

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time

**PUBLIC SERVICE (PARLIAMENTARY
DEPARTMENTS) AMENDMENT BILL 1993**

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SCHEDULE

AMENDMENTS OF OTHER ACTS

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A BILL

FOR

An Act to amend the *Public Service Act 1922*, and for related purposes

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Public Service (Parliamentary Departments) Amendment Act 1993*.

5 (2) In this Act, “**Principal Act**” means the *Public Service Act 1922*¹.

Commencement

2. This Act commences on 1 July 1994.

Officers of the Parliament

3. Section 9 of the Principal Act is amended:

10 (a) by omitting from paragraph (1)(c) “Parliamentary Librarian, Principal Parliamentary Reporter” and substituting “Secretary to the Department of Parliamentary Library and Reporting Services”;

- (b) by omitting paragraph (2)(c) and substituting the following paragraph:

“(c) the President and the Speaker may appoint persons, or promote officers, to offices in the Department of Parliamentary Library and Reporting Services or the Joint House Department (other than the offices of Secretary to the Department of Parliamentary Library and Reporting Services and Secretary to the Joint House Department).”;

- (c) by omitting paragraphs (2AA)(c) and (d) and substituting the following paragraph:

“(c) in relation to officers of, and offices in, the Department of Parliamentary Library and Reporting Services—by the Secretary to the Department of Parliamentary Library and Reporting Services; and”;

- (d) by omitting from paragraphs (2A)(a) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”;

- (e) by omitting from paragraph (2A)(b) all the words from and including “the Parliamentary Librarian” to and including “Staff” and substituting “the Secretary to the Department of Parliamentary Library and Reporting Services so far as relates to employees in the Department of Parliamentary Library and Reporting Services”;

- (f) by omitting from subsection (3) “Departments of the Senate, the House of Representatives, the Parliamentary Library, the Parliamentary Reporting Staff,” and substituting “Department of the Senate, the Department of the House of Representatives, the Department of Parliamentary Library and Reporting Services”;

- (g) by omitting from subsection (4) “the officers of the Parliamentary Library, the officers of the Parliamentary Reporting Staff,” and substituting “the officers of the Department of Parliamentary Library and Reporting Services”;

- (h) by omitting from paragraphs (8)(a) and (aa) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”.

Creation etc. of offices in Parliamentary Departments

4. Section 9A of the Principal Act is amended:

- (a) by inserting after subsection (2) the following subsection:

“(2A) There are to be the following offices in the Department of Parliamentary Library and Reporting Services:

- (a) the Parliamentary Librarian;
- (b) the Chief Hansard Reporter.”;
- (b) by omitting subsection (3) and substituting the following subsection:

5 “(3) The President and the Speaker may, after obtaining a report from the Secretary to the Department of Parliamentary Library and Reporting Services or the Secretary to the Joint House Department:

- (a) create an office in the Department of Parliamentary Library and Reporting Services or the Joint House Department, as the case may be; or

- 10 (b) abolish an office in the Department of Parliamentary Library and Reporting Services or the Joint House Department, as the case may be, other than the offices of the Parliamentary Librarian or the Chief Hansard Reporter.”;

- (c) by omitting subsection (6) and substituting the following subsections:

15 “(6) The President and the Speaker may, after obtaining a report from the Secretary to the Department of Parliamentary Library and Reporting Services or the Secretary to the Joint House Department:

- 20 (a) raise or lower the classification of an office in the Department of Parliamentary Library and Reporting Services or the Joint House Department, as the case may be; or

- (b) subject to subsection (6A), alter the designation of an office in the Department of Parliamentary Library and Reporting Services or the Joint House Department, as the case may be;

25 other than the office of Secretary to the Department of Parliamentary Library and Reporting Services or Secretary to the Joint House Department.

30 “(6A) Subsection (6) does not empower the President and the Speaker to alter the designation of the Parliamentary Librarian or the Chief Hansard Reporter.”.

Certain acting appointments in Parliamentary Departments

- 5. Section 9AA of the Principal Act is amended:

- 35 (a) by omitting from paragraph (1)(c) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”;

- (b) by omitting from subsection (2) “Parliamentary Librarian, Principal Parliamentary Reporter” and substituting “Secretary to the Department of Parliamentary Library and Reporting Services”.

Annual report to Parliament by Presiding Officers

6. Section 9B of the Principal Act is amended by omitting from paragraph (1)(a) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”. 5

Secretaries of Departments

7. Section 25 of the Principal Act is amended by omitting from subsection (9) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”. 10

Transfer of officers by Secretary from one Department to another

8. Section 50J of the Principal Act is amended by omitting from paragraph (3)(c) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff” and substituting “the Department of Parliamentary Library and Reporting Services”. 15

Schedule 2

9. Schedule 2 to the Principal Act is amended by omitting:

“The Department of the Parliamentary Library

The Department of the Parliamentary Reporting Staff”

and substituting:

“The Department of Parliamentary Library and Reporting Services”. 20

Schedule 3

10. Schedule 3 to the Principal Act is amended by omitting:

“The Parliamentary Librarian

The Principal Parliamentary Reporter” 25

and substituting:

“The Secretary to the Department of Parliamentary Library and Reporting Services”.

