Australian Capital Territory

Public Sector Management Act 1994

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

About this republication

The republished law

This is a republication of the *Public Sector Management Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 26 November 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Public Sector Management Act 1994

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Australian Capital Territory

Public Sector Management Act 1994

An Act to regulate the administration of the public sector of the Territory, and for related purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Public Sector Management Act 1994*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere in this Act.

For example, the signpost definition '***appellable decision***, for part 9 (Review and appeal)—see section 223.' means that the term 'appellable decision' is defined in that section for part 9.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

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4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 Objects of Act

The main objects of this Act are to—

(a) establish and maintain an apolitical public sector with clear values, clear standards of conduct and a best practice focus; and

(b) establish and maintain a public service that assists the Executive to meet the needs of the community and serves the community on behalf of the Executive; and

(c) promote and uphold the public sector values, standards of conduct and best practice focus.

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Part 2 Administration of the public service

Division 2.1 Public sector standards

Note This division sets out values, principles and conduct requirements that apply to a public servant. This division also applies to a public sector member (see s 151).

6 Meaning of public service *job*—div 2.1

In this division:

job, of a public servant, means the functions the public servant is required to exercise because of the public servant's employment in the service.

7 Meaning of *public sector values*

(1) The ***public sector values*** are—

(a) respect; and

(b) integrity; and

(c) collaboration; and

(d) innovation.

(2) The public sector values must be—

(a) demonstrated by a public servant when acting in connection with the public servant's job; and

(b) applied in a way that is appropriate to the public servant's job; and

(c) used to inform and evaluate the operation of the service.

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8 Meaning of *public sector principles*

(1) The ***public sector principles*** are—

(a) the best practice principle; and

(b) the merit and equity principle.

(2) A public servant must do the public servant's job in accordance with the best practice principle.

(3) The head of service must exercise a function under this Act in accordance with the merit and equity principle.

(4) In this section:

best practice principle—a public servant does the public servant's job in accordance with the ***best practice principle*** if the public servant—

(a) works efficiently, effectively and constructively; and

(b) is responsive, collaborative and accountable; and

(c) makes fair and reasonable decisions.

merit and equity principle—the head of service exercises a function under this Act in accordance with the ***merit and equity principle*** if the head of service—

(a) is an equitable employer; and

(b) employs a person in a job who is best able to do the job in all the circumstances.

9 Public sector conduct

(1) A public servant must—

(a) take all reasonable steps to avoid a conflict of interest; and

(b) declare or manage a conflict of interest that cannot reasonably be avoided; and

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(c) when acting in connection with the public servant's job—

(i) comply with laws applying in the Territory; and

(ii) comply with any lawful and reasonable direction given by a person with the authority to give the direction; and

(iii) if dealing with a member of the public—make all reasonable efforts to help the person to understand the person's entitlements, and any requirement the person is obliged to meet, under a territory law; and

(iv) treat all people with courtesy and sensitivity to their rights and aspirations; and

(d) do the public servant's job with reasonable care and diligence, impartiality and honesty.

(2) A public servant must not—

(a) behave in a way that—

(i) is inconsistent with the public sector values; or

(ii) undermines the integrity and reputation of the service; or

(b) take improper advantage of the public servant's job or information gained through the public servant's job; or

(c) improperly use a Territory resource, including information, accessed through the public servant's job; or

(d) without lawful authority—

(i) disclose confidential information gained through the public servant's job; or

Note The *Crimes Act 1900*, s 153 (1) makes it an offence for a public servant to disclose information that it is the public servant's duty not to disclose.

(ii) make a comment that reasonably appears to be an official comment; or

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(e) when acting in connection with the public servant's job—bully, harass or intimidate anyone; or

(f) when doing the public servant's job—apply improper influence, favouritism or patronage.

(3) For a misconduct procedure, failing to act in a way that is consistent with subsection (1) or (2) may be misconduct.

Note A ***misconduct procedure*** means a procedure set out in an industrial instrument or prescribed by regulation (see dict, def ***misconduct procedure***).

(4) A public servant (a ***discloser***) must tell the following person about any maladministration or corrupt or fraudulent conduct by a public servant or a public sector member of which the discloser becomes aware:

(a) the head of service;

(b) if the alleged maladministration or corrupt or fraudulent conduct is by the head of service—

(i) the director-general of the administrative unit in which the public servant is employed; or

(ii) if the head of service is the director-general of the administrative unit in which the public servant is employed—another director-general.

(5) This section does not—

(a) affect the operation of any other Act; or

(b) create or affect any other legal right.

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Division 2.2 ACT Public Service

12 ACT Public Service

(1) The ACT Public Service is established.

Note ***Establish*** includes constitute and continue in existence (see Legislation Act, dict, pt 1).

(2) The ACT Public Service is made up of the administrative units established under section 13.

(3) The members of the ACT Public Service are—

(a) the following (the ***senior executive service***):

(i) the head of service;

(ii) directors-general;

(iii) executives; and

(b) officers; and

(c) employees.

(4) The Territory is the employer of all members of the service.

Division 2.3 Administrative arrangements

13 Administrative units

(1) The Chief Minister may establish administrative units.

(2) An administrative unit is made up of the offices within the administrative unit.

(3) An instrument under subsection (1) is a notifiable instrument.

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14 Ministerial responsibility and functions of administrative units

(1) For the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 43 (1), the Chief Minister may make a determination allocating responsibility to a Minister in relation to the following matters:

(a) governing the Territory in relation to a stated matter;

(b) an Act;

(c) the Executive's powers under a Commonwealth law;

(d) prerogatives of the Crown for the matters mentioned in paragraphs (a) to (c).

(2) The Chief Minister must determine which administrative unit is responsible for a matter mentioned in subsection (1).

(3) For the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 43 (2), any Minister is authorised to act on the Chief Minister's behalf or on behalf of another Minister.

(4) Subsection (3) is subject to the Legislation Act, section 41 (Making of certain statutory instruments by Executive) and section 253 (Exercise of functions of Executive).

(5) A determination is a notifiable instrument.

15 Machinery of government changes—officers

(1) If an administrative unit is abolished, the head of service may, in writing, transfer an office in the administrative unit to another administrative unit.

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(2) If, because of administrative arrangements approved by the Chief Minister, a matter that immediately before those arrangements took effect was the responsibility of an administrative unit (the ***losing area***) becomes the responsibility of another administrative unit (the ***gaining area***), the head of service may, in writing, transfer an office in the losing area to the gaining area where the holder of the office is required to perform duties that—

(a) relate wholly or mainly to that matter; or

(b) are certified by the Chief Minister to be ancillary to, or attributable to, that matter.

(3) The transfer of an office under subsection (1) or (2) does not affect the identity of that office or anything done in relation to the office before the transfer.

(4) Without limiting the operation of subsection (3)—

(a) if immediately before its transfer, an office was occupied by a person—the office continues to be occupied by the person; and

(b) if immediately before its transfer, an office was a part-time office—the office continues to be a part-time office.

(5) If an office is transferred to another administrative unit, an officer who is appointed to the office is taken to have been transferred to that administrative unit.

(6) If a vacant office is transferred, and a selection process for the office is incomplete, the head of service—

(a) if a person has been told, in writing, that the person is selected for the office—must complete the selection process; and

(b) in any other circumstance—may complete the selection process.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a management standard (see Legislation Act, s 104).

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(7) An instrument under subsection (1) that is expressed to transfer an office on the abolition of an administrative unit may be made before the abolition takes effect.

16 Machinery of government changes—employees

(1) If—

(a) an administrative unit is abolished; or

(b) because of administrative arrangements approved by the Chief Minister, a matter that was the responsibility of an administrative unit (the ***losing area***) immediately before those arrangements took effect becomes the responsibility of another administrative unit (the ***gaining area***);

subsection (2) has effect.

(2) The head of service may direct in writing that—

(a) if subsection (1) (a) applies—an employee who was employed in the administrative unit immediately before the abolition is to be employed in another administrative unit; or

(b) if subsection (1) (b) applies—an employee who was employed in the losing area immediately before the arrangements took effect is to be employed in the gaining area;

and, if such a direction is given, an employee is taken as from that time to be employed as so directed, in the same capacity and subject to the same conditions as were applicable immediately before that time.

(3) Without limiting subsection (2), that subsection does not extend the term of employment of a person beyond the time when it would have ended if the employment had not been affected by a direction under that subsection.

(4) An instrument made for subsection (2) may be made before the abolition takes effect.

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Part 3 The public service

Division 3.1 Members of the service

17 Head of service functions

(1) The head of service—

(a) is responsible for the leadership and management of the service; and

(b) is answerable to the Chief Minister.

Note The head of service is engaged by the Chief Minister under section 31 (1).

(2) The head of service has the following leadership functions:

(a) to develop, oversee the implementation of, coordinate and provide advice and reports to the Chief Minister about whole-of-government strategies;

(b) to provide direction across the service in relation to critical or potentially critical issues;

(c) to promote cooperation and collegiality within and between administrative units;

(d) to promote and uphold in the service the public sector values, the public sector principles and the conduct required of a public servant, including by personal example;

(e) any other function given to the head of service by the Chief Minister.

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

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(3) The head of service has the following management functions:

(a) to engage, appoint and employ people on behalf of the Territory in accordance with the merit and equity principle;

(b) to organise public servants in the service;

Note Subsection (4) sets out requirements for the organisation of the service.

(c) to provide advice and reports to the Chief Minister about employment in the service;

(d) any other function given to the head of service by the Chief Minister.

(4) For subsection (3) (b), the organisation of the service must—

(a) give effect to the administrative arrangements; and

(b) enable efficient and effective management of the service; and

(c) promote the administration of the service in a way that is consistent with the public sector values, the public sector principles and the conduct required of a public servant.

(5) The head of service may declare that a day will be a holiday for all or part of the service.

(6) A declaration is a notifiable instrument.

18 Delegation by head of service

(1) The head of service may—

(a) delegate to a public employee or another person a function given to the head of service under this Act or any other law applying in the ACT; or

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(b) subdelegate to a public employee or another person a function delegated to the head of service under this Act or any other law applying in the ACT.

Note For the making of delegations and the exercise of a delegated function, see the Legislation Act, pt 19.4.

(2) However, the head of service must not delegate or subdelegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee.

19 Directors-general functions

(1) A director-general is—

(a) responsible for leadership of an administrative unit and leadership in the service; and

(b) answerable to the Minister responsible for the administrative unit and to the head of service.

Note A director-general is engaged by the head of service under section 31 (2).

(2) A director-general has the following functions in relation to the director-general's administrative unit:

(a) to provide advice and reports to the Minister responsible for the administrative unit and the head of service on matters relating to the administrative unit;

(b) to manage the business of the administrative unit;

(c) any other function given to the director-general—

(i) by the Minister responsible for the administrative unit; or

(ii) by the head of service; or

(iii) under this Act or another territory law;

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(d) to exercise a function mentioned in paragraphs (a) to (c) taking into account the responsibilities of the government as a whole, including by collaborating with other directors-general.

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

(3) A director-general has the following leadership functions:

(a) to provide advice to the head of service about the development and coordination of whole-of-government strategies;

(b) to lead the implementation of whole-of-government strategies;

(c) to implement, at the direction of the head of service—

(i) strategies for the administration of the service; and

(ii) responses to critical or potentially critical issues;

(d) to work efficiently, effectively and constructively with other directors-general to ensure a whole-of-government focus and promote cooperation and collegiality within and between administrative units;

(e) to promote and uphold in the service the public sector values, the public sector principles and the conduct required of a public servant, including by personal example;

(f) any other function given to the director-general by—

(i) the Minister responsible for the administrative unit; or

(ii) the head of service.

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20 Delegation by director-general

(1) A director-general may—

(a) delegate to a public employee or another person a function given to the director-general under this Act or any other law applying in the ACT; or

(b) subdelegate to a public employee or another person a function delegated to the director-general under this Act or any other law applying in the ACT.

Note For the making of delegations and the exercise of a delegated function, see the Legislation Act, pt 19.4.

(2) However, a director-general must not delegate or subdelegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee.

21 Exercise of certain director-general functions by head of Access Canberra

(1) The responsible Minister may declare that a function given to a director-general under a territory law dealing with a relevant matter may be exercised by the head of Access Canberra (a ***declared function***).

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

(2) A declaration is a notifiable instrument.

(3) The head of Access Canberra may exercise a declared function.

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(4) The head of Access Canberra may delegate a declared function to a public servant or another person.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

(5) However, the head of Access Canberra may only delegate a declared function to the extent permitted by other territory laws.

Example—extent permitted

A declaration is made in relation to a function given to the director-general under the XYZ Act. That Act states that the director-general may only delegate the function to an employee. The head of Access Canberra may also only delegate the function to an employee.

(6) Nothing in this section limits the exercise of a declared function by the director-general given the function.

(7) Anything done in the exercise of a declared function is not invalid only because of a defect or irregularity in, or in relation to, a declaration.

(8) In this section:

Access Canberra means the business unit known as Access Canberra.

head, of Access Canberra, means the person occupying the position (however described) of head of Access Canberra.

relevant matter means a matter mentioned in an administrative arrangement—

(a) responsibility for which is allocated to the responsible Minister; and

(b) relating to Access Canberra.

responsible Minister means the Minister responsible for Access Canberra.

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22 Executive functions

(1) An executive—

(a) is responsible for leadership in the service; and

(b) is answerable to the head of service and the director-general for the administrative unit in which the executive is employed.

Note An executive is engaged by the head of service under section 31 (2).

(2) An executive has the following leadership functions:

(a) to advance whole-of-government strategies as part of the senior executive service;

(b) to promote and demonstrate cooperation and collegiality within and between administrative units;

(c) to promote and uphold in the service the public sector values, the public sector principles and the conduct required of a public servant, including by personal example;

(d) any other function given to the executive by—

(i) the head of service; or

(ii) the director-general for the administrative unit in which the executive is employed.

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

23 Establishment of offices

(1) The head of service may, in writing, establish an office in an administrative unit.

(2) The instrument establishing the office must state the classification of the office and whether the office is a full-time or part-time office.

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(3) The comparative level of classifications is determined by the maximum salary payable to a classification.

Example

The top of the salary range for the classification Butcher 2 is $70 000. The top of the salary range for the classification Baker 3 is $78 000. The salary of the classification Candlestick Maker 4 (which has no salary range) is also $78 000. Baker 3 and Candlestick Maker 4 are equal classifications. Butcher 2 is a lower classification than Baker 3 or Candlestick Maker 4.

24 Officers

(1) An officer is appointed to an office on a permanent basis.

Note See pt 5 for provisions about the employment of officers.

(2) An officer is taken to have the classification of the office that the officer occupies.

25 Employees

(1) An employee is employed to exercise the functions of an office on a temporary basis.

Note See div 5.8 for provisions about employees.

(2) The head of service may only employ a person as an employee if satisfied that—

(a) there is no officer with the classification of the office available in the service with the expertise, skills or qualifications required for the functions to be exercised; or

Note An officer is taken to have the classification of the office that the officer occupies (see s 24).

(b) assistance of a temporary nature is required and, because of urgency or the specialised nature of the functions, it is not practical in the circumstances to use an existing officer to do the work; or

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(c) the employment is consistent with a management strategy to—

(i) ensure the Territory is an equitable employer; or

(ii) eliminate disadvantage in relation to public service employment.

Note The head of service must exercise a function in relation to the engagement of an employee in accordance with the merit and equity principle (see s 8 (3)).

Division 3.2 Management of the service

26 Management strategies for the service

(1) The head of service must develop, oversee the implementation of and coordinate each of the following management strategies:

(a) a strategy to ensure the Territory is an equitable employer;

(b) a strategy to eliminate disadvantage in relation to public service employment;

(c) a strategy to ensure appropriate participation by a public servant in decisions about the management of the public servant and the public servant's workplace;

(d) a strategy to ensure the service gives members of the community fair and timely access to resources, managed by the Executive, to which they are entitled.

(2) For the development of each management strategy, the head of service—

(a) must consult the joint council; and

(b) may consult other entities that have an interest in the strategy; and

(c) must give a copy of the strategy to the Chief Minister.

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27 Application of the merit and equity principle

(1) This section applies in relation to selecting—

(a) a person to be engaged in an SES position for a period of more than 9 months; or

(b) a person to be appointed as an officer to a vacant office; or

(c) an officer to be transferred to a higher level vacant office for a period of more than 3 months; or

(d) an officer to be promoted to a vacant office; or

(e) a person to be employed as a fixed term employee for a period of more than 12 months.

(2) The head of service must ensure—

(a) all eligible people have, as far as practicable, a reasonable opportunity to apply for selection; and

(b) selection of a person is made on the basis of a comparative assessment of the applicants, having regard to—

(i) the nature of the functions to be exercised by the selected person; and

(ii) the relevant abilities, qualifications, experience, personal qualities and potential for development of the applicants; and

(c) the person selected is an eligible person.

(3) For subsection (2) (a), the people who may apply for selection may be limited—

(a) for an office—if the office is an identified position; or

(b) in accordance with a management strategy to—

(i) ensure the Territory is an equitable employer; or

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(ii) eliminate disadvantage in relation to public service employment; or

(c) in accordance with a territory law.

(4) In this section:

Aboriginal or Torres Strait Islander person means a person who—

(a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and

(b) identifies as an Aboriginal person or a Torres Strait Islander person; and

(c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

identified position means an office that the head of service has decided, in accordance with a prescribed process, must be occupied by—

(a) an Aboriginal or Torres Strait Islander person; or

(b) a person with disability.

28 Establishment of joint council

(1) The head of service must establish a consultative forum for relevant unions and the service (the ***joint council***).

Note ***Establish*** includes constitute and continue in existence (see Legislation Act, dict, pt 1).

(2) The joint council must operate in accordance with terms of reference approved by the head of service.

(3) The terms of reference are a notifiable instrument.

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29 Notification of certain employment matters

(1) The head of service must publish in the gazette notice of the following:

(a) an appointment under division 5.3;

(b) a promotion under division 5.5;

(c) a permanent transfer under division 5.6;

(d) a temporary transfer in accordance with section 101;

(e) a movement under division 5.7;

(f) a redeployment under part 6;

(g) a reduction in classification under part 6;

(h) a retirement under part 6.

(2) For a promotion under section 87 (Promotion on advice of joint selection committee), the head of service must state in the notification—

(a) that the selection involved—

(i) a union agreed joint selection committee; or

(ii) a management initiated joint selection committee; and

(b) whether the promotion is appellable or reviewable.

(3) In this section:

union agreed joint selection committee—see section 87.

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Part 4 Engagement of senior executive service

30 Definitions—pt 4

In this part:

SETs—see ***statutory employment terms***.

statutory employment terms (or ***SETs***), for an SES member, means—

(a) each function assigned to the SES member; and

(b) where the SES member is engaged; and

Examples

administrative unit, territory authority

(c) the SES member's classification; and

(d) the SES member's salary; and

(e) the hours the SES member is engaged to work; and

(f) the period the SES member is engaged to work; and

(g) any prescribed SETs.

31 Engagement of SES member

(1) The Chief Minister may engage an eligible person, under a contract, on behalf of the Territory as the head of service.

(2) The head of service may engage an eligible person, under a contract, on behalf of the Territory as a director-general or an executive.

(3) An SES member's contract with the Territory must—

(a) be in writing; and

(b) be signed by the engager and the person; and

(c) state the SETs for the SES member; and

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(d) be for a period of not more than 5 years.

(4) Subject to this Act, the engagement of an SES member is governed by the terms of the contract.

32 Record about SES member

For each SES member, the head of service must keep a record of—

(a) the SES member's date of birth; and

(b) the SES position in which the SES member is engaged; and

(c) the day on which the SES member's engagement started; and

(d) the day on which the SES member's engagement will end; and

(e) any past employment as a public servant, including the days on which the employment started and ended.

33 Change to SES member's SETs

(1) The engager of an SES member may make a permanent or temporary change to 1 or more of the SES member's SETs in accordance with any prescribed requirement or notice period under—

(a) section 34 (Circumstances when SETs must be changed); or

(b) section 35 (Circumstances when SETs may be changed); or

(c) section 36 (SETs changed by change in administrative arrangements).

(2) The engager—

(a) must be satisfied that making the change is consistent with the public sector principles; and

(b) may only—

(i) change an SES member's SETs if the SES member is an eligible person for the new SETs; and

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(ii) for a director-general—change the director-general's SETs if the Chief Minister and the Minister responsible for the director-general's administrative unit have been consulted about the change.

(3) Any change to an SES member's SETs must be in writing.

34 Circumstances when SETs must be changed

The engager of an SES member must change the SES member's SETs if—

(a) the SES member can no longer be engaged with the SETs and the engager is able to give the SES member another suitable SES position; or

(b) prescribed circumstances when an SES member's SETs must be changed are met.

