

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(Presented and read a first time)

**PUBLIC SERVICE (PARLIAMENTARY DEPARTMENTS)
AMENDMENT BILL 1996**

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SCHEDULE

AMENDMENTS OF OTHER ACTS



1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(Presented and read a first time)

(*Hon. S.P. Martin*)

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 1996*.

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

Commencement

2. This Act commences on 1 July 1996.

Officers of the Parliament

3. Section 9 of the Principal Act is amended:

- (a) by omitting from paragraph (1)(c) “Parliamentary Librarian, Principal Parliamentary Reporter or Secretary to the Joint House Department” and substituting “Secretary to the Department of Parliamentary Services”; 5
- (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 Services (other than the offices of Secretary to the Department of Parliamentary Services).”;10
- (c) by omitting paragraphs (2AA)(c), (d) and (e) and substituting the following paragraph: 15
 - “(c) in relation to officers of, and offices in, the Department of Parliamentary Services—by the Secretary to the Department of Parliamentary Services; and”;
- (d) by omitting from paragraph (2A)(a) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department” and substituting “the Department of Parliamentary Services”; 20
- (e) by omitting from paragraph (2A)(b) all the words from and including “the Parliamentary Librarian” to the end of the paragraph and substituting “the Secretary to the Department of Parliamentary Services so far as relates to employees in the Department of Parliamentary Services”; 25
- (f) by omitting from subsection (3) “Departments of the Senate, the House of Representatives, the Parliamentary Library, the Parliamentary Reporting Staff and the Joint House Department,” and substituting “Department of the Senate, the Department of the House of Representatives, and the Department of Parliamentary Services”; 30
- (g) by omitting from subsection (4) “the officers of the Parliamentary Library, the officers of the Parliamentary Reporting Staff, and the officers of the Joint House Department,” and substituting “the officers of the 35

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

Creation etc. of offices in Parliamentary Departments

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

- (a) by omitting subsection (3) and substituting the following subsection:

“(3) The President and the Speaker may, after obtaining a report from the Secretary to the Department of Parliamentary Services:

- (a) create an office in the Department of Parliamentary Services; or
(b) abolish an office in the Department of Parliamentary Services”;

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

“(6) The President and the Speaker may, after obtaining a report from the Secretary to the Department of Parliamentary Services:

- (a) raise or lower the classification of an office in the Department of Parliamentary Services; or
(b) subject to subsection (6A), alter the designation of an office in the Department of Parliamentary Services

other than the office of Secretary to the Department of Parliamentary Services”.

Certain acting appointments in Parliamentary Departments

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

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

- (b) by omitting from subsection (2) “Parliamentary Librarian,

Principal Parliamentary Reporter or Secretary to the Joint House Department” and substituting “Secretary to the Department of Parliamentary Services”.

Annual report to Parliament by Presiding Officers

6. Section 9B of the Principal Act is amended: 5
- (a) by omitting from paragraph (1)(a) “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department” and substituting “the Department of Parliamentary Services”; 10
- (b) by omitting subparagraph (1)(b)(iii) and substituting the following subparagraph:
“(iii) in the case of the Department of Parliamentary Services—the President and the Speaker; and”;
- (c) by omitting paragraph 2(c) and substituting the following paragraph: 15
“(c) each House of the Parliament, in the case of a report concerning the Department of Parliamentary Services”.

Secretaries of Departments 20

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 the Joint House Department” and substituting “the Department of Parliamentary Services”. 25

Transfer of officers by Secretary from one Department to another

8. Section 50J of the Principal Act is amended by omitting paragraph (3)(c) and substituting the following paragraph:
“(c) in the case of the transfer of an officer performing duties in the Department of Parliamentary Services—the President of the Senate and the Speaker of the House of Representatives; and”. 30

Schedule 2

9. Schedule 2 to the Principal Act is amended by omitting: 35
“The Department of the Parliamentary Library

The Department of the Parliamentary Reporting Staff
The Joint House Department”
and substituting:
“The Department of Parliamentary Services”.

5 **Schedule 3**

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

“The Parliamentary Librarian
The Principal Parliamentary Reporter
The Secretary to the Joint House Department”
and substituting:
“The Secretary to the Department of Parliamentary Services”.

**Transitional provisions for offices in Parliamentary Departments
etc.**

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

- 15 (a) all offices (other than the offices of the Parliamentary
Librarian, the Principal Parliamentary Reporter or the
Secretary to the Joint House Department) that were offices
20 in the Department of the Parliamentary Library, the
Department of the Parliamentary Reporting Staff or the
Joint House Department immediately before the
commencement of this section become offices in the
Department of Parliamentary Services; and
- 25 (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 Services is taken to hold, or
perform the duties of, that last-mentioned office.

(2) If:

- 30 (a) a person is holding, or performing the duties of, an office
in the Department of Parliamentary 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;

35 the person continues to hold or perform the duties subject to the

condition or restriction.

Amendments 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.

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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, the Department of the Parliamentary Reporting Staff or the Joint House Department; or

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(b) the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department; or

(c) any officer or employee of a Department referred to in paragraph (a);

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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 Services; or

(e) the Secretary to that Department; or

(f) an officer or employee of that Department.

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SCHEDULE

AMENDMENTS OF OTHER ACTS

Archives Act 1983

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

5 Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department”, substitute “the Department of Parliamentary Services”.

Audit Act 1901

Paragraph 12(3)(c):

10 Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department”, substitute “the Department of Parliamentary Services”.

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

15 Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department”, substitute “the Department of Parliamentary Services”.

Long Service Leave (Commonwealth Employees) Act 1976

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

20 Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department”, substitute “the Department of Parliamentary Services”.

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

25 Omit “the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department”, substitute “the Department of Parliamentary 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 Services; and”.

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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; No. 27, 1993, No. 33, 1994 and No. 138, 1995.



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