was 'inefficient or incompetent or...because of physical or mental incapacity, incapable of performing his duties' (1922 PSA s.76D);
- a broad, general power enabling the Governor-General to terminate the appointment of a person to an office of Secretary, that person thereby becoming an unattached Secretary (1922 PSA s.76E);
- a requirement for the PSB (now Public Service Commissioner) to seek to find appropriate duties and alternative employment for an unattached Secretary. In the event that action in these terms was seen as unlikely to produce a successful outcome within a reasonable time, the PSB (now Public Service Commissioner) could either redeploy the unattached Secretary to an office having the highest SES classification or agree to an election from that person to be retired from the APS (1922 PSA s.76F); and
- allowing the PSB (now the Public Service Commissioner) to utilise the s.82D determination provisions to offer a specified benefit (separation payment) to an unattached Secretary agreeing to retire from the APS, without prior resort to exploring redeployment options within the APS (1922 PSA s.76FA - added by *Public Service Legislation (Streamlining) Act 1986*).

3.5.2. With the exception of the insertion of certain provisions which interact with superannuation legislation in relation to invalidity retirements (1922 PSA s.76D refers in particular), the Division 8A provisions have not been subject to any major amendment since enactment.

Transitional arrangements

3.5.3. Subject to any modifications prescribed by regulations, Division 8A of Part III of 1922 PSA (outlined above) will continue to apply to a person who is an unattached Secretary within the meaning of the 1922 PSA when the PS Bill commences (CTA Bill cl.8).

3.5.4. It is not currently envisaged that any regulations will be necessary.

Clause 9 - Determinations under s.82D of the old Act

Current law

3.6.1. The current determination-making powers (1922 PSA s.82D) enable determinations to be made about terms and conditions of employment (including employment overseas) of APS employees. Following the abolition of the Public Service Board in 1987, these powers have been held by the Public Service Commissioner, and, by delegation, the Secretary of the DEWRSB.

3.6.2. On 17 February 1998, the then Department of Workplace Relations and Small Business made a consolidated determination under 1922 PSA s.82D relating to domestic conditions of employment. That determination brought together all relevant, previously existing, s.82D determination provisions into one determination instrument. Over 900 obsolete determinations have been consequently repealed.

Transitional arrangements

3.6.3. When the PS Bill comes into operation each Agency Head will be deemed to have made a determination (called in the CTA Bill a 'continued determination') containing the terms of any determination under 1922 PSA s.82D that is in force immediately before the PS Bill commences (called in the CTA Bill a 'transitional 82D determination') (CTA Bill s-cl.9(1)).

3.6.4. The consolidated s.82D determination of 17 February 1998 will thereby lose its APS-wide application and each continued (consolidated) determination will be able to be amended or revoked by the Agency Head in the same way as if the Agency Head had made the determination under PS Bill cl.24.

3.6.5. The continued (consolidated) determination will operate for a transitional period of up to 12 months. During that time, Agency Heads will be required to review their provisions and make their own determinations. Where they wish to retain some or all of the terms of the consolidated determination, they will need to include them in their own determinations or in agreements made under the WRA.

Clause 10 - Misconduct

Current law

3.7.1. The present framework of disciplinary provisions was put in place by the *Public Service Amendment Act 1978*. It replaced procedures established by the 1922 PSA which had undergone few significant modifications since the time of their original enactment, and which were derived in turn from the 1902 PSA and comparable provisions in the preceding Public Service legislation of the Australian colonies.

3.7.2. The PS Bill contains

- a new Code of Conduct (see PS Bill cl.13); and
- a power for Agency Heads to establish procedures to deal with misconduct in accordance with procedural fairness (see PS Bill cl.15).

Transitional arrangements

3.7.3. The transitional arrangements in relation to misconduct before the PS Bill commences will be as follows (CTA Bill cl.10)

- where an APS employee was charged before this Bill commences and the charge was dealt with to finality: no action will be possible under the PS Bill;
- where an APS employee was charged before the commencement of the PS Bill and the charge was not dealt with to finality: transitional regulations will be made to enable the matter to be completed under 1922 PSA; and
- where an APS employee was not charged before the commencement of the PS Bill: the Agency Head will be able to impose the same sanctions as are allowed under the PS Bill provided that the conduct was both misconduct under the 1922 PSA and a breach of the new Code of Conduct.

3.7.4. This approach is the same as that taken when the current disciplinary provisions were inserted by the *Public Service Amendment Act 1978* (see s.49 of that Act).

Clause 11 - Secretaries of Core Departments

3.7.5. Secretaries of Departments of State will now be known generally as 'Secretary of the particular Department, rather than as 'Secretary to' the particular Department (see PS Bill s-cl.56(4)).

Transitional arrangements

3.7.6. When the PS Bill commences, the title of each Secretary of a Department of State will change to the new form (CTA Bill s-cl.11(1)).

3.7.7. References to the old form ('Secretary to') in any other Commonwealth or Territory law will be read as a reference to the new form ('Secretary of')(CTA Bill s-cl.11(2)).

Clause 12 - Parliamentary Departments

Current law

3.8.1. Provisions relating to the operation of the Parliamentary Departments have been included in Commonwealth public service legislation since Federation.

3.8.2. Officers of the Senate, House of Representatives, Parliamentary Library, Parliamentary Reporting Staff and of the Joint House Committee were deemed to constitute separate Departments under the 1902 Act. Actions or approvals which the Act otherwise vested in the Public Service Commissioner, a Permanent Head or a Chief Officer were to be variously regarded as being taken or given by the Presiding Officers or the respective heads of the parliamentary departments, as appropriate to the particular context (see 1902 PSA s.14).

3.8.3. The 1922 PSA re-enacted s.14 of the 1902 PSA provisions (s.9) in essentially the same form, but with some added provisions. The 1922 PSA also provided for specification of the Parliamentary Departments and their heads in the relevant Schedules to the 1922 PSA in the form in which they continue to appear in the current Schedules 2 and 3.

3.8.4. Since 1922, the parliamentary officer provisions have evolved progressively to the form in which they now appear (in 1922 PS Act ss.9, 9A, 9AA, 9AB, 9B and 76G). They now variously make provision for the creation and staffing of offices, the terms and conditions of employment of staff and the submission of annual reports to Parliament by the Presiding Officers.

Parliamentary Service Bill 1997

3.8.5. In May 1997, the Government announced that the Parliamentary Departments would not be covered by the PS Bill 1997 but would be covered under separate legislation.

3.8.6. The Parliamentary Service Bill 1997 was introduced into the Parliament on 23 October 1997. It provide for the establishment of a separate Parliamentary Service encompassing, at its commencing time, the structure and staffing of the existing Parliamentary Departments.

3.8.7. The then intention was that the Parliamentary Service Bill 1997, and the associated Parliamentary Service (Consequential Amendments) Bill 1997, would commence on 1 January 1998, at the same time as the Public Service Bill 1997 was intended to commence.

3.8.8. Following the passage of both Bills through the House of Representatives, the Senate made similar amendments to the Parliamentary Service Bill 1997 as it had done to the Public Service Bill 1997. No amendments were made to the associated Consequential Amendments Bill. Both Bills were returned to the House of Representatives at the end of November 1997.

3.8.9. On 5 December 1997, the Minister Assisting the Prime Minister for the Public Service informed the House of Representatives that the Government had rejected the amendments made to the Parliamentary Service Bill 1997, for the same reasons that it had rejected the amendments made by the Senate to the Public Service Bill 1997. As a

consequence, the Parliamentary Service legislation would also be returned to the Senate unchanged after three months. Both Parliamentary Service Bills were formally laid aside in the House of Representatives on 5 December 1997.

Transitional arrangements

3.8.10. In the event that the Parliamentary Service legislation is not reintroduced or is reintroduced but does not commence at the same time as the PS Bill, the 1922 PSA will continue to apply to the Parliamentary Departments as if that Act had not been repealed (CTA Bill cl.12). This will make it clear that the five Parliamentary Departments will continue to have a separate transitional existence until new Parliamentary Service legislation is enacted.

3.8.11. Section 12 of the CTA Bill (current cl.12) will be repealed on enactment of new Parliamentary legislation.

Clause 13 - References to 'officer' etc.

3.9. There will be a generic interpretation provision to ensure that in any other Commonwealth or Territory law, other than the *Acts Interpretation Act 1901*, unless the contrary intention appears (CTA Bill s-cl.13(1))

- (a) references in general terms to an officer will include references to a Secretary or an APS employee under the PS Bill;
- (b) references to an officer of the Commonwealth will include references to a new Act Secretary or an APS employee under the PS Bill;
- (c) references to an officer or employee of a particular Department or Statutory Agency will include references to an APS employee in that Department or Statutory Agency;
- (d) references to a person occupying, holding or performing the duties of an office in a particular Department or Statutory Agency will include references to an APS employee in that Department or Statutory Agency;
- (e) references to an employee of a particular Department will include references to a locally-engaged employee in that Department;
- (f) references in general terms to an office will include references to a position occupied by an APS employee (see also PS Bill s-cl.77(3) covering APS employees not in a position); and
- (g) references to an office in a particular Department or Statutory Agency include references to a position occupied by an APS employee in that Department or Statutory Agency.

4.0. This generic interpretation provision will apply to all Departments and not just the Department whose Minister is responsible for the Bill (CTA Bill s-cl.13(2), i.e. it displaces AIA s-sec.19A(3)).

Clause 14 - Regulations

4.1. The Governor-General will have a general regulation-making power in relation to matters required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the CTA Bill (CTA Bill s-cl.14(1)).

4.2. This power will not be limited by the specific regulation-making powers set out below (CTA Bill s-cl.14(2)).

Transitional and savings

4.2.1. CTA Regs will also be able to be made to deal with a range of transitional matters (CTA Bill s-cl.14(3))

- (a) the continuation of various things that had begun under the 1922 PSA or the MP(AGE)A and their effects under the PS Bill
 - (i) appointments, re-instatements, transfers, promotions, advancements, classifications, or retirements;
 - (ii) inquiries into misconduct where a person was charged under the 1922 PSA;
 - (iii) appeals against disciplinary directions;
 - (iv) performance of functions under MP(AGE)A;
 - (v) review of decisions under MP(AGE)A; or
 - (vi) investigation of grievances under MP(AGE)A;
- (b) the continuation of suspensions under 1922 PSA;
- (c) the review of decisions made under 1922 PSA before the PS Bill commences, the effects of those reviews, and the powers available to a person or body conducting such a review;
- (d) the powers available to persons conducting these reviews;
- (e) arrangements, agreements, etc., under 1922 PSA about reciprocal services between Commonwealth, State and Territory governments; and
- (f) any other transitional or savings matters.

4.2.2. These CTA Regs will be able (CTA Bill s-cl.14(4))

- to continue in force the 1922 PSA or the MP(AGE)A for the purposes of the CTA Regs; and
- to prevail, to the extent of any inconsistency, over
 - the 1922 PSA;
 - the PS Bill;
 - the MP(AGE)A; and
 - the generic interpretation provision (see CTA Bill cl.13) dealing with references to 'officer' etc.

Consequential amendments

4.2.3. The CTA Regs will be able to make consequential amendments to other Acts and to include any necessary transitional or savings provisions (CTA Bill s-cl.14(5)). This would cover amendments to Acts that had been amended by the Schedule to the CTA Bill. This power might be needed to deal with a Principal Act that is amended by Schedule 1, but needs further amendment because of Bills in the Parliament that amend the Principal Act.

4.2.4. Any consequential amendment to an Act will be able to be incorporated into the body of the Act itself (CTA Bill s-cl.14(6)).

Commencement of regulations

4.2.5. Any regulations made during the first 12 months after the CTA Bill commences will be able to commence before the day they are made, but not before the CTA Bill commences (CTA Bill s-cl.14(7)). This will cover cases such as Bills in Parliament that become Acts after the CTA Bill commences and need to be amended retrospectively back to their own commencement date.

Other regulation-making powers

4.2.6. The general provisions for regulations will not limit any other regulation making power in the CTA Bill (CTA Bill s-cl.14(8)).

4.2.7. The CTA Bill also contains in other provisions the following specific powers to make regulations relating to

- the transitional period for first-tier rights (see CTA Bill cl.4);
- amendments of transitional s.82D determinations under 1922 PSA (each of which then becomes 'a continued determination' by an Agency Head - see CTA Bill cl.4 and cl.9);
- entitlements to re-engagement of persons with second-tier mobility rights (see CTA Bill cl.7);
- retirement and redeployment of Secretaries (see CTA Bill cl.8); and
- the application of repealed Acts to Parliamentary Departments (see CTA Bill cl.12).

SCHEDULE 1 – REPEALS AND AMENDMENTS

This Schedule contains the amendments of Acts consequential upon the commencement of the *Public Service Act 1999*. The item numbers refer to the amendments in the Schedule to the CTA Bill. References to ‘that Act’ are to the Act being amended by the relevant item of the Schedule.

Aboriginal and Torres Strait Islander Commission Act 1989

Aboriginal and Torres Strait Islander Commission

- 1.1. This removes a reference to 1922 PSA s.87E for an ATSIC Commissioner (in s.35 of that Act).
- 1.2. This removes a reference to 1922 PSA s.87E for the ATSIC CEO (in s.49 of that Act).
- 1.3. This changes the APS staffing provisions for the Aboriginal and Torres Strait Islander Commission (s.55 of that Act). The staffing powers will remain vested in the CEO of the Commission.
- 1.4. As above.

Office of Evaluation and Audit

- 1.5. This removes a reference to 1922 PSA s.87E for the ATSIC Director of Evaluation and Audit (in s.77C of that Act).
- 1.6. This amends s.77E of that Act which requires the ATSIC Director of Evaluation and Audit to make a disclosure of financial interests equivalent to that required of members of the SES. This amendment is in accordance with the DTT para (n) - A.

Regional Councils

- 1.7. This amends s.124C of that Act which requires an Administrator of a Regional Council to make a disclosure of financial interests equivalent to that required of members of the SES. This amendment is in accordance with the DTT para (n) - A.
- 1.8. This removes a reference to 1922 PSA s.87E for an Administrator of a Regional Council (in s.124E of that Act).
- 1.9. This removes a reference to 1922 PSA s.87E for the Chairperson of a Regional Council (in s.127D of that Act).

Torres Strait Regional Authority

- 1.10. This amends s.143P of that Act which requires each member of the Torres Strait Regional Authority (TSRA) to make a disclosure of financial interests equivalent to that required of members of the SES. This amendment is in accordance with the DTT para (n) - A.

1.11. This removes a reference to 1922 PSA s.87E for the Chairperson of the TSRA (in s.143Z of that Act).

1.12. This removes a reference to 1922 PSA s.87E for the General Manager of the TSRA (in s.144K of that Act).

1.13. This changes the APS staffing provisions for the Torres Strait Regional Authority (TSRA - s.144R of that Act). The staffing powers will remain vested in the TSRA General Manager.

1.14. As above.

1.15. This removes a reference to 1922 PSA s.87E for a TSRA Administrator (in s.144ZK of that Act).

1.16. This amends s.144ZM of that Act which requires a TSRA Administrator to make a disclosure of financial interests equivalent to that required of a member of the SES. This amendment is in accordance with the DTT para (n) - A.

Indigenous Land Corporation

1.17. This removes a reference to 1922 PSA s.87E for the Chairperson of the Indigenous Land Corporation (s.192D of that Act).

Aboriginal Hostels Limited

1.18. This changes the APS staffing provisions for Aboriginal Hostels Limited (s.200 of that Act). The staffing powers will remain vested in the General Manager of Aboriginal Hostels Limited.

1.19. As above.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

1.20. This amends s.30 of that Act which enables the Attorney-General or an APS officer authorised by the Attorney-General to grant legal or financial assistance in connection with specified applications, declarations or proceedings. This amendment is in accordance with the DTT para (f) - B.

1.21. This is consequential on the DTT amendment above.

Aboriginal Councils and Associations Act 1976

1.22. This amends s-sec.4(4) of that Act which requires the Registrar and Deputy Registrars of Aboriginal Corporations to be APS members. This amendment is in accordance with the DTT para (f) - C.

Aboriginal Land Rights (Northern Territory) Act 1976

1.23. This amends s-sec.23E(3) of that Act which allows the communication of information to specified persons. This amendment translates references to 'Permanent Head' to 'Secretary'.

1.24. This amends s.54C of that Act which enables the Attorney-General or an APS officer authorised by the Attorney-General to grant assistance in respect of legal representation at an inquiry into a traditional land claim. This amendment is in accordance with the DTT para (f) - B.

1.25. This is consequential on the DTT amendment above.

1.26. This amends s.59 of that Act which requires the staff assisting an Aboriginal Lands Commissioner to be 'persons appointed or employed' under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Acts Interpretation Act 1901

1.27. This inserts a new s.17AA in that Act, providing for definition of the following terms, each of which in any enactment will have the same meaning as in the PS Bill.

- acting SES employee
- APS employee
- SES employee

1.28. This ensures that the reference to a Secretary in para 19B(3)(a) of the AIA, which deals with references to abolished offices of Secretary, continues as a reference to a Secretary of a Department of State within the meaning of the PS Bill.

1.29. This ensures that a reference to a Secretary in para 19BA(3)(a) of the AIA, which deals with changed administrative arrangements, continues as a reference to a Secretary of a Department of State within the meaning of the PS Bill.

1.30. This amends s.19C of that Act to provide that a reference in any Act to an officer is to be taken to include reference to an APS employee as now to be defined in new AIA s.17AA (item 1.27. above refers).

1.31. This amends s.21 of that Act to provide that a reference in any Act to an "office" includes a position occupied by an APS employee, and any reference to an 'officer' includes an APS employee.

1.32. This amends s.25B of that Act to provide that a reference to an 'office' includes a position occupied by an APS employee.

1.33. As above, but amends s-sec.33(2) of that Act.

1.34. As above, but amends ss.33A of that Act.

Administrative Appeals Tribunal Act 1975

Administrative Appeals Tribunal

1.35. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Administrative Appeals Tribunal ('AAT') (s.12 of that Act).

1.36. This removes a reference to 1922 PSA s.87E for the AAT Registrar (s.24G of that Act).

1.37. This amends s-sec.24N(3) of that Act which requires the AAT District Registrars, Conference Registrars, Deputy Registrars and staff to be APS members. This amendment is in accordance with the DTT para (d) - B.

1.38. This amends s-sec.24N(4) of that Act which gives the AAT Registrar the power to arrange with other Commonwealth bodies for their staff to be made available to the AAT. This amendment is in accordance with the DTT para (c).

1.39. This amends in accordance with the DTT para (h) - A.

1.40. This changes the APS staffing provisions for the Administrative Appeals Tribunal (s.24P of that Act). The staffing powers will remain vested in the AAT Registrar.

Administrative Review Council

1.41. This amends s.57 of that Act which requires the staff of the Administrative Review Council to be APS members. This amendment is in accordance with the DTT para (d) - B.

Administrative Arrangements Act 1987

1.42. This amends s.19 of that Act which enables the Secretary of a Department to declare that a reference in an instrument to a Secretary is to be read as a reference to an unattached Secretary or an SES officer. This amendment of s-sec.19(1) is in accordance with the DTT para (n) - B.

1.43. As above - this amendment of s-sec.19(2) of that Act is in accordance with the DTT para (n) - B.

Administrative Decisions (Judicial Review) Act 1977

1.44. This amends Schedule 2 of that Act which lists the classes of decisions that are not decisions in relation to which reasons may be obtained under s.13 of that Act. The paragraph of the Schedule being amended is para (r) dealing with 'decisions relating to promotions, transfers, temporary performance of duties, or appeals against promotions or selections for temporary performance of duties, of or by individual officers of the Australian Public Service'. This amendment is in accordance with the DTT para (f) - A.

1.45. This amends Schedule 2 of that Act which lists the classes of decisions that are not decisions in relation to which reasons may be obtained under s.13 of that Act. The paragraph of the Schedule being amended is para (s) dealing with 'decisions relating to transfers or promotions under section 53A of the *Public Service Act 1922*'. Section 53A of 1922 PSA deals with the promotion of officers who complete courses of training for special positions. There is no equivalent provision in the PS Bill. Accordingly, this amendment omits the current exclusion of transfers or promotions under 1922 PSA s.53A.

1.46. This amends Schedule 2 of that Act which lists the classes of decisions that are not decisions in relation to which reasons may be obtained under s.13 of that Act. The paragraph

of the Schedule being amended is para (t) dealing with decisions relating to appointments or engagements of staff in the public sector. This amendment is in accordance with the DTT para (k).

1.47. This amends Schedule 2 of that Act which lists the classes of decisions that are not decisions in relation to which reasons may be obtained under s.13 of that Act. The paragraph of the Schedule being amended is para (w) dealing with 'decisions relating to the making or terminating of appointments of Secretaries under the *Public Service Act 1922*'. This amendment is in accordance with the DTT para (k).

Affirmative Action (Equal Employment Opportunity for Women) Act 1986

1.48. This changes the staffing provisions for the Affirmative Action Agency (s.29 of that Act). The staffing powers will remain vested in the Director of Affirmative Action.

1.49. As above.

Aged Care Act 1997

1.50. This repeals the definition of 'officer' (in cl.1 of schedule 1 of that Act). Paragraph 13(1)(c) of the CTA Bill will translate references to 'an officer of the Department'.

Aged Care Income Testing Act 1997

1.51. This repeals the definition of 'officer' (in s.3 of that Act). Paragraph 13(1)(c) of the CTA Bill will translate references to 'an officer of the Department'.

Agricultural and Veterinary Chemicals (Administration) Act 1992

1.52. This amends s.11 of that Act which enables the National Registration Authority for Agricultural and Veterinary Chemicals (established by s.6 of that Act - NRA) to delegate its powers and functions to, among others, '(e) an officer of, or person employed in, a Department' of the APS. This amendment is in accordance with the DTT para (d) - A.

1.53. This removes a reference to 1922 PSA s.87E for the CEO of the NRA (s.39 of that Act).

1.54. This amends a 'make available' provision in s.46 of that Act. This amendment is in accordance with the DTT para (h) - A.

1.55. This amends s.69F of that Act which enables the NRA to appoint, among others, 'persons appointed or employed under' the 1922 PSA to be inspectors. This amendment is in accordance with the DTT para (d) - B.

Agricultural and Veterinary Chemicals Products (Collection of Interim Levy) Act 1994

1.56. This amends in accordance with the DTT para (d) - B.

Aircraft Noise Levy Collection Act 1995

1.57. This amends para 10(3)(a) of that Act which enables the Secretary to delegate to an SES officer in the Secretary's Department power to remit some or all of the late payment penalty. This amendment is in accordance with the DTT para (n) - B.

1.58. This amends s-sec.14(3) of that Act which enables the Secretary to delegate to an SES officer in the Secretary's Department power to authorise an officer to be able to seek information under s-sec.14(1) of that Act. This amendment is in accordance with the DTT para (n) - B.

1.59. This amends s.17 of that Act which enables the Minister for Finance to delegate to an SES officer the Minister's power to enter into an agreement for collecting a levy imposed by the *Aircraft Noise Levy Act 1995* or a late-payment penalty. This amendment is in accordance with the DTT para (n) - B.