Example—par (a)

An executive's contract requires the executive to do a particular task, but the executive acquires a disability and can no longer do the task.

Note An SES position may be changed by changing 1 or more SETs (see s 33 (1)).

35 Circumstances when SETs may be changed

The engager of an SES member may change the SES member's SETs if—

(a) the SES member, in writing, asks for the change and the engager is satisfied the request is reasonable; or

(b) the engager is satisfied the change is required for the efficient and effective management of the service; or

(c) the SES member is selected for another SES position in accordance with a selection process.

Example—par (a)

Gillian asks to change from full-time to part-time employment.

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Example—par (b)

John has expertise that is relevant to an emerging critical issue. John's administrative unit and functions are changed when he is moved to a whole-of-government taskforce to address the issue. None of John's other SETs are changed.

Example—par (c)

Barlow, a part-time, temporary executive, is selected for a full-time, permanent SES position in a different administrative unit, at a different classification. All of Barlow's SETs are changed.

Note An SES position may be changed by changing 1 or more SETs (see s 33 (1)).

36 SETs changed by change in administrative arrangements

(1) This section applies to directors-general and executives if the Chief Minister makes a change to the administrative arrangements.

(2) The head of service may make 1 or both of the following changes to the SES member's SETs:

(a) change a function assigned to the SES member;

(b) change the administrative unit in which an SES member is engaged.

37 Suspension of SES member

The engager of an SES member may suspend the SES member's engagement with pay or without pay in accordance with any prescribed requirement.

38 End of SES member's engagement

The engager of an SES member may end the SES member's engagement, on behalf of the Territory, in accordance with any prescribed requirement or prescribed notice period—

(a) under section 41 (Loss of eligibility); or

(b) under section 42 (Invalidity retirement); or

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(c) if a misconduct procedure finds the disciplinary action to be taken is to end the SES member's engagement; or

(d) if the engager loses confidence in the SES member's ability to exercise the functions which the SES member has been engaged to exercise; or

(e) if the SES member's SES position is no longer required for the efficient and effective operation of the service—if the engager is unable to give the SES member another suitable SES position; or

(f) if the engager considers it is in the interest of the service for the SES member's engagement to be ended.

39 SES member may resign

(1) An SES member's engagement ends if, in accordance with any prescribed notice period, the SES member tells the engager, in writing, that the SES member resigns.

(2) The SES member may only withdraw the SES member's resignation with the approval of the engager.

40 End of engagement by resignation—abandonment of engagement by SES member

(1) This section applies if the engager is reasonably satisfied an SES member has abandoned the SES member's engagement because—

(a) the SES member has been absent for—

(i) 14 consecutive days; or

(ii) 28 days in a 12-month period; and

(b) the SES member—

(i) fails to seek approval for the absence; and

(ii) fails to give a reasonable explanation for the absence; and

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(iii) does not indicate an intention to return to work within a reasonable time.

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

(2) For subsection (1) (b), another person may seek approval, give an explanation or indicate an intention on behalf of an SES member if the SES member is not able to do it.

(3) The SES member's engagement ends if—

(a) the engager follows the prescribed process; and

(b) after following the prescribed process, the engager remains satisfied that the SES member has abandoned the SES member's engagement.

41 Loss of eligibility

The engager of an SES member must end the SES member's engagement if—

(a) the SES member stops being an eligible person for the SES member's SES position; and

(b) the engager is unable to give the SES member another suitable SES position.

42 Invalidity retirement

(1) The engager of an SES member may end the SES member's engagement if the SES member is unable to exercise the functions assigned to the SES member because of physical or mental incapacity.

(2) However, the engager may only end the SES member's engagement because of physical or mental incapacity if—

(a) for an eligible employee under the *Superannuation Act 1976* (Cwlth)—the requirements for invalidity retirement under that Act are met; or

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(b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—the requirements for invalidity retirement under that Act are met; or

(c) for an ordinary employer sponsored member of the PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—the requirements for invalidity retirement under that Act are met; or

(d) for a member of a superannuation scheme declared by the head of service—the requirements for invalidity retirement under the scheme are met.

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Part 5 Employment of officers and employees

Division 5.1 Preliminary

63 Definitions—pt 5

In this part:

appellable classification means a classification—

(a) with a maximum salary that is lower than the minimum salary for the senior officer grade C classification; or

(b) for which teaching qualifications are required.

joint selection committee means a committee constituted as prescribed and includes—

(a) a committee that is agreed to by the principal union; and

(b) a management initiated committee.

unsuitability criteria—see section 70 (4).

Division 5.2 Change to office

65 Reclassification of office

(1) The head of service may, in writing, change the classification of an office in accordance with any prescribed requirement.

(2) If the head of service changes the classification of an office to a higher classification—

(a) the office becomes vacant; and

(b) the officer who occupied the office immediately before the change becomes an unattached officer.

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(3) However, if the head of service changes the classification of a class of offices, the head of service may, in writing, disapply subsection (2).

65A Reclassification of office—returning LAMS officer

(1) A returning LAMS officer may apply, in writing, to the head of service for a review of the officer's original classification and salary.

(2) An application may be made not later than 30 days, or any longer period approved by the head of service, after the returning LAMS officer returns to work in the service.

(3) On receiving an application, the head of service must establish a committee made up of—

(a) 1 person nominated by the head of service; and

(b) 1 person nominated by the commissioner; and

(c) an independent officer.

(4) The committee must consider the returning LAMS officer's application and make a recommendation about the officer's classification and salary.

(5) The head of service may prescribe procedures that a committee must follow in considering an application.

(6) The head of service must decide a classification and salary for the officer that is not less than the officer's original classification and salary, having regard to—

(a) the committee's recommendation; and

(b) the officer's employment immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*; and

(c) the length of the employment; and

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(d) the functions exercised by the officer in the employment; and

(e) any other matter that the head of service considers relevant.

(7) The head of service must give the returning LAMS officer a copy of the decision.

(8) The head of service's decision has effect, or is taken to have had effect, when the officer returns to work in the service.

(9) In this section:

independent officer, in relation to an application by a returning LAMS officer, means—

(a) if requested by the returning LAMS officer—a person nominated by a relevant union; or

(b) a person chosen in accordance with prescribed procedures.

original classification, of a returning LAMS officer, means the classification of the office that the officer occupied immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*.

original salary, of a returning LAMS officer, means the salary to which the officer was entitled immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*.

returning LAMS officer means an officer who—

(a) while an officer, was employed under the *Legislative Assembly (Members' Staff) Act 1989*; and

(b) has returned, or will return, to work in the service.

66 Part-time office

(1) The head of service may, in writing, declare a vacant office to be a part-time office.

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(2) The head of service may, in writing, declare an occupied office to be a part-time office if the officer appointed to the office consents to the declaration.

(3) The head of service may change the part-time hours of a part-time office—

(a) at any time; and

(b) for an occupied office—only if the officer appointed to the office consents to the change.

(4) The declaration must set out hours of attendance for the office that are less than full-time hours of attendance.

Note An industrial instrument may include requirements for hours of attendance.

Division 5.3 Appointment of officers

68 Appointment to vacant office

(1) The head of service may appoint a person to a vacant office.

(2) The head of service may only appoint a person to an office if—

(a) the person is selected in accordance with the merit and equity principle; and

(b) the head of service is satisfied on reasonable grounds, and states, in writing, that the person is suitable for appointment having regard to—

(i) verification of the person's identity; and

(ii) whether the person has any prior criminal convictions; and

(iii) the previous employment record of the person; and

(iv) the need for suitable references in support of the person's application for appointment; and

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(v) verification of the person's qualifications required for the appointment.

Note If a person is to be appointed to a position that involves a regulated activity and contact with a vulnerable person within the meaning of the *Working with Vulnerable People (Background Checking) Act 2011*, the person may need to be registered under that Act.

69 Record about officers

For each officer, the head of service must keep a record of—

(a) the officer's date of birth; and

(b) the office to which the officer is appointed; and

(c) the day on which the officer's appointment started; and

(d) any past employment as a public servant, including the days on which the employment started and ended; and

(e) if the officer holds a visa that permits them to work in the service—the following information about the officer's visa:

(i) the period during which the officer is permitted to work in the service;

(ii) the work the officer is permitted to do;

(iii) any other information that is relevant to the officer being an eligible person for appointment.

70 Appointment on probation

(1) The appointment of a person to the service as an officer is subject to a period of probation under this section, unless 1 of the following sections applies to the appointment:

(a) section 71 (Appointment on probation—prescribed training office);

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(b) section 71A (Appointment on probation—teachers);

(c) section 71C (Appointment without probation).

(2) Probation begins on the day the person is appointed and the appointment is taken to be confirmed 12 months after the day the person is appointed unless—

(a) the appointment is earlier confirmed under this section; or

(b) the appointment is earlier ended under this section; or

(c) the probationary period is earlier extended under section 71B.

(3) The appointment may be confirmed any day after the day the officer is appointed if the head of service is satisfied that—

(a) the officer has undergone a medical examination to assess the person's standard of health and fitness and the examination confirms that the standard of health and fitness of the person is satisfactory; or

(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.

(4) The appointment may be ended at any time before the appointment is confirmed, or taken to be confirmed, if the head of service is satisfied on reasonable grounds that 1 or more of the following criteria for being unsuitable for confirmation (the ***unsuitability criteria***) applies to the officer:

(a) the officer failed to have a medical examination to assess the officer's standard of health and fitness;

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

(b) the officer has had a medical examination to assess the officer's standard of health and fitness and an authorised doctor states, in writing, that the officer's standard of health and fitness is not at a standard required for the office;

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(c) an appropriate officer, for example the officer's supervisor states, in writing, that the officer has not exercised the officer's functions at a standard required for the office;

(d) the officer is not an eligible person to remain an officer;

(e) the officer is an excess officer.

(5) An appointment on probation must not be ended unless the officer has been given at least 14 days written notice of—

(a) the reason for ending the appointment; and

(b) the day the appointment will end.

71 Appointment on probation—prescribed training office

(1) The appointment of a person to the service as an officer in a prescribed training office is subject to a period of probation under this section.

(2) Probation begins on the day the person is appointed and is taken to be confirmed 6 months after the day the officer completes the course of training required for the prescribed training office unless—

(a) the appointment is earlier confirmed under this section; or

(b) the appointment is earlier ended under this section; or

(c) the probationary period is earlier extended under section 71B.

(3) The appointment may be confirmed any day after the officer successfully completes the course of training required for the prescribed training office if the head of service is satisfied that—

(a) the officer has undergone a medical examination to assess the person's standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or

(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.

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(4) The appointment may be ended any time before the appointment is confirmed or taken to be confirmed if the head of service is satisfied on reasonable grounds that—

(a) 1 or more of the unsuitability criteria applies to the officer; or

(b) the officer has not successfully completed the course of training required for the prescribed training office.

(5) An appointment on probation must not be ended unless the officer has been given at least 14 days written notice of—

(a) the reason for ending the appointment; and

(b) the day the appointment will end.

71A Appointment on probation—teachers

(1) The appointment of a person as a teacher is subject to a period of probation under this section.

(2) Probation begins on the day the person is appointed and is taken to be confirmed 18 months after the day the person is appointed unless—

(a) the appointment is earlier confirmed under this section; or

(b) the appointment is earlier ended under this section; or

(c) the probationary period is earlier extended under section 71B.

(3) The appointment may be confirmed any day after the day the officer is appointed if the head of service is satisfied that—

(a) the officer has undergone a medical examination to assess the person's standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or

(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.

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(4) The appointment may be ended at any time before the appointment is confirmed, or taken to be confirmed, if the head of service is satisfied on reasonable grounds that 1 or more of the unsuitability criteria applies to the officer.

(5) An appointment on probation must not be ended unless the officer has been given at least 14 days written notice of—

(a) the reason for ending the appointment; and

(b) the day the appointment will end.

(6) In this section:

teacher means a person who holds an office classified as a teacher under the management standards or a relevant industrial instrument.

71B Extension of period of probation

(1) A period of probation for a person may be extended if—

(a) the appointment has not been confirmed or taken to be confirmed; and

(b) the head of service is satisfied on reasonable grounds that the extension is reasonably required to assess the person's suitability for office.

Examples—par (b)

1 Glen is appointed as an officer. Six weeks after starting work a family crisis occurs and Glen is absent on authorised unpaid leave for a 12-week period. Glen's extended absence means that there has not been a long enough period at work to assess whether work performance is satisfactory so an additional period of probation is reasonable.

2 Josephine is appointed as a teacher and undergoes a medical assessment to assess her standard of health and fitness. The report from the authorised doctor is delayed because the doctor is taken ill and cannot complete the report before the probationary period would be taken to be confirmed under s 71A (2). An additional period of probation is reasonable to allow for a medical assessment report to be provided.

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3 Mai is appointed to a prescribed training office. The training required for the office usually takes 2 years to complete. An additional period of probation is reasonable to allow time for Mai to complete the required training.

(2) The maximum additional period for probation under this section is as follows:

(a) for section 70 (Appointment on probation)—6 months;

(b) for section 71 (Appointment on probation—prescribed training office)—12 months;

(c) for section 71A (Appointment on probation—teachers)—12 months.

(3) An appointment on probation must not be extended unless the officer has been given at least 14 days written notice of—

(a) the reason for the extension; and

(b) the length of the extension; and

(c) the day the probationary period will end.

(4) An appointment that has been extended under this section may be confirmed any day after the extension if the head of service is satisfied that—

(a) the officer has undergone a medical examination to assess the person's standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or

(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.

(5) An appointment that has been extended under this section may be ended at any time before the appointment is confirmed, or taken to be confirmed, if the head of service is satisfied on reasonable grounds that 1 or more of the unsuitability criteria applies to the officer.

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(6) An appointment that has been extended under this section is taken to be confirmed on the day notified as the day the probationary period will end under subsection (3) (c) unless—

(a) the appointment is earlier confirmed under this section; or

(b) the appointment is earlier ended under this section.

71C Appointment without probation

(1) The head of service may appoint a person to an office without probation if satisfied that—

(a) the appointment without probation is in the public interest; or

(b) immediately before the day of the appointment, for a period of 12 months or more, the person exercised the functions of the office, or an office with similar functions.

(2) The head of service must not appoint a person to an office without probation unless satisfied that—

(a) the person has undergone a medical examination to assess the person's standard of health and fitness and on the basis of the examination, the standard of health and fitness of the person is satisfactory; or

(b) it is unnecessary, in the circumstances, to require the person to undergo a medical examination.

Division 5.5 Promotion of officers

83 Promotion to vacant office

(1) The head of service may promote an officer to a vacant office.

(2) The head of service must tell an officer, in writing, about the promotion a reasonable time before it takes effect.

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84 Promotion appeal

(1) An officer may appeal against the promotion of another person to a vacant office under section 83 if—

(a) the promotion is to an appellable classification; and

(b) the officer applied for promotion to the vacant office.

(2) The appeal must be made in accordance with—

(a) if an industrial instrument applies to an officer and includes a procedure for promotion appeals—the promotion appeals procedure in the industrial instrument; or

(b) in any other case—the prescribed promotion appeals procedure.

(3) In deciding the appeal a decision-maker must apply the criteria set out in—

(a) if an industrial instrument applies to the officer and includes criteria for decision-making for promotion appeals—the promotion appeals decision-making criteria in the industrial instrument; or

(b) in any other case—the prescribed promotion appeals decision-making criteria.

85 Promotion appeal by excess officer

(1) This section applies if an officer has been told, in writing, by the head of service that the officer is an excess officer.

(2) The officer may appeal against the promotion of another person to a vacant office if—

(a) the promotion is to an appellable classification; and

(b) the excess officer applied for transfer to the vacant office the classification of which is equal to or lower than the classification of the office occupied by the excess officer.

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(3) An appeal under this section does not affect the operation of part 6 (Redeployment, underperformance and end of employment of officers).

(4) The appeal must be made in accordance with—

(a) if an industrial instrument applies to the officer and includes a procedure for promotion appeals—the promotion appeals procedures in the industrial instrument; or

(b) in any other case—the prescribed promotion appeals procedure.

(5) In deciding the appeal a decision-maker must apply the criteria set out in—

(a) if an industrial instrument applies to the officer and includes criteria for decision-making for promotion appeals—the decision-making criteria in the industrial instrument; or

(b) in any other case—the prescribed decision-making criteria.

86 Review of certain promotion decisions

(1) An officer may apply for review of a promotion of another officer to a vacant office if—

(a) the promotion is to a classification other than an appellable classification; and

(b) the officer applied for promotion to the office.

(2) The review must be conducted in accordance with—

(a) if an industrial instrument applies to an officer and includes a review of promotion procedure—the review procedure in the industrial instrument; or

(b) in any other case—the prescribed review of promotion procedure.

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(3) In deciding the review, a decision-maker must apply the criteria set out in—

(a) if an industrial instrument applies to the officer and includes criteria for review of promotion decisions—the criteria for review in the industrial instrument; or

(b) in any other case—the prescribed criteria for review of promotion decisions.

(4) If the head of service cancels the promotion as a result of the review—

(a) the officer whose promotion is cancelled must for all purposes be treated as having held the office from the date the promotion took effect to the date of the cancellation; and

(b) the head of service—

(i) must transfer the officer to an office with a classification that is equal to the classification that the officer had immediately before the promotion took effect; and

(ii) may if necessary create an office to allow the transfer mentioned in subparagraph (i).

87 Promotion on advice of joint selection committee

(1) The head of service may promote an officer to fill a vacant office if—

(a) a joint selection committee is established in relation to the promotion; and

(b) the committee recommends the promotion.

(2) If a joint selection committee makes a recommendation to the head of service about a promotion the head of service may—

(a) accept the recommendation; or

(b) not accept the recommendation.

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(3) A decision to promote under this section is not an appellable decision or a reviewable decision if the promotion is in accordance with—

(a) the recommendation of a joint selection committee agreed to by the principal union (a ***union agreed joint selection committee***); or

(b) the unanimous recommendation of a management initiated joint selection committee.

(4) A decision to promote under this section is an appellable decision and a reviewable decision if—

(a) an officer is promoted to an appellable classification; and

(b) the officer seeking to appeal applied for promotion to the position; and

(c) the promotion is not in accordance with—

(i) the recommendation of a union agreed joint selection committee; or

(ii) the unanimous recommendation of a management initiated joint selection committee.

88 How promotions take effect

(1) A promotion takes effect as prescribed.

(2) The salary payable for an office to which an officer is promoted under section 83 or section 87 is payable on and after the prescribed day.

(3) If an appeal against a promotion results in a different officer being promoted to an office than had originally been promoted—the salary payable to the different officer is payable on and after the prescribed day for the original promotion.

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89 Death of officer before appeal or review decided

(1) This section applies if a promoted officer dies before 1 of the following processes are finalised:

(a) an appeal under section 84 (Promotion appeal);

(b) a review under section 86 (Review of certain promotion decisions).

(2) The process ends on the day of the promoted officer's death.

(3) If the promoted officer's promotion is confirmed, the promotion only takes effect if the promoted officer's death occurred on or after the prescribed day in relation to the promotion.

(4) In this section:

promoted officer means the officer against whose promotion the process is being undertaken.

90 Cancellation of promotion

(1) Before the promotion of an officer to a vacant office in an administrative unit takes effect, the head of service may cancel the promotion on reasonable grounds.

(2) If a promotion of an officer under section 83 or section 87 that has not taken effect stops being a promotion, because of a change in rates of salary, the promotion is taken to be cancelled.

(3) If a promotion is cancelled, or is taken to be cancelled under this section, any appeal under section 84 or review under section 86 against the promotion lapses on the day of the cancellation.

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Division 5.6 Transfer of officers

92 Transfer to vacant office

(1) The head of service may transfer an officer to a vacant office.

(2) The head of service may only transfer an officer under this section if—

(a) the vacant office is in the same administrative unit as the officer's office before the transfer; and

(b) either—

(i) the officer applied for the vacant office; or

(ii) the head of service—

(A) consults the director-general of the administrative unit about the transfer; and

(B) gives the officer an opportunity to state the officer's views in relation to the transfer; and

(C) considers the views of the officer.

(3) The head of service must tell an officer, in writing, about the transfer a reasonable time before it takes effect.

(4) A decision to transfer under this section is not an appellable decision or reviewable decision.

93 Simultaneous transfer within administrative unit

(1) This section applies if—

(a) 2 or more officers in an administrative unit occupy offices with the same classification; and

(b) the head of service approves the simultaneous transfer of the officers between the offices.

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(2) The head of service may transfer the officers if the head of service consults with the director-general of the administrative unit.

