

1988

The Parliament of the Commonwealth of Australia

House of Representatives

PUBLIC SERVICE (PARLIAMENTARY DEPARTMENTS) BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Speaker of the House of
Representatives, the Hon. Joan Child, MP)

PUBLIC SERVICE (PARLIAMENTARY DEPARTMENTS) BILL 1988

OUTLINE

This Bill amends the Public Service Act 1922 to replace the Joint House Department, the Department of the Parliamentary Reporting Staff and the Department of the Parliamentary Library with a new Department of Parliamentary Services. It also creates a new office of Secretary to the Department of Parliamentary Services to run the new Department.

Consequential amendments are made to the Archives Act 1983, Audit Act 1901 and Long Service Leave (Commonwealth Employees) Act 1976.

FINANCIAL IMPACT STATEMENT

The amendments are not expected to have a major effect on Commonwealth expenditure or revenue. Some minor savings are expected from the amalgamation of the 3 parliamentary departments, but the amount is not easily quantifiable.

Abbreviations

The following abbreviations are used in this explanatory memorandum:

amending Act: Public Service (Parliamentary
Departments) Act 1988

former departments: the Joint House Department, the
Department of the Parliamentary
Reporting Staff and the Department
of the Parliamentary Library

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former offices:	Parliamentary Librarian, Principal Parliamentary Reporter and Secretary to the Joint House Department
new department:	Department of Parliamentary Services
new office:	Secretary to the Department of Parliamentary Services
Principal Act:	<u>Public Service Act 1922</u>

NOTES ON CLAUSES

Clause 1: Short title etc.

Clause 1(1) enables the amending Act to be cited as the Public Service (Parliamentary Departments) Act 1988.

Clause 1(2) defines "Principal Act" as the Public Service Act 1922.

Clause 2: Commencement

This clause provides that the Act commences on a day to be fixed by Proclamation.

Clause 3: Officers of the Parliament

This clause replaces references in section 9 of the Principal Act to the former departments with references to the new department and replaces references to the offices of Parliamentary Librarian, Principal Parliamentary Reporter and Secretary to the Joint House Department with references to the new office of Secretary to the Department of Parliamentary Services. It also makes changes to the provisions governing the making of regulations consequential upon amendments made to section 97 of the Principal Act by the Administrative Arrangements Act 1987.

Clause 3(1)(a) omits a reference to the former offices in paragraph 9(1)(c) of the Principal Act and substitutes a reference to the new office.

Clause 3(1)(b) omits a reference to the former departments and offices in paragraph 9(2)(c) of the Principal Act and substitutes a reference to the new department and office.

Clause 3(1)(c) makes a minor drafting change to paragraph 9(2AA)(b) of the Principal Act consequential upon the amendment made by clause 3(1)(d).

Clause 3(1)(d) omits paragraphs 9(2AA)(c), (d) and (e) of the Principal Act which refer to the former departments and former offices and substitutes a new paragraph 9(2AA)(c) referring to the new department and office.

Clause 3(1)(e) omits a reference to the former departments in paragraph 9(2A)(a) of the Principal Act and substitutes a reference to the new department.

Clause 3(1)(f) omits a reference to the former offices and departments in paragraph 9(2A)(b) of the Principal Act and substitutes a reference to the new department and office.

Clause 3(1)(g) omits a reference to the former departments in subsection 9(3) of the Principal Act and substitutes a reference to the new department.

Clause 3(1)(h) omits a reference to the former departments in paragraph 9(3A)(c) of the Principal Act and substitutes a reference to the new department.

Clause 3(1)(j) omits a reference to the officers of the former departments in subsection 9(4) of the Principal Act and substitutes a reference to the officers of the new department.

Clauses 3(1)(k) and (m) make necessary amendments relating to the Governor-General's power to make regulations under section 9 of the Principal Act relating to staff of the parliamentary departments in order to remove out of date cross references to the now

abolished Public Service Board's former regulation-making power under section 97 of the Principal Act.

Clause 3(1)(n) makes an amendment to subsection 9(7B) of the Principal Act consequential upon the repeal of subsection 9(7) by clause 3(1)(m).

Clause 3(1)(p) omits references to the former departments in paragraphs 9(8)(a) and (aa) of the Principal Act and substitutes references to the new department.

Clause 3(2) is a savings provision which continues to apply regulations that applied in relation to officers and employees of the Parliament immediately before the repeal of subsection 9(7) of the Principal Act to those officers and employees after the repeal of that subsection.

Clause 4: Creation etc. of offices in Parliamentary Departments

Subsection 9A(3) of the Principal Act currently enables the President and the Speaker, after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, to create or abolish offices in the former Departments.

Clause 4(a) omits subsection 9A(3) and substitutes a new subsection enabling the President and the Speaker, after obtaining a report from the Secretary to the new department, to create or abolish offices in the new department.

Subsection 9A(6) of the Principal Act enables the President and Speaker after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, to raise or lower the classification or alter the designation of an office other than those offices.