1.60. This amends para 18(3)(a) of that Act which enables the Secretary to delegate to an SES officer in the Secretary's Department power to give a signed evidentiary certificate under s-sec.18(1). This amendment is in accordance with the DTT para (n) - B.

Airline Equipment (Loan Guarantee) Act 1972

1.61. This amends s-para 4(d)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised 'officers employed in the Commonwealth Service' will have reasonable access to the financial accounts of the companies involved. This amendment is in accordance with the DTT para (f) - A.

1.62. This amends s-para 4(d)(ii) of that Act of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised officers to the financial accounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) Act 1976

1.63. This amends s-para 5(d)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.64. This amends in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) Act 1977

1.65. This amends s-para 5(d)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.66. This amends s-para 5(d)(ii) of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised APS officers to the financial accounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) Act 1978

1.67. This amends s-para 5(d)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.68. This amends s-para 5(d)(ii) of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised APS officers to the financial accounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) (No. 2) Act 1978

1.69. This amends s-para 6(e)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.70. This amends s-para 6(e)(ii) of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised APS officers to the financial amounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) Act 1980

1.71. This amends s-para 5(e)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.72. This amends s-para 5(e)(ii) of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised APS officers to the financial accounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airline Equipment (Loan Guarantee) Act 1981

1.73. This amends s-para 5(e)(i) of that Act which provides that the Treasurer will not give a guarantee of certain loans unless there are undertakings that authorised APS officers will have reasonable access to the financial accounts of the companies whose loans are being guaranteed. This amendment is in accordance with the DTT para (f) - A.

1.74. This amends s-para 5(e)(ii) of that Act which provides that the Treasurer will also not give such a guarantee unless the companies concerned give undertakings about similar access for the authorised APS officers to the financial accounts of entities in which those companies have a controlling interest. This amendment is in accordance with the DTT para (f) - A.

Airports Act 1996

1.75. This amends s.244 of that Act which enables the Minister responsible for that Act to delegate to an SES officer the Minister's power under that Act or under a demand management scheme. This amendment is in accordance with the DTT para (n) - B.

1.76. This omits a definition of 'SES office' consequential on the above amendment.

1.77. This amends s.249 of that Act which enables the Secretary to delegate to an SES officer in the Secretary's Department power to cause the movement of a disrepaired or abandoned aircraft. This amendment is in accordance with the DTT para (n) - B.

1.78. This omits a definition of 'SES office' consequential on the above amendment.

Air Services Act 1995

1.79. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the Board of Airservices Australia (AA - in s.30 of that Act).

Albury-Wodonga Development Act 1973

1.80. This amends s-sec.3(1) of that Act which contains a definition of the APS. This amendment is in accordance with the DTT para (k).

1.81. This amends s.8 of that Act, which sets out the functions of the Albury-Wodonga Development Corporation. This amendment is in accordance with the DTT para (h) - A.

1.82. This amends consequential on the above amendment and in accordance with the DTT para (h) - A.

1.83. This amends a 'make available' provision in s.21 of that Act. This amendment is in accordance with the DTT para (c).

1.84. This amends s-sec.21(3) of that Act - consequential on the above amendment and in accordance with the DTT para (b).

1.85. This removes a reciprocal mobility provision (s.22 of that Act).

ANL Guarantee Act 1994

1.86. This amends s-sec.5(1) of that Act which enables the Treasurer to delegate the Treasurer's powers under that Act to an SES officer in the Treasury. This amendment is in accordance with the DTT para (n) - B.

- 1.87. This amends s-sec.5(2) of that Act - consequential on the preceding amendment.

Anti-Dumping Authority Act 1988

- 1.88. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Anti-Dumping Authority (in s.18 of that Act).

Archives Act 1983

- 1.89. This amends the definition of 'Director-General' (of the Australian Archives) in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (k).
- 1.90. This amends s.7 of that Act which provides that there shall be a Director-General of the Australian Archives. This amendment is in accordance with the DTT para (f) - B.
- 1.91. This amends s.9 of that Act which requires the staff of the Australian Archives to be 'persons appointed or employed' under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.
- 1.92. This amends s-sec.34(8) of that Act which enables the Minister responsible for the Act to delegate to a Permanent Head the Minister's power to issue certificates that specified records are exempt records.

Auditor-General Act 1997

- 1.93. This changes the APS staffing provisions for the Australian National Audit Office (in s-sec.40(1) of that Act). The staffing powers will remain vested in the Auditor-General.
- 1.94. As above.
- 1.95. This removes a reference to 1922 PSA s.87E for the Auditor-General (in sub-cl.4(1) of the Schedule 1 of that Act).

Australia Council Act 1975

- 1.96. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the Australia Council (s.12 of that Act).
- 1.97. This amends s.16 of that Act which enables a Chairperson of a Board established under that Act to appoint a deputy. This amendment is in accordance with the DTT para (d) - B (but word 'appointed' remains in that Act so Agency Heads are still covered).
- 1.98. This removes a reference to 1922 PSA s.87E for the General Manager of the Australia Council (in s.19C of that Act).

Australia-Japan Foundation Act 1976

- 1.99. This amends s.20 of that Act which requires the staff of the Australia-Japan Foundation to be 'persons appointed or employed' under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Australian Bicentennial Road Development Trust Fund Act 1982

1.100. This amends s.26 of that Act which enables the Minister responsible for that Act to delegate to an APS officer various of his powers under that Act. This amendment is in accordance with the DTT para (f) - B.

Australian Broadcasting Corporation Act 1983

1.101. This removes a reference to 1922 PSA s.87E for the Managing Director of the Australian Broadcasting Corporation (in s.14A of that Act).

Australian Bureau of Statistics Act 1975

1.102. This amends s.6 of that Act dealing with the functions of the Australian Bureau of Statistics. This amendment is in accordance with the DTT para (h) - A.

1.103. This changes the APS staffing provisions for the Australian Bureau of Statistics (s.16 of that Act). The staffing powers remain vested in the Australian Statistician.

1.104. This removes an obsolete reference to the PSB in s-sec.16(3) of that Act dealing with the terms and conditions of persons engaged by the Australian Statistician under that Act.

1.105. This continues the change to the APS staffing provisions (s.16 of that Act).

Australian Capital Territory Government Service (Consequential Provisions) Act 1994

Definitions

1.106. This repeals the definition of 'unattached officer' in s-sec.3(1) of that Act. This is a consequential amendment as the concept of an unattached officer is not used in the PS Bill.

Mobility

1.107. This removes a reciprocal mobility provision in ss.6 and 7 of that Act.

Personnel files

1.108. This amends and saves the provision for the transfer of personnel files (s.8 of that Act) on the establishment of the separate ACT Government Service. This amendment to s-sec.8(1) of that Act makes it clear that the provision applies to situations that arose before the PS Bill will commence.

1.109. As above.

1.110. As above - consequential on preceding amendment to s-sec.8(2).

1.111. As above.

1.112. As above.

Arrangements relating to staff

1.113. This amends a 'make available' provision in s.10 of that Act in accordance with the DTT para (c).

1.114. As above - but in accordance with the DTT para (h) - A.

1.115. As above - in accordance with the DTT para (c).

Mobility

1.116. This repeals Part 3 of that Act which dealt with mobility between Parliamentary Departments and the ACT Government Service.

1.117. This removes a mobility provision (in s.24 of that Act).

Leave entitlements

1.118. This amends s.25 of that Act which deals with the leave entitlements of a member of the ACT Government Service who joins the APS. The aim of s.25 of that Act is to preserve leave entitlements accrued in ACT Government Service. This amendment of s-sec.25(1) ensures that when the PS Bill commences, s.25 of that Act will operate in relation to engagements under the PS Bill.

1.119. As above.

1.120. As above - this amendment of s-sec.25(3) of that Act is in accordance with the DTT para (f) - D.

1.121. As above - this amendment of s-secs.25(3) and (4) is in accordance with the DTT para (k).

1.122. As above - this amendment of s-sec.25(4) is in accordance with the DTT para (f) - D.

1.123. As above - this amendment of s-sec.25(4) is in accordance with the DTT para (f) - A.

1.124. As above - this amendment of s-sec.25(5) is in accordance with the DTT para (f) - D.

1.125. This, and the next amendment, bring up to date a reference (in s.25 of that Act) to an award provision which is now included in the current *APS General Conditions of Employment Award 1995*.

1.126. As above.

Leave payments

1.127. This amends s.26 of that Act which seeks to ensure that payments for recreation and long service leave do not automatically have to be paid when there is a movement

between the APS and the ACT Government Service. This amendment of s-para 26(2)(a)(i) is in accordance with the DTT para (k). (The reference to the 1922 PSA in s-sec.26(1) is an historical reference and has been left unchanged in accordance with DTT para (l) - A).

1.128. This omits a reference to s.6 of that Act which is to be repealed - item 1.107. refers.

1.129. This amends para 26(3)(b) of that Act in accordance with the DTT para (l) - A plus para (k).

Australian Capital Territory (Planning and Land Management) Act 1988

1.130. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Authority (in s.38 of that Act).

1.131. This changes the APS staffing provisions for the National Capital Authority (s.47 of that Act). The staffing powers will remain vested in the Chief Executive of the Authority.

1.132. As above.

Australian Centre for International Agricultural Research Act 1982

1.133. This amends s.19 of that Act dealing with the constitution of the Policy Advisory Council established under (s.17 of) that Act. This amendment is in accordance with the DTT para (o) - A.

1.134. This removes a reference to 1922 PSA s.87E for the Director of the Australian Centre for International Agricultural Research (in s.26 of that Act).

1.135. This changes the APS staffing provisions for the Australian Centre for International Agricultural Research (s.30 of that Act). The staffing powers will remain vested in the Director of the Centre.

1.136. As above.

'Make available' provision

1.137. This amends a 'make available' provision in s.31 of that Act in accordance with the DTT para (c).

1.138. As above, but in accordance with the DTT para (h) - A.

Australian Communications Authority Act 1997

1.139. This removes a reference to 1922 PSA s.87E for a Full-Time Member or a Full-Time Associate Member of the Authority (in s.35 of that Act).

1.140. This changes the APS staffing provisions for the Australian Communications Authority (s.40 of that Act). The staffing powers will remain vested in the Chairman of the Authority.

1.141. As above.

Australia New Zealand Food Authority Act 1991

1.142. This amends the 'make available' provision in s.38 of that Act. This amendment is in accordance with the DTT para (c).

1.143. As above - in accordance with the DTT para (h) - A.

1.144. This amends para 39(7)(a) of that Act dealing with confidential commercial information in accordance with the DTT, para (c).

1.145. As above - in accordance with the DTT para (b).

1.146. This changes the APS staffing provisions for the Australia New Zealand Food Authority (s.53 of that Act). The staffing powers will remain vested in the Chairperson of the Authority.

1.147. As above.

Australian Federal Police Act 1979

1.148. This removes a reference to 1922 PSA s.87E.

1.149. This amends s.31 of that Act by inserting new s.secs(3A) and (3B) to preserve the appointment of a person to the Australian Federal Police, where the person elected to return under s.30 of that Act, before the commencement of the PS Bill and the appointment ends after the commencement of the PS Bill, notwithstanding the provisions of cls.6 and 7 of the CTA Bill.

Australian Film Commission Act 1975

1.150. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian Film Commission (s.18 of that Act).

Australian Film, Television and Radio School Act 1973

1.151. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Council of the Australian Film, Television and Radio School (s.17 of that Act).

Australian Hearing Services Act 1991

1.152. This amends the definition of 'referred Commonwealth employee' in s-sec.8(10) of that Act in accordance with the DTT para (d) - B.

1.153. This makes a change, consequential on the above amendment.

1.154. This amends s.67 of that Act dealing with the protection of confidential information. S-sec.67(7) provides for the disclosure of information to enable the performance of arrangements under the 'make available' provision of that Act (s.68). This amendment of para 67(7)(a) is in accordance with the DTT para (c).

1.155. As above - but in accordance with the DTT para (h) - A.

1.156. This amends a 'make available' provision in para 68(a) of that Act for an APS agency or another Commonwealth authority. This amendment is in accordance with the DTT para (c).

1.157. This amends paras 68(d) and (e) consequential on the amendment of para 68(a).

1.158. This amends para 69(b) of that Act which enables the responsible Minister to delegate specified powers to a person in an SES office in the relevant Department or in Australian Hearing Services. This amendment is in accordance with the DTT para (n) - B.

Australian Heritage Commission Act 1975

1.159. This amends the definition of 'department' in s-sec.3(1) of that Act. The amendment is in accordance with the DTT para (h) - A.

1.160. This amends s-sec.12(3) of that Act which seeks to ensure that less than half of the Commissioners of the Australian Heritage Commission are Commonwealth employees. This amendment is in accordance with the DTT para (d) - A.

1.161. This amends s.32 of that Act which requires staff of the Australian Heritage Commission to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.162. This amends a 'make available' provision in s.33 of that Act in accordance with the DTT para (h) - A.

1.163. As above - in accordance with the DTT para (h) - A.

Australian Industry Development Corporation Act 1970

1.164. This repeals a Part IV mobility provision (in s.29W of that Act).

1.165. This amends the definition of 'associated person' in para.34E(6)(c) of that Act to provide for a person appointed or engaged under the PS Bill. This amendment is in accordance with the DTT para (d) - A.

1.166. This amends para.34X(1)(c) of that Act by substituting a new para.(c) which relies on the new AIA definitions of 'SES employee' and 'acting SES employee'.

1.167. This repeals s-sec.34X(2) of that Act.

1.168. This amends para.37A(1)(c) of that Act by substituting a new para.(c) which relies on the new AIA definitions of 'SES employee' and 'acting SES employee'.

1.169. This repeals s-sec.37A(2) of that Act.

Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989

1.170. This changes the APS staffing provisions for the Australian Institute of Aboriginal and Torres Strait Islander Studies (s.29 of that Act). The staffing powers will remain vested in the Principal of the Institute.

1.171. As above.

1.172. This removes a reference to 1922 PSA s.87E for the holder of an office entitled to recreation leave under s.45A of that Act.

Australian Institute of Health and Welfare Act 1987

1.173. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian Institute of Health and Welfare (in s.11 of that Act).

1.174. This changes the APS staffing provisions for the Australian Institute of Health and Welfare (s.19 of that Act). The staffing powers will remain vested in the Director of the Institute.

1.175. As above.

Australian Institute of Marine Science Act 1972

1.176. This removes a reference to 1922 PSA s.87E for the Director of the Australian Institute of Marine Science (in s.25 of that Act).

1.177. This amends s.34 of that Act dealing with the terms and conditions of officers of the Institute. This section provides in part that those officers are not subject to 1922 PSA. This amendment is in accordance with the DTT para (k).

Australian Land Transport Development Act 1988

1.178. This amends s.39 of that Act which enables the responsible Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Australian Land Transport (Financial Assistance) Act 1985

1.179. This amends s.36 of that Act which enables the responsible Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Australian Law Reform Commission Act 1996

1.180. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian Law Reform Commission (in s.19 of that Act).

Australian Maritime Safety Authority Act 1990

1.181. This removes a reference to 1922 PSA s.87E for the Chairperson of the Australian Maritime Safety Authority (AMSA) (in s.17 of that Act).

1.182. This removes a reference to 1922 PSA s.87E for the CEO of AMSA (in s.51A of that Act).

1.183. This amends s.57 of that Act which enables the responsible Minister to delegate specified powers. This amendment removes a reference to 'Associate Secretary' - no such concept in PS Bill.

1.184. As above - this amendment to para 57(b) is in accordance with the DTT para (n) - B.

Australian National Maritime Museum Act 1990

1.185. This removes a reference to 1922 PSA s.87E for the Director of the Australian National Maritime Museum (in s.34 of that Act).

1.186. This changes the APS staffing provisions for the Australian National Maritime Museum (s.40 of that Act). The staffing powers will remain vested in the Director of the Museum.

1.187. As above.

1.188. This amends a 'make available' provision in s.41 of that Act in accordance with the DTT para (c).

1.189. As above, but in accordance with the DTT para (h) - A.

Australian National Railways Commission Act 1983

1.190. This amendment substitutes a new definition of 'associated person' in para.67AZB(5)(c) of that Act to provide for a person appointed or engaged under the PS Bill. This amendment is in accordance with the DTT para (d) - A.

1.191. This amends para.67AZV(1)(c) of that Act by substituting a new para.(c) which relies on the new AIA definition of 'SES employee' and 'acting SES employee'.

1.192. This repeals s-sec.67AZV(2) of that Act.

Australian National Training Authority Act 1992

1.193. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian National Training Authority (ANTA - in s.30 of that Act).

1.194. This amends s.40A of that Act dealing with the secondment of a CEO from the public sector. This amendment and the subsequent amendment are in accordance with the DTT para (d) - A.

1.195. As above.

1.196. This removes a reference to 1922 PSA s.87E for the CEO of ANTA (in s.43 of that Act).

1.197. This changes the APS staffing provisions for ANTA (s.45 of that Act). The staffing powers will remain vested in the CEO of the Authority.

1.198. As above.

1.199. This amends a 'make available' provision in s.46 of that Act. This amendment and the subsequent amendment are in accordance with the DTT para (d) - A.

1.200. As above.

Australian Nuclear Science and Technology Organisation Act 1987

ANSTO

1.201. This removes a reference to 1922 PSA s.87E for the Executive Director of the Australian Nuclear Science and Technology Organisation (ANSTO - in s.21A of that Act).

1.202. This amends a 'make available' provision in s.24 of that Act in relation to ANSTO. This amendment is in accordance with the DTT para (c).

1.203. As above, but in accordance with the DTT para (h) - A.

Nuclear Safety Bureau

1.204. This removes a reference to 1922 PSA s.87E for the **Director** of the Nuclear Safety Bureau (in s.37J of that Act).

1.205. This amends a 'make available' provision in s.37P of that Act in relation to the Bureau. This amendment is in accordance with the DTT para (c).

1.206. As above, but in accordance with the DTT para (h) - A.

Australian Protective Service Act 1987

1.207. This amends s-sec.9(1) of that Act dealing with the appointment of an APS member as a special protective service officer. This amendment is in accordance with the DTT para (d) - A.

1.208. This amends s-sec.9(2) of that Act which requires the consent of the relevant Agency Head before the appointment of an APS member as a special protective service officer. This amendment is in accordance with the DTT para (c).

1.209. This amends s.12 of that Act dealing with the issue of General Orders by the Director of the Protective Service. The amendments converts a reference to a 1922 PSA s.82D determination to a reference to a similar determination under cl.24 of the PS Bill.

Australian Science, Technology and Engineering Council Act 1978

1.210. This amends the definition of 'Commonwealth Department' in s.3 of that Act. This amendment is in accordance with the DTT para (h) - A.

1.211. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson and Full-Time Deputy Chairperson of the Australian Science, Technology and Engineering Council (in s.13 of that Act).

1.212. This amends s.19 of that Act which requires the staff of the Council to be 'persons employed or appointed' under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Australian Securities Commission Act 1989

Australian Securities Commission

1.213. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian Securities Commission (ASC - in s.113 of that Act).

1.214. This changes the APS staffing provisions for the Australian Securities Commission (s.120 of that Act).

1.215. As above.

1.216. This item and items 217, 218 and 219, amend s-secs.120(3), 120(4), 121(1) and 121(2) of that Act consequential on the preceding amendments of s.120.

1.217. As above.

1.218. As above.

1.219. As above.

1.220. This amends a 'make available' provision in s.122 of that Act in relation to the ASC. This amendment is in accordance with the DTT para (h) - A. (The references to 1922 PSA in s.122A of that Act dealing with the staff of the National Companies and Securities Commission are historical references, and have been retained in accordance with the DTT para (l) - A).

1.221. This amends s.125 of that Act dealing with notification of possible conflicts of interest to the ASC. This amendment is in accordance with the DTT para (d) - B.

Companies and Securities Advisory Committee

1.222. This changes the APS staffing provisions for the Companies and Securities Advisory Committee (CSAC - s.156 of that Act). The staffing powers will remain vested in the Convenor of that Committee.

1.223. As above.

1.224. This amends a 'make available' provision in s.158 of that Act in relation to the CSAC. This amendment is in accordance with the DTT para (h) - A.

Corporations and Securities Panel

1.225. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Corporations and Securities Panel (in s.180 of that Act).

Australian Security Intelligence Organization Act 1979

1.226. This amends a definition of 'authority of the Commonwealth' in s.4 of that Act. The amendment is in accordance with the DTT para (b).

1.227. This removes a reference to 1922 PSA s.87E for the Director-General of Security (in s.11 of that Act).

1.228. This repeals a definition in s.24 of that Act (dealing with the exercise of authority under warrants) of an SES office. This definition of SES office is no longer required with the removal of the concept of office from the PS Bill.

1.229. This amends para (a) of a definition of 'senior officer of the Organisation' in s.24 of that Act (dealing with the exercise of authority under warrants). This amendment recognises that the APS SES is now composed of 'SES employees', and is in accordance with DTT para (n) - A.

1.230. This amends s.86 of that Act which provides that ASIO staff are not employed under 1922 PSA. The amendment is in accordance with the DTT para (k).

1.231. This repeals s-sec.90(5) of that Act which contains an obsolete reference to the PSB.

1.232. This removes a reciprocal mobility provision (in s.90A of that Act).

Australian Space Council Act 1994

1.233. This amends s.27 of that Act which requires the staff of the Australian Space Council to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Australian Sports Commission Act 1989

1.234. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Australian Sports Commission (in s.14 of that Act).

1.235. This removes a reference to 1922 PSA s.87E for the Executive Director of the Australian Sports Commission (in s.35 of that Act).

1.236. This amends a 'make available' provision in s-sec.41(3) of that Act. This amendment is in accordance with the DTT para (c).

1.237. As above - but in accordance with the DTT para (h) - A.

Australian Sports Drug Agency Act 1990

1.238. This removes a reference to 1922 PSA s.87E for the Chairperson of the Australian Sports Drug Agency (in s.33 of that Act).

1.239. This amends a 'make available' provision in s-sec.56(3) of that Act. This amendment is in accordance with the DTT para (c).

1.240. As above - but in accordance with the DTT para (h) - A.

Australian Tourist Commission Act 1987

1.241. This amends s-sec.13(4) of that Act which provides that the government member of the Board of Directors of the Australian Tourist Commission will be an APS officer. This amendment is in accordance with the DTT para (d) - A.

1.242. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the Board of Directors of the Australian Tourist Commission (in s.18 of that Act).

1.243. This removes a reference to 1922 PSA s.87E for the Managing Director of the Australian Tourist Commission (in s.36 of that Act).

Australian Trade Commission Act 1985

1.244. This amends the definition of 'Australian authority' in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (h) - A.

1.245. This removes a reference to 1922 PSA s.87E for the Managing Director and the Deputy Managing Director of the Australian Trade Commission (in s.57 of that Act).

