

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PUBLIC SERVICE AMENDMENT BILL 1983

EXPLANATORY MEMORANDUM

(CIRCULATED BY AUTHORITY OF THE MINISTER ASSISTING THE PRIME MINISTER FOR
PUBLIC SERVICE MATTERS)

OUTLINE

The Bill makes two technical amendments to the Public Service Act 1922.

Definition of 'Department'

The first relates to the definition of 'Department' in the Public Service Act. Prior to amendments that came into effect on 5 November 1982 the term 'Department' was confined to Departments specified in a Schedule to the Act corresponding to Departments of State (for example, the Department of Aviation, the Department of Social Security) and the Parliamentary Departments (for example, the Department of the House of Representatives, the Department of the Parliamentary Reporting Staff).

Amendments made by the Public Service Acts Amendment Act 1982 expanded the definition of 'Department' also to include as 'Departments' those branches or parts of the Service, which previously had had a substantial degree of autonomy from the Department of State to which in a formal sense they belonged and whose staff were subject to the control of a statutory office holder who had powers of a Permanent Head. Examples include the National Library, the Bureau of Statistics, the Ombudsman's Office and the Office of the Public Service Board.

The 1982 amendment did not by its own force effect the transfer of offices that existed in the 'parent' Department immediately before the amendment to the newly defined 'Department'. The purpose of the present amendment is to effect that transfer.

Temporary employment

Amendment is proposed to section 82 of the Act which relates to temporary employment in the Service. The existing provisions require the Board (or its delegates) to 'select, in such manner as is prescribed, from the register of applicants for temporary employment, such persons who are available as appear to be best qualified for the work'.

It is the Government's wish that the temporary employment provisions of the Public Service Act should be available as the means of providing employment in the Public Service for persons as part of the Government's Community Employment Program. Criteria for employment under that Program relate to need, for example, preference being given to those who have been unemployed for more than 9 months.

The purpose of the amendment is to permit the operation of the Government's Community Employment Program in the Public Service. A similar amendment is proposed in relation to the selection of persons for the National Employment Strategy for Aboriginals and the Commonwealth Work Experience Program.

NOTES ON CLAUSES

Clause 1 - Short title - Public Service Amendment Bill 1983

Clause 2 - Commencement - on Royal Assent

Clause 3 - Section 7 of the Public Service Act is amended by the addition of a new sub-section (3) to effect the transfer of offices from Departments of the Service referred to in paragraph (a) of the definition of 'Department' to corresponding Departments constituted by virtue of paragraph (b) of the definition of 'Department'. The clause also adds a new sub-section 7(4) to provide for references in legislation or instruments to offices in a 'parent' Department to be construed as references to offices in the Department to which the office has been transferred.

Clause 4 - Section 82 of the Public Service Act is amended by the insertion of a new sub-section (2A) to provide that notwithstanding sub-sections (1) and (2) which relate to selection on the basis of merit, persons may be selected and employed for the purposes of projects approved under section 4 of the Community Employment Act 1983 and for the National Employment Strategy for Aboriginals and the Commonwealth Work Experience Program.