(3) A decision to transfer under this section is not an appellable decision or a reviewable decision.

94 Transfer between administrative units

The head of service may transfer an officer in an administrative unit to a vacant office in another administrative unit, if the head of service consults—

(a) the director-general of the administrative unit that would gain the officer; and

(b) the director-general of the administrative unit that would release the officer.

96B Transfer on advice of joint selection committee

(1) The head of service may transfer an officer to fill a vacant office in an administrative unit if—

(a) a joint selection committee is established in relation to the transfer; and

(b) the committee recommends the transfer.

(2) The joint selection committee must make a recommendation to the head of service about the transfer.

(3) The head of service must consult the director-general of the administrative unit about the recommendation.

(4) The head of service may—

(a) accept the recommendation; or

(b) not accept the recommendation.

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(5) If an officer is transferred in accordance with a recommendation under subsection (2) the head of service must notify the transfer in the gazette.

(6) If an officer is transferred on the recommendation of a union agreed joint selection committee—the decision to transfer is not an appellable decision or a reviewable decision.

(7) In this section:

union agreed joint selection committee—see section 87.

96C How transfer takes effect

A transfer takes effect as prescribed.

96D Cancellation of transfer

(1) Before the transfer of an officer to a vacant office in an administrative unit takes effect, the head of service may cancel the transfer on reasonable grounds.

(2) If a transfer is cancelled under this section, any appeal against the transfer lapses on the day of the cancellation.

100 Temporary transfer

(1) The head of service may temporarily transfer an officer from an administrative unit to exercise the whole, or part, of the functions of another office in the unit if—

(a) the head of service consults the director-general of the unit; and

(b) the prescribed requirements are met.

(2) A temporary transfer, other than a transfer requiring notification under section 101 (2), takes effect on—

(a) the day written notice is given; or

(b) if a later day is stated in the written notice of the transfer—on that later day.

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(3) Written notice of a temporary transfer must be expressed to continue in force until—

(a) the end of a stated day; or

(b) occurrence of a stated event.

(4) Written notice of the temporary transfer must not be expressed to operate—

(a) indefinitely; or

(b) until a notice terminating the transfer is given.

(5) The head of service may, in writing—

(a) revoke the temporary transfer at any time; or

(b) vary the temporary transfer at any time.

(6) The head of service may temporarily transfer an officer from an administrative unit to exercise the whole, or part, of the functions of an office in another unit if the prescribed requirements are met.

101 Notification of certain temporary transfers to higher office

(1) This section applies to a temporary transfer to an appellable classification.

(2) The head of service must provide notification in the gazette of a temporary transfer if—

(a) the head of service temporarily transfers an officer to perform the duties of a higher office to which this section applies; and

(b) the transfer is for a period of more than 6 months.

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102 Appeal against temporary transfer to higher office

(1) An officer may appeal against the temporary transfer of another officer to an appellable classification if—

(a) the other officer is transferred to an office that is a higher office for the other officer; and

(b) the transfer is to an office that is a higher office for the officer seeking to appeal; and

(c) the officer seeking to appeal applied for temporary transfer to the higher office.

(2) The appeal must be made in accordance with—

(a) if an industrial instrument applies to the officer and includes a procedure for temporary transfer appeal—the temporary transfer appeal procedure in the industrial instrument; or

(b) in any other case—the prescribed temporary transfer appeal procedure.

103 Lapsing or discontinuing of appeal

(1) An appeal against a temporary transfer under section 102 lapses if—

(a) the temporary transfer finishes under section 100 (3); or

(b) the temporary transfer finishes because the person transferred stops being an officer; or

(c) the temporary transfer is revoked under section 100 (5); or

(d) the appellant stops being an officer; or

(e) the office that is the subject of the appeal is no longer a higher office for the appellant.

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(2) An appeal against a temporary transfer under section 102 must be discontinued if the appellant gives written notice that the appeal has been withdrawn to the person or body that considers the appeal under the temporary transfer appeal procedure mentioned in section 102 (2).

(3) If an appeal lapses or is discontinued under this section the person or body that considers the appeal under the temporary transfer appeal procedure mentioned in section 102 (2) must give written notice of the lapse or discontinuance to the appellant.

104 Temporary transfer if appeal successful

(1) This section applies if the person or body that considers an appeal under the temporary transfer appeal procedure mentioned in section 102 (2) decides that the appellant would be more efficient in performing the duties of the office than the person transferred to the office under section 100.

(2) The person or body must provide written notice of the decision to—

(a) the appellant; and

(b) the person transferred under section 100; and

(c) the head of service.

(3) If the head of service receives a notice under subsection (2) the head of service must—

(a) revoke the temporary transfer of the person transferred under section 100; and

(b) temporarily transfer the appellant to the position.

(4) A temporary transfer under this section—

(a) takes effect when it is made; and

(b) must be expressed to continue in force for the same period for which the revoked temporary transfer would have operated; and

(c) is not subject to appeal.

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Division 5.7 Other movement within the service

105 Promotion or transfer after passing examination

(1) This section applies if the head of service prescribes—

(a) a class of office for this section; and

(b) that a test or another assessable task (an ***examination***) must be passed by an officer before the officer can be transferred or promoted to an office in a stated prescribed class.

(2) If an office in the stated prescribed class is vacant and an examination has been undertaken, the head of service may—

(a) if 1 officer passed the examination and is otherwise eligible for transfer or promotion to that office—transfer or promote the officer to the office; or

(b) if 2 or more officers passed the examination and are otherwise eligible for transfer or promotion to the office—transfer or promote the officers in accordance with the order of merit in which they passed the examination.

(3) A transfer or promotion under this section takes effect on the day stated in the instrument of transfer or promotion.

106 Training offices

(1) The head of service may prescribe—

(a) required training for a class of office (a ***training office***); and

(b) a class of office with a higher classification to which an officer occupying a training office may be promoted on satisfactory completion of the required training (a ***related qualified office***).

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(2) If the head of service is satisfied an officer has satisfactorily completed the required training for a training office—

(a) if there is a vacant related qualified office—the head of service must promote the officer to the office; or

(b) if there is no vacant related qualified office—the officer—

(i) becomes an unattached officer until a related qualified office becomes vacant; and

(ii) is taken to have the classification of the related qualified office.

(3) If a related qualified office becomes vacant, the head of service—

(a) must transfer to the office the unattached officer who has been waiting for a related qualified office to become vacant for the longest period; or

(b) may, if no officers have completed the required training—

(i) for a full-time qualified office—promote to the office the first full-time officer to complete the training; or

(ii) for a part-time qualified office—promote to the office the first part-time officer to complete the training; or

(iii) if subparagraphs (i) and (ii) do not apply—appoint, transfer or promote another person to the office.

(4) If 2 or more officers satisfactorily completed the required training for a training office on the same day, the officers are taken to have completed the training in order of merit, with the officer achieving the highest mark taken to have completed first.

(5) A promotion under this section takes effect on the day the promotion is made.

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107 Promotion or transfer to training office

(1) If an officer is promoted under section 83 to a training office, another officer or an unattached officer with a classification lower than the classification of the related qualified office may appeal the promotion.

(2) If an officer is transferred under section 92 to a training office—

(a) another officer or an unattached officer with a classification lower than the classification of the related qualified office may appeal the transfer; and

(b) the office to which the officer was appointed immediately before the transfer remains vacant until—

(i) if the transfer is appealed—every appeal has been decided or otherwise ended; or

(ii) if the transfer is not appealed—the period during which an appeal can be made has ended.

(3) In this section:

related qualified office—see section 106 (1) (b).

training office—see section 106 (1) (a).

108 Movement within administrative unit

(1) This section applies if the head of service is satisfied on reasonable grounds that the efficient administration of an administrative unit requires an officer (including an unattached officer) or employee to move within the administrative unit.

(2) The head of service may—

(a) for an officer—transfer the officer to a vacant office in the administrative unit; or

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(b) for an employee—

(i) end the employee's employment; and

(ii) immediately after the employee's employment ends, employ the employee again to exercise the required functions.

(3) Before exercising a function under subsection (2), the head of service must—

(a) consult the director-general of the unit; and

(b) give the officer or employee an opportunity to state the officer's or employee's views in relation to the change; and

(c) consider the views of the officer or employee.

Note An industrial instrument may set out further consultation requirements.

(4) A decision to transfer under this section is not an appellable decision or reviewable decision.

109 Movement between administrative units

(1) This section applies if the head of service is satisfied on reasonable grounds that the efficient administration of the service requires the movement of an officer (including an unattached officer), or an employee, from 1 administrative unit to another.

(2) The head of service may—

(a) for an officer—transfer the officer to a vacant office in the other administrative unit; or

(b) for an employee—

(i) end the employee's employment; and

(ii) immediately after the employee's employment ends, employ the employee again to exercise the required functions.

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(3) Before exercising a function under subsection (2), the head of service must—

(a) consult—

(i) the officer or employee; and

(ii) the director-general of the administrative unit that would gain the officer or employee; and

(iii) the director-general of the administrative unit that would release the officer or end the employment of the employee; and

(b) consider whether the change is in the interests of the efficient administration of the service; and

(c) be satisfied that the efficient administration of the service requires the change.

Note An industrial instrument may set out further consultation requirements.

(4) A decision under subsection (2) must state—

(a) the date of effect of the action; and

(b) for an officer being transferred—

(i) whether the transfer is temporary or permanent; and

(ii) if the transfer is temporary—the period of the transfer.

(5) A decision to transfer under this section is not an appellable decision or reviewable decision.

Division 5.8 Temporary employment

110 Fixed term temporary employment

(1) The head of service may employ the person for a fixed term of—

(a) less than 12 months; or

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(b) if the head of service consults the principal union about the need for the temporary employment—less than 5 years.

Note The *Fair Work Act 2009* (Cwlth), s 333E sets out additional limitations on certain fixed term employment that apply except in the circumstances mentioned in that Act, s 333F.

(2) The head of service may re-employ the person without a break between the periods of employment if the cumulative period of engagement is less than—

(a) for an employee employed in accordance with subsection (1) (a)—12 months; or

(b) for an employee employed in accordance with subsection (1) (b)—5 years.

(3) A fixed term employee's employment ends—

(a) on the day after the earliest of—

(i) the end of the term for which the employee is employed; or

(ii) a reasonable notice period given to the employee, in writing, by the head of service; or

(iii) a 2-week notice period given to the head of service, in writing, by the employee; or

(iv) a notice period agreed, in writing, between the employee and the head of service; or

(b) for an employee who begins a period of maternity leave before the end of the term for which the employee is employed—on the day after the latest of—

(i) the end of the term for which the employee is employed; or

(ii) the day the paid period of the employee's maternity leave ends.

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(4) In this section:

maternity leave means maternity leave under an industrial instrument.

111 Casual temporary employment

(1) The head of service may employ a person for temporary employment in an administrative unit to exercise the functions of an office on a casual basis.

(2) Employment on a casual basis must not be on a fixed term.

(3) A casual employee's employment may be ended at any time by the head of service.

112 Work performed after end of temporary employment

(1) This section applies if—

(a) the temporary employment of a person has ended in accordance with section 110 (3) or section 111 (3); and

(b) that person continues to exercise functions or deliver services after the day the person's employment ended.

(2) Any function exercised or service delivered by the person after the day the person's employment ended does not renew or extend the person's employment.

(3) However, the head of service may pay the person for a function exercised or service delivered in good faith after the day the person's employment ended.

113 Record about employees

For each employee, the head of service must keep a record of—

(a) the employee's date of birth; and

(b) the office to which, or functions for which, the employee is employed; and

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(c) the day on which the employee's employment started; and

(d) for an employee employed under section 110—the day on which the employee's employment will end; and

(e) any past employment as a public servant, including the days on which the employment started and ended.

Division 5.9 Unattached officers

114 Becoming unattached officer

(1) The head of service may, with the written consent of an officer, state, in writing, that the officer will become an unattached officer on a particular day.

Note 1 An officer may also become an unattached officer under s 65 (2) (b) (Reclassification of office) or s 106 (2) (b) (Training offices).

Note 2 An officer may be declared to be an unattached officer under s 123 (Reduction in classification or retirement).

(2) The office occupied by the officer becomes vacant on the day the officer becomes an unattached officer.

(3) Unless otherwise agreed between the head of service and the unattached officer, the unattached officer—

(a) is included in the administrative unit in which the unattached officer occupied an office immediately before becoming unattached; and

(b) has the classification of the office that the unattached officer occupied immediately before becoming unattached; and

(c) has the hours of attendance of the office that the unattached officer occupied immediately before becoming unattached.

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115 Becoming unattached officer on medical grounds

(1) This section applies if an authorised doctor has recommended that an officer should, because of physical or mental incapacity, be redeployed under section 122 or retired from the service under section 123.

(2) The head of service may state, in writing, that the officer will become an unattached officer on a particular day.

(3) The office occupied by the officer becomes vacant on the day the officer becomes an unattached officer.

(4) The officer must be given written notice of becoming unattached as soon as practicable.

116 Appointment as unattached officer

A person may be appointed as an unattached officer under section 68 (1) (Appointment to vacant office) if the head of service states, in writing—

(a) the administrative unit in which the person will be included; and

(b) a classification for the person, having regard to—

(i) the functions to be exercised by the person; and

(ii) the person's qualifications; and

(c) the hours of attendance for the person.

117 Reappointment as unattached officer

(1) This section applies to a former officer who is reappointed as an unattached officer.

Note A former officer may be reappointed as an unattached officer under s 136 (Reappointment of officer if unsuccessful election candidate) and s 137 (Reappointment of officer after quashing etc of conviction).

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(2) Unless otherwise stated by the head of service, the unattached officer—

(a) is included in the administrative unit in which the unattached officer occupied an office immediately before becoming unattached; and

(b) has the classification of the office that the unattached officer occupied immediately before becoming unattached; and

(c) has the hours of attendance of the office that the unattached officer occupied immediately before becoming unattached.

Division 5.10 Secondment

118 Secondment to the service

(1) The head of service may approve a request from an eligible person for the secondment of the eligible person to the service.

(2) The eligible person must agree to the details of the secondment before the secondment begins.

(3) The person on secondment must exercise a function assigned to the person while on secondment in accordance with this Act and any other law applying in the territory.

(4) A person on secondment is taken to be a public servant for section 7 (Meaning of *public sector values*), section 8 (Meaning of *public sector principles*) and section 9 (Public sector conduct).

(5) In this section:

secondment, of a person to the service, means a written arrangement between the Territory and the employer of the person, under which the person works in the service as if the person was employed by the Territory.

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119 Secondment of public servant to another employer

(1) The head of service may approve a request from a public servant for the secondment of the public servant to another employer.

(2) The public servant must agree to the details of the secondment before the secondment begins.

(3) Any function lawfully exercised by a public servant on secondment will not contravene this Act or another territory law if the function is exercised in the way the public servant is lawfully directed to exercise it.

(4) In this section:

secondment, of a public servant to another employer, means a written arrangement between the Territory and the other employer, under which the public servant exercises a function for the other employer as if the public servant was employed by the other employer.

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Part 6 Redeployment, underperformance and end of employment of officers

120 Definitions—pt 6

In this part:

confirmed officer means an officer who is not on probation.

incapacitated—an officer is ***incapacitated*** if the officer is unable to exercise functions appropriate to the officer's classification because of physical or mental incapacity.

ineligible—an officer is ***ineligible*** for an office if the officer ceases to be an eligible person for the office.

121 Retirement

If an officer is at least 55 years old, the officer may retire from the service at any time.

122 Redeployment

(1) This section applies to a confirmed officer if the director-general of the officer's administrative unit is satisfied on reasonable grounds that the officer is—

(a) incapacitated; or

(b) ineligible for the officer's office; or

(c) an excess officer.

(2) The director-general must—

(a) take reasonable steps to find a vacant office that the officer is eligible for; and

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(b) if the director-general finds a suitable vacant office—

(i) in writing, offer the office to the officer; and

(ii) if the officer consents to be transferred—transfer the officer to the office; and

(iii) if the officer does not consent to be transferred—refer the proposed redeployment to the head of service; and

(c) if the director-general does not find a suitable vacant office—refer the proposed redeployment to the head of service.

(3) If the redeployment is referred to the head of service, the head of service must—

(a) take reasonable steps to find a vacant office in the service that the officer is eligible for; and

(b) if the head of service finds a suitable vacant office—

(a) in writing, offer the office to the officer; and

(b) if the officer consents to be transferred—transfer the officer to the office.

(4) If the head of service cannot find a suitable vacant office to which the officer consents to be transferred the head of service must, in writing, refer the unsuccessful redeployment to the director-general.

123 Reduction in classification or retirement

(1) This section applies to an officer whose unsuccessful redeployment is referred to the director-general under section 122 (4).

(2) The director-general may, with written notice to the officer—

(a) reduce the officer's classification by—

(i) transferring the officer to an office with a lower classification; or

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(ii) declaring, in consultation with the head of service, the officer to be an unattached officer of a lower classification; or

(b) retire the officer from the service.

(3) A decision under subsection (2) is an appellable decision.

(4) If the officer agrees to a reduction in classification or retirement, the date of effect of the action is—

(a) for an incapacitated officer—a day agreed, in writing, between the officer and the director-general; or

(b) for an ineligible or an excess officer—any day after the day the notice was given that is agreed, in writing, between the officer and the director-general.

(5) If the officer does not agree to a reduction in classification or retirement, the date of effect of the action is—

(a) if an industrial instrument applies to the officer and states a retention period for the circumstances—the day after the end of the retention period; or

(b) if paragraph (a) does not apply—the latest of the following:

(i) the day stated in the notice;

(ii) the day 1 month after the day the notice was given to the officer;

(iii) if the officer appeals, but then withdraws the appeal—the day the appeal is withdrawn;

(iv) if the officer appeals and the appeal upholds the giving of the notice—the day the appeal is decided.

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124 Limitation on retirement on ground of invalidity

(1) This section applies despite section 122 or section 123.

(2) An officer may not be retired from office on the ground of invalidity unless—

(a) if the officer is an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—

(i) the officer has not reached the officer's maximum retiring age within the meaning of that Act; and

(ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under that Act, section 54C for the officer; or

(b) if the officer is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—

(i) the officer is under 60 years old; and

(ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that Act, section 13 for the officer; or

(c) if the officer is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—

(i) the officer is under 60 years old; and

(ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that Act, section 43 for the officer.

(3) In this section:

invalidity means—

(a) for an eligible employee under the *Superannuation Act 1976* (Cwlth)—invalidity under that Act; or

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(b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—invalidity under that Act; or

(c) for an ordinary employer sponsored member of the PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—invalidity under that Act; or

(d) for a member of a superannuation scheme declared by the head of service—invalidity under the scheme.

124A End of employment if visa no longer held

(1) This section applies if an officer—

(a) is not an Australian citizen or permanent resident of Australia; and

(b) becomes ineligible for their office because they no longer hold a visa that permits them to work in the service.

(2) The head of service must end the employment of the officer.

(3) A decision to end employment under this section is not an appellable decision or a reviewable decision.

(4) Section 122 and section 123 do not apply if this section applies.

125 Underperformance

(1) The procedures that apply to underperformance by an officer are—

(a) if an industrial instrument applies to the officer and includes procedures for underperformance—the underperformance procedures in the industrial instrument; or

(b) in any other case—the prescribed underperformance procedures.

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(2) In this section:

underperformance, by an officer, includes failure by the officer to exercise the functions of an office to the standard reasonably required.

126 End of employment for misconduct

(1) This section applies if under the misconduct procedures that apply to a public servant, the public servant has engaged in misconduct.

(2) The head of service may end the employment of the public servant.

(3) A decision to end employment for misconduct is not an appellable decision or a reviewable decision.

Note A public servant may be able to take action in relation to termination of employment under the *Fair Work Act 2009* (Cwlth).

127 Forfeiture of office

(1) This section applies if an officer is absent from work without permission for a continuous period of 4 weeks or more.

(2) The head of service may give the officer a written notice telling the officer that the officer will be taken to have retired from the service 2 weeks from the day the notice was sent unless, within the 2-week period, the officer—

(a) returns to work; or

(b) explains the absence and asks the head of service for any further period of absence that may be necessary having regard to that explanation.

Note For how documents may be served, see the Legislation Act, pt 19.5.

(3) The officer is taken to have retired from the service on the day after the end of the 2-week period unless the officer—

(a) returns to work; or

(b) explains the absence.

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(4) If the officer explains the absence and asks the head of service for a further period of absence, the head of service must—

(a) as soon as practicable, consider the matter; and

(b) tell the officer, in writing, that the officer—

(i) is given leave for the period, including any conditions on the leave; or

(ii) must return to work within a stated period (of at least 2 weeks) or the officer will be taken to have retired from the service at the end of the stated period.