1.246. This removes a reciprocal mobility provision (in s.63 of that Act).

Australian War Memorial Act 1980

1.247. This removes a reference to 1922 PSA S.87E for the Director (in s.23 of that Act).

1.248. This changes the APS staffing provisions for the Australian War Memorial (s.27 of that Act). The staffing powers will remain vested in the Director of the Memorial.

1.249. As above.

1.250. This amends a 'make available' provision in s-sec.28(1) of that Act in accordance with the DTT para (c).

Australian Wine and Brandy Corporation Act 1980

1.251. This amends s.39ZL of that Act. This section is in Part VIA of that Act dealing with the wine label integrity program, and enables the Corporation to provide levy information to the relevant Department. This amendment is in accordance with the DTT para (h) - A.

Australian Wool Research and Promotion Organisation Act 1993

1.252. This inserts a new definition of 'designated group' for EEO purposes (in s-sec.4(1) of that Act), replacing the definition previously based on the 1922 PSA s.7 definition.

Banking Act 1959

1.253. This amends the definition of 'officer' in s.69D of that Act dealing with disclosure of information. The amendment is in accordance with the DTT para (d) - A.

Bank Integration Act 1991

1.254. This amends the definition of 'authorised person' in s-sec.5(1) of that Act. This amendment is in accordance with the DTT para (n) - B.

Bankruptcy Act 1966

1.255. This amends s.31A of that Act dealing with the exercise by a Registrar in Bankruptcy of the powers of a Court having jurisdiction in bankruptcy. S-sec.31A(5) makes it clear that a Registrar is not subject to direction or control by external bodies when exercising these powers, notwithstanding, among other things, the 1922 PSA. This amendment of s-sec.31A(5) is in accordance with the DTT para (k).

Bounty (Books) Act 1986

1.256. This amends s.32 of that Act which enables the responsible Minister to delegate his powers under that Act to a Customs officer or to an APS officer in the relevant Department. This amendment is in accordance with the DTT para (f) - B.

Broadcasting Services Act 1992

1.257. This changes the APS staffing provisions for the Australian Broadcasting Authority (ABA - s.165 of that Act). The staffing powers will remain vested in the Chairperson.

1.258. As above.

Chemical Weapons (Prohibition) Act 1994

1.259. This amends s.99 of that Act which enables the responsible Minister to delegate his powers under that Act to an SES officer. This amendment is in accordance with the DTT para (n) - B.

Child Support (Assessment) Act 1989

1.260. This amends s-para 149(1)(c)(i) of that Act which enables the Child Support Registrar to delegate the Registrar's powers or functions under that Act to an officer or employee in the Registrar's agency. This amendment converts a reference to the Child Support Registrar in terms of the 1922 PSA to a reference to the Commissioner of Taxation (who is also the Registrar) as the Agency Head for the purpose of the PS Bill. This amendment is in accordance with the DTT para (b) and para (c).

1.261. This amends the definition of ‘person to whom this section applies’ in s.150 of that Act dealing with secrecy. This amendment is to the same effect as the preceding amendment.

Child Support (Registration and Collection) Act 1988

1.262. This amends s-para 15(1)(c)(i) of that Act which enables the Child Support Registrar to delegate the Registrar’s powers or functions under that Act to an officer or employee in the Registrar’s agency. This amendment converts a reference to the Child Support Registrar in terms of the 1922 PSA to a reference to the Commissioner of Taxation (who is also the Registrar - s-sec.10(2) of that Act) as the Agency Head for the purpose of the PS Bill. This amendment is in accordance with the DTT para (b) and para (c).

1.263. This amends the definition of ‘person to whom this section applies’ in s.16 of that Act dealing with secrecy. This amendment is to the same effect as the preceding amendment.

Christmas Island Act 1958

1.264. This amends s.8G of that Act dealing with powers and functions under applied Western Australian laws. S-sec.8G(7) enables these powers and functions to be delegated by the responsible Minister to, among others, ‘(h) an officer or employee within the meaning of’ 1922 PSA. This amendment is in accordance with the DTT para (d) - A.

1.265. This item and item 266 amend s.17 of that Act dealing with the appointment and employment of persons for the purposes of the Government of the Territory of Christmas Island. These amendments are in accordance with the DTT para (k).

1.266. As above.

Civil Aviation Act 1988

1.267. This removes a reference to 1922 PSA s.87E for the Chairperson of the Board of the Civil Aviation Safety Authority (CASA - in s.37 of that Act).

Classification (Publications, Films and Computer Games) Act 1995

1.268. This changes the APS staffing provisions for the Classification Board (s.54 of that Act). The staffing powers will remain vested in the Director of the Classification Board.

1.269. As above.

1.270. This amends s.59 of that Act dealing with delegations by the Director. This amendment is in accordance with the DTT para (f) - B.

1.271. This removes a reference to 1922 PSA s.87E for a Member of the Board whose recreation leave entitlements are determined by the Remuneration Tribunal (in s.61 of that Act).

Cocos (Keeling) Islands Act 1955

1.272. This amends s.8G of that Act dealing with powers and functions under applied Western Australian laws. S-sec.8G(7) enables these powers and functions to be delegated by

the responsible Minister to, among others, '(h) an officer or employee within the meaning of 1922 PSA. This amendment is in accordance with the DTT para (d) - A.

1.273. This amends s.15A of that Act dealing with the appointment and employment of persons for the purposes of the government of the Territory of Cocos (Keeling) Islands. This amendment is in accordance with the DTT - para (k).

Commonwealth Authorities and Companies Act 1997

1.274. This amends in accordance with the DTT para (d) - A.

Commonwealth Bank Sale Act 1995

1.275. This amends s.20 of that Act dealing with exemptions from certain State and Territory taxes. Exemption certificates can be given by, among others, SES officers authorised by the Secretary of the relevant Department. This amendment is in accordance with the DTT para (n) - B.

Commonwealth Electoral Act 1918

Australian Electoral Commission

1.276. This amends s.6 of that Act dealing with the establishment of the Australian Electoral Commission. This amendment is in accordance with the DTT para (c).

1.277. This removes a reference to 1922 PSA s.87E for an electoral officer (in s.23 of that Act).

1.278. This changes the APS staffing provisions for the Australian Electoral Commission (s.29 of that Act). The staffing powers will remain vested in the Electoral Commissioner.

1.279. As above.

1.280. This removes an obsolete reference to the PSB in s-sec.35(3) of that Act dealing with the terms and conditions of employment of persons employed by the Electoral Commission under that Act.

1.281. This removes a Part IV mobility provision (in s-sec.35(5) of that Act).

Redistribution Committee for a State

1.282. This item, and items 283, 284, 285 and 286, amend s.60 of that Act dealing with the Redistribution Committee for a State. This item amends in accordance with the DTT para (e) - A.

1.283. As above - but in accordance with DTT para (f) - B.

1.284. As above - but in accordance with DTT para (f) - B.

1.285. As above - but in accordance with DTT para (e) - A.

- 1.286. As above - but in accordance with DTT para (f) - B.

Redistribution Committee for the ACT

- 1.287. This amends s.61 of that Act dealing with a Redistribution Committee for the ACT. This amendment is in accordance with the DTT para (f) - B.

- 1.288. As above - but in accordance with DTT para (e) - A.

- 1.289. As above - but in accordance with DTT para (e) - A.

- 1.290. As above - but in accordance with DTT para (f) - B.

- 1.291. As above - but in accordance with DTT para (e) - A.

- 1.292. As above - but in accordance with DTT para (e) - A.

Electoral Rolls

- 1.293. This amends s.91 of that Act dealing with the provision of rolls and habitation indexes to political parties etc. Information can also be provided to a Secretary within the meaning of the 1922 PSA if that Secretary is prescribed in the regulations. This amendment omits the current definition of 'Secretary'.

- 1.294. As above - but in accordance with the DTT para (c).

Postal Voting

- 1.295. This amends s.193 of that Act dealing with authorised witnesses. This amendment is in accordance with the DTT para (f) - B.

The Scrutiny

- 1.296. This amends s-sec.279B(1) of that Act dealing with the conduct of a recount. This must, among other things, be conducted in the presence of an APS officer. This amendment is in accordance with the DTT para (f) - B.

- 1.297. As above.

Disclosure of Electoral Expenditure

- 1.298. This amends s.311A of that Act which requires the principal officer of each Commonwealth department (as defined) to attach to its annual report particulars of amounts paid to advertising agencies etc. This amendment to the definition of 'Commonwealth Department' in s-sec.311A(4) is in accordance with the DTT para (h) - A.

- 1.299. As above. This amendment to the definition of 'principal officer' in s-sec.311A(4) is in accordance with the DTT para (c).

Commonwealth Grants Commission Act 1973

1.300. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Commonwealth Grants Commission (in s.10 of that Act).

1.301. This amends a 'make available' provision in s.15 of that Act in accordance with the DTT para (f) - A.

Commonwealth Inscribed Stock Act 1911

1.302. This amends s.51H of that Act which enables the Treasurer to authorise, among others, a person holding an APS office to exercise certain powers delegated to the Treasurer by the Governor-General. This amendment is in accordance with the DTT - para (o) - B.

1.303. This amends s.51K of that Act which enables the Treasurer to delegate specified powers to, among others, a person holding an APS office. This amendment is in accordance with the DTT - para (o) - B.

Commonwealth Legal Aid Act 1997

1.304. This repeals Part IV of that Act.

Commonwealth Serum Laboratories Act 1961

1.305. This amends s.19X of that Act which enables the responsible Minister to delegate specified powers and functions to the holder of an SES office. This amendment is in accordance with the DTT - para (n) - B.

1.306. As above. This omits a definition of SES office, consequential on previous amendment.

Commonwealth Services Delivery Agency Act 1997

1.307. This amends the definition of 'principal officer' in s.3 of that Act in accordance with the DTT - para (k).

1.308. This changes the APS staffing provisions for the Commonwealth Services Delivery Agency (s.35 of that Act). The staffing powers will remain vested in the CEO of that Agency.

1.309. As above.

Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997

1.310. This amends s.7 of that Act by substituting a new definition of Registrar of Commonwealth vehicles who is to be the APS employee performing the duties referred to in s-sec.(1) of that section.

Complaints (Australian Federal Police) Act 1981

1.311. This amends para 41(1)(c) of that Act. Section 41 requires the observance of secrecy and para 41(1)(c) extends that requirement to APS staff in the Ombudsman's Office. This amendment is in accordance with the DTT para (k).

1.312. This amends s-sec.64(3) of that Act, which requires the Registrar, the Deputy Registrars and the staff of the Federal Police Disciplinary Tribunal to be persons appointed or employed under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Constitutional Convention (Election) Act 1997

1.313. This item, and items 314 and 315, amend in accordance with the DTT para (f) - A.

1.314. As above.

1.315. As above.

Construction Industry Reform and Development Act 1992

1.316. This removes a reference to 1922 PSA s.87E for the CEO of the Construction Industry Development Agency (in s.38 of that Act).

Co-operative Farmers and Graziers Direct Meat Supply Limited (Loan Guarantee) Act 1978

1.317. This amends s.5 of that Act dealing with the conditions of the guarantee. One condition is that authorised APS officers will have reasonable access to the financial accounts. This amendment is in accordance with the DTT para (f) - B.

Copyright Act 1968

1.318. This amends s.170 of that Act which requires the Secretary and staff of the Copyright Tribunal to be 'persons employed under, or whose services are made available in accordance with arrangements made under, the *Public Service Act 1922-1968*'. This amendment is in accordance with the DTT para (k).

Cotton Research Act 1982

1.319. This amends s.14 of that Act which enables the responsible Minister or an authorised APS officer to enter into agreements for carrying out research etc. This amendment is in accordance with the DTT para (f) - B.

Council for Aboriginal Reconciliation Act 1991

1.320. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the Council for Aboriginal Reconciliation (in s.20 of that Act).

1.321. This amends s.26 of that Act which requires the Council Secretariat to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.322. This amends s.29 of that Act which enables the Council to delegate its powers under that Act to, among others, an SES officer. This amendment is in accordance with the DTT para (n) - B.

Crimes Act 1914

1.323. This amends the definition of 'Commonwealth officer' in s-sec.3(1) of that Act, para (a) of which includes 'an officer or employee within the meaning of the *Public Service Act 1922*'. The amendment is in accordance with the DTT para (d) - A.

1.324. This amends in accordance with the DTT para (f) - B.

1.325. This amends s-sec.21F(3) of that Act which enables the Attorney-General to appoint APS officers as parole officers. This amendment is in accordance with the DTT para (f) - B.

1.326. This amends the definition of 'eligible person' in relation to evidentiary certificates under s.56 of that Act. The amendment is in accordance with the DTT para (n) - A.

1.327. This amends s.85ZL which contains definitions for Part VIIC of that Act (pardons, quashed convictions and spent convictions). The amendment is in accordance with the DTT para (h) - A.

1.328. As above, but in accordance with the DTT para (c).

Crimes (Aviation) Act 1991

1.329. This amends the definition of 'authorised person' in s-sec.3(1) of that Act. Para (c) of the definition provides that, for the purposes of s.37 of that Act, an 'authorised person' is an SES officer in the Attorney-General's Department who has been authorised for those purposes. This amendment is in accordance with the DTT para (n) - B.

1.330. This amends the definition of 'authorised person' in s-sec.3(1) of that Act. Para (d) of the definition provides that, for the purposes of s.49 of that Act, an 'authorised person' is a person employed under 1922 PSA and authorised for those purposes. The amendment is in accordance with the DTT para (d) - B.

1.331. This amends s.23 of that Act dealing with dangerous goods. This amendment is in accordance with the DTT para (d) - A.

Criminology Research Act 1971

1.332. This removes a reference to 1922 PSA s.87E for the Director of the Australian Institute of Criminology (in s.19 of that Act).

CSL Sale Act 1993

1.333. This amends s.44 of that Act which continues the operation of s.55E of the *Judiciary Act 1903* to certain matters, including matters covered by a certificate by an authorised person. An 'authorised person' includes an SES officer in the Attorney-General's

Department. This amendment to the definition of 'authorised officer' in s-sec.44(3) is in accordance with the DTT para (n) - B.

1.334. This amends s.47 of that Act dealing with exemptions from certain State and Territory taxes. Exemption certificates can be given by an 'authorised person', which includes, among others, SES officers authorised by the Secretary of the relevant Department. This amendment to the definition of 'authorised person' in s-sec.47(4) is in accordance with the DTT para (n) - B.

Customs Act 1901

1.335. This amends the definition of 'prescribed officer' in s-sec.208DA(1) of that Act by substituting a new definition which relies on the new AIA definition of 'SES employee' and 'acting SES employee'.

Customs Administration Act 1985

1.336. This removes a reference to 1922 PSA s.87E for the CEO of Customs (formerly the Comptroller-General of Customs) (in s.9 of that Act).

1.337. This changes the APS staffing provisions for the Australian Customs Service (s.15 of that Act). The staffing powers will remain vested in the CEO of Customs.

1.338. As above.

Dairy Produce Act 1986

1.339. This amends s.109C of that Act which enables the Secretary of the relevant Department to authorise an APS officer for the purposes of s.108D of that Act (which deals with negative levy payments). This amendment is in accordance with the DTT para (f) - B.

1.340. This amends the Schedule to that Act which contains definitions related to s.50A (EEO) and s.50B (merit). This amendment changes the definition of 'designated group' for EEO purposes from that contained in 1922 PSA s.7.

Debits Tax Administration Act 1982

1.341. This amends the definition of 'officer' in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Deer Velvet Export Charge Act 1992

1.342. This amends s.8 of that Act which enables the relevant Secretary to delegate to an APS officer the power to determine the declared value of deer velvet ('deer velvet' is defined in that Act and the Deer Velvet Levy Act as 'the developing antler of deer together with its cutaneous covering, harvested as living tissue'). This amendment is in accordance with the DTT para (f) - B.

Deer Velvet Levy Act 1992

1.343. This amends s.11 of that Act which enables the relevant Secretary to delegate to an APS officer the power to determine the declared value of deer velvet. This amendment is in accordance with the DTT para (f) - B.

Defence Act 1903

1.344. This amends s.58B of that Act which enables the Minister for Defence to make determinations relating to remuneration, allowances and other benefits for the Defence Force. This amendment of para 58B(1A)(a) converts a reference to a 1922 PSA s.82D determination to a reference to a determination under cl.24 of the PS Bill.

1.345. This amends s.73A of that Act dealing with the unlawful giving or obtaining of information as to defences. This amendment of s-sec.73A(1) is in accordance with the DTT para (f) - B.

1.346. This amends s.120B of that Act dealing with the attachment of salaries of members of the Defence Force. The process begins with the service of specified documentation on a 'paying officer'. This amendment of the definition of 'paying officer' in s-sec.120B(16) is in accordance with the DTT para (f) - C.

1.347. This amends s.123 of that Act which deals with immunity from certain State and Territory laws for members of the Defence Force and authorised employees of the Department of Defence who have been declared as such by the Secretary or an 1922 PSA officer authorised by the Secretary. This amendment of s-sec.123(2) is in accordance with the DTT para (f) - A.

1.348. As above.

1.349. This converts a reference in s.124 of that Act to a 1922 PSA s.82D determination to a reference to a determination under cl.24 of the PS Bill.

Defence Force Discipline Act 1982

1.350. This amends s.175 of that Act which provides for the issue of evidentiary certificates about fines etc by, among others, an APS officer in the Department of Defence. This amendment is in accordance with the DTT para (f) - B.

Defence Force Discipline Appeals Act 1955

1.351. This amends s-sec.19(4) of that Act, which requires the Registrar and Deputy Registrar of the Defence Force Discipline Appeal Tribunal to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Defence Force Retirement and Death Benefits Act 1973

1.352. This amends s.131 of that Act which confers regulation making powers on the Governor-General, including the power to apply and modify 1922 PSA s.82D determinations. This amendment of s-sec.131(4) converts a reference to a 1922 PSA s.82D determination to a reference to a determination under cl.24 of the PS Bill.

Defence Housing Authority Act 1987

1.353. This item, and item 354 amend a definition of designated office in the Department of Defence in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (n)-B.

1.354. As above.

1.355. This amends para 12(1)(c) of that Act which provides that one member of the Defence Housing Authority will be an officer under 1922 PSA occupying a designated office. This amendment is in accordance with the DTT para (f) - B.

1.356. This amends s.41 of that Act dealing with the guarantee of borrowings and raisings by wholly-owned subsidiaries of the Authority. S-sec.41(4) requires the Treasurer to be satisfied that, among other things, authorised APS officers will have access to the financial accounts of such subsidiaries or of bodies in which those subsidiaries have a controlling interest. This amendment is in accordance with the DTT para (f) - B.

1.357. As above - consequential on preceding amendment.

1.358. This removes a reference to 1922 PSA s.87E for the Managing Director of the Defence Housing Authority (in s.51 of that Act).

1.359. This changes the APS staffing provisions for the Defence Housing Authority (s.57 of that Act). The staffing powers will remain vested in the Managing Director of the Authority.

1.360. As above.

1.361. This amends s.60 of that Act which enables the transfer of assets to the Defence Housing Authority by the Minister or by the occupant of a designated office in the Department of Defence. This amendment is in accordance with the DTT para (o) - A.

1.362. As above - also in accordance with the DTT para (o) - A.

Defence Service Homes Act 1918

1.363. This amends s.23J of that Act in accordance with the DTT para (f) - B.

1.364. This amendment is consequential on the preceding amendment.

Defence (Special Undertakings) Act 1952

1.365. This amends the definition of 'Commonwealth officer' in s.4 of that Act. The amendment is in accordance with the DTT para (f) - B.

Designs Act 1906

1.366. This amends a delegation provision in relation to the Registrar (s.8A of that Act) in accordance with the DTT para (d) - B.

1.367. This omits s-sec.8A(2) of the delegation provision (which has a special definition of ‘employee’). This sub-section is no longer necessary, consequential on the amendment above.

Development Allowance Authority Act 1992

1.368. This removes a reference to 1922 PSA s.87E for a Full-Time Development Allowance Authority (DAA - in s.103 of that Act).

1.369. This amends s.107 of that Act dealing with conflicts of interest. S-sec.107(3) enables the responsible Minister to direct the DAA to delegate a particular matter to a person in a specified SES office. This amendment of s-sec.107(3) is in accordance with the DTT para (n) B.

1.370. This amends s.108 of that Act which enables the DAA to delegate functions or powers to a person in an SES office. This amendment is in accordance with the DTT para (n) - B.

Director of Public Prosecutions Act 1983

1.371. This removes a reference to 1922 PSA s.87E for the Director of Public Prosecutions and the Associate Director of Public Prosecutions (in s.20 of that Act).

1.372. This changes the APS staffing provisions for the Office of the Director of Public Prosecutions (s.27 of that Act). The staffing powers will remain vested in the Director of Public Prosecutions.

1.373. As above.

1.374. This amends a delegation provision (in s.31 of that Act) in relation to the Direction of Public Prosecutions. The amendment is in accordance with the DTT para (n) - A.

Disability Discrimination Act 1992

1.375. This amends the definition of ‘Commonwealth employee’ in s-sec.4(1) of that Act. Para (a) of that definition covers a person who ‘holds an office or appointment in the APS or is employed in a temporary capacity in a Department’. This amendment is in accordance with the DTT para (d) - A.

1.376. This amends the definition of ‘Department’ in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (h) - A.

1.377. This removes a reference to 1922 PSA s.87E for the Disability Discrimination Commissioner (in s.116 of that Act).

Disability Services Act 1986

1.378. This amends s.25 of that Act dealing with arrangements for the provision of rehabilitation programs. S-sec.25(1A) deals with arrangements for such programs for APS agencies. This amendment is in accordance with the DTT para (c).

- 1.379. This removes s-sec.25(1B) of that Act, consequential on the above amendment.

Economic Planning Advisory Commission Act 1983

- 1.380. This removes a reference to 1922 PSA s.87E (in s.11 of that Act).
- 1.381. This changes the APS staffing provisions for the Economic Planning Advisory Commission (s.16 of that Act).
- 1.382. As above.

Education Legislation Amendment Act 1997

- 1.383. This removes a Part IV mobility provision in relation to the University of Canberra (in item 31 of Schedule 1 of that Act).

Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991

- 1.384. This amends s.17 of that Act which enables the responsible Minister to delegate the Minister's powers under that Act to the relevant Secretary or to an SES officer in the relevant Department. This amendment is in accordance with the DTT - (n) - B.

Employment Education and Training Act 1988

National Board

- 1.385. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the National Board of Employment, Education and Training (in s.17 of that Act).
- 1.386. This amends s.32 of that Act dealing with the membership of the five Councils established by s.23 of that Act. Para 32(3)(a) enables the responsible Minister, upon the request of the National Board, to appoint an APS officer or employee to a particular Council. This amendment is in accordance with the DTT para (d) - A.
- 1.387. As above - consequential on the preceding amendment.

