

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PUBLIC SERVICE AND STATUTORY AUTHORITIES AMENDMENT BILL 1983

EXPLANATORY MEMORANDUM

(CIRCULATED BY AUTHORITY OF THE MINISTER ASSISTING THE
PRIME MINISTER FOR PUBLIC SERVICE INDUSTRIAL MATTERS)

OUTLINE

The Bill seeks to repeal the 'no work as directed - no pay' (NWAD-NP) provisions in certain Commonwealth legislation, that is:

- . the Public Service Act 1922
- . the Commonwealth Banks Act 1972
- . the Commonwealth Teaching Service Act 1972
- . the Overseas Telecommunications Act 1946
- . the Postal Services Act 1975
- . the Telecommunications Act 1975

The Bill also makes a consequential amendment to the Superannuation Act 1976 to recognise any periods under NWAD-NP as leave of absence without pay for superannuation purposes.

The NWAD - NP provisions were inserted in 1980 to enable the relevant Commonwealth authorities to withhold pay from staff refusing to work as directed. It is the Government's intention to abolish such a procedure.

Notes on Clauses

Part I

Clause 1 - short title - Public Service and Statutory Authorities Amendment Act 1983.

Clause 2 - commencement - Royal Assent

Part II - section 32A of the Public Service Act, which enables the Public Service Board to withhold pay from staff refusing to work as directed, is repealed. Section 32B of that Act which is a consequential provision to section 32A is similarly repealed.

Part III - Section 89A of the Commonwealth Banks Act 1979, which enables the Commonwealth Banking Corporation to withhold pay from staff refusing to work as directed, is repealed. Section 89B of that Act, which is a consequential provision to section 89A, is similarly repealed.

Part IV - Section 23A of the Commonwealth Teaching Service Act 1972, which enables a relevant authority under that Act to withhold pay from staff refusing to work as directed, is repealed. Section 23B and paragraph 39 (2)(aa) of that Act are consequential provisions to section 23A and are similarly repealed.

Part V - Section 33AA of the Overseas Telecommunications Act 1946, which enables the Overseas Telecommunications Commission (Australia) to withhold pay from staff refusing to work as directed is repealed. Section 33AB of the act which is a consequential provision to section 33AA, is similarly repealed.

Part VI - Section 46A of the Postal Services Act 1975, which enables the Australian Postal Commission to withhold pay from staff refusing to work as directed, is repealed. Section 46B and paragraph 70 (2)(aa) of the Act are consequential provisions to section 46A and are similarly repealed.

Part VII - Section 43A of the Telecommunications Act 1976, which enables the Australian Telecommunications Commission to withhold pay from staff refusing to work as directed, is repealed. Section 43B and paragraph 67 (2)(aa) of the Act are consequential provisions to section 43A and are similarly repealed.

Part VIII - Section 16A of the Superannuation Act 1976 at present provides that for the purposes of the Act the period during which an employee is deprived of salary under NWAD - NP provisions, is considered to be a period during which he was on leave of absence without pay. Section 16A is repealed and replaced by a new section 16A to reflect the proposed repeal of the NWAD-NP provisions. The new section is a saving provision which recognises the period during which an employee was deprived of salary under the NWAD-NP provisions as a period of leave of absence without pay for the continuing purposes of the Superannuation Act.