

Public Service Act 1999

**Determination under subsection 24(3) – Non-SES employees - amendment of
determination of 18 September 2013 (No.1)**

I, Eric Abetz, Minister Assisting the Prime Minister for the Public Service, being of the opinion that it is desirable to do so because of exceptional circumstances, hereby amend the Determination made on 18 September 2013 under subsection 24(3) of the *Public Service Act 1999, Determination under subsection 24(3) – Non-SES employees moved between APS agencies to give effect to the Administrative Arrangements Orders made by the Governor-General in Council on 18 September 2013*, as set out in the Schedule, to take effect on and from 31 October 2013.

Dated this 31st day of October 2013

Eric Abetz
Minister Assisting the Prime Minister for the Public Service

SCHEDULE – Amendments

1. **Determination**

Omit all references to "Minister Assisting the Prime Minister on the Public Service", substitute "Minister Assisting the Prime Minister for the Public Service".

2. **Paragraph 1**

Omit the paragraph, substitute:

1. This Determination applies to an APS employee (other than a Senior Executive Service employee) who has been, or will be, moved from an APS Agency (**Losing Agency**) to another APS Agency (**Gaining Agency**) by determination in writing under section 72(1)(a) of the *Public Service Act 1999* in order to give effect to the Administrative Arrangements Orders made by the Governor-General in Council on 18 September 2013 as amended on 3 October 2013 (**Moving Employee**).

3. **Paragraph 2**

Omit "applies to an employee", substitute "applies to an APS employee".

4. **Paragraph 2(b)(i)**

Omit "an APS Agency", substitute "a Gaining Agency"

5. **Paragraph 2(b)(ii)**

Omit the paragraph, substitute:

- (ii) performs a function that was transferred to that Gaining Agency from a Losing Agency by the Administrative Arrangements Orders made by the Governor-General in Council on 18 September 2013 as amended on 3 October 2013 (**New Employee**).

6. **After Paragraph 2**

Add:

- 2A. This Determination applies to an APS employee (other than a Senior Executive Service employee) who will be moved from the Australian Agency for International Development (**AusAID**) to the Department of Foreign Affairs and Trade (**DFAT**) by determination in writing under section 72(1)(a) of the *Public Service Act 1999* to give effect to the order made by the Administrator of the Commonwealth of Australia acting with the advice of the Federal Executive Council on 17 October 2013, pursuant to section 65 of the *Public Service Act*

1999, which has the effect of abolishing AusAID as an Executive Agency on 1 November 2013 (**Moving Aid Employee**).

2B. This Determination will also apply to an APS employee (other than a Senior Executive Service employee) who:

- (a) is not a Moving Aid Employee;
- (b) on or after 1 November 2013:
 - (i) commences employment in DFAT (whether by engagement as an APS employee pursuant to section 22(1) of the *Public Service Act 1999* or by movement from another APS agency pursuant to section 26 or 27 of the *Public Service Act 1999*); and
 - (ii) performs a function that was transferred from AusAID to DFAT as a result of the order made by the Administrator of the Commonwealth of Australia acting with the advice of the Federal Executive Council on 17 October 2013 (New Aid Employee).

2C. For the purposes of this Determination, in relation to a Moving Aid Employee or New Aid Employee:

- (a) AusAID is the employee's Losing Agency; and
- (b) DFAT is the employee's Gaining Agency.

7. **Paragraph 5**

Omit the paragraph, substitute:

When the Determination ceases to apply to an employee

5. This Determination ceases to apply to an employee if:

- (a) an enterprise agreement that covers the employee commences operation; or
- (b) the employee commences employment in an APS agency that is not a Gaining Agency to which the employee was moved by determination in writing under section 72(1)(a) of the *Public Service Act 1999* (whether by engagement as an APS employee pursuant to section 22(1) of the *Public Service Act 1999* or by movement from another

APS agency pursuant to section 26 or 27 of the *Public Service Act 1999*).

8. **Paragraph 7(a)**

Omit "and".

9. **Paragraph 7(b)**

Omit "performed by the New Employee;", substitute "performed by the New Employee;".

10. **After Paragraph 7(b)**

Add:

- (c) a Moving Aid Employee shall be the same as they would have been if the Administrator of the Commonwealth of Australia had not made the order on 17 October 2013 abolishing AusAID as an Executive Agency;
- (d) a New Aid employee shall be the terms and conditions contained in the *AusAID Enterprise Agreement 2011 – 2014*,