Councils

- 1.388. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of a Council (in s.35C of that Act).
- 1.389. This amends s-sec.55(2) of that Act which requires the Director of the National Board to be an APS officer or employee. This amendment is in accordance with the DTT para (d) - B.
- 1.390. This amends s.56 of that Act which requires the staff assisting the National Board and the Councils to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Annual Report

1.391. This amends s.69 of that Act dealing with the reports to be prepared and laid before the Parliament. This amendment links an annual report requirement for the Commonwealth Employment Service to the new annual report requirement in cl.63 of the PS Bill.

Employment Services Act 1994

1.392. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Employment Services Regulatory Agency (ESRA) Board (in s.83 of that Act).

1.393. This removes a reference to 1922 PSA s.87E for the ESRA CEO (in s.98 of that Act).

1.394. This changes the APS staffing provisions for ESRA (s.110 of that Act). The staffing powers will remain vested in the ESRA CEO.

1.395. This amends a 'make available' provision in s.111 of that Act. This amendment is in accordance with the DTT para (h) - A.

Endangered Species Protection Act 1992

1.396. This amends the definition of 'Department' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (h) - A.

1.397. This amends the definition of 'Secretary' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (c).

Environment Protection (Alligator Rivers Region) Act 1978

1.398. This amends s.8 of that Act dealing with the appointment of the Supervising Scientist. This amendment is in accordance with the DTT para (f) - C.

1.399. This amends s.26 of that Act which requires the staff to be 'persons appointed or employed under' the 1922 PSA. This amendment is in accordance with the DTT para (f) - C.

1.400. This amends s.31 of that Act dealing with secrecy. Para 31(3)(a) permits communication to, among others, the 'Permanent Head' of the relevant Department.

1.401. As above.

Equal Employment Opportunity (Commonwealth Authorities) Act 1987

1.402. This removes a reference to 1922 PSA s.7 and amends the definition of 'authority' in s-sec.3(1).

1.403. This removes a reference to the former Public Service Board.

1.404. This removes a reference to 1922 PSA and amends the definition of 'designated group' in s-sec.3(1).

1.405. This removes a requirement in s.8 of that Act for authorities covered by the Act to elect whether to lodge reports with former Public Service Board ('PSB', now the Public Service Commissioner as the successor to the PSB by virtue of s-sec.11(7) of the *Administrative Arrangements Act 1987*) or with the responsible Minister. Under s.9 as amended, program reports will be required to be lodged with the responsible Minister. Note that it is intended to review the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* in the light of the Public Service Bill 1999.

1.406. This omits an obsolete reference to the PSB consequential on the preceding amendment.

1.407. This recasts s-sec.9(4) as a consequence of the deletion of s.8.

1.408. This recasts s-sec.10(1) as a consequence of the deletion of s.8.

1.409. This substitutes a new s.11 in that Act, which omits reference to recommendations being made to an authority by the PSB.

1.410. This recasts s-sec.12(1) as a consequence of the deletion of s.8.

1.411. This repeals ss.13 and 14 of that Act which provide for the issuing of guidelines and reporting to the Prime Minister by the PSB.

Evidence Act 1995

1.412. This inserts a new 'Dictionary' provision (clause 8A of the Dictionary in that Act) to ensure that references to offices under Australian laws are interpreted having regard to the fact that the PS Bill does not use the concept of office in relation to APS employees.

Excise Tariff Act 1921

1.413. This amends in accordance with the DTT para (b).

Family Law Act 1975

1.414. This amends the definition of 'welfare officer' in s.4 of that Act in accordance with the DTT para (d) - B.

The Family Court of Australia

1.415. This removes a reference to 1922 PSA s.87E for a Full-Time Judicial Registrar (in s.26JA of that Act).

1.416. This amends s.37A, which enables powers of the Family Court to be delegated to Registrars. Sub-sec.37A(8) ensures that the Registrars are not subject to direction or control in relation to the exercise of those powers notwithstanding anything in the 1922 PSA. This amendment is in accordance with the DTT para (k).

1.417. This amends s.37B of that Act, dealing with the independence of Registrars. This amendment is in accordance with the DTT para (k).

1.418. This substitutes a new s-sec.37B(4) to accord with the terminology and provisions of the PS Bill.

Management of the Family Court

1.419. This removes a reference to 1922 PSA s.87E for the CEO of the Family Court (in s.38G of that Act).

1.420. This amends s.38N of that Act, dealing with the personnel of the Family Court other than the CEO (i.e., the other officers of the Court and the staff of the Registries). This amendment is in accordance with the DTT para (d) - B.

1.421. As above.

1.422. This amends in accordance with the DTT para (c).

1.423. This amends in accordance with the DTT para (d) - B.

1.424. This changes the APS staffing provisions for the Family Court of Australia (s.38Q of that Act). The staffing powers will remain vested in the CEO of the Family Court.

Location and recovery of children

1.425. This amends s.67H of that Act. This amendment takes account of the fact that under the PS Bill members of the SES are not now appointed to an office.

Australian Institute of Family Studies

1.426. This removes a reference to 1922 PSA s.87E for the Director of the Australian Institute of Family Studies (in s.114G of that Act).

1.427. This changes the APS staffing provisions for the Australian Institute of Family Studies (s.114M of that Act). The staffing powers will remain vested in the Director of the Institute.

1.428. As above.

Family Law Council

1.429. This amends s.115 of that Act, which provides that the Family Law Council will consist, among others, of such APS officers as the Attorney-General thinks fit. This amendment is in accordance with the DTT para (f) - B.

Federal Airports Corporation Act 1986

1.430. This amends the definition of 'authority of the Commonwealth' in s-sec3(1) of that Act. This amendment and the subsequent amendment are in accordance with the DTT para (h) - A.

1.431. As above.

1.432. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the Board of the Federal Airports Corporation (in s.17 of that Act).

1.433. This amends a 'make available' provision in s.61 of that Act in accordance with the DTT para (c).

1.434. As above - but in accordance with DTT para (h) - A.

1.435. As above - but in accordance with DTT para (h) - A.

1.436. This amends para 66(1)(b) of that Act which enables the responsible Minister to delegate specified powers to a person in an SES office in the relevant Department. This amendment is in accordance with the DTT para (n) - B.

Federal Court of Australia Act 1976

1.437. This removes a reference to 1922 PSA s.87E (in s.18AI of that Act).

1.438. This removes a reference to 1922 PSA s.87E for the Registrar of the Federal Court (in s.18G of that Act).

1.439. This amends s.18N of that Act dealing with Court personnel other than the Registrar (i.e., the other officers of the Court and the staff of the Registries). This amendment is in accordance with the DTT para (d) - B.

1.440. As above (in relation to Deputy Sheriffs).

1.441. This amends a 'make available' provision in s.18N(6) of that Act in accordance with the DTT para (c).

1.442. As above, but in accordance with the DTT para (h) - A.

1.443. As above, but in accordance with the DTT para (d) - B.

1.444. This changes the APS staffing provisions for the Federal Court of Australia (s.18Q of that Act). The staffing powers will remain vested in the Registrar of the Federal Court.

Powers of Registrars

1.445. This amends s.35A of that Act dealing with the powers of the Federal Court that can be exercised by Registrars. This amendment is in accordance with the DTT para (k).

Assessors

1.446. This removes a reference to 1922 PSA s.87E for a Full-Time Assessor (in s.37F of that Act). (Assessors assist the Federal Court in the exercise of its jurisdiction under the *Native Title Act 1993*).

Financial Corporations Act 1974

1.447. This amends s.27 of that Act which imposes secrecy obligations on, among others, 'an officer of, or persons employed in, the APS'. This amendment is in accordance with the DTT para (d) - A.

Financial Management and Accountability Act 1997

1.448. This amends in accordance with the DTT para (k).

Financial Transaction Reports Act 1988

1.449. This amends the definition of 'taxation officer' in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (d) - A.

1.450. This removes a reference to 1922 PSA s.87E for the Director of the Australian Transactions Report and Analysis Centre (AUSTRAC - s.36B of that Act).

1.451. This changes the APS staffing provisions for AUSTRAC (s.40 of that Act). The staffing powers will remain vested in the Director of AUSTRAC.

1.452. As above.

First Home Owners Act 1983

1.453. This repeals the definition of Secretary in s-sec.4(1) of that Act. The definition defined 'Secretary' as meaning 'the Permanent Head of the Department', and is no longer necessary.

Fisheries Management Act 1991

1.454. This amends s.137 of that Act which provides that the Registrar, Deputy Registrars and other officers of the Statutory Fishing Rights Allocation Review Panel are to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.455. This amends s.138 of that Act which enables the Minister to appoint 'persons appointed or employed under' 1922 PSA to act in a Review Panel office. This amendment is in accordance with the DTT para (d) - B.

Fishing Industry Research Act 1969

1.456. This amends s.9 of that Act which enables the responsible Minister or an authorised APS officer to enter into agreements for carrying out research etc. This amendment is in accordance with the DTT para (f) - B.

Foreign Evidence Act 1994

1.457. This amends s.26 of that Act in which deals with certificates relating to foreign material given either by the Attorney-General or an officer authorised by the Attorney-General. This amendment is in accordance with the DTT para (n) - B.

Forestry and Timber Bureau Act 1930

1.458. This amends s.3 of that Act dealing with the establishment of the Forestry and Timber Bureau. S-sec.3(3) requires the Director-General and the staff of the Bureau to be 'persons appointed under' 1922 PSA. This amendment is in accordance with the DTT para (k).

Freedom of Information Act 1982

1.459. This amends Schedule 2 to that Act. Among other things, Division 1 of Part II of Schedule 2 to that Act exempts the National Health and Medical Research Council 'in relation to documents in the possession of' members of the National Health and Medical Research Council who are not officers, or employees, within the meaning of 1922 PSA. This amendment is in accordance with the DTT para (d) - A.

Fringe Benefits Tax (Application to the Commonwealth) Act 1986

1.460. This amends the definition of 'Department' in s-sec.3(1) of that Act to take account of the terminology changes in the PS Bill in relation to the staffing provisions.

Fringe Benefits Tax Assessment Act 1986

1.461. This amends the definition of 'officer' in s-sec.136(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Governor-General Act 1974

1.462. This amends s.6 of that Act dealing with the Official Secretary. Since 1984 the *Governor-General Act 1974* has made provision for the statutory appointment of the Official Secretary to the Governor-General in whom is vested the power to employ Government House staff. This amendment gives statutory recognition to the organisation comprising the Official Secretary and the staff employed by the Official Secretary, to be known as the Office of the Official Secretary to the Governor-General. The amendment also includes a brief description of the function of the Office, namely to assist the Governor-General.

1.463. This amends s.14 to provide a simpler provision for the determination of the terms and conditions of employment of staff engaged by the Official Secretary and removes an obsolete reference to approval by the PSB.

1.464. This removes a reciprocal mobility provision. Currently ss.16 and 17 of that Act provide for the application of the mobility arrangements of Part IV of 1922 PSA for APS officers employed under the Governor-General Act and provide similar arrangements for temporary employees who in 1984 had redeployment rights under the CE(RR)A.

1.465. As above.

Great Barrier Reef Marine Park Act 1975

1.466. This removes a reference to 1922 PSA s.87E for the Chairperson of the Great Barrier Reef Marine Park Authority (GBRMPA - in s.13 of that Act).

1.467. This changes the APS staffing provisions for GBRMPA (s.40 of that Act). The staffing power will remain vested in the Chairperson of GBRMPA.

1.468. As above.

1.469. This amends a 'make available' provision in s-sec.42(2) of that Act in accordance with the DTT para (c).

1.470. As above - but in accordance with the DTT para (h) - A.

Hazardous Waste (Regulation of Exports and Imports) Act 1989

1.471. This amends para 60(b) of that Act which enables the responsible Minister to delegate the Minister's powers or functions under that Act to a person in an SES office in the Minister's Department. This amendment is in accordance with the DTT para (n) - B.

Health Insurance Act 1973

1.472. This amends s-sec.106Q(1) of that Act which enables the responsible Minister to appoint as the Determining Officer 'a person holding an office or appointment under' 1922 PSA. This amendment is in accordance with the DTT para (f) - B.

1.473. This removes a reference to 1922 PSA s.87E for the Director of the Office of Professional Services Review (in s.106ZB of that Act).

1.474. This changes the APS staffing provisions for the Office of Professional Services Review (s.106ZM of that Act). The staffing powers will remain vested in the Director.

1.475. This amends s-sec.130 of that Act dealing with secrecy. S-sec.130(5B) of that Act defines an 'authorised officer' as meaning '(b) any other officer' within the meaning of 1922 PSA holding or performing the duties of an office in the relevant Department. Such an authorised officer can provide specified information about hospitals. This amendment to s-sec.130(5B) is in accordance with the DTT para (f) - A.

Health Insurance Commission Act 1973

1.476. This amends the definition of the 'APS' in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (k).

1.477. This removes a reference to 1922 PSA s.87E for the Managing Director of the Health Insurance Commission (in s.23 of that Act).

High Court of Australia Act 1979

1.478. This removes a reference to 1922 PSA s.87E for the Chief Executive and Principal Registrar of the High Court (in s.22 of that Act).

1.479. This removes an obsolete reference in para 25(3)(a) of that Act to the PSB. The provision being removed required the concurrence of the PSB to the terms and conditions of a person acting as Chief Executive and Principal Registrar of the High Court.

1.480. This amends a 'make available' provision (in s.26 of that Act) in accordance with the DTT para (c).

1.481. As above, but in accordance with DTT para (h) - A.

Horticultural Policy Council Act 1987

1.482. This amends in accordance with the DTT para (d) - B.

Housing Assistance Act 1996

1.483. This amends the potential recipients of payments (under s.8 of that Act) to take account of the changed terminology for APS agencies under the PS Bill. This amendment adds a PS Bill Agency to the list of potential recipients. This amendment and the next amendment, achieve the effect of DTT para (h) - A.

1.484. As above - amends para 8(2)(f), consequentially, so that it only applies to the States.

1.485. This amends s.13 of that Act which enables the responsible Minister to delegate certain powers to 'an officer of, or person employed in' the APS. This amendment is in accordance with the DTT para (d) - A.

Housing Loans Insurance Corporation (Sale of Assets and Abolition) Act 1990

1.486. This amends s.26 of that Act which enables the responsible Minister to delegate specified powers to a DoFA officer holding an SES office. This amendment is in accordance with the DTT para (n) - B.

Human Rights and Equal Opportunity Commission Act 1986

1.487. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Human Rights and Equal Employment Opportunity Commission (HREOC - s.39 of that Act).

1.488. This changes the APS staffing provisions for HREOC (s.43 of that Act).

1.489. As above.

1.490. This removes a reference to 1922 PSA s.87E for the Human Rights Commissioner (s.46F of that Act).

Immigration (Education) Act 1971

1.491. This amends s.10 of that Act which enables the responsible Minister to delegate the Minister's powers or functions under that Act (other than the delegation power itself) to 'an officer of the Public Service of the Commonwealth'. This amendment is in accordance with the DTT para (f) - B.

Income Tax Assessment Act 1936

Deductions for non-compulsory uniform

1.492. This amendment substitutes a new s-sec.51AL(23) to provide for the Industry Secretary to delegate to a person in the Industry Department using the terminology of the PS Bill and the draft Classification Rules which it is proposed to issue under cl.23 of that Bill. The current form of s-sec.51AL(23) of the Income Tax Assessment Act 1936 allows the Industry Secretary to delegate to a Senior Officer Grade A, B or C.

Under the PS Bill, the authority for the creation of classifications will be Classification Rules under cl.23. These arrangements are discussed in more detail in the Ex Memo to the PS Bill.

It is proposed that new Classification Rules will come into effect on the same day as the PS Bill. These will set out approved classification levels framed in terms of APS Groups. Each group will set out the names of those classifications regarded as being at a comparable classification level for the purposes of the Classification Rules.

The current Senior Officer Grade C classification will be included in Group 7 and Senior Officer Grade A and B classifications will be included in Group 8. These Groups will also include other comparable classifications, including the levels in a new classification structure currently being progressively implemented by APS agencies through agency agreements.

1.493. As above - removes, consequentially on the earlier amendment of s-sec.51AL(23), a definition of SES office - no longer needed.

1.494. This amends the definition of SES office in s.124K of that Act in accordance with the DTT para (n) - B.

1.495. This amends s.124ZADAA of that Act which enables the responsible Minister to delegate his powers under the Division to the Secretary or a person in an SES office in the Minister's Department. This amendment is in accordance with the DTT para (n) - B.

1.496. As above - removes, consequentially, the definition of SES office - no longer needed.

1.497. This amends s.159UX of that Act which enables the responsible Minister to delegate specified powers under the Subdivision to the Secretary or a person in an SES office in the Minister's Department. This amendment is in accordance with the DTT para (n) - B.

1.498. As above - removes, consequentially, the definition of SES office - no longer needed.

Income Tax Assessment Act 1997

1.499. This substitutes a new s.34-65 in that Act, providing for the Industry Secretary to delegate to a person in the Department of Industry, Science and Resources using the terminology of the PS Bill and the Classification Rules which it is proposed to issue under

cl.23 of that Bill. The current form of s.34-65 of the *Income Tax Assessment Act 1997* allows the Industry Secretary to delegate to a Senior Officer Grade A, B or C.

It is proposed that new Classification Rules will come into effect on the same day as the PS Bill. These will set out approved classification levels framed in terms of APS Groups. Each group will set out the names of those classifications regarded as being at a comparable classification level for the purposes of the Classification Rules.

The current Senior Officer Grade C classification will be included in Group 7 and Senior Officer Grade A and B classifications will be included in Group 8. These Groups will also include other comparable classifications, including the levels in a new classification structure currently being progressively implemented by APS agencies through agency agreements.

1.500. This amends in accordance with the DTT para (n) - B.

Industrial Chemicals (Notification and Assessment) Act 1989

1.501. This amends the definition of 'Department' in s.5 of that Act. This amendment is in accordance with the DTT para (h) - A.

1.502. This amends the definition of 'Secretary' in s.5 of that Act. This amendment is in accordance with the DTT para (c).

1.503. This amends s-sec.84(1) of that Act, which enables the Director to appoint as an inspector 'a person appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.504. This amends s-sec.84(2) of that Act which enables arrangements to be made for State and Territory public servants to act as inspectors. This converts a reference to arrangements with the States or Territories under 1922 PSA s.78 to a reference to the corresponding arrangements under cl.71 of the PS Bill.

1.505. This removes a reference to 1922 PSA s.87E for the Director (in s.94 of that Act).

1.506. This amends a 'make available' provision in s-sec.100(1) of that Act for the purposes of assessing chemicals under that Act. This amendment is in accordance with the DTT para (c).

1.507. As above - but in accordance with the DTT para (h) - A.

1.508. This amends para 104(c) of that Act which enables the responsible Minister to delegate specified functions or powers to, among others, a person in an SES office in the Minister's Department. This amendment is in accordance with the DTT para (n) - B.

1.509. This substitutes a new s.104A in that Act, providing for the Director of Chemicals Notification Assessment to delegate all or any of the Director's functions and powers under that Act, other than for specified exceptions. The amendment allows for use of the terminology of the PS Bill and the Classification Rules which it is proposed to issue under

cl.23 of that Bill. The current form of s.104A of the Act allows the Director to delegate to a Senior Officer Grade A, B or C.

It is proposed that new Classification Rules will come into effect on the same day as the PS Bill. These will set out approved classification levels framed in terms of APS Groups. Each group will set out the names of those classifications regarded as being at a comparable classification level for the purposes of the Classification Rules.

The current Senior Officer Grade C classification will be included in Group 7 and Senior Officer Grade A and B classifications will be included in Group 8. These Groups will also include other comparable classifications, including the levels in a new classification structure currently being progressively implemented by APS agencies through agency agreements.

Industry Commission Act 1989

1.510. This removes a reference to 1922 PSA s.87E for a Commissioner or a Full-Time Associate Commissioner (in s.34 of that Act).

1.511. This changes the APS staffing provisions for the Industry Commission (s.43 of that Act). The staffing powers will remain vested in the Chairperson of the Commission.

1.512. As above.

Industry Research and Development Act 1986

1.513. This amends para 9(1)(b) of that Act which provides that the Industry Research and Development Board will include a person performing the duties of an APS office designated by the responsible Minister. This amendment is in accordance with the DTT para (o) - B.

1.514. This amends s.25 of that Act which provides that the staff required to assist the Board and committees appointed by the responsible Minister (under s.22 of that Act) will be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Inspector-General of Intelligence and Security Act 1986

1.515. This amends s.18 of that Act which deals with the powers of the Inspector-General of Intelligence and Security to obtain information and documents. This amendment is in accordance with the DTT para (h) - A.

1.516. This removes a reference to 1922 PSA s.87E for the Inspector-General (in s.28 of that Act).

1.517. This changes the APS staffing provisions for the Office of the Inspector-General of Intelligence and Security (s.32 of that Act). The staffing powers will remain vested in the Inspector-General.

1.518. As above.

Insurance Acquisitions and Takeovers Act 1991

1.519. This amends s.75 of that Act dealing with secrecy. S-sec.75(4) of that Act enables information to be given to a Secretary, or to an officer approved by the Secretary, for the purpose of advising the Minister. This amendment of paras 75(4)(a) and (b) is in accordance with the DTT para (c) and para (f) - A.

1.520. As above - but in accordance with the DTT para (h) - A.

1.521. As above - but in accordance with the DTT para (h) - A.

1.522. S-sec.75(5) of that Act imposes a secrecy requirement on a recipient of information under s-sec.75(4). This amendment of s-sec.75(5) is in accordance with the DTT para (c) and para (f) - A.

1.523. This repeals a provision consequential on the above amendment to s-sec.75(4) and (5).

Insurance (Agents and Brokers) Act 1984

1.524. This amends s.34U of that Act dealing with secrecy. S-sec.34U(6) enables information to be given to a Secretary, or to an officer approved by the Secretary, for the purpose of advising the responsible Minister. This amendment of paras 34U(6)(a) and (b) is in accordance with the DTT para (c) and para (f) - A.

1.525. As above - but in accordance with the DTT para (h) - A.

1.526. As above - but in accordance with the DTT para (h) - A.

1.527. S-sec.34U(7) imposes a secrecy requirement on a recipient of information under s-sec.34U(6). This amendment of s-sec.34U(7) is in accordance with the DTT para (c) and para (f) - A.

1.528. This repeals a provision consequential on the preceding amendments to s-secs.34U(6) and (7) of that Act.

Insurance and Superannuation Commissioner Act 1987

1.529. This removes a reference to 1922 PSA s.87E for the Insurance and Superannuation Commissioner (in s.9 of that Act).

1.530. This changes the APS staffing provisions for the Insurance and Superannuation Commission (s.13 of that Act). The staffing powers will remain vested in the Insurance and Superannuation Commissioner.

1.531. As above.

Insurance Contracts Act 1984

1.532. This amends s.11F of that Act dealing with secrecy. S-sec.11F(6) enables information to be given to a Secretary, or to an officer approved by the Secretary, for the

purpose of advising the responsible Minister. This amendment of paras 11F(6)(a) and (b) is in accordance with the DTT para (c) and para (f) - A.

