



Public Service Amendment Act 1983

No. 56 of 1983

An Act to amend the *Public Service Act 1922*

[Assented to 7 October 1983]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Public Service Amendment Act 1983*.
- (2) The *Public Service Act 1922*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

3. Section 7 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(3) Where, immediately before the commencement of this sub-section—

- (a) an office existed in a branch or part of the Service, being a branch or

- part of the Service in a Department of the Service referred to in paragraph (a) of the definition of 'Department' in sub-section (1); and
- (b) in relation to that branch or part of the Service a person other than the Permanent Head of that Department had, under this Act or another Act, the powers of, or exercisable by, a Permanent Head,

the office is, by force of this sub-section, transferred from the Department of the Service referred to in paragraph (a) of this sub-section to the Department that, by virtue of paragraph (b) of the definition of 'Department' in sub-section (1), is constituted by that branch or part of the Service and this Act has effect as if the office had been duly created in that last-mentioned Department.

“(4) A reference in any law of the Commonwealth or law of a Territory, or in any regulation or other instrument made or issued under such a law, to the holder for the time being, or to the person for the time being performing the duties, of an office, being an office that has been transferred from one Department to another Department by virtue of sub-section (3), shall, except in relation to matters that occurred before the commencement of this sub-section, be construed as a reference to the holder for the time being, or to the person for the time being performing the duties, of the office as it exists in the Department to which it has been so transferred.”.

Temporary employment

4. Section 82 of the Principal Act is amended—

- (a) by inserting after sub-section (2) the following sub-section:

“(2A) Notwithstanding sub-sections (1) and (2), where it is proposed that employment be offered in a Department pursuant to—

- (a) a project approved under section 4 of the *Community Employment Act 1983*;
- (b) the program known as the National Employment Strategy for Aboriginals; or
- (c) the program known as the Commonwealth Work Experience Program,

a Chief Officer of that Department may, on behalf of the Commonwealth, employ in that Department persons selected by the Board for the purposes of the project or program, as the case may be, from persons referred to that Department or to the Board by the Commonwealth Employment Service.”; and

- (b) by omitting from sub-section (3) “Any such persons” and substituting “Persons who are temporarily employed”.

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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, 73 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, 80 and 111, 1982; and No. 39, 1983.