(5) If an officer is required to return to work within a period stated under subsection (4) (b) (ii) and the officer does not return to work in the period, the officer is taken to have retired from the service on the day after the end of the period.

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Part 7 Re-entry to the service

Division 7.1 Preliminary

128 Definitions—pt 7

In this part:

declaration, of the result of an election, means—

(a) if the election result is challenged, the earlier of—

(i) the determination of the challenge by a court of disputed returns (however described); or

(ii) the lapsing of the challenge; or

(b) in any other case—the date the election is declared.

election candidate means a candidate for election as—

(a) a member of the Legislative Assembly; or

(b) a member of a House of the Parliament of the Commonwealth or a State; or

(c) a member of the Legislative Assembly for the Northern Territory; or

(d) a member of a legislative or advisory body.

exonerated, in relation to a former public servant, means—

(a) the former public servant is convicted of an offence; and

(b) because of the conviction or a related misconduct procedure, disciplinary action taken for the public servant included ending the public servant's employment; and

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(c) after the disciplinary action is taken the former public servant—

(i) has the conviction quashed, nullified or set aside; or

(ii) is pardoned or released from prison as a result of an inquiry into the conviction.

unsuccessful election candidate means a person who—

(a) was a public servant; and

(b) ended employment with the service to become an election candidate within 6 months before the day nominations to be an election candidate closed; and

(c) was an election candidate; and

(d) failed to be elected.

Division 7.2 Former SES member

129 Limitation on re-engagement of SES member

(1) This section applies to a former SES member if—

(a) the SES member's engagement was ended under section 38 (End of SES member's engagement); or

(b) the SES member resigned under section 39 (SES member may resign).

(2) The former SES member must not be—

(a) re-engaged in a vacant SES position until any exclusion period has ended; and

(b) for a former SES member whose engagement was ended under section 38—engaged in a vacant SES position on a permanent basis—

(i) less than 12 months after the last day of the SES member's former engagement; or

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(ii) if the SES member is paid an amount in addition to an amount under section 241 (Payment on leaving the service) (an ***additional amount***)—less than 24 months after the last day of the SES member's former engagement.

(3) The ***exclusion period***, in days, is worked out as follows:

$$\frac{\text{additional amount}}{\text{average daily salary over the last year of engagement}}$$

130 Re-engagement of SES member after abandonment of employment

(1) This section applies to a former SES member whose engagement was ended under section 40 (End of engagement by resignation—abandonment of engagement by SES member).

(2) Within a reasonable time, the former SES member may ask to be re-engaged.

(3) The former SES member must be engaged in a suitable SES position if the engager for the SES position considers the request is reasonable.

131 Re-engagement of SES member if unsuccessful election candidate

(1) This section applies to a former SES member if the former SES member is an unsuccessful election candidate.

(2) Within 2 months after the declaration of the result of the election, the former SES member may ask, in writing, to be re-engaged.

(3) The former SES member must be engaged in an SES position if the engager for the SES position considers the request is reasonable.

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(4) The engagement must be—

(a) to—

(i) the SES position in which the person had been engaged immediately before the SES member's contract was terminated; or

(ii) an SES position as similar as possible to that SES position; and

(b) for the period ending on the same day as the terminated contract was due to end.

132 Re-engagement of SES member after quashing etc of conviction

(1) This section applies to a former SES member if the former SES member—

(a) is exonerated; and

(b) asks within a reasonable time, in writing, for the disciplinary action taken against the former SES member to be overturned.

(2) The former SES member may be engaged in an SES position if the engager for the SES position considers the request is reasonable.

(3) The engager for the SES position may also take other action reasonably necessary to overturn the disciplinary action.

(4) The engagement must be—

(a) to—

(i) the SES position in which the person had been engaged immediately before the SES member's contract was terminated; or

(ii) an SES position as similar as possible to that SES position; and

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(b) for the period ending on the same day as the terminated contract was due to end.

(5) A former SES member who is re-engaged, under this section must be paid, for the intervening period, the salary the SES member was paid immediately before the former engagement ended.

Division 7.3 Former officers

133 Reappointment of former excess officer

The head of service may reappoint a former excess officer if the former officer—

(a) was retired from the service under section 123 (Reduction in classification or retirement)—

(i) involuntarily within the previous year; or

(ii) voluntarily within the previous 2 years; and

(b) received a payment from the Territory or a territory instrumentality for being retired.

134 No engagement or employment of certain former excess officers in certain circumstances

(1) This section applies to a former excess officer if the former officer—

(a) was retired from the service under section 123 (Reduction in classification or retirement)—

(i) involuntarily within the previous year; or

(ii) voluntarily within the previous 2 years; or

(b) received a payment from the Territory or a territory instrumentality for being retired.

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(2) The head of service must not—

(a) engage the former excess officer as an executive or director-general; or

(b) employ the former excess officer as an employee.

135 Reappointment of officer after forfeiture of office

(1) A former officer who is taken to have retired under section 127 (Forfeiture of office) may apply to the head of service, in writing, for reappointment to the service.

(2) If the head of service is satisfied that the former officer had, in all the circumstances, reasonable grounds for being absent, the head of service must reappoint the former officer to—

(a) the office occupied by the former officer immediately before the former officer is taken to have retired; or

(b) if that office is not available—an equivalent office, or an office as similar as possible, to that office; or

(c) with the written consent of the former officer—another office.

(3) If the head of service is not satisfied that the former officer had, in all the circumstances, reasonable grounds for being absent, the head of service must refuse the former officer.

(4) If the head of service refuses a former officer, the head of service must give the former officer written notice of the refusal and the reasons for the refusal.

(5) A former officer who is reappointed under this section is taken to have—

(a) continuity of service as prescribed; and

(b) recognition of prior service as prescribed.

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136 Reappointment of officer if unsuccessful election candidate

(1) This section applies to a former officer if the former officer is an unsuccessful election candidate.

(2) Within 2 months after the declaration of the result of the election, the former officer may ask the head of service, in writing, to be reappointed.

(3) After receiving a request under subsection (2), the head of service must reappoint the person—

(a) to the office occupied by the person immediately before the person's appointment was ended (the ***last office***); or

(b) if the last office is not vacant—to an equivalent office in the same administrative unit as the last office; or

(c) if an equivalent office is not available—as an unattached officer with the same classification as the last office.

137 Reappointment of officer after quashing etc of conviction

(1) This section applies to a former officer if the former officer—

(a) is exonerated; and

(b) asks the head of service within a reasonable time, in writing, for the disciplinary action taken against the former officer to be overturned.

(2) The head of service must consider the former officer's request and—

(a) do 1 or both of the following:

(i) reappoint the former officer;

(ii) take other action reasonably necessary to overturn the disciplinary action; or

(b) refuse the request.

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(3) For subsection (2) (a) (i) the head of service must reappoint the person—

(a) to the office occupied by the person immediately before the person's employment was ended (the ***last office***); or

(b) if the last office is not vacant—to an equivalent office in the same administrative unit as the last office; or

(c) if an equivalent office is not available—as an unattached officer with the same classification as the last office.

(4) A former officer who is reappointed under this section must be paid, for the intervening period, the salary the officer was paid immediately before the head of service ended the officer's appointment.

138 No reappointment of former officer in certain circumstances

(1) The head of service must not reappoint a former officer if, at any time, the former officer's—

(a) employment in the service ended for underperformance in accordance with section 125 (Underperformance) or misconduct under section 126 (End of employment for misconduct); or

(b) prescribed employment ended on grounds similar to the grounds for misconduct or underperformance under this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a management standard (see Legislation Act, s 104).

(2) For subsection (1), if the former officer was dismissed because a court found the former officer committed a criminal offence, the former officer may be reappointed if—

(a) the finding of the court is nullified or set aside; or

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(b) if a person was convicted on the basis of the finding—the conviction is quashed, nullified or the person is pardoned or released from prison.

(3) The head of service must not reappoint a former officer for the 12-month period starting on the day the former officer's employment ended under—

(a) section 70 (4) (Appointment on probation); or

(b) section 71 (4) (Appointment on probation—prescribed training office); or

(c) section 71A (4) (Appointment on probation—teachers); or

(d) section 71B (5) (Extension of period of probation).

(4) In this section:

criminal offence means an offence against a law of—

(a) the Territory; or

(b) the Commonwealth; or

(c) a State that, if committed in the ACT would constitute an offence against a law of the Territory; or

(d) a foreign country that, if committed in the ACT would constitute an offence against a law of the Territory or the Commonwealth.

Division 7.4 Former employee

139 Re-employment of employee if unsuccessful election candidate

(1) This section applies to a former employee if the former employee is an unsuccessful election candidate.

(2) Within 2 months after the declaration of the result of the election, the former employee may ask the head of service, in writing, to be re-employed.

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(3) After receiving a request under subsection (2), the head of service must employ the person in the same or a similar capacity with the same rate of pay as that payable to the person immediately before the person's employment ended.

140 Re-employment of employee after quashing etc of conviction

(1) This section applies to a former fixed-term employee if the former employee—

(a) is exonerated; and

(b) asks the head of service within a reasonable time, in writing, for the disciplinary action taken against the former employee to be overturned.

(2) The head of service must consider the former employee's request and—

(a) do 1 or both of the following:

(i) re-employ the former employee;

(ii) take other action reasonably necessary to overturn the disciplinary action; or

(b) refuse the request.

(3) For subsection (2) (a) (i), the head of service must employ the person in the same or a similar capacity with the same rate of pay as that payable to the person immediately before the person's employment ended.

(4) A former employee who is re-employed under this section must be paid, for the intervening period, the salary the employee was paid immediately before the head of service ended the employee's employment.

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141 Re-employment after maternity leave

(1) This section applies to a former fixed-term employee if the former employee applies for fixed-term employment within 24 months of beginning a period of maternity leave if the former employee's employment ended during a period of unpaid maternity leave.

(2) The head of service must consider the former employee's application before any other applicant, and if the former employee is an eligible person for the employment the former employee must be employed.

(3) If 2 or more former employees to whom this section applies apply for the same employment, the head of service must undertake a comparative assessment of the former employees and employ the most suitable.

(4) In this section:

maternity leave means maternity leave under an industrial instrument.

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Part 8 The public sector

Division 8.1 Public Sector Standards Commissioner

142 Appointment of commissioner

(1) The Chief Minister may appoint a person as the Public Sector Standards Commissioner (the ***commissioner***).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

(2) If a public servant is appointed as the commissioner, the public servant must end employment in the service before the appointment commences.

(3) An appointment must be for a period of not longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

(4) The Legislation Act, division 19.3.3 (Appointments—Assembly consultation) does not apply to the appointment of a person as commissioner.

(5) An appointment is a notifiable instrument.

143 Arrangements for commissioner from another jurisdiction to exercise functions

If an appointment is not made under section 142, the Chief Minister must make arrangements for the commissioner (however described) responsible for exercising functions under a Commonwealth or State law that substantially correspond to this Act to exercise 1 or more of the functions of the commissioner.

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143A Independence of commissioner

Subject to this Act and to other territory laws, the commissioner has complete discretion in the exercise of the commissioner's functions.

144 Functions of commissioner

(1) The commissioner has the following functions:

(a) to conduct investigations—

(i) about a matter declared by the Chief Minister in the way prescribed; and

(ii) under an industrial instrument in accordance with subsection (2);

(b) to provide advice to the Chief Minister about matters arising from an investigation conducted by the commissioner;

(c) in connection with an investigation conducted by the commissioner—to promote and provide advice about the public sector values, the public sector principles and the conduct required under this Act;

(d) to exercise any function given to the commissioner under this Act or another law applying in the Territory.

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

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(2) A function given to the head of service under an industrial instrument in relation to an investigation, appeal or review (an ***investigation function***) may be exercised by the commissioner.

Note 1 ***Function*** includes authority, duty and power (see Legislation Act, dict, pt 1).

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

(3) The commissioner may delegate an investigation function to a public servant or another person.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

(4) Nothing in this section limits the exercise of an investigation function by the head of service.

(5) A declaration of a matter by the Chief Minister is a notifiable instrument.

145 Leave of absence for commissioner

The Chief Minister may approve, in writing, leave of absence for the commissioner on the terms the Chief Minister decides.

146 Suspension and removal of commissioner

(1) The Chief Minister may suspend the commissioner—

(a) for alleged misconduct; or

(b) for physical or mental incapacity, if the incapacity affects the commissioner's ability to exercise a function; or

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(c) if the commissioner is convicted, or found guilty, in the ACT of an offence punishable by imprisonment for at least 1 year; or

(d) if the commissioner is convicted, or found guilty, outside the ACT of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year.

Note ***Found guilty***—see the Legislation Act, dictionary, pt 1.

(2) The Chief Minister must present the Legislative Assembly with a statement of the reasons for the suspension not later than the first sitting day after the day the commissioner is suspended.

(3) If, not later than 6 sitting days after the day the statement is presented, the Legislative Assembly resolves to require the Chief Minister to end the commissioner's appointment, the Chief Minister must end the commissioner's appointment.

(4) The commissioner's suspension ends—

(a) if the Chief Minister does not comply with subsection (2)—at the end of the day the Chief Minister should have presented to the Legislative Assembly the statement mentioned in that subsection; or

(b) if the Assembly does not pass a resolution mentioned in subsection (3) before the end of the 6 sitting days—at the end of the 6th sitting day.

Note An appointment also ends if the appointee resigns (see Legislation Act, s 210).

(5) The commissioner is entitled to be paid salary and allowances while suspended.

147 Ending commissioner's appointment without suspension

(1) The Chief Minister must end the commissioner's appointment if the commissioner—

(a) becomes bankrupt or personally insolvent; or

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(b) is absent, other than on approved leave, for 14 consecutive days or for 28 days in any 12-month period.

(2) The Chief Minister may, with the consent of the commissioner, end the commissioner's appointment on the ground of physical or mental incapacity.

148 Arrangements for staff and facilities

The commissioner may make arrangements with the head of service to use the services of public servants or Territory facilities.

Note The head of service may delegate powers in relation to the management of employees to the commissioner (see s 18).

149 Delegation by commissioner

(1) The commissioner may—

(a) delegate to a public employee or another person a function given to the commissioner under this Act or any other law applying in the ACT; or

(b) subdelegate to a public employee or another person a function delegated to the commissioner under a law other than this Act.

Note 1 For the making of delegations and the exercise of a delegated function, see the Legislation Act, pt 19.4.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(2) However, the commissioner must not delegate or subdelegate a function to a person who is not a public employee without first being satisfied that the function needs to be undertaken by a person who is not a public employee.

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149A Independence of public employees exercising commissioner functions

A public employee exercising a function of the commissioner is not subject to direction from anyone other than the following people in relation to the exercise of the function:

(a) the commissioner;

(b) another public employee authorised by the commissioner to give directions.

Division 8.2 Public sector members

150 Meaning of *public sector member* etc

(1) In this Act:

public sector member—

(a) means the following:

(i) a statutory office-holder;

Note 1 ***Statutory office-holder***—see the Legislation Act, dictionary, pt 1.

Note 2 A statutory office-holder may also be a public servant.

(ii) a person employed by a statutory office-holder;

(iii) if a statutory office-holder enters into an arrangement with the head of service under a territory law for the use of the services of a public servant—the public servant; but

(b) does not include the following:

(i) the Chief Justice or a judge;

(ii) the Chief Magistrate, a magistrate or any office that must be occupied by a magistrate;

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(iii) a person mentioned in paragraph (a) to the extent that the person exercises a judicial function;

(iv) an ACAT tribunal member to the extent that the member exercises a function in relation to a hearing of a proceeding before the ACAT;

(v) a prescribed person.

Note 1 ***Chief Justice***, ***judge***, ***Chief Magistrate***, ***magistrate*** and ***ACAT***—see the Legislation Act, dictionary, pt 1.

Note 2 A management standard may prescribe that a person is a public sector member (see s 156).

(2) In this division:

employ, includes appoint or engage.

151 Public sector standards for public sector member etc

(1) Division 2.1 (Public sector standards) applies to the following to the extent that the application of division 2.1 is consistent with the exercise of the member's functions:

(a) a public sector member;

(b) a person employed by a territory instrumentality.

Example

A public sector member has a function under an Act that requires the member to report to the Legislative Assembly on the Territory's compliance with certain territory laws and to advocate for compliance with the laws. The member tables a report in the Assembly that identifies non-compliance by the Territory. The member does not fail to comply with s 9 (2) (a) which is about damage to the reputation of the public sector or the Executive by tabling the report or publicly commenting on the report.

(2) For section 9 (4), a discloser must tell—

(a) for a public sector member employed under this Act—

(i) the public sector employer who employed the discloser; or

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(ii) if the alleged maladministration or misconduct is by the public sector employer—the head of service; and

(b) for a public sector member not employed under this Act—the head of service.

152 Certain office-holders have management powers

(1) This section applies if a territory law states that—

(a) a statutory office-holder or chief executive officer (a ***public sector employer***) may employ staff; and

(b) the staff must be employed under this Act.

(2) A management provision under this Act applies to the public sector employer as if—

(a) a reference to the head of service or a director-general is taken to be a reference to the public sector employer, to the extent that the application of the management provision is consistent with the exercise of the public sector employer's functions; and

(b) a reference to an officer is taken to be a reference to a public sector employer's staff member who is employed on a permanent basis; and

(c) a reference to an employee is taken to be a reference to a public sector employer's staff member who is employed on a temporary basis; and

(d) a reference to an office is a reference to the staff member's terms of employment; and

(e) for division 3.2 (Management of the service)—a reference to a function the head of service must exercise is a reference to a function that a public sector employer may exercise; and

(f) any other necessary change is made.

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(3) The public sector employer—

(a) must give the head of service any information about a staff member that is requested by the head of service because the information is relevant to the exercise of the head of service's functions; and

(b) may exercise a function under an industrial instrument in relation to a staff member, as if the public sector employer were the head of service; and

(c) unless otherwise stated in a territory law—may delegate a function given to the public sector employer under this section to the following:

(i) a staff member;

(ii) an officer or employee;

(iii) an SES member.

(4) The public sector employer may—

(a) delegate to a public employee or another person a function given to the public sector employer under this Act or another territory law; or

(b) subdelegate to a public employee or another person a function delegated to the public sector employer under this Act or another territory law.

(5) However, the public sector employer must not delegate or subdelegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee.

Note For the making of delegations and the exercise of a delegated function, see the Legislation Act, pt 19.4.

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(6) In this section:

management provision means the following:

(a) part 4 (Engagement of senior executive service) to the extent that it applies to the engagement of an executive;

(b) part 5 (Employment of officers and employees);

(c) part 6 (Redeployment, underperformance and end of employment of officers);

(d) part 7 (Re-entry to the service);

(e) part 9 (Review and appeal);

(f) part 10 (Miscellaneous) other than section 251 (Management standards);

(g) a management standard made by the head of service in relation to a provision in part 4 (to the extent that it applies to the engagement of an executive), part 5, part 6, part 7, part 9 or part 10;

(h) a management standard prescribed to be a management provision.

153 Application of whole-of-government strategies

A whole-of-government strategy applies to a public sector employer and the staff of the public sector employer employed under this Act, if the strategy—

(a) relates to the employment or management of staff; or

(b) is prescribed for this section.

154 Alleged misconduct by statutory office-holder etc

(1) This section applies to an allegation of misconduct by a statutory office-holder or chief executive officer of a territory instrumentality.

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(2) The commissioner must investigate the allegation if requested to do so by the person with responsibility for appointing the statutory office-holder or chief executive officer (the ***appointer***).

Note If an industrial instrument covers a statutory office-holder's staff, the industrial instrument may include procedures for misconduct.

(3) The commissioner, unless otherwise stated, in writing, by the appointer—

(a) must investigate the alleged misconduct in the same way alleged misconduct would be investigated by the commissioner under this Act; and

(b) has the same powers to investigate the alleged misconduct as the commissioner has to investigate alleged misconduct by a public servant.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a management standard (see Legislation Act, s 104).

155 Alleged mismanagement of public sector employer's staff etc

(1) If the commissioner receives a complaint about a management matter, the commissioner—

(a) must investigate the management matter in the same way a management matter in the service would be investigated by the commissioner under this Act; and

(b) has the powers given to the commissioner under this Act to investigate a management matter in relation to a staff member as if the member were a public servant.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a management standard (see Legislation Act, s 104).

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(2) In this section:

management matter means anything done by—

(a) a public sector employer in relation to the management of the public sector employer's staff; or

(b) the chief executive officer of a territory instrumentality in relation to the management of the staff of a territory instrumentality.