1.533. As above - but in accordance with the DTT para (h) - A.

1.534. As above - in accordance with the DTT para (h) - A.

1.535. S-sec.11F(7) of that Act imposes a secrecy requirement on the recipient of information under s-sec.11F(6). This amendment of s-sec.11F(7) is in accordance with the DTT para (c) and para (f) - A.

1.536. This removes a provision, consequential on the preceding amendments to s-secs.11F(6) and (7).

1.537. This amends s.11G of that Act which enables the Commissioner to delegate the Commissioner's powers under that Act or its regulations to a member of staff or to a person in an SES office. This amendment is in accordance with the DTT para (n) - B.

Insurance Supervisory Levies Collection Act 1989

1.538. This amends s.10 of that Act which enables the Insurance and Superannuation Commissioner to delegate the Commissioner's powers under that Act to a person in a specified office in the Insurance and Superannuation Commission. This amendment converts terminology in the 1922 PSA into the terminology used in the PS Bill, in accordance with the DTT para (o) - A and para (b).

International Air Services Commission Act 1992

1.539. This removes a reference to 1922 PSA s.87E for a Full-Time Member (in s.44 of that Act).

International Shipping (Australian-resident Seafarers) Grants Act 1995

1.540. This amends s-sec.23(1) of that Act which enables the relevant Secretary to delegate the Secretary's powers and functions to a person in an SES office in the relevant Department. This amendment is in accordance with the DTT para (n) - B.

1.541. As above - this omits a definition of SES office, consequential on the amendment above.

1.542. This amends s.24 of that Act which enables the relevant Secretary to appoint an APS officer to be an authorised person for the purpose of that Act. This amendment is in accordance with the DTT para (f) - B.

International Transfer of Prisoners Act 1997

1.543. This amends para 53(b) of that Act which enables the Attorney-General to delegate the Attorney-General's powers under that Act or the regulations to a person in an SES office in the Attorney-General's Department. This amendment is in accordance with the DTT para (n) - B.

Lands Acquisition Act 1989

1.544. This amends s.139 of that Act which enables the responsible Minister or the Attorney-General to delegate their powers or functions to, among others, an APS member. This amendment is in accordance with the DTT para (d) - A.

Legislative Instruments Act 1997

1.545. This amends in accordance with the DTT para (n) - A.

Life Insurance Act 1995

1.546. This amends s.216 of that Act dealing with unclaimed money notified by a life company to the Insurance and Superannuation Commissioner. This amendment of the definition of 'authorised officer' in s-sec.216(15) is in accordance with the DTT para (f) - B.

Long Service Leave (Commonwealth Employees) Act 1976

1.547. This amends para.4(1)(e), the definition of 'approving authority' and vests in Agency Heads and Chief Executive Officers of non-APS agencies various discretionary powers in relation to long service leave that are currently vested in the Secretary of DEWRSB.

1.548. This inserts a new definition of 'chief executive officer' as a consequence of the amendment to the definition of 'approving authority' in s-sec.4(1) of that Act.

1.549. This inserts a new definition of 'employing agency' as a consequence of the amendment to the definition of a 'approving authority' in s-sec.4(1) of that Act.

1.550. This repeals the definition of 'officer' as defined in 1922 PSA which is no longer needed, as all the sections in which this term is used have been repealed or amended (also concept of 'officer' does not appear in 1997 PSA).

1.551. This inserts a provision (new s-sec.41A) to clarify 'replacement agency' as a consequence of the amendment to the definition of 'approving authority'. This clarifies who is the approving authority in situations where there has been a machinery of government change after a person has ceased to be an employee, whether or not by reason of death, but before any payments in lieu of long service leave to the person or their dependants had been finalised.

1.552. Subsection 4(9) dealing with the definition of minimum retiring age, is obsolete and is repealed.

1.553. This repeals an obsolete reference to the CE(RR)A.

1.554. This amends the definition of minimum retiring age, in line with cl.30 of the PS Bill.

1.555. This amends the delegation provision (in s.9 of that Act). Consistent with the policy of vesting employer powers in Agency Heads, the LSLA and the *Maternity Leave (Commonwealth Employees) Act 1973* have been amended to directly vest in Agency Heads and Chief Executive Officers of non-APS agencies various discretionary powers in relation to

long service leave and maternity leave that are currently vested in the Secretary, DEWRSB. This has created the opportunity to modernise the delegations powers in these Acts, by standardising them with the delegations provisions in the PS Bill.

The new provisions mirror sub-cl.78(6), (7), and (9) of the PS Bill, which are discussed in detail in paras 11.9.15 to 11.9.23 of the Explanatory Memorandum to the PS Bill. S-cl.78(8) of the PS Bill provides that a power or function that is exercised or performed by a person under delegation under s-cl.78(7) of the PS Bill is taken for the purposes of that Bill to have been exercised or performed by the person who originally delegated the corresponding power or function under s-cl. 78(5) or (6) of the PS Bill.

Adopting a standardised approach to the drafting of the delegations power under the PS Bill and the Long Service and Maternity Leave Acts will simplify the administration of personnel delegations and training of delegates in their responsibilities, and so contribute to the achievement of high quality, cost effective personnel services.

1.556. This vests in Agency Heads and Chief Executive Officers of non-APS agencies a discretionary power currently vested in the Secretary of DEWRSB.

Management and Investment Companies Act 1983

1.557. This amends s.16 of that Act which requires the staff necessary to assist the Management and Investment Companies Licensing Board to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Maternity Leave (Commonwealth Employees) Act 1973

The changes to the Maternity Leave Act vest directly in APS Agency Heads and Chief Executive Officers of non-APS agencies certain discretionary powers in relation to maternity leave that are currently vested in the Secretary of DEWRSB. These powers have in fact already been devolved to Agency Heads through a complex mixture of delegation and provisions in the *Continuous Improvement in the APS Enterprise Agreement* 1995-96.

More specifically, the CTA Bill devolves to Agency Heads (as newly defined in the Maternity Leave Act) central agency powers included in s.6 and 7A relating to absence from duty in relation to childbirth and return to duty.

1.558. This defines 'Agency Head' to mean

- (a) in relation to a person who is an APS employee with the meaning of the PS Bill - the Agency Head of the Agency in which the person is an APS employee;
- (b) in the case of a person who is employed in a prescribed authority - the Chief Executive Officer (however described) of that authority.

1.559. This deletes the definition of 'Department of the Australian Public Service' in s.3(1). Items 574 and 575 delete all references to 'Department', in ss.8(1), s.11(1) and 12(1).

1.560. This repeals the definition of 'Secretary'. Item 566-573 and 575 remove the references to 'Secretary' in sub-ss.6(4C), 6(4F), 7A(4), 7A(5) and 7A(6) and ss.11 and 12.

- 1.561. This amends para 5(1)(a) of that Act in accordance with the DTT para (k).
- 1.562. This amends an application provision in s-sec. 5A(2) to take account of the proposed separate staffing arrangements for the Parliamentary Departments.
- 1.563. This omits an obsolete reference to s-sec.6(4AB) which is being repealed.
- 1.564. This removes a Part IV mobility provision in s-sec.6(4AB) of that Act.
- 1.565. This removes a cross-reference in s-sec.6(4B) of that Act in relation to the mobility provision being removed, as above.
- 1.566. This vests powers now vested in the Secretary, DEWRSB in Agency Heads as defined above (item 1.558 refers).
- 1.567. As above.
- 1.568. As above.
- 1.569. As above.
- 1.570. As above.
- 1.571. As above.
- 1.572. As above.
- 1.573. As above.
- 1.574. This amends s.8 of that Act and reflects the changes to the AIA.
- 1.575. This replaces the delegations power in s.11 and sub delegations powers in s.12 of that Act with a modernised new delegations power by standardising them with the delegations provisions in the PS Bill. The new provision mirrors s-cls. 78(6), (7) and (9) of the PS Bill, which are discussed in detail at paras 11.9.15 to 11.9.23 of the Explanatory Memorandum to the PS Bill. S-cl.78(8) of the PS Bill provides that a power or function that is exercised or performed by a person under delegation under s-cl.78(7) of the PS Bill is taken for the purposes of that Bill to have been exercised or performed by the person who originally delegated the corresponding power or function under s-cls 78(5) or (6) of the PS Bill.

Adopting a standardised approach to the drafting of the delegations power under the PS Bill and the Long Service and Maternity Leave Acts will simplify the administration of personnel delegations and the training of delegates in their responsibilities, and so contribute to the achievement of high quality, cost effective personnel services.

Meat and Live-stock Industry Act 1995

- 1.576. This changes the definition of 'designated group' for EEO purposes (in s.52 of that Act) from that contained in the 1922 PSA.

Meat Inspection Arrangements Act 1964

1.577. This amends the definition of 'person employed by the Commonwealth' in s-sec.3(1) of that Act. This amendment is in accordance with the DTT para (d) - A.

Members of Parliament (Staff) Act 1984

Definitions

1.578. This removes a definition of the MPRA in s.3 of that Act.

1.579. This removes an obsolete reference to the PSB in the definition provisions of s.3 of that Act.

1.580. This amends the definition of 'officer' in s.3 of that Act. This amendment is in accordance with the DTT para (f) - B.

1.581. This amends the definition of 'Public Service Act' in s.3 of that Act. This amendment is in accordance with the DTT, para (k).

1.582. This repeals the definition of 'relevant public servant' in s.3 of that Act, which is no longer required.

Ministerial Consultants

1.583. This removes obsolete references to the PSB in s.5 of that Act dealing with the terms and conditions of engagement of Ministerial consultants. This amendment transfers the determination making power to the Prime Minister.

1.584. This removes a Part IV mobility provision for Ministerial consultants in s.10 of that Act.

1.585. As above, in relation to s.11 of that Act.

1.586. This item, and items 587, 591 and 592 omit references no longer required in s-sec.14(1) and 21(1) of that Act. They omit and substitute certain words in those s-secs., to reflect more accurately the terminology required in an agreement for the employment of a person.

1.587. As above.

Staff of office-holders

1.588. This amends s.14 of that Act dealing with the terms and conditions of employment of staff of office-holders. This amendment of s-sec.14(1) is in accordance with the DTT para (f) - A.

1.589. This removes a provision consequent on the preceding amendment.

1.590. This removes a Part IV mobility provision for staff of office-holders. Sections 17 and 18 of that Act deal with the reintegration processes including the referral to a Re-integration Assessment Committee.

1.591. This item, and item 592, omit references no longer required in s-sec.21(1) of that Act. They omit, and in the case of item 592, substitute certain words in those s-secs., to reflect more accurately the terminology required in an agreement for the employment of a person.

1.592. As above.

Staff of Senators and Members

1.593. This amends s.21 of that Act dealing with the terms and conditions of staff employed by Senators and Members of the House of Representatives. This amendment of s-sec.21(1) is in accordance with the DTT para (f) - A.

1.594. This removes a provision, consequent on the preceding amendment.

1.595. This removes a Part IV mobility provision. Sections 24 and 25 of that Act deal with the reintegration process for APS members employed by Senators and Members of the House of Representatives, including the referral to a Re-integration Assessment Committee.

1.596. As above.

Merit Protection (Australian Government Employees) Act 1984

1.597. This repeals the whole of that Act.

Migration Act 1958

1.598. This amends s.143 of that Act which enables the Attorney-General to delegate powers to, among others, an SES officer in the Attorney-General's Department. This amendment is in accordance with the DTT para (n) - B.

1.599. This amends the definition of 'official' in s.275 of that Act. This amendment is in accordance with the DTT para (d) - A.

1.600. This amends s.364 of that Act which enables a Presiding Member of the Immigration Review Tribunal to authorise, among others, a 'person appointed or employed under' 1922 PSA to take evidence on oath or affirmation. This amendment is in accordance with the DTT para (d) - B.

1.601. This amends s-sec.408(4) of that Act which requires the Registrar, Deputy Registrar and other officers of the Tribunal to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.602. This amends s-sec.409(1) which enables the responsible Minister to make acting appointments to the Tribunal of a 'person appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.603. This amends s-sec.428(1) of that Act which enables the Tribunal to authorise, among others, 'a person appointed or employed under' 1922 PSA to take evidence on oath or affirmation. This amendment is in accordance with the DTT para (d) - B.

1.604. This amends s-sec.472(4) of that Act which requires the Registrar, Deputy Registrar and other officers of the Tribunal to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.605. This amends s-sec.473(1) of that Act which requires the Registrar, Deputy Registrar and other officers of the Tribunal to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Motor Vehicle Standards Act 1989

1.606. This amends s.22 of that Act which requires the Administrator of Vehicle Standards to be a person in an SES office in the relevant Department in accordance with the DTT para (n) - B.

1.607. This amends s.23 of that Act which enables the responsible Minister to delegate specified functions or powers to a person in an SES office in the Minister's Department in accordance with the DTT para (n) - B.

1.608. This amends s-sec.25(1) which enables the responsible Minister to appoint 'a person appointed or employed under' 1922 PSA to be an inspector. This amendment is in accordance with the DTT para (d) - B.

1.609. This amends s-sec.25(2) of that Act to omit references to 1922 PSA s.78 and substitute a reference to the equivalent cl.71 in the PS Bill.

National Crime Authority Act 1984

1.610. This removes a reference to 1922 PSA s.87E for a Member of the National Crime Authority (NCA - in s.40 of that Act).

1.611. This changes the APS staffing provisions for NCA (s.47 of that Act). The staffing powers will remain vested in the Chairperson of the NCA.

1.612. As above.

National Environment Protection Council Act 1994

1.613. This removes a reference to 1922 PSA s.87E for the National Environment Protection Council (NEPC) Executive Officer (in s.43 of that Act).

1.614. This changes the APS staffing provisions for the NEPC Service Corporation (s.49 of that Act). The staffing powers will remain vested in the NEPC Executive Officer.

1.615. As above.

1.616. This amends a 'make available' provision in s.51 of that Act. This amendment is in accordance with the DTT para (d) - B.

National Gallery Act 1975

1.617. This removes a reference to 1922 PSA s.87E for the Director of the National Gallery of Australia (in s.28 of that Act).

National Health Act 1953

1.618. This amends the definition of 'Director' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (k).

Private Health Insurance Administration Council

1.619. This removes a reference to 1922 PSA s.87E for a Full-Time Commissioner of the Private Health Insurance Administration Council (in s.82PEA of that Act).

1.620. This amends a 'make available' provision in s.82PL of that Act in relation to the Administration Council. This amendment is in accordance with the DTT para (c).

1.621. As above - but in accordance with the DTT para (h) - A.

1.622. This removes a reference to 1922 PSA s.87E for the Director of the Administration Council (in s.82PN of that Act).

Conduct and Supervision of Registered Organisations

1.623. This amends s.82R of that Act which deals with the investigation of a registered health organisation by an inspector. S-sec.82R(3) provides that such an inspector may be an APS officer. This amendment is in accordance with the DTT para (f) - C.

1.624. This amends s-sec.82X(1) of that Act which enables an inspector to delegate the inspector's powers (other than the power of delegation) to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Private Health Insurance Complaints Commissioner

1.625. This removes a reference to 1922 PSA s.87E for the Private Health Insurance Complaints Commissioner (in s.82ZUD of that Act).

1.626. This amends a 'make available' provision in s-sec.82ZUG(2) for the Complaints Commissioner. This amendment is in accordance with the DTT para (c).

1.627. As above - but in accordance with the DTT para (h) - A.

National Health and Medical Research Council Act 1992

1.628. This amends s-sec.22(1) which requires the Secretary to the National Health and Medical Research Council (NH&MRC) to be the person in a designated SES office. This amendment is in accordance with the DTT para (n) - B.

1.629. This removes a reference to 1922 PSA s.87E for a Full-Time Chairperson of the NH&MRC (in s.26 of that Act).

1.630. This amends s-sec.45(1) of that Act which requires the NH&MRC staff to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.631. This amends a 'make available' provision in s-sec.45(2) of that Act to enable NH&MRC staff to be sought from the Secretary of the relevant Department. This amendment is in accordance with the DTT para (d) - B.

1.632. This amends a 'make available' provision in s-sec.48(1) of that Act to enable NH&MRC staff to be sought from outside the relevant Department. This amendment is in accordance with the DTT para (c).

1.633. As above - but in accordance with the DTT para (h) - A.

Commissioner of Complaints

1.634. This amends a 'make available' provision in s.72 of that Act for staff to assist the Commissioner of Complaints (functions set out in s.56 of that Act). This amendment is in accordance with the DTT para (d) - B.

National Labour Consultative Council Act 1977

1.635. This amends s.9 of that Act which provides that the travelling allowance for members of the National Labour Consultative Council will be the highest rate paid to APS officers other than Secretaries. This amendment is in accordance with the DTT para (f) - C.

1.636. This amends s-sec.12(2) of that Act which provides that the travelling allowance for members of committees of the National Labour Consultative Council will be the highest rate paid to APS officers other than Secretaries. This amendment is in accordance with the DTT para (f) - C.

National Library Act 1960

1.637. This amends s.6 of that Act which sets out the functions of the National Library of Australia. This amendment (together with the next amendment) is in accordance with the DTT para (h) - A.

1.638. As above.

1.639. This changes the APS staffing provisions for the National Library of Australia (s.17 of that Act). The staffing powers will remain vested in the Director-General of the National Library of Australia.

1.640. This amends s-sec.17(5) of that Act which enables the Director-General to delegate to an 'officer employed under' 1922 PSA all the Director-General's powers and functions (other than the power of delegation). This amendment is in accordance with the DTT para (f) - C.

1.641. As above.

1.642. As above, in relation to s-sec.17(6) of that Act.

1.643. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Council of the National Library (in s.17B of that Act).

1.644. This amends s.18 of that Act which provides that the staff of the National Library will be employed under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

National Museum of Australia Act 1980

1.645. This removes a reference to 1922 PSA s.87E for the Director of the National Museum of Australia (in s.26 of that Act).

1.646. This changes the APS staffing provisions for the National Museum of Australia (s.30 of that Act). The staffing powers will remain vested in the Director.

1.647. As above.

1.648. This amends a 'make available' provision in s-sec.31(1) of that Act. This amendment is in accordance with the DTT para (c).

National Occupational Health and Safety Commission Act 1985

1.649. This removes a reference to 1922 PSA s.87E for the CEO of the National Occupational Health and Safety Commission (NOHSC - in s.12 of that Act).

1.650. This removes a reference to 1922 PSA s.87E for the Director of the National Institute of Occupational Health and Safety (in s.32 of that Act).

1.651. This changes the APS staffing provisions for Worksafe Australia (s.53 of that Act). The staffing powers will remain vested in the CEO of the NOHSC.

1.652. As above.

1.653. This amends a 'make available' provision in s-sec.54(1) of that Act in relation to the NOHSC. This amendment is in accordance with the DTT para (c).

1.654. As above - but in accordance with the DTT para (b).

National Parks and Wildlife Conservation Act 1975

1.655. This removes a reference to 1922 PSA s.87E for the Director (in s.26 of that Act).

1.656. This changes the APS staffing provisions for the Australian National Parks and Wildlife Service (also known as the Australian Nature Conservation Agency - s.34 of that Act).

1.657. As above.

1.658. This amends a 'make available' provision in s-sec.36(2) of that Act. This amendment is in accordance with the DTT para (c).

1.659. As above - but in accordance with the DTT para (b).

National Roads Act 1974

1.660. This amends s-sec.15(1) of that Act which enables the responsible Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

National Transmission Network Sale Act 1997

1.661. This amends in accordance with the DTT para (n) - B.

Native Title Act 1993

1.662. This removes a reference to 1922 PSA s.87E for the Registrar of the National Native Title Tribunal (NNTT - in s.102 of that Act).

1.663. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the NNTT - s.117 of that Act).

1.664. This amends s-sec.130(3) of that Act requiring Deputy Registrars and NNTT staff to be APS members. This amendment is in accordance with DTT para (d) - B.

1.665. This amends a 'make available' provision in s-sec.130(4) of that Act. The amendment is in accordance with DTT para (c).

1.666. As above, but in accordance with DTT para (b).

1.667. This changes the APS staffing provisions for the NNTT in s.131 of that Act. The staffing powers will remain vested in the Registrar of the NNTT.

1.668. This amends s.183 of that Act enabling the Attorney-General to provide assistance to a person who is a party to an inquiry or proceedings under that Act. S-sec.183(5) enables the Attorney-General to delegate the Attorney-General's powers to provide assistance to a person in an SES office. This amendment of s-sec.183(5) is in accordance with the DTT para (n) - B.

Natural Heritage Trust of Australia Act 1997

1.669. This amends references in para 45(1)(c) of that Act to certain SES employees, and applies the new AIA definition of 'SES employee' and 'acting SES employee'.

1.670. As above, in relation to para 46(1)(b) of that Act.

1.671. This repeals a definition of 'Senior Executive Service office', no longer relevant.

Natural Resources Management (Financial Assistance) Act 1992

1.672. This amends the definition of 'officer' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Naval Defence Act 1910

- 1.673. This amends the definition of 'industrial award' in s.40 of that Act. The current definition refers to the definition in s-sec.7(1) of 1922 PSA. This amendment changes the definition to the definition of award under the WRA.
- 1.674. This removes an obsolete reference to the PSB in s.42 of that Act dealing with the employment of persons in a civil capacity.
- 1.675. This amends s.42C of that Act which provides that the 1922 PSA (other than s.64 relating to attachment of salaries) does not apply to person employed under s.42 of the Naval Defence Act. This amendment is in accordance with the DTT para (k).
- 1.676. This amends s-sec.42C(2) of that Act. This amendment converts a reference to 1922 PSA s.64 relating to attachment of salaries to a reference to the corresponding provision under cl.75 of the PS Bill.
- 1.677. As above - but in accordance with the DTT, para (f) - A.

Norfolk Island Act 1979

- 1.678. This amends s.13 of that Act dealing with the appointment of executive members. This amendment of para 13(4)(a) is in accordance with the DTT para (f) - A.

Nuclear Non-Proliferation (Safeguards) Act 1987

- 1.679. This amends the definition of 'Commonwealth officer' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B
- 1.680. This removes a reference to 1922 PSA s.87E for the Director of Safeguards (in s.46 of that Act).
- 1.681. This amends s.55 of that Act which requires the staff for the Director of Safeguards to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Occupational Health and Safety (Commonwealth Employment) Act 1991

- 1.682. This amends the definition of 'Department' in s-sec.5(1) of that Act in accordance with the DTT para (b).
- 1.683. This amends the definition of 'Secretary' in s-sec.5(1) of that Act. This amendment is in accordance with the DTT para (c).
- 1.684. This converts a reference in s.51 of that Act
- from a reference to the 1922 PSA s.78 arrangements with the States and Territories;
 - to a reference to the corresponding arrangements in cl.71 of the PS Bill.
- 1.685. This amends s-sec.80(1) of that Act in accordance with the DTT para (f) - B.

1.686. This amends s-sec.80(2) in accordance with the DTT para (o) - B.

1.687. As above - but in accordance with the DTT para (k).

Occupational Health and Safety (Maritime Industry) Act 1993

1.688. This converts a reference in s.106 of that Act

- from a reference to arrangements with the States in s.78 of the 1922 PSA;
- to a reference to the corresponding arrangements in cl.71 of the PS Bill.