Clause 4(b) omits subsection 9A(6) and substitutes a new subsection enabling the President and the Speaker, after obtaining a report from the Secretary to the new department to raise or lower the classification of an office or alter the designation of an office in the new department other than the office of Secretary.

Clause 5: Certain acting appointments in Parliamentary Departments

Section 9AA of the Principal Act currently provides for the appointment of persons to act in certain offices in the Parliamentary Departments.

Clause 5(a) omits a reference to the former departments in paragraph 9AA(1)(c) of the Principal Act and substitutes a reference to the new department.

Clause 5(b) omits a reference to the former offices in subsection 9AA(2) of the Principal Act and substitutes a reference to the new office.

Clause 6: Annual Report to Parliament

Section 9B of the Principal Act requires the relevant Presiding Officer or Officers to cause a report concerning the operations of each parliamentary department to be tabled in the relevant House or Houses of Parliament as soon as practicable after 30 June in each year.

Clause 6(a) omits subsections 9B(1) and (2) of the Principal Act and substitutes a new subsection 9B(1) which simplifies the drafting of the section and changes the references to the former departments to references to the new department.

Clause 6(b) makes an amendment to subsection 9B(3) of the Principal Act consequential to the amendment made by clause 6(a).

Clause 7: Secretaries of Departments

This clause omits a reference to the former departments in subsection 25(9) of the Principal Act and substitutes a reference to the new Department. An incorrect reference to "subclause" is replaced by a reference to "subsection".

Clause 8: Transfer of officers by Secretary from one Department to another

This clause omits a reference to the former departments in paragraph 50J(3)(c) of the Principal Act and substitutes a reference to the new department.

Clause 9: Regulations

Section 97 of the Principal Act provides that the Governor-General may make regulations under the Act.

This clause inserts a new subsection 97(2) in the Principal Act as a consequence of the repeal of subsection 9(7) [see notes on clauses 3(1)(k) and (m)]. The new subsection provides that a regulation made under subsection 97(1) ceases to apply to officers and employees of the Parliament on the commencement of a regulation made under subsection 9(6) that is

inconsistent with, or makes provision for, matters dealt with in the previous regulation.

Clause 10: Schedule 2

Schedule 2 of the Principal Act specifies the Departments of the Australian Public Service for the purposes of the definition of "Department" in subsection 7(1) of the Principal Act.

This clause omits the references to the former departments in Schedule 2 and substitutes a reference to the new department.

Clause 11: Schedule 3

Schedule 3 of the Principal Act specifies offices which are held by Secretaries of Departments for the purposes of the definition of "office of Secretary" in subsection 7(1) of the Principal Act.

This clause omits the references to the former offices in Schedule 3 and substitutes a reference to the new office.

Clause 12: Transitional in respect of offices in Parliamentary Departments etc.

This clause is a transitional provision in respect of the offices in the former departments and the persons holding or performing the duties of those offices.

Clause 12(1)(a) makes all offices (other than the offices of the Parliamentary Librarian, Principal Parliamentary Reporter and Secretary to the Joint House Department) that immediately before the commencement of the section were offices in the former Departments, become offices in the new Department on the commencement of the section.

Clause 12(1)(b) provides that any person who immediately before the commencement of the section was holding or performing the duties of an office that becomes an office in the new department by virtue of clause 12(1)(a), shall be taken to be the holder or to be performing the duties of the new office.

Clause 12(1)(c) creates, on the commencement of the section, the offices of Parliamentary Librarian and Principal Parliamentary Reporter in the new department with the same classifications as those former offices had immediately before the commencement of the section.

Clauses 12(1)(d) and (e) provide that the persons holding the offices of Parliamentary Librarian and Principal Parliamentary Reporter immediately before the commencement of the section shall be taken to be the holders of those offices in the new department on the commencement of the section.

Clause 12(2) provides that any person who is holding or performing the duties of an office in the new department by virtue of clause 12(1)(b) who was, immediately before the commencement of the section, subject to a condition or restriction, continues to hold or perform the duties of the new office subject to the condition or restriction.

Clause 12(3) provides that for the purposes of the Principal Act, the offices of Parliamentary Librarian and Principal Parliamentary Reporter in the new department shall be taken to have been created under subsection 9A(3) of the Principal Act.

Clause 13: Amendments of other Acts

This clause provides for the Acts specified in the Schedule to be amended as set out in the Schedule.

Claus 14: References to abolished Departments etc. in
instruments etc.

This clause is a saving provision which provides that a reference in any instrument made under the Act or in any award, other industrial determination or order to a former department, former office or any officer or employee of a former department shall be read as a reference to the new department, new office or an officer or employee of the new department.

SCHEDULE

The Schedule makes consequential amendments to the:

Archives Act 1983;

Audit Act 1901; and

Long Service Leave (Commonwealth Employees) Act 1976.

The amendments omit references to the former departments and substitute references to the new department.