156 Prescribed public sector member

(1) The head of service may make a management standard to prescribe—

(a) that a person is a public sector member (a ***prescribed public sector member***); and

(b) that some or all of the management provisions apply to a stated person employing a prescribed public sector member; and

(c) procedures in relation to alleged misconduct by a prescribed public sector member; and

(d) procedures in relation to alleged mismanagement of a prescribed public sector member.

(2) In this section:

management provision—see section 152 (6).

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Part 9 Review and appeal

223 Definitions—pt 9

In this part:

appellable decision means a decision mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

224 Reviewable decision—notice and review

(1) A person who makes a reviewable decision must give written notice of the decision to an officer mentioned in schedule 1, column 4 in relation to the decision.

(2) An officer mentioned in schedule 1, column 4 in relation to a decision may apply for review of the decision.

225 Appellable decision—notice and appeal

(1) A person who makes an appellable decision must give written notice of the decision to an officer mentioned in schedule 2, column 4 in relation to the decision.

(2) An officer mentioned in schedule 2, column 4 in relation to a decision may appeal the decision.

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Part 10 Miscellaneous

241 Payment on leaving the service

(1) This section applies to a public servant if the public servant's engagement, appointment or employment in the service ends.

(2) The head of service must pay, or withhold from, the public servant any prescribed amount.

242 Authorisation to share protected information

(1) This section applies despite any other territory law.

(2) An information holder is authorised to disclose protected information to the following people, if the protected information is required by the person for the exercise of a function under this Act or an industrial instrument:

(a) another information holder;

(b) a person authorised by an information holder to receive the information.

(3) In this section:

disclose includes communicate or publish.

information means information, whether true or not, in any form and includes an opinion and advice.

information holder means—

(a) a person who is or has been—

(i) the head of service; or

(ii) a director-general; or

(iii) the commissioner; or

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(iv) a public sector employer; or

(v) an employer prescribed under section 156 (1) (b); and

(b) a person who exercises or has exercised a function on behalf of the Territory under public sector employment legislation.

protected information means information about a person that is disclosed to, or obtained by, an information holder because of the exercise of a function under the public sector employment legislation by the information holder or someone else.

Examples

1 a record kept by the head of service for managing an employment matter

2 information about whether the person is eligible for an SES position

3 information about a public servant disclosed in relation to a strategy designed to ensure the Territory is an equitable employer

public sector employment legislation means—

(a) this Act; and

(b) the *Fair Work Act 2009* (Cwlth); and

(c) an industrial instrument; and

(d) any other law prescribed by regulation.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a management standard (see Legislation Act, s 104).

242A Authorisation to share certain personal information with relevant union

(1) This section applies to a person who is engaged as an SES member, or appointed or employed as an officer or employee, after the commencement date if the person—

(a) is given a reasonable opportunity to ask that the person's contact information not be given to a union; and

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(b) does not ask that the person's contact information not be given to a union.

(2) An information holder is authorised to give contact information about the person to the relevant union for the person.

(3) In this section:

commencement date means the day the *Public Sector Management Amendment Act 2019*, section 3 commences.

contact information, for a person, means—

(a) the person's full name; and

(b) the person's position in the service; and

(c) where in the service the person is engaged, appointed or employed to work; and

(d) the person's ACT Government email address; and

(e) the person's ACT Government phone number.

information holder means—

(a) the head of service; or

(b) a public sector employer.

relevant union, for a person, means an employee organisation registered under the *Fair Work (Registered Organisations) Act 2009* (Cwlth)—

(a) that is—

(i) entitled to represent the person's industrial interests; and

(ii) covered by an industrial agreement that applies to the person; or

(b) for an SES member—that is entitled to represent the SES member's industrial interests.

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243 Protection of people in relation to work reports on officers or employees

(1) An action or proceeding does not lie against a person for or in relation to any oral or written report made in good faith by that person on or in relation to—

(a) work performed, or proposed to be performed, by an officer or employee; or

(b) conduct of an officer or employee.

(2) A report is taken to have been made in good faith if the person by whom the report was made was not actuated by ill will to the officer or employee affected or by any other improper motive.

(3) Subsection (1) does not apply in relation to a report unless—

(a) the person who made the report believed on reasonable grounds that it was the function or duty of the person to whom the report was made to receive the report; and

(b) for a report containing matter that was false or misleading in a material respect—the person who made the report did not know, and could not with reasonable diligence have ascertained, that the report contained matter that was so false or misleading.

244 Work outside the service

(1) A public servant must have the approval of the head of service for any of the following activities, other than in the exercise of the public servant's functions:

(a) employment;

(b) business activities;

(c) membership of a board or committee.

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(2) However, a public servant does not need approval to be a member or shareholder of, or hold an unpaid position in, an incorporated company, a political party or a body registered under a law of the Territory, a State or the Commonwealth.

Note ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

245 Additional payment

(1) The head of service may, in writing, approve payment, however expressed, in addition to a public servant's salary and allowances (an ***additional payment***) for the public servant in relation to the exercise of the public servant's functions.

(2) The approval may include a condition in relation to the use of the additional payment by the public servant.

(3) Any additional payment must be made from money appropriated by the Legislative Assembly.

246 Repaying overpayment

(1) A public servant must repay any amount paid by the Territory to the public servant to which the public servant is not legally entitled.

(2) Subsection (1) applies regardless of when the overpayment was made.

(3) The arrangements for repayment may be agreed between the head of service and the public servant.

(4) If the head of service and the public servant cannot agree on an arrangement for repayment within, in the opinion of the head of service, a reasonable period, the head of service may determine reasonable arrangements for repayment having regard to—

(a) the period in which the overpayment occurred; and

(b) the circumstances of the overpayment; and

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(c) the gross and net amount of the overpayment; and

(d) the public servant's financial circumstances; and

(e) any hardship the arrangement may cause to the public servant; and

(f) any other relevant circumstance.

(5) An arrangement for repayment under subsection (3) or (4) may provide for—

(a) the deduction of amounts from the public servant's salary; and

(b) repayment by instalments.

247 Impersonation etc at examinations

A person must not—

(a) impersonate another person at an examination, including a test, held under this Act; or

(b) permit another person to impersonate the person at an examination, including a test, held under this Act; or

(c) before the time when an examination is to be held under this Act, improperly obtain or give a person—

(i) an examination paper that has been set for an examination held under this Act; or

(ii) papers relating to an examination paper that has been set for an examination held under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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249 Imprisonment

(1) This section applies if an officer in the service is—

(a) in custody awaiting trial for an offence; or

(b) in prison following conviction for an offence.

(2) The officer is taken to be on leave of absence without pay for the period of custody or imprisonment unless—

(a) the employment of the officer is terminated for misconduct; or

(b) the head of service is satisfied that the officer is experiencing hardship and is to be paid the whole or part of the officers' salary for a stated time.

(3) If the officers' employment is not terminated for misconduct—

(a) a period of service before the custody or imprisonment must be regarded as continuous with a period of service after the custody or imprisonment; and

(b) the period of custody or imprisonment is not to be regarded as service under this Act or any other Act, unless the head of service decides otherwise.

(4) If, immediately before a period of custody or imprisonment, an officer was suspended—the suspension is taken to be removed from the start of the period of custody or imprisonment.

(5) An officer must not be suspended during a period of custody or imprisonment.

(6) In this section:

suspended means suspended under an industrial instrument.

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250 Attachment of salary of officers and employees

(1) The rule of the common law that debts owing by the Crown for the salaries of its officers and employees are not capable of being attached, is, in relation to the Crown in right of the Territory, abolished.

(2) If an order is made by law attaching a debt owing by the Crown in right of the Territory, or by a territory instrumentality, in relation to the salary of an officer or employee, the order must be complied with out of money lawfully available.

250A Deduction of monetary penalty

(1) This section applies if—

(a) a monetary penalty has been imposed on a public servant under a misconduct procedure; or

(b) an order for the payment of an amount of money by a public servant has been made under a misconduct procedure; or

(c) a direction for the deduction of an amount of money by a public servant has been made under a misconduct procedure.

(2) The public servant may pay the amount or have the amount deducted from the public servant's salary.

(3) A deduction under this section—

(a) may be made in instalments; and

(b) must be made in instalments if the deduction is more than 1/4 of the salary payable to the public servant for a pay period.

251 Management standards

(1) The head of service may, with the Chief Minister's written approval, make a management standard for this Act about the following:

(a) the public sector values;

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(b) the public sector principles;

(c) the conduct required under this Act;

(d) a management strategy;

(e) a whole-of-government strategy;

(f) management and administration in the public sector;

(g) the organisation of the service;

(h) management strategies;

(i) eligibility requirements for the service;

(j) the senior executive service;

(k) offices;

(l) officers;

(m) employees;

(n) public sector members;

(o) the terms of employment for public servants and public sector member;

(p) work health and safety in the public sector;

(q) secondment to or from the public sector;

(r) a matter requested, in writing, by the Chief Minister.

Note Power to make a statutory instrument (including to make or approve a management standard) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

(2) For subsection (1) (c), a management standard is subject to any direction in force under the *Director of Public Prosecutions Act 1990*, section 12.

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(3) The Chief Minister's approval to make a management standard may be given subject to a condition.

(4) A management standard is a disallowable instrument.

(5) The Legislation Act, section 47 (3) and (6) does not apply to a Commonwealth law or an ACT enterprise agreement applied, adopted or incorporated in a management standard.

Note A Commonwealth law or an ACT enterprise agreement does not need to be notified under the Legislation Act because s 47 (6) does not apply (see Legislation Act, s 47 (7)). Commonwealth laws are accessible at www.legislation.gov.au and ACT enterprise agreements are accessible at www.jobs.act.gov.au.

(6) In this section:

ACT enterprise agreement means an enterprise agreement, approved by the Fair Work Commission under the *Fair Work Act 2009* (Cwlth), to which the Territory is a party.

Commonwealth law means a Commonwealth Act or a disallowable legislative instrument under a Commonwealth Act.

disallowable legislative instrument, for a Commonwealth Act—see the Legislation Act, section 47 (10).

252 Regulation-making power

The Executive may make regulations for this Act.

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Schedule 1 Reviewable decisions

(see s 224)

column 1 item	column 2 section	column 3 decision	column 4 officer
1	86	promotion to vacant office	officer who applied for promotion
2	87 (5)	promotion not in accordance with certain recommendations of joint selection committee	officer who applied for promotion

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Schedule 2 Appellable decisions

(see s 225)

column 1 item	column 2 section	column 3 decision	column 4 officer
1	84	promotion of officer to vacant office	officer who applied for promotion
2	85	promotion of officer to vacant office	excess officer who applied for transfer
3	87 (5)	promotion not in accordance with certain recommendations of joint selection committee	officer who applied for promotion
4	102	temporary transfer to higher office duties	officer who applied for temporary transfer to higher office duties
5	107	promotion or transfer of officer to training office	• officer who applied for promotion • unattached officer who applied for promotion
6	123 (2)	notice to reduce classification or retire from the service	officer given notice

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Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- Australian citizen
- Chief Minister
- Commonwealth
- exercise
- fail
- function
- gazette
- Legislative Assembly
- Northern Territory
- occupy
- position
- power
- public employee
- public servant
- state
- statutory office-holder
- the Territory.

administrative arrangements means a determination made under section 14 (1).

administrative unit means a unit of the service established under section 13 (1).

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appeal means—

(a) if an industrial instrument applies to the employee or officer and includes an appeal process—appeal in accordance with the appeal process in the industrial instrument; or

(b) in any other case—appeal in accordance with the prescribed appeal process.

appellable classification, for part 5 (Employment of officers and employees)—see section 63.

appellable decision, for part 9 (Review and appeal)—see section 223.

authorised doctor means a doctor authorised by the head of service to—

(a) perform medical examinations under this Act; and

(b) make recommendations under this Act in relation to redeployment or retirement; and

(c) make recommendations under this Act in relation to the health and physical fitness of officers whose appointment to the service on probation has not been confirmed.

best practice principle—see section 8 (4).

chief executive officer, of a territory instrumentality, means the person who has responsibility for managing the affairs of the instrumentality.

classification—

(a) for an SES position, means a prescribed classification; and

(b) for an office, means—

(i) if a classification in an industrial instrument applies to the office—the classification; or

(ii) in any other case—a prescribed classification.

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commissioner means the Public Sector Standards Commissioner appointed under section 142 (1).

confirmed officer, for part 6 (Redeployment, underperformance and end of employment of officers)—see section 120.

declaration, of the result of an election, for part 7 (Re-entry to the service)—see section 128.

director-general means a person engaged as a director-general under section 31 (2).

election candidate, for part 7 (Re-entry to the service)—see section 128.

eligible person, for appointment, secondment, engagement or employment as a public servant, means a person who—

(a) satisfies any of the following:

(i) is an Australian citizen;

(ii) is a permanent resident of Australia;

(iii) holds a visa that permits the person to work in the service; and

(b) is capable of—

(i) upholding the public sector values; and

(ii) exercising each function that the person is, or will be, employed to exercise, in accordance with the best practice principle; and

(iii) acting consistently with section 9 (Public sector conduct); and

(c) holds all qualifications required to lawfully exercise every function that the person is, or will be, appointed, engaged or employed to exercise.

employ, for division 8.2 (Public sector members)—see section 150 (2).

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employee means—

(a) a person engaged under division 5.8 (Temporary employment); or

(b) a person who is an employee because of the *Public Sector Management (Consequential and Transitional Provisions) Act 1994*.

engager means—

(a) for the engagement of the head of service—the Chief Minister; and

(b) for the engagement of a director-general or an executive—the head of service.

equitable employer means an employer that—

(a) employs, and provides fair and equitable opportunities for training and career development to, individuals—

(i) from diverse cultural, language and religious backgrounds; and

(ii) of different gender; and

(iii) of different sexual orientation; and

(iv) with disability; and

(v) of different working age; and

(b) complies with and models commitment to anti-discrimination legislation.

Example—par (b)

including a reasonable adjustment guide in procedures for staff management

excess officer includes—

(a) an officer employed in an administrative unit in which there is a greater number of officers than is necessary for the efficient and economical working of the unit; or

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(b) an officer whose services cannot be effectively used because of—

(i) technological or other changes in the work methods of the administrative unit; or

(ii) changes in the nature, extent or organisation of the functions of the administrative unit; or

(c) if the functions usually exercised by an officer are required by the head of service to be exercised in a new location—an officer who is not willing to exercise the functions at the new location.

executive means a person engaged as an executive under section 31 (2).

exonerated, in relation to a former public servant, for part 7 (Re-entry to the service)—see section 128.

head of service means the person engaged as the head of service under section 31 (1).

incapacitated, for part 6 (Redeployment, underperformance and end of employment of officers)—see section 120.

industrial instrument means an instrument—

(a) made under, or recognised by, a workplace law as defined by the *Fair Work Act 2009* (Cwlth); and

(b) concerning the relationship between employers and employees; and

(c) that covers 1 or more officer or employee.

ineligible, for part 6 (Redeployment, underperformance and end of employment of officers)—see section 120.

job, of a public servant, for division 2.1 (Public sector standards)—see section 6.

joint council means the forum established under section 28.

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joint selection committee, for part 5 (Employment of officers and employees)—see section 63.

management standards means the management standards made under section 251.

management strategy means a strategy made under section 26.

merit and equity principle—see section 8 (4).

misconduct, by a public servant, means failure to comply with section 9 (Public sector conduct).

Note ***Fail*** includes refuse (see Legislation Act, dict, pt 1).

misconduct procedure, in relation to a public servant, means—

(a) if an industrial instrument covers the public servant and includes procedures for misconduct—the misconduct procedures in the industrial instrument; or

(b) in any other case—a prescribed procedure.

office means an office established under section 23.

officer means a person who is—

(a) an officer because of the *Public Sector Management (Consequential and Transitional Provisions) Act 1994*; or

(b) appointed as an officer under division 5.3 (Appointment of officers) or part 7 (Re-entry to the service).

part-time office means an office in relation to which a declaration under section 66 is in force.

permanent resident means—

(a) a person who holds a permanent visa for the *Migration Act 1958* (Cwlth), section 30; or

(b) a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cwlth), section 32.

prescribed means prescribed by the management standards.

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principal union, for an office, means the relevant union with the largest number of members in the service occupying positions at the same classification level as the office.

promotion, in relation to an officer, means a permanent movement of an officer within the service to an office with a higher classification than the office that the officer was appointed to immediately before the promotion.

Note The comparative level of classifications is determined by the maximum salary payable to a classification (see s 23 (3)).

public sector means the following:

(a) the service;

(b) entities in which public sector members are employed that are owned or operated by the Territory or a territory instrumentality.

public sector employer—see section 152 (1).

public sector member—see section 150.

public sector principles—see section 8 (1).

public sector values—see section 7.

qualification includes the following:

(a) an academic qualification;

(b) an apprenticeship;

(c) a licence;

(d) membership of a professional body;

(e) a registration;

(f) a security clearance.

relevant union, for an office, means an employee organisation—

(a) registered under the *Fair Work (Registered Organisations) Act 2009* (Cwlth); and

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(b) entitled to represent the industrial interests of 1 or more people working in the administrative unit in which the office exists; and

(c) covered by an industrial agreement that applies to 1 or more people working in the administrative unit in which the office exists.

reviewable decision, for part 9 (Review and appeal)—see section 223.

senior executive service—see section 12 (3) (a).

service means the ACT Public Service established under section 12 (1).

SES member means a member of the service in the senior executive service.

SES position, for an SES member, means the position in which the member is engaged, as set out in the member's contract.

SETs, for part 4 (Engagement of senior executive service)—see ***statutory employment terms***.

statutory employment terms or (***SETs***), for an SES member, for part 4 (Engagement of senior executive service)—see section 30.

territory instrumentality—

(a) means a corporation established under an Act or statutory instrument, or under the Corporations Act, that is—

(i) comprised of people, or has a governing body comprised of people, a majority of whom are appointed by—

(A) a Minister; or

(B) the head of service; or

(C) a director-general; or

(D) a statutory office-holder; or

(ii) subject to control or direction by a Minister; but

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(b) does not include—

(i) an administrative unit or a part of an administrative unit; or

(ii) a body that is prescribed.

transfer, in relation to an officer, means a permanent or temporary movement of an officer within the service between 2 offices, other than by promotion.

unattached officer means an officer who does not hold an office.

unsuccessful election candidate, for part 7 (Re-entry to the service)—see section 128.

unsuitability criteria, for part 5 (Employment of officers and employees)—see section 70 (4).

vacant office—

(a) means an office that is not occupied; and

(b) includes an office that is expected to become vacant.

whole-of-government strategy, for the service, means a formal or informal strategy, target, policy, program or service, approved in writing by the head of service, that—

(a) relates to matters for which more than 1 administrative unit is responsible; and

(b) requires public servants in more than 1 administrative unit to exercise a function.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
<u>underlining</u> = whole or part not commenced or to be expired

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3 Legislation history

Public Sector Management Act 1994 A1994-37
notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
remainder commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

as amended by

Public Interest Disclosure Act 1994 A1994-108 s 40
notified 22 December 1994 (Gaz 1994 No S289)
s 1, s 2 commenced 22 December 1994 (s 2 (1))
s 40 commenced 21 June 1995 (s 2 (2) and Gaz 1995 No S126)

Electricity and Water (Corporatisation) (Consequential Amendments) Act 1995 A1995-7 sch
notified 28 June 1995 (Gaz 1995 No S148)
commenced 1 July 1995 (s 2)

Public Sector Management (Amendment) Act 1995 A1995-51
notified 20 December 1995 (Gaz 1995 No S313)
s 1, s 2 commenced 20 December 1995 (s 2 (1))
remainder commenced 21 December 1995 (s 2 (2) and Gaz 1995 No S315)

Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 A1995-56 sch
notified 20 December 1995 (Gaz 1995 No S313)
commenced 21 December 1995 (s 2 and see Gaz 1995 No S315)

Public Sector Management (Amendment) Act 1996 A1996-24
notified 4 June 1996 (Gaz 1996 No S101)
commenced 1 July 1996 (s 2)

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 A1996-26 sch pt 28
notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2)

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Betting (Corporatisation) (Consequential Amendments) Act 1996 A1996-33 sch 1
notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2 (1))

Gungahlin Development Authority (Consequential Provisions) Act 1996 A1996-39 pt 4
notified 10 July 1996 (Gaz 1996 No S160)
commenced 19 August 1996 (s 2 and see Gaz 1996 No S212)

University of Canberra (Transfer) Act 1997 A1997-74 s 19
notified 25 November 1997 (Gaz 1997 No S360)
s 1, s 2 commenced 25 November 1997 (s 2 (1))
s 19 commenced 1 December 1997 (s 2 (2))

Statute Law Revision (Penalties) Act 1998 A1998-54 sch
notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Public Sector Management (Amendment) Act 1999 A1999-55
notified 17 September 1999 (Gaz 1999 No S54)
ss 4 (c), 9 and 10 commenced 1 Jan 2000 (s 2 (2))
remainder commenced 17 September 1999 (s 2 (1))

Public Sector Legislation Amendment Act 1999 A1999-70 s 3
notified 3 December 1999 (Gaz 1999 No S62)
commenced 5 December 1999 (s 2 and see Cwlth Gaz 1999 No S584)

Occupational Health and Safety (Amendment) Act (No 2) 1999 A1999-82 sch pt 2
notified 23 December 1999 (Gaz 1999 No S65)
ss 1-3 commenced 23 December 1999 (s 2 (1))
sch pt 2 commenced 23 June 2000 (s 2 (3))

Public Sector Legislation Amendment Act 2000 A2000-77 s 3
notified 21 December 2000 (Gaz 2000 No S69)
s 1, s 2 commenced 21 December 2000 (IA s 10B)
s 3 commenced 31 December 2000 (s 2)

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Legislation (Consequential Amendments) Act 2001 A2001-44 pt 316 (as am by A2002-30 amdt 3.577)

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
amdt 1.3496 om 2002 No 30 before commencement
pt 316 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Legislative Assembly (Members' Staff) Amendment Act 2001 A2001-57 pt 3

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
pt 3 commenced 13 September 2001 (Gaz 2001 No S69)

Legislation Amendment Act 2002 A2002-11 pt 2.40

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.40 commenced 28 May 2002 (s 2 (1))

Statute Law Amendment Act 2002 A2002-30 amdt 3.577

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
amdt 3.577 commenced 17 September 2002 (s 2 (1))

Note This Act only amends the Legislation (Consequential Amendments) Act 2001 A2001-44 .