Office of National Assessments Act 1977

1.689. This amends the definition of 'prescribed Commonwealth officer' in s.3 of that Act. This amendment is in accordance with the DTT para (k).

1.690. This amends para 6(2)(d) of that Act which provides that the National Assessments Board will include an APS officer, not from DFAT or Defence, with experience in economics. This amendment is in accordance with the DTT para (f) - B.

1.691. This amends para 7(2)(a) of that Act which provides that the Economic Assessments Board will include APS officer(s), not from DFAT, with expertise in economics in accordance with the DTT para (f) - B.

1.692. This removes a reference to 1922 PSA s.87E for the Director General (in s.13 of that Act).

1.693. This changes the APS staffing provisions for the Office of National Assessments (ONA - s.17 of that Act). The staffing powers will remain vested in the Director-General.

1.694. As above.

1.695. This amends a 'make available' provision in s-sec.17(4) of that Act. The amendment is in accordance with DTT para (c).

1.696. As above, but in accordance with DTT para (d) - B and para (b).

Ombudsman Act 1976

1.697. This item omits a 1922 PSA definition of a Department of the APS and substitutes the appropriate definition under the PS Bill.

1.698. This amends in accordance with the DTT para (k).

1.699. This amends in accordance with the DTT para (o) - B.

1.700. This amends s-sec.6(9) to (11) of that Act to enable complaints to be referred to the Public Service Commissioner (instead of to the MPRA as is the case at present).

1.701. This removes a reference to 1922 PSA s.87E for the Ombudsman (in s.25 of that Act).

1.702. This changes the APS staffing provisions for the Office of the Commonwealth and Defence Force Ombudsman (s.31 of that Act). The staffing powers will remain vested in the Ombudsman.

1.703. As above.

Overseas Students (Refunds) Act 1990

1.704. This omits the definition of 'officer in s.3 of that Act, consequential on the amendment to s-sec.5(1).

1.705. This amends s-sec.5(1) of that Act which enables an authorised officer in the relevant Department to have access to specified information and documents. This amendment is in accordance with the DTT para (f) - A.

1.706. This amends s.10 of that Act which enables the responsible Minister to delegate the Minister's powers to, among others, a person in an SES office in the relevant Department. This amendment is in accordance with the DTT para (n) - B.

Ozone Protection Act 1989

1.707. This amends s.49 of that Act which enables the responsible Minister to appoint, among others, an APS officer or employee as an inspector. This amendment, together with the next amendment, is in accordance with the DTT para (d) - B.

1.708. As above.

1.709. This amends s.67A of that Act which enables the responsible Minister to delegate specified powers to an SES officer in the relevant Department in accordance with the DTT para (n) - B.

Parliamentary Contributory Superannuation Act 1948

1.710. This item amends paragraph (d) of the definition of 'holder of an office of profit under the Commonwealth' in s-sec.21B(1) of that Act to take into account the terminology of the PS Bill and the replacement of the term 'Permanent Head' with the term 'Secretary' by the *Public Service Reform Act 1984*. This amendment has no effect on the current operation of s.21B.

Parliamentary Counsel Act 1970

1.711. This removes a reference to 1922 PSA s.87E for the First Parliamentary Counsel and Second Parliamentary Counsel (in s.7 of that Act).

1.712. This changes the APS staffing provisions for the Office of the Parliamentary Counsel (in s.16 of that Act).

1.713. As above.

Patents Act 1990

1.714. This amends the definition of 'employee' in Schedule 1 to that Act (which contains the Dictionary for that Act). This amendment is in accordance with the DTT para (d) - B.

1.715. This amends the same definition, consequential on the above amendment.

Petroleum Excise (Prices) Act 1987

1.716. This amends s-sec.4(2) of that Act dealing with the fixing of a transaction price in respect of certain oil by the responsible Minister or an officer under 1922 PSA authorised by the Minister. This amendment is in accordance with the DTT para (f) - B.

Petroleum Resource Rent Tax Assessment Act 1987

1.717. This amends the definition of 'officer' in s.2 of that Act. This amendment is in accordance with the DTT para (f) - B.

Plant Breeder's Rights Act 1994

1.718. This amends s.59 of that Act which enables the responsible Minister and the relevant Secretary, to delegate their powers or functions under that Act, to the Registrar or to a person in an SES office in the relevant Department. This amendment is in accordance with the DTT para (n) - B.

Pooled Development Funds Act 1992

1.719. This amends s.68 of that Act which requires the staff for the PDF Registration Board to be 'persons appointed or employed' under the 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Prawn Export Promotion Act 1995

1.720. This amends para 24(b) of that Act. This amendment is in accordance with the DTT para (f) - B.

Prices Surveillance Act 1983

1.721. This amends s.43 of that Act dealing with secrecy. This amendment of 'prescribed person' is in accordance with the DTT para (d) - A.

Primary Industries Levies and Charges Collection Act 1991

1.722. This amends para 26(b) of that Act which enables the relevant Secretary to appoint an APS officer to be an authorised person for the purposes of s.23 of that Act (dealing with requests for information). This amendment is in accordance with the DTT para (f) - B.

Privacy Act 1988

1.723. This amends the definition of 'Commonwealth officer' (in s.6 of the Act) in accordance with the DTT para (d) - A.

1.724. This amends the definition of 'Department' in s-sec.6(1) of that Act. The amendment is in accordance with the DTT para (h) - A.

1.725. This amends the definition of 'Secretary' in s-sec.6(1) of that Act. This amendment is in accordance with the DTT para (c).

1.726. This removes a reference to 1922 PSA s.87E for the Privacy Commissioner (in s.22 of that Act).

Reference of matters to other authorities

1.727. This amends s.50 of that Act to enable complaints to be referred to the Public Service Commissioner (instead of to the MPRA as is the case at present).

1.728. As above.

1.729. As above.

1.730. As above.

1.731. As above.

Proceeds of Crime Act 1987

1.732. This amends the definition of 'prescribed officer' in s-sec.4(1) of that Act. The amendment is in accordance with the DTT para (n) - B.

Protection of Movable Cultural Heritage Act 1986

1.733. This amends s.24 of that Act which enables the Minister to delegate specified powers to the relevant Secretary or to a person in an SES office in the relevant Department. This amendment is in accordance with the DTT para (n) - B.

Public Lending Right Act 1985

1.734. This amends s.18 of that Act which requires the staff to the Public Lending Right Committee to be persons 'appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Public Service Act 1922

1.735. This repeals the whole of 1922 PSA.

Qantas Sale Act 1992

1.736. This amends in accordance with the DTT para (n) - B, but applies the new AIA Act definition of 'SES employee' and 'acting SES employee'.

1.737. This removes a definition of SES office, consequent on the preceding amendment.

1.738. This amends s.20 of that Act which provides that anything done under Part 4 for the purpose of specified Acts is not to be taken to be a form of Commonwealth financing.

Part 4 of that Act deals with debt and capital reconstruction in connection with the sale of Qantas. This amendment is, in relation to the 1922 PSA, in accordance with the DTT para (k), and replaces the references to the MP(AGE)A and the 1922 PSA with a reference to the PS Bill.

1.739. This amends in accordance with the DTT para (n) - B, but applies the new AIA Act definition of 'SES employee' and 'acting SES employee'.

1.740. As above.

Racial Discrimination Act 1975

1.741. This removes a reference to 1922 PSA s.87E for the Race Discrimination Commissioner (in s.32 of that Act).

Radiocommunications Act 1992

1.742. This amends the definition of 'Department' in s.5 of that Act. This amendment is in accordance with the DTT para (b).

Settlement of Interference Disputes

1.743. This amends s.204 of that Act dealing with the remuneration and allowances of a conciliator not appointed or employed under 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Spectrum Management Agency

1.744. This removes a reference to 1922 PSA s.87E for the Spectrum Manager (in s.248 of that Act).

Referendum (Machinery Provisions) Act 1984

1.745. This, together with the subsequent amendment, amends the definition of 'authorised witness' in s.3 of that Act. These amendments are in accordance with the DTT para (d) - A.

1.746. As above.

1.747. This amends s.11 of that Act dealing with the distribution to electors of arguments for and against a proposed law. S-sec.11(4) prohibits the expenditure of money by the Commonwealth on such arguments except for, among other things, the payment of the salaries of persons who are 'officers or employees' under 1922 PSA. This amendment is in accordance with the DTT para (d) - A.

1.748. This amends in accordance with the DTT para (d) - A.

1.749. Sub section.95B(7) requires the parcel of ballot papers to be opened in the presence of an APS officer (and of any scrutineer who attends). This amendment of s-sec.95B(7) is in accordance with the DTT para (f) - B.

Registration of Deaths Abroad Act 1984

1.750. This amends s-sec.5(2) of that Act which provides that the Registrar of Deaths Abroad must be 'an officer or employee under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.751. This amends s-sec.6(1) of that Act which enables the responsible Minister to appoint 'an officer or employee under' 1922 PSA as the acting Registrar of Deaths Abroad. This amendment is in accordance with the DTT para (d) - B.

1.752. This amends s-sec.26(1) of that Act which enables the Registrar of Deaths Abroad to delegate to 'an officer or employee under' 1922 PSA the Registrar's powers (other than the power of delegation). This amendment is in accordance with the DTT para (d) - A.

Remuneration and Allowances Act 1990

1.753. This inserts a regulation making power (proposed s.8A) which is needed to prescribe a classification for the purposes of Schedule 3 to that Act.

1.754. This amends cl.7 of Schedule 1 to that Act. Schedule 1 deals with the holders of judicial and other offices. This amendment is in accordance with the DTT para (f) - C.

1.755. This amends cl.5 of Schedule 2 to that Act. Schedule 2 deals with Secretaries of Departments and holders of public offices. This amendment of cl.5 is in accordance with the DTT para (f) - C.

1.756. This amends s-cl.1(2) and (3) of Schedule 3 to that Act. Schedule 3 of the *Remuneration and Allowances Act 1990* links the remuneration of MPs to the minimum salary payable to an SES Band 2 officer. The amendments are being made following changes to the arrangements for setting SES salaries, so that this linkage will in future be made to a principal executive office classification prescribed by regulation under the *Remuneration and Allowances Act 1990*. Principal executive office classifications are to be determined by the Remuneration Tribunal for the purpose of setting the remuneration of statutory offices. They will be subject to regular review in accordance with the *Remuneration Tribunal Act 1973*.

Remuneration Tribunal Act 1973

1.757. The amendments expand the functions of the Remuneration Tribunal to include an additional function for it to determine a classification structure for principal executive offices. The Tribunal is already empowered to give advice on the remuneration of executive offices and these amendments allow the range of offices that can be placed under this provision to be expanded by authorising the employing body to determine the terms and conditions applying to the offices and to override other provisions for this purpose. The employing body is required to obtain advice from the Tribunal if it wishes to make a determination which is not consistent with the Tribunal's principal executive office classifications.

1.758. As above.

1.759. As above.

1.760. As above.

1.761. As above.

1.762. As above.

Repatriation Institutions (Transfer) Act 1992

1.763. This, and the subsequent amendment, repeal definitions of 'employee' and 'officer' in s-sec.3(1) of that Act. These definitions are no longer required.

1.764. As above.

1.765. This amends the definition of 'the Service' in s-sec.3(1) of that Act.

1.766. This amends the meaning of 'affected employee' in s.4 of that Act. This amendment is in accordance with the DTT para (o) - B.

1.767. This amends the meaning of 'offer of comparable job' in para 13(1)(b) of that Act. This amendment is in accordance with the DTT para (o) - B.

1.768. This removes a reference in s.16 of that Act to a 1922 PSA provision. Section 16 of that Act provides that transferred staff have no entitlement to payment in lieu of accrued leave. This amendment of s.16 removes a reference to s.68B of 1922 PSA which was itself repealed in 1980 and which was a provision concerning payment in lieu of recreation leave.

1.769. This removes a Part IV mobility provision (in s.17 of that Act).

Reserve Bank Act 1959

1.770. This amends s-sec.14(2) of that Act by substituting the term 'officials' for the previous reference to 'officers' of the Bank or the APS.

1.771. This item, and the next two items, substitute the term 'an official' in s-secs.14(3), (4) and (5) for the previous references to 'an officer' of the bank or the APS.

1.772. As above.

1.773. As above.

1.774. This amends s.14 of that Act by adding s-sec.(6) which contains a definition of 'official' for the purposes of the section.

Retirement Savings Accounts Act 1997

1.775. This amends s.16 of that Act. This amendment is in accordance with the DTT para (f) - B.

Roads Grants Act 1974

1.776. This amends s-sec.15(1) of that Act which enables the Minister to delegate the Minister's powers in relation to approved programs (in s.4 of that Act) to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Roads Grants Act 1980

1.777. This amends s-sec.38(1) of that Act which enables the Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Roads Grants Act 1981

1.778. This amends s-sec.33(1) of that Act which enables the Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Rural Adjustment Act 1992

1.779. This amends s.20C of that Act which enables the responsible Minister to delegate specified powers to a Departmental officer in an SES office. This amendment is in accordance with the DTT para (n) - B.

1.780. This amends s-sec.21A(2) of that Act. This amendment is in accordance with the DTT para (n) - B.

Rural Industries Research Act 1985

1.781. This amends the definition of 'authorised representative' (in relation to a research council) in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

1.782. This amends s.10 of that Act dealing with agreements about research and development funding. S-sec.10(3) deals with agreements about activities of special significance for Tasmania. This amendment of s-sec.10(3) is in accordance with the DTT para (f) - B.

Safety, Rehabilitation and Compensation Act 1988

1.783. This removes a reference to 1922 PSA s.87E for the CEO of Comcare Australia (in s.81 of that Act).

1.784. This amends in accordance with the DTT para (f) - B.

1.785. This changes the APS staffing provisions for Comcare (s.88 of that Act). The staffing powers will remain vested in the CEO of Comcare.

1.786. As above.

1.787. This amends the definition of 'Department' in s-sec.114A(2) of that Act. Section 114A deals with the notice to Comcare when an employee who is receiving, or is entitled to receive, compensation retires. This amendment is in accordance with the DTT para (b).

1.788. This amends the definition of 'Secretary' in s-sec.114A(2) of that Act. This amendment is in accordance with the DTT para (c)

Science and Industry Research Act 1949

1.789. This removes a reference to 1922 PSA s.87E for the Chief Executive of the CSIRO (in s.10C of that Act).

Seafarers Rehabilitation and Compensation Act 1992

1.790. This amends a provision which allows delegation to an SES officer or Senior Officer Grade A, B or C by applying the terminology of the PS Bill and of the Classification Rules which it is proposed to make under cl.23 of that Bill. It also applies the new AIA definition of 'SES employee' and 'acting SES employee'.

Under the PS Bill, the authority for the creation of classifications will be Classification Rules under cl.23. These arrangements are discussed in more detail in the Explanatory Memorandum to the Public Service Bill 1999.

It is proposed that the new Classification Rules will come into effect on the same day as the PS Bill. These will set out approved classification levels framed in terms of APS Groups. Each group will set out the names of those classifications regarded as being at a comparable classification level for the purposes of the Classification Rules.

The current Senior Officer Grade C classification will be included in Group 7 and Senior Officer Grade A and B classifications will be included in Group 8. These Groups will also include other comparable classifications, including the levels in a new classification structure currently being progressively implemented by APS agencies through agency agreements.

Seafarers Rehabilitation and Compensation Levy Collection Act 1992

1.791. This amends a provision which allows the Authority to 'appoint as an authorised person a SES officer or a Senior Officer Grade A, B or C for the purposes of a specified provision of this Act' by applying the terminology of the PS Bill and of the Classification Rules which it is proposed to make under cl.23 of that Bill. It also applies the new AIA definition of 'SES employee' and 'acting SES employee'.

1.792. This amends a provision which allows delegation to an SES officer or Senior Officer Grade A, B or C by applying the terminology of the PS Bill and of the Classification Rules which it is proposed to make under cl.23 of that Bill. It also applies the new AIA definition of 'SES employee' and 'acting SES employee'.

Sea Installations Act 1987

1.793. This amends para 74(1)(c) of that Act, which enables the responsible Minister to delegate to an APS employee or officer the Minister's functions or powers (other than this delegation power). This amendment is in accordance with the DTT para (d) - A.

Sex Discrimination Act 1984

1.794. This amends the definition of 'Commonwealth employee' in s-sec.4(1) of that Act which provides that a Commonwealth employee means, among other things, a person who '(a) holds an office of appointment in the APS or is employed in a temporary capacity in a Department'. This amendment is in accordance with the DTT para (d) - A.

1.795. This amends the definition of 'Department' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (b).

1.796. This removes a reference to 1922 PSA s.87E for the Sex Discrimination Commissioner (in s.99 of that Act).

Shipping Registration Act 1981

1.797. This omits a definition of 'employee' in s-sec.3(1) of that Act. This definition is not now required with all APS staff being employees.

1.798. This amends s-sec.52(1) of that Act, which enables the responsible Minister to delegate to an APS employee or officer the Minister's powers under that Act (other than this delegation power). This amendment is in accordance with the DTT para (d) - A.

1.799. This amends s.53 of that Act which enables the Registrar of Ships to delegate the Registrar's powers under that Act to an APS employee or officer. This amendment is in accordance with the DTT para (d) - A.

Ships (Capital Grants) Act 1987

1.800. This amends s-sec.36(1) of that Act which enables the relevant Secretary to delegate to a person in an SES office in the Secretary's Department the Secretary's powers under that Act (other than the delegation power). This amendment is in accordance with the DTT para (n) - B.

Snowy Mountains Engineering Corporation Limited Sale Act 1993

1.801. This amends the definition of 'authorised person' in s-sec.35(3) of that Act. Section 35 deals with the application of s.55E of the *Judiciary Act 1903*. This amendment is in accordance with the DTT para (n) - B.

1.802. This amends the definition of 'authorised person' in s-sec.38(4) of that Act. Section 38 deals with exemptions from State and Territory taxes and fees. This amendment is in accordance with the DTT para (n) - B.

Snow Mountains Hydro-Electric Power Act 1949

1.803. This removes a reference to 1922 PSA s.87E for a Full-Time Commissioner and for a Full-Time Associate Commissioner of the Snowy Mountains Hydro-Electric Authority (in s.11 of that Act).

Social Security Act 1991

1.804. This removes a reference to 1922 PSA s.87E for a Member of the Social Security Appeals Tribunal (in s.1331 of that Act).

1.805. This amends s.1341 of that Act which requires the staff of the Tribunal to be persons 'appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Special Broadcasting Service Act 1991

1.806. This removes a reference to 1922 PSA s.87E for the Managing Director of the Special Broadcasting Service Corporation ('SBS') (in s.34 of that Act).

1.807. This removes a Part IV mobility provision (in s.81 of that Act).

Special Prosecutors Act 1982

1.808. This amends a 'make available' provision in s.18 of that Act. The amendment is in accordance with the DTT para (d) - A.

States Grants (Education Assistance-Participation and Equity) Act 1983

1.809. This amends para 31(1)(c) of that Act which enables the responsible Minister to delegate the Minister's powers under that Act (other than the delegation power) to an APS officer. This amendment is in accordance with the DTT para (f) - B.

States Grants (Petroleum Products) Act 1965

1.810. This amends s.5 of that Act which sets out the requirements of a scheme of financial assistance in relation to a State or the Northern Territory. Under the scheme certain authorisations must be given to the CEO of Customs or to an APS officer appointed by the CEO of Customs. This amendment of s-sec.5(2) is in accordance with the DTT para (f) - C.

1.811. As above. This amendment of para 5(3)(a) is in accordance with the DTT para (f) - C.

1.812. As above - consequential on preceding amendment of para 5(3)(a).

1.813. As above - consequential on initial amendment of para 5(3)(a).

States Grants (Roads) Act 1977

1.814. This amends s-sec.34(1) of that Act which enables the responsible Minister to delegate specified powers to an APS officer. This amendment is in accordance with the DTT para (f) - B.

States Grants (Schools Assistance) Act 1983

1.815. This amends s-sec.76(1) of that Act which enables the responsible Minister to delegate the Minister's powers under that Act (other than the delegation power) to, among

others, an APS officer. This amendment of s-sec.76(1) is in accordance with the DTT para (f) - B.

States Grants (Schools Assistance) Act 1984

1.816. This amends s-sec.89(1) of that Act which enables the responsible Minister to delegate the Minister's powers under that Act (other than the delegation power) to an APS officer. This amendment of s-sec.89(1) is in accordance with the DTT para (f) - B.

Stevedoring Industry Charge Assessment Act 1947

1.817. This amends the definition of 'officer' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Student and Youth Assistance Act 1973

1.818. This amends in accordance with the DTT para (k).

Superannuation Act 1976

Definitions

1.819. This inserts a new definition of 'APS Agency' into s-sec.3(1) of the 1976 Superannuation Act (hereafter 1976 Act).

1.820. This inserts a new definition off 'APS employee' into s-sec.3(1) of the 1976 Superannuation Act.

1.821. This amends the definition of 'permanent employee' in s-sec.3(1) of the 1976 Act which included references to officers and employees under the 1922 PSA. This amendment (and an amendment to the definition of 'temporary employee') arise from the removal by the PS Bill of the distinction between 'officer' and 'employee' contained in the 1922 PSA.

1.822. This amends the existing definition of the 'Public Service Act' contained in s-sec.3(1) of the 1976 Act so that it refers to the PS Bill. This amendment is in accordance with DTT para (k).

1.823. This amends the definition of 'temporary employee' in s-sec.3(1) of the 1976 Act.

1.824. This item repeals the definition of 'Department' in s-sec.3C(2) of the 1976 Act and replaces it with a definition that relates to the terminology in the PS Bill and recognises that the Parliamentary Departments will not be staffed under the PS Bill.

Application of 1976 Act to certain persons

1.825. These items (items 825-834) amend section 14A of the 1976 Act which includes a number of references to the 1922 PSA. Section 14A has a number of purposes. Along with paragraph (ea) of the definition of 'eligible employee' contained in s-sec.3(1) of the Act it provides for certain persons to be CSS members and describes when they cease to be members. These include persons covered by Part IV of the 1922 PSA. In addition, the section allows modification of the Act by regulations, in relation to classes of persons covered

by the section. For example, it allows for the 1976 Act to be modified in respect of certain reappointed or re employed persons who were previously CSS members. These items amend section 14A in order to remove references to provisions in the 1922 PSA that are to be reproduced in the PS Bill. The amendments also allow the modifications made under the section to continue to apply.

- 1.826. As above.
- 1.827. As above.
- 1.828. As above.
- 1.829. As above.
- 1.830. As above.
- 1.831. As above.
- 1.832. As above, in accordance with DTT para (l) - A.
- 1.833. As above.
- 1.834. As above.

Eligible employees deprived of salary

1.835. - Section 16A is an historic provision that refers to a repealed provision of the 1922 PSA (s.32A). This item amends the section to ensure that it continues to refer to the 1922 PSA. The amendment is in accordance with DTT para (l) - A.

