

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning)

# **ACTION Authority Amendment Bill 2002**

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# **ACTION Authority Amendment Bill 2002**

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## **A Bill for**

An Act to amend the *ACTION Authority Act 2001*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *ACTION Authority Amendment Act 2002*.

4 **2 Commencement**

5 (1) This part and part 2 are taken to have commenced on  
6 10 September 2001.

7 (2) Part 3 is taken to have commenced on 20 December 2001.

8 (3) Part 4 is taken to have commenced on 16 September 2002.

## Part 2 ACTION Authority Act 2001

### 3 Act amended—pt 2

This part amends the *ACTION Authority Act 2001*.

### 4 Sections 21 and 22

*substitute*

#### 21 Executive staff

- (1) This section applies to staff at an executive level (*executive staff*).
- (2) The authority may employ, on behalf of the Territory, the executive staff it considers necessary to exercise its functions.
- (3) The conditions of employment of an executive staff employee are the conditions agreed between the authority and the executive staff employee.

#### 22 Other staff

- (1) This section does not apply to staff at an executive level.
- (2) The authority may employ the staff it considers necessary to exercise its functions.
- (3) The authority's staff are to be employed under the *Public Sector Management Act 1994*.

*Note* The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a Territory instrumentality has all the powers of a chief executive under the Act in relation to staff members who are public servants. Under that Act, s 3, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

- (4) However, if an agreement approved or certified under the *Workplace Relations Act 1996* (Cwlth) provides that the staff to which this section applies are to cease to be public servants, the

Section 5

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1 Minister must, in writing, declare that the *Public Sector*  
2 *Management Act 1994* ceased to apply to the staff on the date of  
3 effect of the agreement.

4 (5) If the Minister makes a declaration under subsection (4), the *Public*  
5 *Sector Management Act 1994* is taken to have ceased to apply to the  
6 staff to which this section applies on the date of effect of the  
7 agreement.

8 (6) The declaration is a notifiable instrument.

9 *Note* A notifiable instrument must be notified under the Legislation Act.

10 (7) This subsection and subsections (3) to (6) expire on the day the  
11 declaration is notified.

12 **5 New sections 39A to 39D**

13 *insert*

14 **39A Validation of new staff employed by authority**

15 (1) This section applies to a person (other than a member of staff at an  
16 executive level) who was engaged (however described) by the  
17 authority as a member of its staff after 1 January 2002 and before  
18 the commencement of this section.

19 (2) The person is taken to have been appointed as an officer, or engaged  
20 for temporary employment, as the case requires, under the *Public*  
21 *Sector Management Act 1994* on the day the person was engaged by  
22 the authority.

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1     **39B   Powers of commissioner for public administration**

2             The commissioner for public administration may take any action  
3             (including giving directions) that the commissioner considers is  
4             necessary or desirable consequent on the enactment of the *ACTION*  
5             *Authority Amendment Act 2002*.

6             **Examples**

- 7             1     requiring the creation of records about leave entitlements under the *Public*  
8             *Sector Management Act 1994* for a person engaged by the authority after  
9             1 January 2002
- 10            2     for a staff member who was employed by the authority for a period during  
11            2002 and who is re-employed by the authority after the commencement of  
12            this section—recognising the period of employment in 2002 as prior service  
13            under the *Public Sector Management Act 1994*
- 14            3     requiring the amendment of the records of a staff member to whom the  
15            declaration made on 21 December 2001 under the *ACTION Authority Act*  
16            2001, section 22 (as that section was when the Act was notified in the  
17            Gazette of 10 September 2001) to show that, for the relevant period, the  
18            person was employed under the *Public Sector Management Act 1994*

19            *Note*     An example is part of the Act, is not exhaustive and may extend, but  
20            does not limit, the meaning of the provision in which it appears (see  
21            Legislation Act, s 126 and s 132).

22     **39C   Operation of s 39A and s 39B preserved despite expiry**

23             Sections 39A and 39B are declared to be laws to which the  
24             Legislation Act, section 88 (Repeal does not end transitional or  
25             validating effect etc) applies.

26     **39D   Modification of pt 6's operation**

27             The regulations may modify the operation of this part to make  
28             provision in relation to any matter that, in the Executive's opinion,  
29             is not, or is not adequately, dealt with in this part.

1 **Part 3** **ACTION Authority Amendment**  
2 **Act 2001**

3 **6 Act amended—pt 3**

4 This part amends the *ACTION Authority Amendment Act 2001*.

5 **7 Section 5**

6 *omit*  
7



1 **Part 4** **Statute Law Amendment Act**  
2 **2002**

3 **8 Act amended—pt 4**

4 *This part amends the Statute Law Amendment Act 2002.*

5 **9 Amendments 3.24 and 3.25**

6 *omit*

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**Endnote**

**Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).