Planning and Land Legislation Amendment Act 2003 A2003-30 sch 1 pt 1.4

notified LR 30 June 2003
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

Public Sector Management Amendment Act 2003 A2003-62

notified LR 11 December 2003
s 1, s 2 commenced 11 December 2003 (LA s 75 (1))
remainder commenced 12 December 2003 (s 2)

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.19

notified LR 5 December 2003
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))
sch 3 pt 3.19 commenced 19 December 2003 (s 2)

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Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.28

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.28 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

Emergencies Act 2004 A2004-28 sch 3 pt 3.17

notified LR 29 June 2004
s 1, s 2 commenced 29 June 2004 (LA s 75 (1))
sch 3 pt 3.17 commenced 1 July 2004 (s 2 (1) and CN2004-11)

Occupational Health and Safety Amendment Act 2004 A2004-29 sch 3

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 3 commenced 5 August 2004 (s 2 (1))

Health Professionals Legislation Amendment Act 2004 A2004-39 sch 5 pt 5.17

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 5 pt 5.17 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.47

notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.47 commenced 2 June 2005 (s 2 (1))

Public Sector Management Amendment Act 2005 A2005-42

notified LR 31 August 2005
s 1, s 2 commenced 31 August 2005 (LA s 75 (1))
remainder commenced 1 September 2005 (s 2)

Public Sector Management Amendment Act 2005 (No 2) A2005-44

notified LR 30 August 2005
s 1, s 2 commenced 30 August 2005 (LA s 75 (1))
remainder commenced 8 September 2005 (s 2 and CN2005-19)

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Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.25

notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.25 commenced 23 November 2005 (s 2)

Statute Law Amendment Act 2007 A2007-3 sch 1 pt 1.1, sch 3 pt 3.81

notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 1 pt 1.1, sch 3 pt 3.81 commenced 12 April 2007 (s 2 (1))

Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.32

notified LR 20 June 2007
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
sch 3 pt 3.32 commenced 11 July 2007 (s 2 (1))

Occupational Health and Safety Amendment Act 2007 A2007-31 sch 1 pt 1.2

notified LR 24 October 2007
s 1, s 2 commenced 24 October 2007 (LA s 75 (1))
sch 1 pt 1.2 commenced 25 October 2007 (s 2)

Occupational Health and Safety (Regulatory Services) Legislation Amendment Act 2007 A2007-37 sch 2 pt 2.6

notified LR 22 November 2007
s 1, s 2 commenced 22 November 2007 (LA s 75 (1))
sch 2 pt 2.6 commenced 23 November 2007 (s 2)

Work Safety Legislation Amendment Act 2009 A2009-28 sch 2 pt 2.9

notified LR 9 September 2009
s 1, s 2 commenced 9 September 2009 (LA s 75 (1))
sch 2 pt 2.9 commenced 1 October 2009 (s 2 and see Work Safety Act 2008 A2008-51, s 2 (1) (b) and CN2009-11)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 1 pt 1.9, sch 3 pt 3.58

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 1 pt 1.9, sch 3 pt 3.58 commenced 17 December 2009 (s 2)

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Public Sector Management Amendment Act 2011 A2011-1
notified LR 23 February 2011
s 1, s 2 commenced 23 February 2011 (LA s 75 (1))
s 29 commenced 23 February 2013 (s 2 (2))
remainder commenced 18 April 2011 (s 2 and CN2011-5)

Public Sector Management (One ACT Public Service) Amendment Act 2011 A2011-21
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
remainder commenced 1 July 2011 (s 2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.127
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.127 commenced 1 July 2011 (s 2 (1))

Working with Vulnerable People (Consequential Amendments) Act 2011 A2011-45 sch 1 pt 1.3
notified LR 8 November 2011
s 1, s 2 commenced 8 November 2011 (LA s 75 (1))
sch 1 pt 1.3 commenced 8 November 2012 (s 2 and see Working with Vulnerable People (Background Checking) Act 2011 A2011-44 s 2 (2))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.45
notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.45 commenced 12 December 2011 (s 2)

Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.34
notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
sch 3 pt 3.34 commenced 5 June 2012 (s 2 (1))

Legislative Assembly (Office of the Legislative Assembly) Act 2012 A2012-26 sch 1 pt 1.8
notified LR 24 May 2012
s 1, s 2 commenced 24 May 2012 (LA s 75 (1))
sch 1 pt 1.8 commenced 1 July 2012 (s 2)

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Auditor-General Amendment Act 2013 A2013-25 sch 1 pt 1.2
notified LR 20 August 2013
s 1, s 2 commenced 20 August 2013 (LA s 75 (1))
sch 1 pt 1.2 commenced 20 February 2014 (s 2 and LA s 79)

Officers of the Assembly Legislation Amendment Act 2013 A2013-41 sch 1 pt 1.7
notified LR 7 November 2013
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 July 2014 (s 2)

Courts Legislation Amendment Act 2015 A2015-10 pt 15
notified LR 7 April 2015
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))
pt 15 commenced 21 April 2015 (s 2 (2))

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 2 pt 2.1
notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 2 pt 2.1 commenced 14 October 2015 (s 2)

Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.27
notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
sch 3 pt 3.27 commenced 9 December 2015 (s 2)

Public Sector Management Amendment Act 2016 A2016-52
notified LR 25 August 2016
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))
remainder commenced 1 September 2016 (s 2)

Statute Law Amendment Act 2017 A2017-4 sch 1 pt 1.4, sch 3 pt 3.22
notified LR 23 February 2017
s 1, s 2 commenced 23 February 2017 (LA s 75 (1))
sch 1 pt 1.1, sch 3 pt 3.22 commenced 9 March 2017 (s 2)

Workplace Legislation Amendment Act 2018 A2018-10 pt 2
notified LR 27 March 2018
s 1, s 2 commenced 27 March 2018 (LA s 75 (1))
pt 2 commenced 28 March 2018 (s 2)

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as modified by

Public Sector Management (Transitional Provisions) Regulation 2018 SL2018-10
notified LR 27 June 2018
s 1, s 2 commenced 27 June 2018 (LA s 75 (1))
remainder commenced 28 June 2018 (s 2)

as amended by

Statute Law Amendment Act 2018 A2018-42 sch 1 pt 1.6, sch 3 pt 3.26
notified LR 8 November 2018
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))
sch 1 pt 1.6, sch 3 pt 3.26 commenced 22 November 2018 (s 2 (1))

Public Sector Management Amendment Act 2019 A2019-36
notified LR 10 October 2019
s 1, s 2 commenced 10 October 2019 (LA s 75 (1))
remainder commenced 11 October 2019 (s 2)

Public Interest Disclosure Amendment Act 2020 A2020-46 sch 1 pt 1.4
notified LR 4 September 2020
s 1, s 2 commenced 4 September 2020 (LA s 75 (1))
sch 1 pt 1.4 commenced 4 March 2021 (s 2 and LA s 79)

Justice and Community Safety Legislation Amendment Act 2021 A2021-3 pt 15
notified LR 19 February 2021
s 1, s 2 commenced 19 February 2021 (LA s 75 (1))
pt 15 commenced 26 February 2021 (s 2 (1))

Statute Law Amendment Act 2021 A2021-12 sch 1 pt 1.3
notified LR 9 June 2021
s 1, s 2 commenced 9 June 2021 (LA s 75 (1))
sch 1 pt 1.3 commenced 23 June 2021 (s 2 (1))

Health Infrastructure Enabling Act 2023 A2023-17 sch 2 pt 2.4
notified LR 2 June 2023
s 1, s 2 commenced 2 June 2023 (LA s 75 (1))
sch 2 pt 2.4 commenced 3 July 2023 (s 2 (2) and see s 7 (1) (a))

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Courts Legislation Amendment Act 2023 A2023-37 sch 1 pt 1.12
notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.12 commenced 30 September 2023 (s 2)

Workplace Legislation Amendment Act 2024 A2024-15 pt 3
notified LR 19 April 2024
s 1, s 2 commenced 19 April 2024 (LA s 75 (1))
pt 3 commenced 20 April 2024 (s 2 (1))

Integrity Legislation Amendment Act 2024 A2024-47 pt 4
notified LR 19 September 2024
s 1, s 2 commenced 19 September 2024 (LA s 75 (1))
pt 4 commenced 26 September 2024 (s 2 (1))

Public Sector Management Amendment Act 2024 A2024-48
notified LR 19 September 2024
s 1, s 2 commenced 19 September 2024 (LA s 75 (1))
remainder commenced 20 September 2024 (s 2)

Statute Law Amendment Act 2025 A2025-29 sch 3 pt 3.72, sch 4 pt 4.142
notified LR 6 November 2025
s 1, s 2 commenced 6 November 2025 (LA s 75 (1))
sch 3 pt 3.72, sch 4 pt 4.142 commenced 26 November 2025 (s 2 (3), (9))

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4 Amendment history

Dictionary

s 2 om A2001-44 amdt 1.3478
ins A2007-3 amdt 3.429
am A2012-26 amdt 1.36; A2018-42 amdt 3.82

Notes

s 2A ins A2007-3 amdt 3.429

Definitions for Act

s 3 am A1999-55 sch; A2001-44 amdt 1.3479, amdt 1.3481
defs reloc to dict A2007-3 amdt 3.428
om A2007-3 amdt 3.429
def ***chief executive officer*** orig def om A2007-3 amdt 3.423
def ***Gazette*** om A1999-55 s 4
def ***medical practitioner*** om A2004-39 amdt 5.24
def ***senior executive service office*** om A1995-51 s 4
def ***senior executive service officer*** om A1995-51 s 4
def ***Territory Gazette*** om A1999-55 s 4

Declaration of territory instrumentalities

s 3A ins A2001-44 amdt 1.3482
am A2009-49 amdt 3.135
om A2016-52 s 4

Offences against Act—application of Criminal Code etc

s 4 sub A2016-52 s 4

Objects of Act

s 5 am A1995-7 sch; A1996-33 sch 1; A1996-39 s 13; A1997-74 s 19; A2003-30 amdt 1.13; A2015-10 s 38; A2015-50 amdt 3.139
sub A2016-52 s 4

Administration of the public service

pt 2 hdg sub A2016-52 s 5

Public sector standards

div 2.1 hdg (prev pt 2 div 1 hdg) renum R3 LA
sub A2016-52 s 6

Meaning of public service *job*—div 2.1

s 6 sub A2016-52 s 6

Meaning of *public sector values*

s 7 sub A2016-52 s 6

Meaning of *public sector principles*

s 8 sub A2016-52 s 6

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Public sector conduct

s 9	pars renum R4 LA sub A2016-52 s 6

Misconduct

s 9A	ins A2011-1 s 4 om A2016-52 s 6

Sections 6, 7, 8 and 9 subject to other provisions

s 10	om A2016-52 s 6

Legal effect

s 11	am A2011-21 s 4 om A2016-52 s 6

ACT Public Service

div 2.2 hdg	(prev pt 2 div 2 hdg) renum R3 LA sub A2011-21 s 5

ACT Public Service

s 12	am A1995-51 s 5 sub A2011-21 s 5 am A2016-52 s 7

Administrative arrangements

div 2.3 hdg	(prev pt 2 div 3 hdg) renum R3 LA

Administrative units

s 13	am A1999-55 sch; A2001-44 amdt 1.3483; A2009-49 amdt 3.136 sub A2011-21 s 6 am A2016-52 s 8; A2025-29 amdt 4.143

Ministerial responsibility and functions of administrative units

s 14	am A1999-55 sch; A2001-44 amdt 1.3484, amdt 1.3485; A2009-49 amdt 3.137; A2012-21 amdt 3.129 sub A2016-52 s 9 am A2021-3 s 35; A2025-29 amdt 4.143

Machinery of government changes—officers

s 15	am A2011-21 s 7, s 130; A2016-52 s 10; ss renum R40 LA

Machinery of government changes—employees

s 16	am A2011-21 s 130; A2016-52 s 11

The public service

pt 3 hdg	sub A2016-52 s 12

Members of the service

div 3.1 hdg	(prev pt 3 div 1 hdg) renum R3 LA sub A2016-52 s 12

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Head of service functions

s 17 sub A2016-52 s 12
am A2025-29 amdt 4.143

Delegation by head of service

s 18 am A1999-55 sch; A2001-44 amdt 1.3486; A2002-11 amdt 2.80; A2007-3 amdt 3.430; ss renum R21 LA
sub A2016-52 s 12
am A2025-29 amdt 3.245

Directors-general functions

s 19 om A2007-3 amdt 3.431
ins A2016-52 s 12

Delegation by director-general

s 20 am A2011-21 s 8, s 9; pars renum R28 LA
sub A2016-52 s 12
am A2025-29 amdt 3.246

Exercise of certain director-general functions by head of Access Canberra

s 21 am A2005-42 s 5; A2011-21 ss 10-12; A2012-26 amdt 1.37, amdt 1.38; ss renum R31 LA
sub A2016-52 s 12
am A2017-4 amdts 3.139-3.142; A2025-29 amdt 4.143

Executive functions

s 22 am A1998-54 sch; A2002-11 amdt 2.81, amdt 2.82
sub A2005-53 amdt 1.125; A2016-52 s 12

Investigative powers of commissioner and Legislative Assembly entities

s 22AA hdg sub A2013-41 amdt 1.31
s 22AA ins A2012-26 amdt 1.39
am A2013-41 amdt 1.32, amdt 1.33
om A2016-52 s 12

Witness expenses

s 22A ins A2005-53 amdt 1.125
om A2016-52 s 12

Establishment of offices

s 23 sub A2016-52 s 12
am A2025-29 amdt 4.143

Office of head of service

s 23A ins A2011-21 s 13
om A2016-52 s 12

Head of service—functions

s 23B ins A2011-21 s 13
om A2016-52 s 12

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Head of service—engagement
s 23C ins A2011-21 s 13
om A2016-52 s 12

Head of service may also be engaged as director-general of Chief Minister's administrative unit
s 23D ins A2011-21 s 13
om A2016-52 s 12

Head of service—contract variation
s 23E ins A2011-21 s 13
om A2016-52 s 12

Head of service—early termination of contract
s 23F ins A2011-21 s 13
om A2016-52 s 12

Head of service—effect of contract on responsibilities of Ministers
s 23G ins A2011-21 s 13
om A2016-52 s 12

Head of service—application of merit principle to re-engagements
s 23H ins A2011-21 s 13
om A2016-52 s 12

Head of service—notice or payment if not re-engaged
s 23I ins A2011-21 s 13
om A2016-52 s 12

Head of service—temporary contract
s 23J ins A2011-21 s 13
om A2016-52 s 12

Head of service—termination of temporary contract
s 23K ins A2011-21 s 13
om A2016-52 s 12

Head of service—variation of temporary contract
s 23L ins A2011-21 s 13
om A2016-52 s 12

Head of service—presentation of contract and contract variations
s 23M ins A2011-21 s 13
om A2016-52 s 12

Head of service—transfer or assignment
s 23N ins A2011-21 s 13
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Head of service—notification of head of service's engagement etc
s 23O ins A2011-21 s 13
om A2016-52 s 12

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Head of service—paid employment outside the service

s 23P	ins A2011-21 s 13 om A2016-52 s 12

Head of service—engagement or transfer not affected by defect etc

s 23Q	ins A2011-21 s 13 om A2016-52 s 12

Officers

s 24	sub A2005-44 s 5 am A2011-21 s 14 sub A2016-52 s 12

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s 25	sub A2005-44 s 5 am A2007-37 amdt 2.12; A2009-49 amdt 3.138; A2011-21 s 15; A2012-26 amdt 1.40; A2013-25 amdt 1.2 sub A2016-52 s 12

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div 3.2 hdg	(prev pt 3 div 2 hdg) renum R3 LA sub A2016-52 s 12

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s 26	am A1995-51 s 6 sub A2005-44 s 5 am A2011-21 s 16; ss renum R28 LA sub A2016-52 s 12

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s 27	sub A2011-21 s 17 sub A2016-52 s 12

Establishment of joint council

s 28 hdg	sub A2005-44 s 6
s 28	sub A1995-51 s 7 am A2005-44 s 7; A2009-49 amdt 3.139 sub A2011-21 s 17; A2016-52 s 12 am A2025-29 amdt 4.143

Directors-general—functions

s 28AA	ins A2005-44 s 8 (3), (4) exp 8 September 2006 (s 28AA (4)) sub A2011-21 s 17 om A2016-52 s 12

Directors-general—contract variation

s 28AB	ins A2011-21 s 17 om A2016-52 s 12

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Directors-general—early termination of contract

s 28A hdg	sub A2011-21 s 18
s 28A	ins A1995-51 s 7
	am A2007-3 amdt 1.2; A2011-21 s 123, s 128
	om A2016-52 s 12

Directors-general—effect of contracts on responsibilities of Ministers

s 28B hdg	sub A2011-21 s 19
s 28B	ins A1995-51 s 7
	om A2016-52 s 12

Directors-general—application of merit principle to re-engagements

s 28C hdg	sub A2011-21 s 20
s 28C	ins A1995-51 s 7
	am A2011-21 s 123, s 129
	om A2016-52 s 12

Directors-general—notice or payment if not re-engaged

s 28D hdg	sub A2011-21 s 21
s 28D	ins A2005-44 s 9
	(7), (8) exp 8 September 2006 (s 28D (8))
	am A2011-21 s 123, s 127, s 129
	om A2016-52 s 12

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s 29	sub A2005-44 s 10
	om A2011-21 s 22
	ins A2016-52 s 12

Head of service

div 3.2A hdg	ins A2011-21 s 13
	om A2016-52 s 12

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div 3.3 hdg	(prev pt 3 div 3 hdg) renum R3 LA
	am A2011-21 s 124
	om A2016-52 s 12

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div 3.4 hdg	(prev pt 3 div 4 hdg) renum R3 LA
	am A2011-21 s 127
	om A2016-52 s 12

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div 3.5 hdg	(prev pt 3 div 5 hdg) renum R3 LA
	om A2016-52 s 12

Constitution and role of senior executive service

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Exercise of certain functions by head of Access Canberra

div 3.6 hdg	ins A2015-33 amdt 2.1
	om A2016-52 s 12

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div 3.7 hdg	(prev pt 3 div 7 hdg) renum R3 LA
	om A2016-52 s 12

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div 3.8 hdg	(prev pt 3 div 8 hdg) renum R3 LA
	sub A2005-42 s 6
	om A2012-26 amdt 1.42

Engagement of senior executive service

pt 4 hdg	sub A2016-52 s 12

Definitions—pt 4

s 30 hdg	sub A2005-44 s 11
	am A2011-21 s 127
s 30	sub A1995-51 s 8
	am A2005-44 s 12, s 13; A2011-21 s 23, s 123
	sub A2016-52 s 12
	def ***SETs*** ins A2016-52 s 12
	def ***statutory employment terms*** ins A2016-52 s 12
	am A2018-42 amdt 3.83