Commissioner for Superannuation

- 1.836. This removes a reference to 1922 PSA s.87E for the Commissioner for Superannuation (in s.21 of that Act).
- 1.837. This changes the APS staffing provisions for ComSuper (s.26 of that Act). The staffing powers will remain vested in the Commissioner.
- 1.838. As above.

Leave of absence without pay

1.839. This item amends s-para 51(2)(f)(i) of the 1976 Act to reflect the terminology contained in the PS Bill. This amendment is in accordance with DTT para (c).

Age Retirement benefit

1.840. This item amends the definition of 'fixed term employee' contained in subsection 57B(1) of the 1976 Act to describe a Secretary appointed on a fixed term by reference to the PS Bill. As all Secretaries holding appointments under the 1922 PSA at the commencement of the PS Bill will be deemed by the CTA Bill to be appointed under the PS Bill, the amendment makes it clear that a person who holds an appointment under the 1922 PSA other than on a fixed term basis is not a fixed term employee.

1.841. This item, together with the subsequent item, amend s-sec.57B(2) of the 1976 Act to replace a reference to a specific provision of the 1922 PSA with a reference to another equivalent provision in the PS Bill (cl.60) and amend the wording as a consequence of that replacement.

1.842. As above.

1.843. This item amends s-sec.57B(3) of the 1976 Superannuation Act to ensure that an existing reference to the 1922 PSA continues to refer to that Act rather than the PS Bill. This amendment is in accordance with DTT para (l) - A.

Early retirement benefit

1.844. Items 844 - 849 inclusive all amend s-sec.58(3) of the 1976 Act which prescribes many of the circumstances in which a person is deemed to have retired involuntarily and hence becomes entitled to involuntary retirement benefits under the Act. Many of the circumstances are described by reference to specific provisions of the 1922 PSA. The amendments are intended to ensure that the same circumstances are recognised as involuntary retirement after the amendments as before the amendments and therefore do not interfere with any members' entitlement to involuntary retirement benefits. In some cases a reference to a specific provision in the 1922 PSA is replaced with a reference to an equivalent provision in the PS Bill. In other circumstances it has been necessary to provide for termination on a ground similar to a ground in a specific provision of the 1922 PSA if it had continued in force. Existing para 58(3)(h) allows for the circumstances that are recognised as involuntary retirement to be expanded in regulations but is limited to retirement other than under the 1922 PSA. Para 58(3)(h) is amended to allow regulations in respect of retirement and termination under the PS Bill as well as in other circumstances.

1.845. As above.

1.846. As above.

1.847. As above. This amendment of para 58(3)(f) of the 1976 Act is in accordance with DTT, para (l) - A.

1.848. As above.

1.849. As above.

1.850. This item, together with the following item, replace s-paras 58A(1)(c)(i) and 58B(1)(c)(i) of the 1976 Act to reflect the terminology of the PS Bill.

1.851. As above.

Election candidates

1.852. This item replaces s.120 of the 1976 Act to replace a reference to s.47C of the 1922 PSA with a reference to cl.32 of the PS Bill. Both provisions deal with the right of return of election candidates.

Preservation of rights

1.853. This item amends s-sec.125(3) of the 1976 Act to allow bodies to be prescribed for the purposes of the section under the 1976 Act rather than under the 1922 PSA.

Part XI - Miscellaneous

1.854. This item, together with items 855, 856 and 857 amend s-para 159(1)(b)(i), s-sec.160(8), para 163A(1)(b) and s-sec.167(2) of the 1976 Act to reflect the terminology of the PS Bill. The amendment of s-para 159(1)(b)(i) is in accordance with DTT para (d) - B.

1.855. As above. This amendment of the definition of 'declared authority' in s-sec.160(8) is in accordance with DTT - para (d) - B.

1.856. As above - but broadened to include references to a Secretary and to other persons engaged under the PS Bill.

1.857. As above. This amendment of the definition of 'officer' in s-sec.167(2) is in accordance with DTT para (f) - B.

1.858. This item amends s.244 of the 1976 Act to ensure that existing references to the 1922 PSA continue to refer to that Act rather than the PS Bill.

Superannuation Act 1990

1.859. Items 859 and 860 amend the definitions of 'permanent employee' and 'temporary employee' included in s.3 of the 1990 Superannuation Act (hereafter '1990 Act') which included references to officers and employees under the 1922 PSA. These amendments arise from the removal of the distinction between 'officer' and 'employee' contained in the 1922 PSA.

1.860. As above.

1.861. This item repeals the definition of 'Department' included in s-sec.3AA(2) of the 1990 Act and replaces it with a definition that relates to the terminology in the PS Bill and recognises that the Parliamentary Departments will not be staffed under that Bill. A similar amendment is made to the definition of 'Department' in s-sec.3C(2) of the 1976 Superannuation Act.

1.862. This item repeals para 6(1)(h) of the 1990 Act as a consequence of the repeal of Part IV of the 1922 PSA.

1.863. Items 863 - 865 inclusive amend subpara 19(1)(b)(i), subpara (a)(i) of the definition of 'declared authority' in subsection 35(4) and subpara 36(c)(i) of the 1990 Act respectively, to reflect the terminology of the PS Bill. Each amendment is in accordance with DTT para (d) - B.

1.864. As above.

1.865. As above. Section 36 of the 1990 Act deals with the costs of medical examination on entry into the PSS Scheme.

Superannuation Benefits (Supervisory Mechanisms) Act 1990

1.866. This item amends the definition of 'overseas employee' in s-sec.3(1) of the Supervisory Mechanisms Act

- to replace a reference to a specific provision (s.82AF) in the 1922 PSA;
- with a reference to the equivalent provision (cl.74) in the PS Bill.

1.867. This item amends the definition of 'employer' in s-sec.6(6) of the Supervisory Mechanisms Act to take into account the terminology of the PS Bill. This amendment is in accordance with the DTT para (b).

Superannuation Contributions Tax (Assessment and Collection) Act 1997

1.868. This substitutes a new definition in para 32(1)(b) of that Act of 'person to whom this section applies' and is in accordance with the DTT paras (c) and (d) - B.

1.869. This amends in accordance with the DTT para (d) - B.

1.870. As above.

Superannuation Entities (Taxation) Act 1987

1.871. This amends s.20 of that Act which enables the Insurance and Superannuation Commissioner to delegate the Commissioner's powers under that Act to a 'person appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (f) - C.

Superannuation Guarantee (Administration) Act 1992

1.872. This amends the definition of 'authorised officer' in s-sec.6(1) of that Act. This amendment is in accordance with the DTT para (d) - A.

1.873. This amends s.45 of that Act dealing with secrecy. This amendment of 'person to whom this section applies' in s-sec.45(1) of that Act is in accordance with the DTT para (b), para (c) and para (f) - C.

Superannuation Industry (Supervision) Act 1993

1.874. This amends the definition of 'authorised officer' in s-sec.10(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Superannuation (Productivity Benefit) Act 1988

1.875. This item repeals the definition of 'Department' included in s-sec.3(1) of that Act (PB Act) and replaces it with a definition that relates to the terminology in the PS Bill and recognises that the Parliamentary Departments will not be staffed under that Bill.

1.876. This item amends the definitions of 'permanent employee' included in s-sec.3(1) of the PB Act which included references to officers and employees under the 1922 PSA. The amendment arises from the removal of the distinction between 'officer' and 'employee' contained in the 1922 PSA.

1.877. This amends the existing definition of the 'Public Service Act' contained in s-sec.3(1) of the PB Act so that it refers to the PS Bill. This amendment is in accordance with DTT para (k).

1.878. Items 878 and 879 amend the definition of 'qualified employee' in s-sec.3(1) of the PB Act which included references to officers and employees under the 1922 PSA. These amendments arise from the removal of the distinction between 'officer' and 'employee' contained in the 1922 PSA.

1.879. As above.

1.880. This item amends the definition of 'temporary employee' in s-sec.3(1) of the PB Act.

Superannuation (Resolution of Complaints) Act 1993

1.881. This removes a reference to 1922 PSA s.87E for the Chairperson of the Superannuation Complaints Tribunal (in s.51 of that Act).

1.882. This amends s-sec.62(1) of that Act which requires the staff of the Tribunal to be 'person appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Taxation Administration Act 1953

1.883. This amends the definition of 'officer' in s.2 of that Act. This amendment is in accordance with the DTT para (d) - A.

1.884. This changes the APS staffing provisions for the Australian Taxation Office (new s.4A of that Act - previously dealt with in 1922 PSA s-sec.25(4)). The staffing powers will remain vested in the Commissioner of Taxation.

1.885. This amends s-sec.5(3) of the Taxation Administration Act which provides that the Commissioner of Taxation and Deputy Commissioners of Taxation are not subject to 1922 PSA. This amendment is in accordance with the DTT para (k).

1.886. This removes a reference to 1922 PSA s.87E for the Commissioner of Taxation and the Second Commissioners of Taxation (in s.6 of that Act).

1.887. This amends the definition of 'officer' in s-sec.13D(1) of that Act. This amendment is in accordance with the DTT para (d) - A.

Telecommunications Act 1997

1.888. This amends s-sec.347(1) of that Act which enables the Secretary of the Department of Defence to delegate the Secretary's powers under Part 16 of that Act (defence requirements and disaster plans) to a person in an SES office in that Department. This amendment is in accordance with the DTT para (n) - B.

1.889. This removes a definition of SES office in s-sec.347(3) of that Act - consequent on the preceding amendment.

Telecommunications (Interception) Act 1979

1.890. This amends the definition of 'certifying officer' in s-sec.5(1) of that Act. This amendment is in accordance with the DTT para (n) - B.

Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997

1.891. This amends para 25(1)(b) of that Act which enables the responsible Minister to delegate the Minister's powers under Division 1 of Part 3 of that Act to a person in an SES office in the relevant Department. Division 1 of Part 3 contains transitional provisions relating to the merger of the Australian Telecommunications Authority (AUSTEL) and the Spectrum Management Agency (SMA). This amendment is in accordance with the DTT para (n) - B.

1.892. This removes a definition of SES office - consequent on the preceding amendment.

1.893. This amends para 35(1)(b) of that Act which enables the responsible Minister to delegate the Minister's powers under Division 1 of Part 3 of that Act to a person in an SES office in the relevant Department. Division 3 of Part 3 of that Act contains transitional provisions relating to the transfer of competition policy resources from AUSTEL to the Australian Competition and Consumer Commission (ACCC). This amendment is in accordance with the DTT para (n) - B.

1.894. This removes a definition of SES office - consequent on the preceding amendment.

Telstra Corporation Act 1991

1.895. This repeals a definition of 'Senior Executive Service office' which is no longer required.

1.896. This amends in accordance with the DTT para (d) - A.

1.897. This amends in accordance with the DTT para (n) - B. it also applies the new AIA definition of 'SES employee' and 'acting SES employee'.

1.898. As above.

1.899. As above.

1.900. As above.

Termination Payments Tax (Assessment and Collection) Act 1997

1.901. This substitutes a new definition in para 23(1)(b) of that Act of 'person to whom this section applies' and is in accordance with the DTT paras (c) and (d) - B.

1.902. This amends in accordance with the DTT para (d) - B.

1.903. As above.

Therapeutic Goods Act 1989

1.904. This removes a reference in s-sec 6A(2) of the Therapeutic Goods Act to 1922 PSA s-sec.39(6) which provides that an acting Secretary can perform all the functions of the holder of that office under 1922 PSA or any other law. Section 6A of that Act deals with the functions and powers that the relevant Secretary may perform under a corresponding State law. The Attorney-General's Department has advised that this reference in s-sec 6A(2) of that Act can be omitted. It is not regarded as currently necessary - para 33A(e) of the AIA applies to ensure that an Acting Secretary can perform the functions conferred by s-sec.6A(1) of the Therapeutic Goods Act.

1.905. This item and the subsequent item amend s.57 of that Act which enables the responsible Minister or the relevant Secretary to delegate certain of their powers subject to certain qualifications to, among others, an officer in the relevant Department or another Department. This amendment, together with the next amendment, converts the 1922 PSA terminology for APS agencies to the terminology in the PS Bill. These amendments are in accordance with the DTT para (h) - A.

1.906. As above.

Tobacco Charges Assessment Act 1955

1.907. This amends the definition of 'officer' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Trade Marks Act 1995

1.908. This amends the definition of 'employee' in s.6 of that Act. This amendment is in accordance with the DTT para (g).

1.909. This amends the definition of 'trade marks officer' in s.6 of that Act to reflect the fact that the PS Bill does not use the concept of office in relation to APS employees.

1.910. As above.

1.911. This amends s-sec.206(1) of that Act which enables the Registrar of Trade Marks to delegate the Registrar's powers or functions to prescribed staff in the Trade Marks Office. This amendment removes a reference to a person in an office in the Trade Marks Office - this reference is no longer required as the PS Bill is drafted without reference to the concept of office so far as APS employees are concerned.

Trade Practices Act 1974

Australian Competition and Consumer Council

1.912. This removes a reference to 1922 PSA s.87E for a Member of the Australian Competition and Consumer Commission (ACCC - in s.12 of that Act).

1.913. This changes the APS staffing provisions for the ACCC (s.27 of that Act). The staffing powers will remain vested in the Chairperson of the ACCC. This amendment is in accordance with DTT para (d) - B.

1.914. As above.

National Competition Council

1.915. This removes a reference to 1922 PSA s.87E for a Full-Time Councillor of the National Competition Council (in s.29G of that Act).

1.916. This changes the APS staffing provisions for the National Competition Council (s.29M of that Act). The staffing powers will remain vested in the Council President.

1.917. As above.

Australian Competition Tribunal

1.918. This amends s-sec.44(3) of that Act which requires the Registrar of the Australian Competition Tribunal, the Deputy Registrars and their staff to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.919. This amends s-sec.44A(1) which enables the responsible Minister to appoint an officer or employee under 1922 PSA as an Acting Registrar or Acting Deputy Registrar of the Australian Competition Tribunal. This amendment is in accordance with the DTT para (d) - B.

Consumer Protection

1.920. This amends s.65T of that Act which provides that the supply of certain information to, among others, an APS officer, will not affect insurance contracts. This amendment is in accordance with the DTT para (f) - B.

International Liner Cargo Shipping

1.921. This amends s.10.80 of that Act which requires the Registrar of Liner Shipping and the Registrar's staff to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Legal and financial assistance

1.922. This amends s-sec.170(2) of that Act which enables the Attorney-General, or an APS officer authorised by the Attorney-General, to authorise the grant of legal or financial assistance in relation to certain proceedings under that Act. This amendment is in accordance with the DTT para (f) - B.

1.923. As above - consequential on the preceding amendment.

Trade Representatives Act 1933

1.924. This amends s.4 of that Act which provides that Trade Representatives who were not APS officers are not subject to 1922 PSA. This amendment is in accordance with the DTT para (f) - B.

1.925. As above - but in accordance with the DTT para (k).

1.926. This amends s-sec.10(2) of that Act which provides that officers appointed by a Trade Representative are not subject to 1922 PSA. This amendment is in accordance with the DTT para (k).

1.927. This amends s.11 of that Act dealing with a determination by the responsible Minister of the terms and conditions of service of Trade Representatives and officers appointed (under s.10) by Trade Representatives. This amendment of s-sec.11(4) converts

- a reference to a 1922 PSA s.82D determination;
- to a reference to a corresponding determination under cl.24 of the PS Bill.

1.928. This amends s.11C of that Act which enables the Governor-General and the responsible Minister each to delegate their powers (other than the delegation power) to an APS officer in the relevant Department. (The Governor-General can also delegate to the responsible Minister). This amendment is in accordance with the DTT para (f) - B.

Transport (Planning and Research) Act 1974

1.929. This amends s-sec.18(1) of that Act which enables the responsible Minister to delegate specified powers of the Minister to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Transport Planning and Research (Financial Assistance) Act 1977

1.930. This amends s-sec.14(1) of that Act which enables the responsible Minister to delegate specified powers of the Minister to an APS officer. This amendment is in accordance with the DTT para (f) - B.

Veterans' Entitlements Act 1986

Treatment at hospitals etc

1.931. This amends s.89 of that Act dealing with treatment at hospitals and other institutions maintained by the Repatriation Commission. S-sec.89(3) applies prescribed State

and Territory laws to persons employed or providing services at these hospitals or institutions whether or not they are 'appointed or employed under' 1922 PSA. This amendment of s-sec.89(3) is in accordance with the DTT para (d) - B.

Veterans' Review Board

1.932. This removes a reference to 1922 PSA s.87E for a Full-Time Member of the Veterans' Review Board (in s.162 of that Act).

1.933. This amends s.172 of that Act which requires the staff of the Board to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Repatriation Commission

1.934. This amends s.184 of that Act which enables the Secretary of the Department of Veterans' Affairs to also be appointed as a Commissioner and President of the Repatriation Commission while retaining the office of Secretary. This amendment of s.184 is in accordance with the DTT para (k).

1.935. As above - change in drafting style.

1.936. As above - consequential on next amendment.

1.937. As above - removes a reference to Part IV.

1.938. This removes a reference to 1922 PSA s.87E for a Commissioner or Acting Commissioner of the Repatriation Commission (in s.186 of that Act).

1.939. This amends s.193 of that Act dealing with appointments of a Commissioner to act concurrently as President of the Repatriation Commission and as Secretary of the Department of Veterans' Affairs. This amendment of s-sec.193(1) is in accordance with the DTT para (k).

1.940. This amends s.196 of that Act which requires the staff to assist the Repatriation Commission to be persons 'appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Repatriation Medical Authority

1.941. This amends s.196T of that Act which requires the staff to assist the Repatriation Medical Authority to be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Specialist Medical Review Council

1.942. This amends s.196ZM of that Act which requires the staff to assist the Specialist Medical Review Council to be persons 'appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

Delegation

1.943. This amends para 212(1)(a) of that Act which enables the responsible Minister to delegate the Minister's powers under that Act (other than the delegation power) to a Repatriation Commissioner or to an APS officer or employee. This amendment is in accordance with the DTT para (d) - A.

1.944. This amends s-sec.213(1) of that Act which enables the Repatriation Commission to delegate its powers under that Act and other legislation (other than the delegation power) to a Repatriation Commissioner or to an APS officer or employee. This amendment is in accordance with the DTT para (d) - A.

1.945. This amends s-sec.214(1) of that Act which enables the relevant Secretary to delegate to an APS officer or employee the Secretary's powers under that Act and its regulations (other than the delegation power). This amendment is in accordance with the DTT para (d) - A.

War Graves Act 1980

1.946. This removes a reference to 1922 PSA s.87E for the Director of War Graves (in s.7 of that Act).

Wet Tropics of Queensland World Heritage Area Conservation Act 1994

1.947. This amends a 'make available' provision in s.7 of that Act for the Wet Tropics Management Authority. This amendment is in accordance with the DTT para (d) - B.

Wheat Marketing Act 1989

1.948. This changes the definition of 'designated group' for EEO purposes from that contained in 1922 PSA s.7.

Wildlife Protection (Regulation of Exports and Imports) Act 1982

1.949. This amends s.18 of that Act dealing with the constitution of the Designated Authority for the purposes of that Act (s.19). This amendment is in accordance with the DTT para (d) - B.

Williamstown Dockyard Employees Act 1987

1.950. This amends the definition of 'relevant employee' in s.3 of that Act. This amendment is in accordance with the DTT para (d) - A.

1.951. This amends the definition of 'the Service' in s.3 of that Act. This amendment updates the reference in accordance with the principle in the DTT para (k).

Wool International Act 1993

1.952. This changes the definition of 'designated group' for EEO purposes from that contained in 1922 PSA s.7.

Wool Tax (Administration) Act 1964

1.953. This amends the definition of 'officer' in s-sec.4(1) of that Act. This amendment is in accordance with the DTT para (f) - B.

Workplace Relations Act 1996

1.954. This amends the definition of 'public sector employment' in s-sec.4(1) of the WRA. This amendment is in accordance with the DTT para (k).

Australian Industrial Relations Commission

1.955. This removes a reference to 1922 PSA s.87E for a Commissioner of the AIRC (in s.26 of the WRA).

Australian Industrial Registry

1.956. This removes a reference to 1922 PSA s.87E for the Industrial Registrar (in s.72 of the WRA).

1.957. This changes the APS staffing provisions for the Australian Industrial Registry. Staff will be 'persons appointed or employed under' 1922 PSA (under s.83 of that Act). The staffing powers will remain vested in the Industrial Registrar.

1.958. As above.

Employment Advocate

1.959. This amends s.83BD of the WRA which provides that the staff required to assist the Employment Advocate will be 'persons appointed or employed under' 1922 PSA. This amendment is in accordance with the DTT para (d) - B.

1.960. This removes a reference to 1922 PSA s.87E for the Employment Advocate (in s.83BL of the WRA).

Inspectors

1.961. This amends para 84(2)(a) of the WRA which enables the responsible Minister to appoint APS members as inspectors. This amendment is in accordance with the DTT para (d) - B.

1.962. This amends s-sec.84(3) of the WRA which enables arrangements to be made for State and Territory public servants to act as inspectors. This amendment of s-sec.84(3) of the WRA converts

- references to the arrangements under 1922 PSA s.78 with the State or Territories;
- to references to the corresponding arrangements under cl.71 of the PS Bill.

Minimum entitlement of employees

1.963. This amends the definition of 'Commonwealth public sector employee' in s-sec.170CD(1) of the WRA where the definition includes a person in employment '(a) as an officer or employee of the APS'. This amendment is in accordance with the DTT para (k).

Australian Workplace Agreements

1.964. This amends s.170WK of the WRA which enables a Secretary within the meaning of 1922 PSA to enter into AWAs. This amendment converts the terminology of the 1922 PSA to the terminology in the PS Bill, and is in accordance with DTT para (c).

