



2000B00356



# Public Employment (Consequential and Transitional) Amendment Regulations 2000 (No. 1)<sup>1</sup>

Statutory Rules 2000 No. <sup>2</sup>

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I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Public Employment (Consequential and Transitional) Amendment Act 1999*.

Dated 1 DEC 2000 2000

**WILLIAM DEANE**  
Governor-General

By His Excellency's Command

DAVID KEMP  
Minister for Education, Training and Youth Affairs  
for the Prime Minister

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## 1 Name of Regulations

These Regulations are the *Public Employment (Consequential and Transitional) Amendment Regulations 2000 (No. 1)*.

## 2 Commencement

These Regulations are taken to have commenced, as follows:

- (a) on 5 December 1999 — regulations 1 to 3 and Schedule 1;
- (b) on 23 December 1999 — Schedule 2;
- (c) on 13 March 2000 — Schedule 3.

## 3 Amendment of *Public Employment (Consequential and Transitional) Regulations 1999*

Schedules 1, 2 and 3 amend the *Public Employment (Consequential and Transitional) Regulations 1999*.

## Schedule 1 Amendments taken to have commenced on 5 December 1999

(regulation 3)

### [1] Regulation 6.1

*substitute*

#### 6.1 Amendments of Acts

For subsection 14 (5) of the Act:

- (a) the *Administrative Decisions (Judicial Review) Act 1977* is amended as set out in Part 1 of Schedule 1; and
- (b) the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* is amended as set out in Part 2 of Schedule 1; and
- (c) the *Commonwealth Authorities and Companies Act 1997* is amended as set out in Part 3 of Schedule 1; and
- (d) the *Commonwealth Electoral Act 1918* is amended as set out in Part 4 of Schedule 1; and
- (e) the *Director of Public Prosecutions Act 1983* is amended as set out in Part 5 of Schedule 1; and
- (g) the *Members of Parliament (Staff) Act 1984* is amended as set out in Part 7 of Schedule 1; and
- (h) the *Remuneration Tribunal Act 1973* is amended as set out in Part 8 of Schedule 1; and
- (i) the *Safety, Rehabilitation and Compensation Act 1988* is amended as set out in Part 9 of Schedule 1; and
- (j) the *Superannuation Act 1976* is amended as set out in Part 10 of Schedule 1.

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**6.2 Continued operation of section 80 of *Merit Protection (Australian Government Employees) Act 1984***

Section 80 of the *Merit Protection (Australian Government Employees) Act 1984* continues to apply to any action taken under that section before the commencing time, as if that Act had not been repealed.

**[2] Schedule 1**  
*substitute*

**Schedule 1 Amendments of Acts**  
(regulation 6.1)

**Part 1 Amendment of *Administrative Decisions (Judicial Review) Act 1977***

**1 Schedule 2, paragraph (r)**

*substitute*

- (r) decisions relating to assignment of duties, voluntary moves between Agencies, compulsory moves between Agencies, promotions or decisions of Promotion Review Committees, of or by individual APS employees;

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**Part 2        Amendments of *Australian Capital Territory Government Service (Consequential Provisions) Act 1994***

**1        Subsection 25 (5)**

*omit*

the APS General Employment Conditions Award 1995,

*insert*

the APS Award 1998,

**2        Subsection 25 (6)**

*omit*

the APS General Employment Conditions Award 1995.

*insert*

the APS Award 1998.

**Part 3        Amendment of *Commonwealth Authorities and Companies Act 1997***

**1        Subsection 23 (2)**

*omit everything after*

means

*insert*

a person appointed or engaged under the *Public Service Act 1999*.



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**2 Section 3, definition of *Public Service Act***

*omit*

**3 Subsection 14 (1)**

*omit*

are the same as

**4 Subsection 21 (1)**

*omit*

are the same as

**Part 8 Amendments of *Remuneration Tribunal Act 1973***

**1 Paragraph 4 (4) (b)**

*substitute*

(b) a person appointed or engaged under the *Public Service Act 1999*;

**2 Subsection 8 (4)**

*substitute*

(4) In subsections (2), (2A) and (3), *office* means a public office.

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**Part 9      Amendment of *Safety, Rehabilitation and Compensation Act 1988***

**1      After subsection 23 (1)**

*insert*

(1A) However, if an APS employee who has reached 63 suffers an injury (whether before or after the commencement of this subsection):

- (a) subsection (1) does not apply; and
- (b) compensation is payable under section 19, 20, 21, 21A or 22 in respect of the injury:
  - (i) to the extent that this Act (other than subsection (1)) allows; and
  - (ii) for a maximum of 104 weeks (whether consecutive or not) during which the employee is incapacitated.

**Part 10      Amendment of *Superannuation Act 1976***

**1      Paragraph 14A (1) (a)**

*omit*

Division 2 or 3 of the *Public Service Act 1922*

*insert*

Division 2 or 3 of Part IV of the *Public Service Act 1922*



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## **Schedule 2      Amendments taken to have commenced on 23 December 1999**

(regulation 3)

### **[1]      After paragraph 6.1 (e)**

*insert*

- (f) the *Federal Magistrates Act 1999* is amended as set out in Part 6 of Schedule 1; and

### **[2]      Schedule 1, after Part 5**

*insert*

## **Part 6              Amendments of *Federal Magistrates Act 1999***

### **1      Subsection 97 (1)**

*substitute*

- (1) For the purposes of the *Public Service Act 1999*:
- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
  - (b) the Chief Executive Officer is the Head of that Statutory Agency.

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**2 Section 100***substitute***100 Arrangements relating to Commonwealth staff**

The Chief Executive Officer may, on behalf of the Federal Magistrates Court, arrange with:

(a) an Agency Head (within the meaning of the *Public Service Act 1999*); or

(b) an authority of the Commonwealth;

for the services of officer or employees of the Agency or authority to be made available for the purposes of the Federal Magistrates Court.

**3 Section 101***omit everything after*

persons

*insert*

engaged under the *Public Service Act 1999*.

**4 Subsection 104 (1)***omit*

*Public Service Act 1922*

*insert*

*Public Service Act 1999*

**5 Subsection 106 (1)***omit everything after*

person

*insert*

engaged under the *Public Service Act 1999*.

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**6 Subsection 109 (1)**

*omit everything after*

person

*insert*

engaged under the *Public Service Act 1999*.

**7 Subsection 112 (2)**

*omit everything after*

persons

*insert*

engaged under the *Public Service Act 1999*.

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## Schedule 3      Amendment taken to have commenced on 13 March 2000

(regulation 3)

[1]      **Schedule 1, Part 3, after item 1**

*insert*

**2      Subsection 27A (2)**

*omit everything after*

*means*

*insert*

a person appointed or engaged under the *Public Service Act 1999*.

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### Notes

1.      These Regulations amend Statutory Rules 1999 No. 301.
2.      Notified in the *Commonwealth of Australia Gazette* on      /      2000.      8 December