Directors-general—variation of temporary contracts

s 30A hdg	am A2011-21 s 127
s 30A	ins A2005-44 s 14
	(3), (4) exp 8 September 2006 (s 30A (4))
	am A2011-21 s 24
	om A2016-52 s 12

Engagement of SES member

s 31	sub A1995-51 s 8
	am A2005-44 s 15
	sub A2011-21 s 25; A2016-52 s 12

Directors-general—presentation of contracts and variations of contracts

s 31A hdg	sub A2011-21 s 26
s 31A	ins A1995-51 s 8
	om A2016-52 s 12

Record about SES member

s 32 hdg	sub A2005-44 s 16; A2011-21 s 27
s 32	sub A1995-51 s 8
	am A2011-21 s 123
	sub A2016-52 s 12

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s 33 hdg	sub A2011-21 s 28
s 33	sub A1995-51 s 8
	am A2011-21 s 123
	sub A2016-52 s 12

Directors-general—transfer or assignment

s 33A	ins A2005-44 s 17
	(7), (8) exp 8 September 2006 (s 33A (8))
	am A2011-21 s 123, s 127, s 129
	om A2016-52 s 12

Directors-general—transfers or assignments under s 33A not affected by defects etc

s 33B hdg	sub A2011-21 s 29
s 33B	ins A2005-44 s 17
	om A2016-52 s 12

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s 34 hdg	sub A2011-21 s 30
s 34	sub A1995-51 s 8
	am A1999-55 sch
	sub A2005-44 s 18
	am A2011-21 s 127, s 129
	sub A2016-52 s 12

Circumstances when SETs may be changed

s 35 hdg	sub A2011-21 s 31
s 35	am A2011-21 s 123, s 129
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s 36	am A2007-3 amdt 3.432
	sub A2011-21 s 32; A2016-52 s 12

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s 36A	ins A2011-21 s 32
	om A2016-52 s 12

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s 36B	ins A2011-21 s 32
	om A2016-52 s 12

Delegation by directors-general

s 36C	ins A2011-21 s 32
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Delegations by head of service, commissioner and directors-general—generally

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s 37 sub A1996-24 s 5
am A2012-21 amdt 3.129
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Exercise of certain functions by head of Access Canberra

s 37A ins A2015-33 amdt 2.1
om A2016-52 s 12

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s 38 om A1995-51 s 9
ins A2016-52 s 12

SES member may resign

s 39 sub A2016-52 s 12
def ***access and equity principle*** om A2016-52 s 12
def ***access and equity program*** om A2016-52 s 12
def ***designated group*** am A2005-20 amdt 3.329
sub A2011-1 s 5
am A2011-52 amdt 3.166, amdt 3.167
om A2016-52 s 12
def ***disability*** ins A2005-20 amdt 3.330
om A2016-52 s 12
def ***discrimination*** om A2016-52 s 12
def ***employment matters*** om A2016-52 s 12
def ***equal employment opportunity program*** om A2016-52 s 12
def ***industrial democracy program*** om A2016-52 s 12

End of engagement by resignation—abandonment of engagement by SES member

s 40 am A2011-1 s 6; A2011-21 s 33, s 34
sub A2016-52 s 12

Loss of eligibility

s 41 am A2011-1 s 7; A2011-21 s 35, s 36
sub A2016-52 s 12

Invalidity retirement

s 42 am A2011-1 s 8; A2011-21 s 37, s 38
sub A2016-52 s 12

Development of programs in autonomous instrumentalities

s 43 am A1996-24 s 6; A2011-21 s 39; A2012-26 amdt 1.41; A2013–41 amdt 1.34
om A2016-52 s 12

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s 44 am A2011-1 s 9
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Definitions for div 3.8

s 45 sub A2005-42 s 7
om A2012-26 amdt 1.42
def ***clerk*** sub A2005-42 s 7
om A2012-26 amdt 1.42
def ***secretariat*** ins A2005-42 s 7
om A2012-26 amdt 1.42
def ***Speaker*** om R3 LA

Clerk of Legislative Assembly

s 46 am A1995-56 sch; ss renum R4 LA
sub A2005-42 s 8
om A2012-26 amdt 1.42

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s 47 om A2012-26 amdt 1.42

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s 48 sub A2005-42 s 9
om A2012-26 amdt 1.42

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s 49 om A2012-26 amdt 1.42

Suspension and ending of appointment of clerk

s 50 sub A2005-42 s 10
om A2012-26 amdt 1.42

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s 51 (4) exp 4 March 1996 (s 51 (5))
(5) om R3 LA
am A2005-42 s 11; A2007-3 amdt 1.3
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s 52 om A2012-26 amdt 1.42

Acting appointment as clerk

s 53 sub A2005-42 s 12
om A2016-52 s 12

Legislative Assembly secretariat

s 53A ins A2005-42 s 12
om A2012-26 amdt 1.42

Legislative Assembly—staff

s 54 sub A2011-21 s 40
om A2012-26 amdt 1.42

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Creation and abolition of executive offices

div 4.1 hdg (prev pt 4 div 1 hdg) sub A1995-51 s 10
renum R3 LA
om A2016-52 s 12

Creation and abolition of offices

s 54A ins A1995-51 s 10
am A1996-24 s 7; A2011-21 s 41, s 122; ss renum R28 LA
om A2016-52 s 12

Creation and abolition of non-executive offices

div 4.1A hdg (prev pt 4 div 1A hdg) ins A1995-51 s 10
renum R3 LA
sub A2011-21 s 42
om A2016-52 s 12

Meaning of *office*—div 4.1A

s 54B ins A1995-51 s 10
sub A2011-21 s 43
om A2016-52 s 12

Creation and abolition of offices

s 55 am A2011-21 s 44
om A2016-52 s 12

Classification of offices and officers

s 56 am A2009-49 amdt 1.23; A2011-21 s 130; A2011-52 amdt 3.168
om A2016-52 s 12

Senior executive service classifications

s 57 am A1995-7 sch
om A1995-51 s 11

Reclassification of offices

s 58 am A2011-21 s 45, s 130
om A2016-52 s 12

Reclassification of offices in autonomous instrumentalities

s 59 sub A1995-7 sch
am A1996-24 s 8
om A2011-21 s 46

Part-time offices

div 4.2 hdg (prev pt 4 div 2 hdg) renum R3 LA
om A2016-52 s 12

Meaning of *office*—div 4.2

s 59A ins A1995-51 s 12
sub A2011-21 s 47
om A2016-52 s 12

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Part-time offices

s 60	am A2011-21 s 125 om A2016-52 s 12

Hours of attendance of part-time officers

s 61	om A2016-52 s 12

Hours of attendance of certain unattached officers

s 62	am A2011-21 s 48, s 131 om A2016-52 s 12

Employment of officers and employees

pt 5 hdg	sub A2016-52 s 13

Preliminary

div 5.1 hdg	(prev pt 5 div 1 hdg) renum R3 LA

Definitions—pt 5

s 63	am A2007-3 amdt 3.433; A2011-52 amdt 3.169, amdt 3.170; ss renum R29 LA sub A2016-52 s 14 def ***appellable classification*** ins A2016-52 s 14 def ***joint selection committee*** ins A2016-52 s 14 def ***unsuitability criteria*** ins A2016-52 s 14

Application to autonomous instrumentalities

s 64	sub A1995-7 sch; A1996-24 s 9 am A2011-21 s 130 om A2016-52 s 15

Change to office

div 5.2 hdg	(prev pt 5 div 2 hdg) renum R3 LA sub A2016-52 s 16

Reclassification of office

s 65	am A1995-51 s 13; pars renum R4 LA; A2005-44 s 19; pars renum R16 LA (see A2005-44 s 20) sub A2011-1 s 10 am A2011-21 s 49, s 50, s 131; pars renum R28 LA; A2011-52 amdt 3.171 sub A2016-52 s 16

Reclassification of office—returning LAMS officer

s 65A	ins A2001-57 s 10 om A2016-52 s 16 ins A2017-4 amdt 1.19

Part-time office

s 66	am A1999-55 sch; A2011-21 s 130 sub A2016-52 s 16

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Appointment of officers

div 5.3 hdg (prev pt 5 div 3 hdg) am A1995-51 s 14
renum R3 LA

Application—div 5.3

s 66A ins A1995-51 s 15
sub A2011-21 s 51
om A2016-52 s 17

Employment in the service

s 67 am A1995-51 s 16; A2003-62 s 4; A2004-28 amdt 3.55; A2009-49 amdt 3.140; A2011-21 s 52; pars renum R28 LA
om A2016-52 s 17

Appointment to vacant office

s 68 hdg sub A2016-52 s 18
s 68 am A1995-7 sch; A1995-51 s 17; A2011-21 s 53, s 131; A2011-45 amdt 1.25; A2016-52 ss 19-21; A2019-36 s 4; A2024-48 s 4, s 5; pars renum R53 LA

Record about officers

s 69 am A1995-51 s 18; A2011-21 s 54
sub A2016-52 s 22
am A2024-48 s 6

Appointment on probation

s 70 am A1995-51 s 19; A2004-39 amdt 5.25
sub A2011-1 s 11
am A2011-21 s 55, s 131; A2016-52 s 23, s 24

Appointment on probation—prescribed training office

s 71 am A1999-55 s 5
sub A2011-1 s 11
am A2011-21 s 56, s 131; A2016-52 s 25, s 26; pars renum R40 LA

Appointment on probation—teachers

s 71A ins A2011-1 s 11
am A2011-21 s 57, s 131; A2016-52 s 27, s 28; ss renum R40 LA

Extension of period of probation

s 71B ins A2011-1 s 11
am A2011-21 s 131; A2016-52 s 29

Appointment without probation

s 71C ins A2011-1 s 11
am A2011-21 s 58, s 59; A2016-52 s 30

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Engagement of executives

div 5.4 hdg (prev pt 5 div 4 hdg) sub A1995-51 s 20
renum R3 LA
om A2016-52 s 31

Executives—engagement

s 72 hdg sub A2005-44 s 21
s 72 sub A1995-51 s 20
am A2005-44 s 22; A2009-49 amdt 3.141
om A2016-52 s 31

Executives—contract variation

s 72A ins A2005-44 s 23
(3), (4) exp 8 September 2006 (s 72A (4))
om A2016-52 s 31

Early termination of contract

s 73 sub A1995-51 s 20
am A2007-3 amdt 1.4
om A2016-52 s 31

Effect of contracts on responsibilities of Ministers

s 74 sub A1995-51 s 20
om A2016-52 s 31

Application of merit principle to re-engagements

s 75 sub A1995-7 sch; A1995-51 s 20
am A2011-21 s 122
om A2016-52 s 31

Notice or payment if executive not re-engaged

s 75A ins A2005-44 s 24
(7), (8) exp 8 September 2006 (s 75A (8))
am A2011-21 s 60, s 61, s 131
om A2016-52 s 31

Executives—temporary contracts

s 76 hdg sub A2005-44 s 25
s 76 sub A1995-51 s 20
am A2005-44 s 26, s 27
om A2016-52 s 31

Executives—variation of temporary contracts

s 76A ins A2005-44 s 28
(3), (4) exp 8 September 2006 (s 76A (4))
om A2016-52 s 31

Chief executive officer, Calvary

s 77 sub A1995-51 s 20; A2005-44 s 29
om A2016-52 s 31

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Executives—negotiation and execution of contracts

s 78	sub A1995-51 s 20
	am A2005-44 s 30, s 31
	sub A2011-21 s 62
	om A2016-52 s 31

Tabling of contracts and variations of contracts

s 79	sub A1995-51 s 20
	om A2016-52 s 31

Executive engagements not affected by defects etc

s 80 hdg	sub A2005-44 s 32
s 80	sub A1995-51 s 20
	om A2016-52 s 31

Executives—transfer or assignment

s 80A	ins A2005-44 s 33
	(6), (7) exp 8 September 2006 (s 80A (7))
	am A2011-21 s 63, s 64, s 131
	om A2016-52 s 31

Executive transfers or assignments under s 80A not affected by defects etc

s 80B	ins A2005-44 s 33
	om A2016-52 s 31

Notification of executive's engagement etc

s 81	sub A1995-51 s 20
	am A1999-55 sch
	sub A2005-44 s 34
	am A2011-21 s 122
	om A2016-52 s 31

Promotion of officers

div 5.5 hdg	(prev pt 5 div 5 hdg) am A1995-51 s 21
	renum R3 LA
	sub A2011-1 s 12

Definitions—div 5.5

s 82	sub A1995-51 s 22; A2011-1 s 13
	om A2016-52 s 32
	def ***appellable level position*** ins A2011-1 s 13
	om A2016-52 s 32
	def ***joint selection committee*** ins A2011-1 s 13
	om A2016-52 s 32
	def ***office*** ins A2011-1 s 13
	sub A2011-21 s 65
	om A2016-52 s 32

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Promotion to vacant office

s 83 am A1995-51 s 23; A1999-55 sch
sub A2011-1 s 13; A2011-21 s 66; A2016-52 s 33
am A2019-36 s 5

Promotion appeal

s 84 sub A2011-1 s 13
am A2016-52 s 34

Promotion appeal by excess officer

s 85 am A1999-55 sch
sub A2011-1 s 13
am A2011-21 s 131; A2016-52 ss 35-37

Review of certain promotion decisions

s 86 sub A2011-1 s 13
am A2011-21 s 124, s 131; A2016-52 s 38, s 39

Promotion on advice of joint selection committee

s 87 am A1995-51 s 24
sub A2011-1 s 13
am A2011-21 s 67, s 124; A2016-52 ss 40-42; ss renum R40 LA

How promotions take effect

s 88 am A1995-51 s 25; A1999-55 sch
sub A2011-1 s 13

Death of officer before appeal or review decided

s 89 am A1995-51 s 26; A1999-55 sch
sub A2011-1 s 13; A2016-52 s 43

Cancellation of promotion

s 90 sub A2011-1 s 13
am A2011-21 s 126; A2016-52 s 44

Transfer of officers

div 5.6 hdg (prev pt 5 div 6 hdg) am A1995-51 s 27
renum R3 LA
om A2011-1 s 15
ins A2011-1 s 13

Definitions—div 5.6

s 91 ins A2011-1 s 13
om A2016-52 s 45
def ***appellable level position*** ins A2011-1 s 13
om A2016-52 s 45
def ***joint selection committee*** ins A2011-1 s 13
om A2016-52 s 45

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def ***office*** ins A2011-1 s 13
sub A2011-21 s 68
om A2016-52 s 45

Transfer to vacant office

s 92 sub A2011-1 s 13
am A2011-21 s 69, s 131
sub A2016-52 s 46
am A2018-42 amdt 3.84; A2019-36 s 6

Simultaneous transfer within administrative unit

s 93 sub A2011-1 s 13
am A2011-21 s 70, s 131; A2016-52 s 47, s 48; A2019-36 s 7

Transfer between administrative units

s 94 sub A2011-1 s 13; A2011-21 s 71
am A2016-52 s 49; A2019-36 s 8

Management initiated transfer—within administrative unit

s 95 sub A2011-1 s 13
am A2011-21 s 72
om A2016-52 s 50

Management initiated transfer—between administrative units

s 96 sub A2011-1 s 13
am A2011-21 s 73, s 130
om A2016-52 s 50

Management initiated transfer—additional consultation if transfer of 2 or more officers

s 96A ins A2011-1 s 13
am A2011-21 s 130
om A2016-52 s 50

Transfer on advice of joint selection committee

s 96B ins A2011-1 s 13
am A2011-21 s 74, s 75, s 124; ss renum R28 LA

How transfer takes effect

s 96C ins A2011-1 s 13

Cancellation of transfer

s 96D ins A2011-1 s 13
am A2011-21 s 126

Transfers and promotions to specified offices may be made in accordance with order of passing examinations

s 97 am A1999-55 sch; A2001-44 amdts 1.3487-1.3489; A2009-49 amdt 3.142; A2011-21 s 76, s 130
om A2016-52 s 51

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Promotion of officers who complete courses of training for special positions

s 98 am A1999-55 sch; A2011-1 s 14; A2011-21 s 77, s 121, s 130; A2011-52 amdts 3.172-3.174
om A2016-52 s 51

Definitions for div 5.6

s 99 om A2011-1 s 16
def ***appellable promotion*** om A2011-1 s 16
def ***direction*** om A2011-1 s 16
def ***notified*** om A2011-1 s 16
def ***office*** am A1995-51 s 28
om A2011-1 s 16
def ***specified*** om A2011-1 s 16

Temporary transfer

s 100 sub A2011-1 s 17
am A2011-21 s 78, s 79, s 131

Notification of certain temporary transfers to higher office

s 101 sub A2011-1 s 17
am A2011-21 s 121, s 124; A2016-52 s 52

Appeal against temporary transfer to higher office

s 102 sub A2011-1 s 17
am A2016-52 s 52

Lapsing or discontinuing of appeal

s 103 sub A2011-1 s 17
am A2011-21 s 80

Temporary transfer if appeal successful

s 104 sub A2011-1 s 17
am A2011-21 s 131

Other movement within the service

div 5.7 hdg (prev pt 5 div 7 hdg) renum R3 LA
sub A2011-1 s 18; A2016-52 s 53

Promotion or transfer after passing examination

s 105 sub A2011-1 s 18; A2011-21 s 81; A2016-52 s 53

Training offices

s 106 am A1995-51 s 29
sub A2011-1 s 18
am A2011-21 s 82
sub A2016-52 s 53

Promotion or transfer to training office

s 107 sub A2011-1 s 19
am A2011-21 s 83, s 131
sub A2016-52 s 53

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Movement within administrative unit

s 108	sub A2011-1 s 19 am A2011-21 s 84, s 124, s 131 sub A2016-52 s 53 am A2018-42 amdt 3.84

Movement between administrative units

s 109	am A2011-21 s 121 sub A2016-52 s 53 am A2018-42 amdt 3.84

Temporary employment

div 5.8 hdg	(prev pt 5 div 8 hdg) renum R3 LA sub A2016-52 s 53

Fixed term temporary employment

s 110	sub A2016-52 s 53 am A2024-48 s 7

Casual temporary employment

s 111	am A2011-21 s 130 sub A2016-52 s 53

Work performed after end of temporary employment

s 112	sub A2011-1 s 20 am A2011-21 s 85, s 124, s 131 sub A2016-52 s 53

Temporary employee on maternity leave

s 112A	ins A2011-1 s 20 om A2016-52 s 53

Record about employees

s 113	sub A2016-52 s 53

Unattached officers

div 5.9 hdg	ins A2016-52 s 53

Becoming unattached officer

s 114	am A1995-51 s 30; A2009-49 amdt 3.143; A2011-21 s 86, s 87; pars renum R28 LA sub A2016-52 s 53

Becoming unattached officer on medical grounds

s 115	am A1995-51 s 31; A1999-55 sch om A2011-1 s 21 ins A2016-52 s 53

Mobility rights of certain employees of ACTEW Corporation Limited

s 115A hdg	am A1996-33 note
s 115A	ins A1995-7 sch om A2011-1 s 21

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Appointment as unattached officer

s 116	sub A1995-51 s 32 am A1999-55 s 6 om A2011-1 s 21 ins A2016-52 s 53

Reappointment as unattached officer

s 117	am A1995-51 s 33; A2009-49 amdt 3.144; A2011-21 s 88, s 89, s 121; ss renum R28 LA sub A2016-52 s 53

Secondment

div 5.10 hdg	ins A2016-52 s 53

Secondment to the service

s 118	am A1995-51 s 34; ss renum R4 LA; A2011-21 s 90, s 126 sub A2016-52 s 53

Quashing etc of conviction

s 118A	ins A2011-1 s 22 am A2011-21 s 91, s 92, s 124, s 131; ss renum R28 LA om A2016-52 s 53

Secondment of public servant to another employer

s 119	am A2011-21 s 93, s 130; ss renum R28 LA sub A2016-52 s 53

Redeployment, underperformance and end of employment of officers

pt 6 hdg	sub A2011-1 s 24; A2016-52 s 54

Definitions—pt 6

s 120	am A2011-21 s 130 sub A2016-52 s 53 def ***confirmed officer*** ins A2016-52 s 54 def ***incapacitated*** ins A2016-52 s 54 def ***ineligible*** ins A2016-52 s 54