Attachments

ATTACHMENT A

List of references to 1922 PSA s.87E

- *Aboriginal and Torres Strait Islander Commission Act 1989* s.35 - an ATSIC Commissioner;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.49 - the ATSIC CEO;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.77C - ATSIC Director of Evaluation and Audit;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.124E - an Administrator of a Regional Council;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.127D - Chairperson of a Regional Council;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.143Z - TSRA Chairperson;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.144K - TSRA General Manager;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.144ZK - TSRA Administrator;
- *Aboriginal and Torres Strait Islander Commission Act 1989* s.192D - Indigenous Land Corporation Chairperson;
- *Administrative Appeals Tribunal Act 1975* s.12 - Full-Time Member of AAT;
- *Administrative Appeals Tribunal Act 1975* s.24G - Registrar of AAT;
- *Agricultural and Veterinary Chemicals (Administration) Act 1992* s.39 - CEO of the NRA;
- *Air Services Act 1995* s.30 - a Full-Time Chairperson of the Board of Airservices Australia;
- *Anti-Dumping Authority Act 1988* s.18 - Full-Time Member of the Anti-Dumping Authority;
- *Auditor-General Act 1997* s.4 - Auditor-General;
- *Australia Council Act 1975* s.12 - Full-Time Chairperson of the Australia Council;
- *Australia Council Act 1975* s.19C - General Manager of the Australia Council;
- *Australian Broadcasting Corporation Act 1983* s.14A - Managing Director of the Australian Broadcasting Corporation;
- *Australian Broadcasting Corporation Act 1983* s.14A - Chairperson;
- *Australian Capital Territory (Planning and Land Management) Act 1988* s.38 - a Full-Time Member of the National Capital Authority;

- *Australian Centre for International Agricultural Research Act 1982* s.26 - Director of the Centre;
- *Australian Communications Authority Act 1997* s.35 - a Full-Time Member or a Full-Time Associate Member of the Authority;
- *Australian Federal Police Act 1979* s.21 - Commissioner;
- *Australian Film Commission Act 1975* s.18 - a Full-Time Member of the Commission;
- *Australian Film, Television and Radio School Act 1973* s.17 - a Full-Time Member of the Council of the Australian Film, Television and Radio School;
- *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989* s.45A - Holder of an Office;
- *Australian Institute of Health and Welfare Act 1987* s.11 - a Full-Time Member of the Institute;
- *Australian Institute of Marine Science Act 1972* s.25 - the Director of the Institute;
- *Australian Law Reform Commission Act 1996* s.19 - a Full-Time Member;
- *Australian Maritime Safety Authority Act 1990* s.51A - Chief Executive of AMSA;
- *Australian Maritime Safety Authority Act 1990* s.17 - Chairperson of AMSA;
- *Australian National Maritime Museum Act 1990* s.34 - the Director;
- *Australian National Training Authority Act 1992* s.30 - a Full-Time Member of the ANTA;
- *Australian National Training Authority Act 1992* s.43 - Chief Executive Officer;
- *Australian Nuclear Science and Technology Organisation Act 1987* s.21A - the Executive Director of ANSTO;
- *Australian Nuclear Science and Technology Organisation Act 1987* s.37J - the Director of the Nuclear Safety Bureau;
- *Australian Science, Technology and Engineering Council Act 1978* s.13 - Full-Time Chairperson and Full-Time Deputy Chairperson of the Australian Science, Technology and Engineering Council;
- *Australian Securities Commission Act 1989* s.113 - a Full-Time Member of the Australian Securities Commission (ASC);
- *Australian Securities Commission Act 1989* s.180 - a Full-Time Member of the Corporations and Securities Panel;
- *Australian Security Intelligence Organization Act 1979* s.11 - Director-General of Security;
- *Australian Sports Commission Act 1989* s.14 - a Full-Time Member of the Australian Sports Commission;

- *Australian Sports Commission Act 1989* s.35 - Executive Director of the Australian Sports Commission;
- *Australian Sports Drug Agency Act 1987* s.33 - Chairperson
- *Australian Tourist Commission Act 1987* s.18 - a Full-Time Chairperson of the Australian Tourist Commission;
- *Australian Tourist Commission Act 1987* s.36 - Managing Director of the Australian Tourist Commission;
- *Australian Trade Commission Act 1985* s.57 - the Managing Director and the Deputy Managing Director of the Australian Trade Commission;
- *Australian War Memorial Act 1980* s.23 - Director;
- *Civil Aviation Act 1988* s.37 - the Chairperson of the Board of the Civil Aviation Safety Authority;
- *Classification (Publications, Films and Computer Games) Act 1995* s.61 - Member of the Classification Board;
- *Commonwealth Electoral Act 1918* s.23 - Electoral Officer;
- *Commonwealth Grants Commission Act 1973* s.10 - a Full-Time Member of the Commonwealth Grants Commission;
- *Construction Industry Reform and Development Act 1992* s.38 - CEO of the Construction Industry Development Agency;
- *Council for Aboriginal Reconciliation Act 1991* s.20 - a Full-Time Chairperson;
- *Criminology Research Act 1971* s.19 - Director;
- *Customs Administration Act 1985* s.9 - CEO of Customs;
- *Defence Housing Authority Act 1987* s.51 - Managing Director;
- *Development Allowance Authority Act 1992* s.103 - a Full-Time DAA;
- *Director of Public Prosecutions Act 1983* s.20 - the Director of Public Prosecutions and the Associate Director of Public Prosecutions;
- *Disability Discrimination Act 1992* s.116 - the Disability Discrimination Commissioner;
- *Economic Planning Advisory Commission Act 1983* s.11 - Commissioner;
- *Employment, Education and Training Act 1988* s.17 - Full-Time Member of the Board;
- *Employment, Education and Training Act 1988* s.35C - a Full-Time Chairperson of a Council;
- *Employment Services Act 1994* s.83 - a Full-Time Member of the ESRA Board;
- *Employment Services Act 1994* s.98 - ESRA Chief Executive Officer;
- *Family Law Act 1975* s.26JA - Full-Time Judicial Registrar;

- *Family Law Act 1975 s.38G* - CEO of the Family Court;
- *Family Law Act 1975 s.114G* - Director of the Australian Institute of Family Studies;
- *Federal Airports Corporation Act 1986 s.17* - a Full-Time Chairperson of the Board of the Federal Airports Corporation;
- *Federal Court of Australia Act 1976 s.18AI* - Judicial Registrar;
- *Federal Court of Australia Act 1976 s.18G* - the Registrar;
- *Federal Court of Australia Act 1976 s.37F* - a Full-Time Assessor;
- *Financial Transaction Reports Act 1988 s.36B* - Director of AUSTRAC;
- *Great Barrier Reef Marine Park Act 1975 s.13* - Chairperson;
- *Health Insurance Act 1973 s.106ZB* - Director;
- *Health Insurance Commission Act 1973 s.23* - the Managing Director;
- *High Court of Australia Act 1979 s.22* - the Chief Executive and Principal Registrar of the High Court;
- *Human Rights and Equal Opportunity Commission Act 1986 s.39* - a Full-Time Member of HREOC;
- *Human Rights and Equal Opportunity Commission Act 1986 s.46F* - the Human Rights Commissioner;
- *Industrial Chemicals (Notification and Assessment) Act 1989 s.94* - Director;
- *Industry Commission Act 1989 s.34* - a Commissioner or a Full-Time Associate Commissioner;
- *Inspector-General of Intelligence and Security Act 1986 s.28* - Inspector-General;
- *Insurance and Superannuation Commissioner Act 1987 s.9* - Insurance and Superannuation Commissioner;
- *International Air Services Commission Act 1992 s.44* - Member;
- *Merit Protection (Australian Government Employees) Act 1984 s.66* - Merit Protection Commissioner;
- *National Crime Authority Act 1984 s.40* - Member of the NCA;
- *National Environment Protection Council Act 1994 s.43* - NEPC Executive Officer;
- *National Gallery Act 1975 s.28* - Director of the National Gallery of Australia;
- *National Health Act 1953 s.82PEA* - a Full-Time Commissioner of the Private Health Insurance Administration Council;
- *National Health Act 1953 s.82PN* - Director of the Private Health Insurance Administration Council;

- *National Health Act 1953* s.82ZUD - Private Health Insurance Complaints Commissioner;
- *National Health and Medical Research Council Act 1992* s.26 - a Full-Time Chairperson of the NHMRC;
- *National Library Act 1960* s.17B - a Full-Time Member of the Council of the National Library of Australia;
- *National Museum of Australia Act 1980* s.26 - Director;
- *National Occupational Health and Safety Commission Act 1985* s.32 - Director of the National Institute of Occupational Health and Safety;
- *National Occupational Health and Safety Commission Act 1985* s.12 - CEO of the National Occupational Health and Safety Commission;
- *National Parks and Wildlife Conservation Act 1975* s.26 - Director;
- *Native Title Act 1993* s.102 - the Registrar of the NNTA;
- *Native Title Act 1993* s.117 - a Full-Time Member of the NNTA;
- *Nuclear Non-Proliferation (Safeguards) Act 1987* s.46 - Director of Safeguards;
- *Office of National Assessments Act 1977* s.13 - Director-General;
- *Ombudsman Act 1976* s.25 - Ombudsman;
- *Parliamentary Counsel Act 1970* s.7 - First Parliamentary Counsel and Second Parliamentary Counsel;
- *Privacy Act 1988* s.22 - Privacy Commissioner;
- *Public Service Act 1922* s.13 - Public Service Commissioner;
- *Racial Discrimination Act 1975* s.32 - Race Discrimination Commissioner;
- *Radiocommunications Act 1992* s.248 - Spectrum Manager;
- *Safety Rehabilitation and Compensation Act 1988* s.81 - CEO of Comcare;
- *Science and Industry Research Act 1949* s.10C - Chief Executive of the CSIRO;
- *Sex Discrimination Act 1984* s.99 - Sex Discrimination Commissioner;
- *Snowy Mountains Hydro-Electric Power Act 1949* s.11 - Full-Time Commissioner and Full-Time Associate Commissioner;
- *Social Security Act 1991* s.1331 - Member of Social Security Appeals Tribunal;
- *Special Broadcasting Service Act 1991* s.34 - Managing Director;
- *Superannuation Act 1976* s.21 - Commissioner for Superannuation;
- *Superannuation (Resolution of Complaints) Act 1993* s.51 - the Chairperson of the Superannuation Complaints Tribunal;
- *Taxation Administration Act 1953* s.6 - Commissioner of Taxation and Second Commissioners of Taxation;

- *Trade Practices Act 1974* s.12 - a Member of the Australian Competition and Consumer Commission
- *Trade Practices Act 1974* s.29G - Full-Time Councillor of the National Competition Council;
- *Veterans' Entitlements Act 1986* s.162 - a Full-Time Member of the Veterans' Review Board;
- *Veterans' Entitlements Act 1986* s.186 - a Commissioner or Acting Commissioner of the Repatriation Commission;
- *War Graves Act 1980* s.7 - Director of War Graves;
- *Workplace Relations Act 1996* s.26 - Commissioner of the AIRC
- *Workplace Relations Act 1996* s.72 - Industrial Registrar
- *Workplace Relations Act 1996* s.83BL - Employment Advocate;

ATTACHMENT B

Default translation table

The following current provisions have been given the following default translations

- (a) Current provision: s.87E of the *Public Service Act 1922*;
Default translation: Omit (see comments in Ex Memo on cl.3, above);
- (b) Current provision:
Department within the meaning of 1922 PSA;
Branch of the APS within the control of [the person with the relevant 1922 PSA Secretary powers];
Default translation: Agency within the meaning of PS Bill (Parliamentary Departments are added in by CTA Bill cl.12);
- (c) Current provision:
Secretary within the meaning of 1922 PSA;
Secretary of a Department of the APS;
Secretary of a Commonwealth Department;
Default translation: Agency Head within the meaning of PS Bill (Heads of Parliamentary Departments are added in by CTA Bill cl.12);
- (d) Current provision:
Officer or employee appointed or employed under 1922 PSA;
Officer or employee of the APS;
Person appointed or employed under 1922 PSA;
Person employed under 1922 PSA;
Member of the APS;
Officers and employees of Departments of the APS;
Officer of or person employed in the APS;
Person employed in the APS (where context indicates it covers both employees and officers under 1922 PSA);
Default translation:
A - person appointed or engaged under PS Bill (i.e., includes both an APS employee and an Agency Head - 1922 PSA Secretary is a 1922 PSA 'officer')
B - person engaged under PS Bill (i.e., an APS employee but not an Agency Head);
- (e) Current provision: officer or employee of a Department
Default translation:
A - person appointed or engaged under PS Bill or
B - do not amend - depending on whether this refers to 1922 PSA 'Department' (see s.7) or to a Department of State;

- (f) Current provision:
Officer appointed under 1922 PSA;
Person appointed under 1922 PSA;
Officer of the APS;
Person holding an office or appointment under 1922 PSA;
Officer within the meaning of 1922 PSA holding or performing the duties of an office;
Officer of the Public Service of the Commonwealth;
(appointed to) an office or as an unattached officer;
Default translation:
A - APS employee or
B - person appointed or engaged under PS Bill or
C - person engaged under PS Bill or
D - (engagement as) an APS employee;
- (g) Current provision:
Employee employed under 1922 PSA;
Employee under 1922 PSA;
Employee of APS
Default translation: Person engaged under PS Bill;
- (h) Current provision:
A Department;
A Department of the Commonwealth;
A Department of the APS;
Default translation:
A - PS Bill Agency - (where context indicates that not restricted to a Department of State or a Parliamentary Departments) or
B - Do not amend where this refers to a Department of State;
- (i) Current provision: APS (in contexts not covered above)
No default translation;
- (j) Current provision: the public service
No default translation;
- (k) Current provision: 1922 PSA - ongoing
Default translation: PS Bill (i.e. Public Service Act 1999);
- (l) Current provision: 1922 PSA - historical
Default translation:
A - retain or
B - omit provision (where needed to get different result from retaining);

- (m) Current provision: 1922 PSA - changed policy
Default translation:
 - A - omit provision or
 - B - replace to reflect new policy;
- (n) Current provision: Senior Executive Service Officer and variants
Default translation:
 - A - an SES employee within the meaning of PS Bill or
 - B - an SES employee or acting SES employee;
- (o) Current provision: office in the Australian Public Service
Default translation:
 - A - position in the APS or
 - B - office or position in the APS (this would cover an office of Agency Head).

The following provisions in existing legislation remain unchanged unless required by the specific context

- (i) 'appointed, appointment' (general references not mentioning 1922 PSA etc.) - these words are wide enough to include 'engaged' under PS Bill;
- (ii) 'Department of State';
- (iii) officers or employees (in contexts that cover both APS and non-APS) - this form is common in 'make available' provisions;
- (iv) 'the Minister';
- (v) 'officer' (general reference) - covered by CTA Bill cl.13;
- (vi) 'Officer of the Commonwealth' - covered by CTA Bill cl.13;
- (vii) 'officer/employee' of specified Department - covered by CTA Bill cl.13;
- (viii) 'Presiding Officer';
- (ix) 'Parliamentary Department';
- (x) 'Secretary to' a Department - covered by CTA Bill cl.12 - changed 'to' to 'of' only if within text otherwise being replaced;
- (xi) 'Secretary' to a Department of State - as above;
- (xii) 'the Department' (general reference) - covered by CTA Bill cl.13; the reference is expanded by AIA 19A(3);
- (xiii) person 'occupying, holding' etc. an office in a particular Department (e.g. the Department) - covered by CTA Bill cl.13;
- (xiv) an 'office' in a particular Department - covered by CTA Bill cl.13;
- (xv) an 'office' (general reference) - covered by CTA Bill cl.13.

ATTACHMENT C

Abbreviations¹

1922 PSA	<i>Public Service Act 1922</i>
1922 PS Regs	Public Service Regulations in force under the 1922 PSA
1994 McLeod Report	Report of the Public Service Act Review Group (chaired by Mr RN McLeod - December 1994)
AAO	Administrative Arrangements Order
ADMF Paper	Paper: 'Accountability in a Devolved Management Framework' issued by the PSMPC and the then DIR (May 1997)
AIA	<i>Acts Interpretation Act 1901</i>
AIRC	Australian Industrial Relations Commission
APS	Australian Public Service
AWA	Australian Workplace Agreements provided for in WRA
CEO	Chief Executive Officer
CE(RR)A	<i>Commonwealth Employees (Redeployment and Retirement) Act 1979</i>
CSS	Commonwealth Superannuation Scheme
CTA Bill	<i>Public Employment (Consequential and Transitional) Amendment Bill 1999</i>
CTA Regs	Consequential and Transitional Regulations made under CTA Bill
DFAT	Department of Foreign Affairs and Trade
DoFA	Department of Finance and Administration
DEWRSB	Department of Employment, Workplace Relations and Small Business (formerly Department of Industrial Relations ('DIR'))
Ex Memo	The Explanatory Memorandum circulated with the <i>Public Employment (Consequential and Transitional) Amendment Bill 1999</i>
FMA Act	<i>Financial Management and Accountability Act 1997</i>
LSL	Long Service Leave
LSLA	<i>Long Service Leave (Commonwealth Employees) Act 1976</i>
MP(AGE)A	<i>Merit Protection (Australian Government Employees) Act 1984</i> (defined in CTA Bill cl.4 as 'Merit Protection Act')
MPRA	Merit Protection and Review Agency

¹ Note: any abbreviations used only in relation to a particular Act in the Schedule to this Ex Memo are explained in the material dealing with that Act.

relevant Department	In relation to a particular provision in a particular Act - Department of State that, under the Administrative Arrangements Order (AAO), is administered by the Minister of State responsible for the particular provision being described in the Ex Memo
relevant Secretary	In relation to a particular provision in a particular Act - Secretary of the Department of State that, under the AAO, is administered by the Minister responsible for the particular provision being described in the Ex Memo
responsible Minister	In relation to a particular provision in a particular Act - Minister who, under the AAO, administers the particular provision being described in that part of the Ex Memo
PS Bill	<i>Public Service Bill 1999</i>
SES	Senior Executive Service
SOG	Senior Officer Grade
TBPAPS Paper	Paper: 'Towards a Best Practice APS' issued by The Hon Peter Reith, MP (November 1996)
WRA	<i>Workplace Relations Act 1996</i>

AWARD SIMPLIFICATION - STUDY LEAVE

Study Assistance/Study Leave/Study bank

- Historically Studies Assistance was used to provide time off for staff to attend classes/study activities and preparation for and attending examinations. It has been used traditionally by staff to undertake a course of study at tertiary institutions
- Is subject to the operational requirements of the organisation (may or may not depending on the circumstances a particular case)
- In no circumstances is study leave compulsory
- The Commonwealth has strong continuing commitment to encourage continuous learning and the development of staff and also training through PSETA.

APS Award

The AIRC stated that it would consider an application from the parties to vary individual awards – for study leave where it is directed to the attainment of qualifications which are a pre-requisite to progress though an award classification structure may be allowable in some circumstances pursuant to s89A(6), as incidental to s89A(2)(a).

The PSMPC preferred position

The PSMPC continues to support the removal of study leave from the award on the basis that:

- PSMPC Circular 1996/19, November 1996 devolved studies assistance to APS agencies which gave Agencies the discretion to define their own priorities and requirements and subsequently develop their own provisions through certified agreements which can override or be to the exclusion of the Award
- Clause 41 of the APS award 1998 is largely process. Since November 1996 Agencies have developed administrative process to suit agency requirements and skills needs
- Reimbursement of fees is retained as an allowable matter under allowances and fees clause in the award
- Study leave enables staff to pursue continuous learning and skills development.
- Study leave is not used nor has it been used for preparing employees for promotion or for obtaining mandatory qualifications for advancement or progression through classifications or for career progression
- Merit is the only criteria for advancement – being the open assessment of relative suitability – a qualification does not guarantee progression.
- Advancement and progression through APS classifications is based on merit not through attainment of qualifications and therefore is not incidental to s89A(2) (a) of the WR Act, not is it necessary for the effective operation of the award, s89A (6)
- Training provisions in the metal industry award and the circumstances in which they operate ie for the purposes of attaining minimum competency standards or qualification, in no way approximates the function of the APS study leave provision
- Development or acquisition of skills is not dependent on access to study leave. See Legal Officers example Attorney-General's Department

- The APS award recognises apprentices separately from study leave under s53A.
- Skills-based Career paths - APS agencies do not apply competency based advancement
- Study leave continues to be available outside the award under PS determination 1998/5
- The APS award does not make any formal link between study leave for the purposes of undertaking training to attain mandatory qualifications and advancement through APS classifications. Therefore is not necessary for the effective operation of the award.
- Study leave is quite distinct from personal/carer's leave, 89A(2)(g) and 'other like forms of leave' in the APS
- The PSMPC view clearly negates the unions concern which has been expressed in the past that 'employers could introduce the requirement for employees to do certain study in order to retain particular job or to advance but carry the costs of that study. Their position is that if the study is required for the job – it should be at the cost of the employer not solely the employee'.

APS Classifications

What APS classifications, if any, require attainment of qualifications or skills as a pre-requisite for progression through or maintaining a position, a classification structure and secondly if the skills, experience and qualifications were needed would study leave be a mechanism to attain these skills?

- Merit is the only criteria for advancement – being the open assessment of relative suitability – a qualification does not guarantee progression.
- Cadets and Apprentices: The APS award recognises training of cadets and apprentices separately from study leave under s53A.

An example - The Department of Defence, contact officer Mr Ashley Stanley

The Department of Defence does not believe a study leave clause is necessary in the APS award. The Department uses study leave primarily for development purposes and it is usually only granted on that basis. Details of Defence study leave arrangements are contained in the Defence certified agreement and the arrangement mirror the GEC award. The Department has no plans to change the arrangement, as they suit our particular needs and serve the department well.

Aside from s.53A provisions where advancement within or to a particular classification is dependent upon achievement of prescribed qualifications as required by the APS Entry and Advancement provisions set out in the P14 Gazette, there is no basis upon which advancement is either dependent or guaranteed by the gaining of a qualification. The only test is merit.

What is required in terms of award simplification? Can we argue that the provisions of

the current clause does not meet the AIRC's requirements? The Full Bench majority has already said that:

'The study leave and classification structure provisions in this award differ substantially from the training and classification structure provisions the Senior Deputy President was dealing with. In particular the provisions of this award **do not disclose** any significant integration between qualifications for progression, training requirements and leave for the purpose of undergoing training. Nothing put persuades us that the study leave provision in the APS GEC award is either allowable or a s.89A(6) provision.'

The draft proposed by the union is not consistent with the Commission's obligation under s.143(IC)(c) to ensure that an award *"is expressed in plain English and is easy to understand in structure and content."*????

NOTES ON APS STUDY ASSISTANCE GUIDELINES

PSB, PMM Vol 7, Staff Development, Guidelines on Studies Assistance, April 1984

- 'Guidelines are intended to provide comprehensive advice about the range of continuing education and development opportunities available to officers and employees of the AFS.
- Objectives:
 - planned approach to staff development through continuing education and to increase Service efficiency
 - to assist staff to improve job performance, adaptability and meet skills needs of the Service.
- Agencies identified on a continuing basis those skills and knowledge which had a direct application to the department and general areas of study
- 'Studies Assistance is not an entitlement'.
- Cadets under s53A could not access studybank
- Advancement in the APS is based on merit.
- Legal basis PSB Determination 1983/10

PSC, Personnel Management Guidelines, Studybank, studies Assistance Guidelines 1991 – revoked in November 1996

- Aims to develop
 - from within the APS the competence, skills and innovation of its workforce and to meet agency skills requirements, and
 - planned approach to continuous learning linked to individuals' career development plans
- Encourage and support continuing education and skills development across the APS
- Provided greater flexibility for staff to utilise a bank of study credits and agencies to support a variety of study modes
- Cadets under s53A could not access studybank
- Improve current and future job performance – not as a pre-requisite for advancement
- 'Studybank is not an entitlement'
- Legal basis PSB Determination 1983/10

PSC Circular No. 1996/19

- Revoked PSC Personnel Management Guidelines on Studies Assistance 1991, PSMPC devolved responsibility for decision on study leave to APS agencies. See attached.
- Principles for Managing Studies Assistance, 3 December 1996. See attached

PSMPC Circular 1997/6 amended PSMPC Circular 1996/19 with respect to assistance to Aboriginal Award Holders. See attached.