Transitional provisions for offices in Parliamentary Departments etc.

11.(1) On the commencement of this section: 30

- (a) all offices (other than the offices of the Parliamentary Librarian or the Principal Parliamentary Reporter) that were offices in the Department of the Parliamentary Library or the Department of the Parliamentary Reporting Staff immediately before the commencement of this section become offices in the Department of Parliamentary Library and Reporting Services; and 35

(b) any person who, immediately before the commencement of this section, was holding or performing the duties of an office that becomes, under paragraph (a), an office in the Department of Parliamentary Library and Reporting Services is taken to hold, or perform the duties of, that last-mentioned office.

(2) If:

(a) a person is holding, or performing the duties of, an office in the Department of Parliamentary Library and Reporting Services by virtue of paragraph (1)(b); and

(b) immediately before the commencement of this section the person held or performed those duties subject to a condition or restriction; the person continues to hold or perform the duties subject to the condition or restriction.

Amendment of other Acts

12. The Acts specified in the Schedule are amended as set out in the Schedule.

References to abolished Departments etc. in instruments etc.

13. A reference in any instrument made under an Act or in any award or other industrial determination or order to:

(a) the Department of the Parliamentary Library or the Department of the Parliamentary Reporting Staff; or

(b) the Parliamentary Librarian or the Principal Parliamentary Reporter; or

(c) any officer or employee of a Department referred to in paragraph (a); is (except in relation to matters that occurred before the commencement of this section) to be read respectively as a reference to:

(d) the Department of Parliamentary Library and Reporting Services; or

(e) the Secretary to that Department; or

(f) an officer or employee of that Department.

SCHEDULE

Section 12

AMENDMENTS OF OTHER ACTS

Archives Act 1983

Subsection 3(1) (definition of “Parliamentary Department”):

Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff”, substitute “the Department of Parliamentary Library and Reporting Services”.

Audit Act 1901

Paragraph 12(3)(c):

Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff”, substitute “the Department of Parliamentary Library and Reporting Services”.

Subparagraph 48F(11)(b)(iv):

Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff”, substitute “the Department of Parliamentary Library and Reporting Services”.

Long Service Leave (Commonwealth Employees) Act 1976

Subsection 4(1) (paragraph (c) of the definition “approving authority”):

Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff”, substitute “the Department of Parliamentary Library and Reporting Services”.

Paragraph 9A(4)(a) (second occurring), as inserted by section 4 of the *Long Service Leave (Commonwealth Employees) Amendment Act 1981*:

Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff”, substitute “the Department of Parliamentary Library and Reporting Services”.

Privacy Act 1988

Subsection 6(1) (paragraphs (c) and (d) of the definition of “Department”):

Omit the paragraphs, substitute:

“(c) the Department of Parliamentary Library and Reporting Services; and”.

NOTE

1. No. 21, 1922 as amended. For previous amendments, see No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; No. 19, 1943; Nos. 11, 29 and 43, 1945; No. 16, 1946; Nos. 1, 38, 52 and 84, 1947; Nos. 35 and 75, 1948; Nos. 51 and 80, 1950; Nos. 46 and 48, 1951; No. 22, 1953; No. 63, 1954; No. 18, 1955; Nos. 13 and 39, 1957; No. 11, 1958; Nos. 17 and 105, 1960; Nos. 2 and 75, 1964; Nos. 47 and 85, 1966; Nos. 2 and 115, 1967; Nos. 59, 114 and 120, 1968; No. 6, 1972; Nos. 21, 71 and 209, 1973; No. 59, 1974; No. 40, 1975; Nos. 193 and 194, 1976; Nos. 6 and 80, 1977; Nos. 36 and 170, 1978; Nos. 52 and 155, 1979; No. 177, 1980; No. 61, 1981; Nos. 26 and 80, 1982; No. 111, 1982 (as amended by No. 39, 1983); Nos. 39, 56 and 92, 1983; Nos. 63 and 165, 1984; Nos. 65, 166 and 187, 1985; Nos. 28, 29, 76 and 153, 1986; Nos. 92, 99 and 141, 1987; Nos. 75, 87, 99 and 109, 1988; Nos. 150 and 153, 1989; Nos. 2, 73, 122, 205 and 208, 1991; Nos. 70, 94, 196 and 215, 1992; and No. 27, 1993.