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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN CAPITAL TERRITORY GOVERNMENT SERVICE
(CONSEQUENTIAL PROVISIONS) AMENDMENT BILL 1996

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister Assisting the Prime Minister for the
Public Service, the Honourable Peter Reith, MP)

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AUSTRALIAN CAPITAL TERRITORY GOVERNMENT SERVICE (CONSEQUENTIAL PROVISIONS) AMENDMENT BILL 1996

OUTLINE

This Bill proposes an amendment to the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* to enable the implementation of a Government decision to extend the staff mobility arrangements provided in that Act (whereby staff of the ACT public service have access to vacancies in the Australian Public Service) to persons who have been compulsorily transferred from the ACT public service and consequently lost access to the mobility rights.

Following the establishment of the ACT Government Service on 1 July 1994, provisions of the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994* (ACTGS Act) provided for "mobility" between the Australian Public Service (APS) and the ACT Government Service (ACTGS). Section 6 of the ACTGS Act allows ACT officers to apply for selection on merit for positions advertised in the Gazette as vacancies in the APS. Similar provisions are provided in ACT legislation for APS officers to apply for ACT vacancies.

On 1 July 1995 the ACT Government corporatised ACT Electricity and Water (ACTEW) and compulsorily transferred ACTEW employees from the ACT Government Service to a new company, ACTEW Corporation (the Corporation). As a consequence, the Corporation employees were no longer covered by the terms of the ACTGS Act mobility arrangements.

The Commonwealth agreed with the ACT Government to extend the mobility provisions for a period until 30 June 1998 to the employees of the Corporation who lost the mobility rights when they were compulsorily transferred from the ACTGS.

It is understood that the ACT Government is considering corporatising a number of other agencies within the ACTGS. A similar extension of the mobility rights for ACT officers concerned will be looked at on a case by case basis.

The Bill proposes a regulation making power to enable modification to the provisions of the ACTGS Act which provide for mobility between the ACTGS and the APS. It is envisaged that regulations will be made extending the application of the mobility provisions to former ACT officers who are compulsorily transferred from the ACTGS to a body corporate controlled by the Territory. Incidental modification to another Act eg the *Public Service Act 1922* may also be required and is permitted by the proposed amendment.

This regulation making power is similar to a provision in the ACTGS Act which enabled modification of any Act in its application to matters arising from, connected with or consequential on the establishment of the ACT Government Service. That regulation making power was available for a finite period until 30 June 1996. Similarly this regulation making power will be available for a finite period until 30 June 1998.

FINANCIAL IMPACT STATEMENT

The amendments are not expected to have any significant financial impact.

NOTES ON CLAUSES

Clause 1 - Short Title

1. This is a formal provision specifying the short title of the Act.

Clause 2 - Commencement

2. This clause provides that the Act commences on the day on which it receives Royal Assent.

Clause 3 - Schedules

3. This clause provides that an Act which is specified in a Schedule is amended as set out in that Schedule.

Schedule 1 - Amendment of the Australian Capital Territory Government Service (Consequential Provisions) Act 1994

Item 1 - section 27

This item amends section 27 of the ACTGS Act by adding subsections (3), (4) and (5) which provide a regulation making power to enable modification to the provisions of the ACTGS Act or another Act for a limited period.

New subsection 27(3) provides a regulation making power by which the Governor-General may make regulations providing for modifications to an Act in its application in relation to any matter arising from an ACT officer becoming an employee of a Territory-owned body corporate.

New subsection 27(4) is a sunset clause which provides that this regulation making power is only available until 30 June 1998.

New subsection 27(5) defines "Territory" for the purposes of section 27.