Retirement

s 121	am A2011-21 s 130 sub A2016-52 s 53

Redeployment

s 122	om A1995-51 s 35 ins A2011-1 s 23 am A2011-21 s 131 sub A2016-52 s 53

Reduction in classification or retirement

s 123	om A1995-51 s 35 ins A2016-52 s 54

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Limitation on retirement on ground of invalidity

s 124	om A1995-51 s 35 ins A2016-52 s 54

End of employment if visa no longer held

s 124A	ins A2024-48 s 8

Underperformance

s 125	om A1995-51 s 35 ins A2016-52 s 54

End of employment for misconduct

s 126	om A1995-51 s 35 ins A2016-52 s 54

Forfeiture of office

s 127	om A1995-51 s 35 ins A2016-52 s 54

Retirement and redeployment of chief executives

pt 6 div 1 hdg	om A1995-51 s 35

Retirement and redeployment of senior executive service officers

pt 6 div 2 hdg	om A1995-51 s 35

Retirement and redeployment of officers other than chief executives and executives

div 6.3 hdg	(prev pt 6 div 3 hdg) am A1995-51 s 36 renum R3 LA om R4 LA

Re-entry to the service

pt 7 hdg	om A2011-1 s 28 ins A2016-52 s 54

Preliminary

div 7.1 hdg	ins A2016-52 s 54

Definitions—pt 7

s 128	om A1995-51 s 35 ins A2016-52 s 54 def ***declaration*** ins A2016-52 s 54 def ***election candidate*** ins A2016-52 s 54 def ***exonerated*** ins A2016-52 s 54 def ***unsuccessful election candidate*** ins A2016-52 s 54

Former SES member

div 7.2 hdg	ins A2016-52 s 54

Limitation on re-engagement of SES member

s 129	om A1995-51 s 35 ins A2016-52 s 54

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Re-engagement of SES member after abandonment of employment
s 130 om A1995-51 s 35
ins A2016-52 s 54

Re-engagement of SES member if unsuccessful election candidate
s 131 om A1995-51 s 35
ins A2016-52 s 54

Re-engagement of SES member after quashing etc of conviction
s 132 om A1995-51 s 35
ins A2016-52 s 54

Former officers
div 7.3 hdg ins A2016-52 s 54

Reappointment of former excess officer
s 133 om A1995-51 s 35
ins A2016-52 s 54

No engagement or employment of certain former excess officers in certain circumstances
s 134 om A1995-51 s 35
ins A2016-52 s 54

Reappointment of officer after forfeiture of office
s 135 om A1995-51 s 35
ins A2016-52 s 54

Reappointment of officer if unsuccessful election candidate
s 136 om A1995-51 s 35
ins A2016-52 s 54

Reappointment of officer after quashing etc of conviction
s 137 om A1995-51 s 35
ins A2016-52 s 54

No reappointment of former officer in certain circumstances
s 138 om A1995-51 s 35
ins A2016-52 s 54

Former employee
div 7.4 hdg ins A2016-52 s 54

Re-employment of employee if unsuccessful election candidate
s 139 sub A2011-1 s 25; A2016-52 s 54
def ***essential qualification*** ins A2011-1 s 25
om A2016-52 s 54
def ***excess officer*** ins A2011-1 s 25
am A2011-21 s 130
om A2016-52 s 54
def ***not qualified to perform duties***ins A2011-1 s 25
om A2016-52 s 54

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def ***officer*** sub A1995-51 s 37; A2011-1 s 25
am A2011-21 s 94; pars renum R28 LA
om A2016-52 s 54
def ***underperformance*** ins A2011-1 s 25
om A2016-52 s 54

Re-employment of employee after quashing etc of conviction
s 140 sub A2011-21 s 95; A2016-52 s 54

Re-employment after maternity leave
s 141 sub A2016-52 s 54
am A2019-36 s 9

The public sector
pt 8 hdg om A2011-1 s 29
ins A2016-52 s 54

Public Sector Standards Commissioner
div 8.1 hdg ins A2016-52 s 54

Appointment of commissioner
s 142 hdg om R3 LA
s 142 (1)-(4) exp 4 March 1996 (s 142 (5))
(5) om R3 LA
ins A2016-52 s 54
am A2025-29 amdt 4.143

Arrangements for commissioner from another jurisdiction to exercise functions
s 143 sub A2011-1 s 26
am A2011-21 s 96, s 97, s 124, s 131, s 132; A2012-26 amdt 1.43, amdt 1.44; ss renum R31 LA
sub A2016-52 s 54
am A2020-46 amdt 1.10

Independence of commissioner
s 143A ins A2024-15 s 5

Functions of commissioner
s 144 sub A2011-1 s 26
am A2011-21 s 131
sub A2016-52 s 54
am A2025-29 amdt 4.143

Leave of absence for commissioner
s 145 sub A2007-3 amdt 1.5; A2016-52 s 54

Suspension and removal of commissioner
s 146 am A2004-39 amdt 5.25; A2011-21 s 131
sub A2016-52 s 54

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Ending commissioner's appointment without suspension
s 147 sub A2011-1 s 27; A2016-52 s 54

Arrangements for staff and facilities
s 148 am A1995-51 s 38
om A2011-1 s 28
ins A2016-52 s 54
def ***redundancy*** am A1995-51 s 38
om A2011-1 s 28

Delegation by commissioner
s 149 om A2011-1 s 28
ins A2016-52 s 54
am A2025-29 amdt 3.247

Independence of public employees exercising commissioner functions
s 149A ins A2024-15 s 6

Public sector members
div 8.2 hdg ins A2016-52 s 54

Meaning of *public sector member* etc
s 150 om A2011-1 s 28
ins A2016-52 s 54
am A2023-37 amdt 1.20, amdt 1.21

Public sector standards for public sector member etc
s 151 om A2011-1 s 28
ins A2016-52 s 54
am A2018-42 amdt 3.85

Certain office-holders have management powers
s 152 om A2011-1 s 28
ins A2016-52 s 54
am A2017-4 amdt 1.20, amdt 3.143; pars renum R41 LA; A2018-42 amdts 1.25-1.29; ss renum R44 LA
(7), (8) exp 1 September 2021 (s 152 (8))
am A2024-47 s 99; A2025-29 amdt 3.248

Application of whole-of-government strategies
s 153 om A2011-1 s 28
ins A2016-52 s 54

Alleged misconduct by statutory office-holder etc
s 154 om A2011-1 s 28
ins A2016-52 s 54

Alleged mismanagement of public sector employer's staff etc
s 155 om A2011-1 s 28
ins A2016-52 s 54

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Prescribed public sector member
s 156 am A2005-20 amdt 3.331
om A2011-1 s 28
ins A2016-52 s 54

Calvary public hospital staff
div 8.3 hdg ins A2017-4 amdt 1.21
om A2023-17 amdt 2.10

Calvary public hospital staff
s 157 om A2011-1 s 28
ins A2017-4 amdt 1.21
am A2018-42 amdt 1.30
om A2023-17 amdt 2.10

Long service leave and payments instead of long service leave
s 158 om A2011-1 s 28

Extended leave or pay instead of leave for officers not entitled to long service leave
s 159 om A2011-1 s 28

Calculation of long service leave credit
s 160 om A2011-1 s 28

Application of s 160
s 161 om A2011-1 s 28

Rate of salary while absent on long service leave
s 162 om A2011-1 s 28

Rate of salary in relation to pay instead of leave
s 163 om A2011-1 s 28

Long service leave benefits not to be granted under other laws
s 164 om A2011-1 s 28

Additional provisions relating to death of officer
s 165 om A2011-1 s 28

Provisions relating to members of the teaching service
s 166 om A2011-1 s 28

Definitions—pt 8
s 167 om A2011-1 s 29
def ***confinement*** om A2011-1 s 29
def ***leave officer*** om A2011-1 s 29
def ***maternity leave*** om A2011-1 s 29
def ***officer*** om A2011-1 s 29
def ***unauthorised absence*** om A2011-1 s 29

People in relation to whom pt 8 applies
s 168 om A2011-1 s 29

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Absence on maternity leave
s 169 om A2011-1 s 29

Entitlement to paid maternity leave
s 170 om A2011-1 s 29

Unauthorised absences
s 171 am A2011-21 s 131
om A2011-1 s 29

Absence on leave without pay
s 172 am A2011-21 s 131
om A2011-1 s 29

Officers may continue to perform, or resume, duty in certain circumstances
s 173 am A2004-39 amdt 5.25
om A2011-1 s 29

Other applications to resume duty
s 174 am A2011-21 s 130
om A2011-1 s 29

Grant of maternity leave not to affect continuity of service
s 175 om A2011-1 s 29

Officers on maternity leave
s 176 am A2011-21 s 124, s 131
om A2011-1 s 29

Temporary employees on maternity leave
s 177 om A2011-1 s 29

Interpretation for pt 9
s 178 om A2011-1 s 30
def ***disciplinary appeal committee*** om A2011-1 s 30
def ***eligible public employment*** om A2011-1 s 30
def ***employment*** om A2011-1 s 30
def ***misconduct*** om A2011-1 s 30
def ***original office*** om A2011-1 s 30
def ***public office*** om A2011-1 s 30
def ***salary*** om A2011-1 s 30

Meaning of failure to fulfil duty as officer
s 179 am A1995-51 s 39
om A2011-1 s 30

Interpretation
s 180 om A1995-51 s 40

Disciplinary action in relation to chief executives
s 181 om A1995-51 s 40

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Conviction by courts of chief executives
s 182 om A1995-51 s 40

Suspension of chief executives
s 183 om A1995-51 s 40

Removal and variation of suspension relating to chief executives
s 184 om A1995-51 s 40

Interpretation
s 185 om A1995-51 s 42

Disciplinary action
s 186 am A1995-51 s 43; A2005-20 amdt 3.332
om A2011-1 s 30

Inquiries into misconduct
s 187 am A1995-51 s 44
om A2011-1 s 30

Convictions by courts
s 188 om A2011-1 s 30

Suspension
s 189 am A1995-51 s 45
om A2011-1 s 30

Removal and variation of suspension
s 190 am A1995-51 s 46
om A2011-1 s 30

Appeals
s 191 om A2011-1 s 30

Nullification of conviction
s 192 om A2011-1 s 30

Review of findings
s 193 om A2011-1 s 30

Interpretation for div 9.4
s 194 om A2011-1 s 30
def ***detached officer*** om A2011-1 s 30
def ***misconduct*** om A2011-1 s 30

Misconduct committed before becoming detached officer
s 195 om A2011-1 s 30

Misconduct while detached officer
s 196 om A2011-1 s 30

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s 197 om A2011-1 s 30

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s 198 om A2011-1 s 30

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s 200 om A2011-1 s 30

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s 201 om A2011-1 s 30
def ***authorised officer*** am A1995-51 s 48
om A2011-1 s 30
def ***employee*** om A2011-1 s 30

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s 202 om A2011-1 s 30

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def ***board of inquiry*** om A1995-51 s 50
def ***chief executive*** om A2011-1 s 30
def ***proceeding*** sub A1995-51 s 50
om A2011-1 s 30
def ***review*** om A2011-1 s 30

How appeal is made to disciplinary appeal committee
s 204 om A2011-1 s 30

Time for appealing to disciplinary appeal committee
s 205 am A1999-55 sch
om A2011-1 s 30

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s 206 am A1995-51 s 51; ss renum R4 LA; A2004-39 amdt 5.25
om A2011-1 s 30

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s 207 om A1995-51 s 52

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s 208 om A1995-51 s 52

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s 209 om A1995-51 s 52

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s 210 om A1995-51 s 52

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s 211 om A1995-51 s 52

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s 212 om A1995-51 s 52

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s 213 om A1995-51 s 52

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s 214 om A1995-51 s 52

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s 215 am A1995-51 s 53
om A2011-1 s 30

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s 216 om A2011-1 s 30

Delegation
s 217 am A2007-3 amdt 3.434
om A2011-1 s 30

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s 218 am A1995-51 s 54
om A2011-1 s 30

Application to unattached officers performing duty in an administrative unit
s 219 am A1995-51 s 55; pars renum R4 LA
om A2011-1 s 30

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s 220 am A1996-26 sch pt 28
om A2011-1 s 30

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s 221 am A2011-21 s 98, s 124, s 131

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s 222 sub A2011-1 s 31
am A2011-21 s 99, s 124, s 131; ss renum R28 LA

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pt 9 hdg **orig pt 9 hdg**
om A2011-1 s 30
pres pt 9 hdg
(prev pt 11 hdg) sub A2011-1 s 32
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s 223 sub A2011-1 s 32
def ***action*** om A2011-1 s 32
def ***appellable decision*** ins A2011-1 s 32
def ***authorised person*** am A1995-51 s 56
om A2011-1 s 32

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def ***decision*** om A2011-1 s 32
def ***employee*** sub A1995-51 s 56
om A2011-1 s 32
def ***internal appeal officer*** am A1995-51 s 56
om A2011-1 s 32
def ***officer*** ins A2011-1 s 32
am A2011-21 s 100
om A2016-52 s 55
def ***reviewable decision*** ins A2011-1 s 32
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s 224 sub A2011-1 s 32

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s 225 sub A2011-1 s 32

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s 226 om A2011-1 s 32

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s 227 om A2011-1 s 32

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s 228 om A2011-1 s 32

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s 229 om A2011-1 s 32

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s 230 om A2011-1 s 32

Investigation by internal appeal officer
s 231 om A2011-1 s 32

Investigation by merit protection agency
s 232 om A2011-1 s 32

Documents to be given by internal appeal officer
s 233 om A2011-1 s 32

Official directions to be carried out
s 234 om A2011-1 s 32

Application of Merit Protection Act
s 235 am A1995-51 s 57; A1999-70 s 3;
A2000-77 s 3
om A2011-1 s 32

Interpretation
s 236 om A1994-108 s 40

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Disclosure of information to auditor-general or ombudsman
s 237 om A1994-108 s 40

Disclosure of information to authorised official
s 238 om A1994-108 s 40

Disclosure of information in certain circumstances
s 239 om A1994-108 s 40

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s 240 om A1994-108 s 40

Preliminary
div 9.1 hdg (prev pt 9 div 1 hdg) renum R3 LA
om A2011-1 s 30

Chief executives and certain unattached officers
pt 9 div 2 hdg om A1995-51 s 40

Officers
div 9.3 hdg (prev pt 9 div 3 hdg) am A1995-51 s 41
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div 9.4 hdg (prev pt 9 div 4 hdg) renum R3 LA
om A2011-1 s 30

Employees other than chief executives and executives
div 9.5 hdg (prev pt 9 div 5 hdg) am A1995-51 s 47
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om A2011-1 s 30

Disciplinary appeal committees
div 9.6 hdg (prev pt 9 div 6 hdg) am A1995-51 s 49
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om A2011-1 s 30

Miscellaneous
div 9.7 hdg (prev pt 9 div 7 hdg) renum R3 LA
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Miscellaneous
pt 10 hdg (prev pt 13 hdg) renum as pt 10 hdg A2016-52 s 64

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s 241 sub A2011-21 s 101; A2016-52 s 56

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s 242 sub A2016-52 s 56

Authorisation to share certain personal information with relevant union
s 242A ins A2019-36 s 10

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Protection of people in relation to work reports on officers or employees
s 243 am A2016-52 s 57

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s 244 am A2011-21 s 131
sub A2016-52 s 58

Additional payment
s 245 am A2011-21 s 131
sub A2016-52 s 58

Repaying overpayment
s 246 am A2011-21 s 130
sub A2016-52 s 58; A2018-10 s 4

Impersonation etc at examinations
s 247 am A1998-54 sch
sub A2016-52 s 58

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s 248 om A2016-52 s 58

Engagement of certain former officers and employees prohibited
s 248A ins A1995-51 s 58
am A1999-55 s 7; A2011-21 s 102, s 123
om A2016-52 s 59

Engagement of certain former directors-general and executives prohibited
s 248B ins A2005-44 s 35
am A2011-21 s 103, s 104, s 127
om A2016-52 s 59

Engagement of certain former heads of service prohibited
s 248C ins A2011-21 s 105
om A2016-52 s 59

Imprisonment
s 249 sub A2004-29 amdt 3.1
om A2009-28 amdt 2.23
ins A2011-1 s 33
am A2011-21 s 130, s 131; A2016-52 s 60, s 61

Attachment of salary of officers and employees
s 250 am A2016-52 s 62

Deduction of monetary penalty
s 250A ins A2011-1 s 34
sub A2016-52 s 63

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Management standards

s 251 am A1995-51 s 59; A1996-33 sch 1; A1999-55 s 8; A2001-44 amdts 1.3490-1.3494; pars renum R4 LA; A2011-1 s 35
sub A2016-52 s 63
am A2021-12 amdt 1.4; A2025-29 amdt 4.143

Regulation-making power

s 252 om A2001-44 amdt 1.3495
ins A2003-62 s 5
exp 31 December 2005 (s 263)
ins A2016-52 s 63
am A2025-29 amdt 4.143
def ***employee*** ins A2003-62 s 5
exp 31 December 2005 (s 263)
def ***Totalcare*** ins A2003-62 s 5
exp 31 December 2005 (s 263)
def ***transfer*** ins A2003-62 s 5
exp 31 December 2005 (s 263)

Review and appeal

pt 11 hdg renum as pt 9 hdg

Preliminary

div 11.1 hdg (prev pt 11 div 1 hdg) renum R3 LA
om A2011-1 s 32

Review of certain decisions

div 11.2 hdg (prev pt 11 div 2 hdg) renum R3 LA
om A2011-1 s 32

Investigation of grievances by merit protection agency

div 11.3 hdg (prev pt 11 div 3 hdg) renum R3 LA
om A2011-1 s 32

Merit protection

div 11.4 hdg (prev pt 11 div 4 hdg) renum R3 LA
om A2011-1 s 32

Whistle blowing

pt 12 hdg om A1994-108 s 40

Miscellaneous

pt 13 hdg renum as pt 10 hdg

Totalcare

pt 14 hdg ins A2003-62 s 5
exp 31 December 2005 (s 263)

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Transfer of employees

s 253 am A1999-55 sch
om A2001-44 amdt 1.3495
ins A2003-62 s 5
exp 31 December 2005 (s 263)

How rest of Act applies

s 254 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Employees appointed on probation

s 255 ins A2001-44 amdt 1.3496 (amdt 1.3496 om A2002-30 amdt 3.577 before commencement)
ins A2003-62 s 5
exp 31 December 2005 (s 263)

Entitlements of transferred employees

s 256 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Later appointment of temporary employees

s 257 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Transfer of personnel files

s 258 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Management standards

s 259 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Transitional regulations

s 260 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Modification of pt 14's operation

s 261 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Regulation-making power

s 262 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Expiry of pt 14

s 263 ins A2003-62 s 5
exp 31 December 2005 (s 263)

Fire and emergence services

pt 15 hdg ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

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Definitions for pt 5

s 264 ***chief officer*** ins A2004-28 amdt 3.56
deputy chief officer ins A2004-28 amdt 3.56
repealed Administration Act ins A2004-28 amdt 3.56
transfer ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Transfer of chief officers

s 265 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Transfer of fire brigade members'

s 266 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Declarations of appointment or engagement

s 267 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

How rest of Act applies

s 268 ins A2004-28 amdt 3.56
am A2005-20 amdt 3.333, amdt 3.334
exp 30 June 2006 (s 273)

Employees appointed on probation

s 269 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Entitlements on transfer

s 270 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Transfer of personnel files

s 271 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Management standards

s 272 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Expiry of pt 15

s 273 ins A2004-28 amdt 3.56
exp 30 June 2006 (s 273)

Transitional

pt 16 hdg ins A2005-44 s 36
exp 8 September 2006 (s 275)

Application of certain amendments—Public Sector Management Amendment Act 2005 (No 2)

s 274 ins A2005-44 s 36
exp 8 September 2006 (s 275)

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Expiry of pt 16
s 275 ins A2005-44 s 36
exp 8 September 2006 (s 275)

Transitional—Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011
pt 17 hdg ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Meaning of *commencement day*—pt 17
s 276 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Change of name—identity not affected
s 277 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Engagement of certain former officers etc prohibited
s 278 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Employment powers
s 279 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Head of service
s 280 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282)

Transitional regulations
s 281 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282)

Expiry—pt 17
s 282 ins A2011-22 amdt 1.366
exp 1 July 2013 (s 282 (LA s 88 declaration applies))

Transitional
pt 18 hdg ins A2016-52 s 65
exp 1 September 2021 (s 300)

Definitions—pt 18
s 290 ins A2016-52 s 65
exp 1 September 2021 (s 300)
def ***commencement day*** ins A2016-52 s 65
exp 1 September 2021 (s 300)
def ***pre-amendment Act*** ins A2016-52 s 65
exp 1 September 2021 (s 300)
def ***pre-amendment misconduct procedure*** ins A2016-52 s 65
exp 1 September 2021 (s 300)

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Existing engagement of head of service
s 291 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Existing engagements of directors-general
s 292 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Existing engagements of executives
s 293 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Consecutive engagement of head of service, directors-general and executives
s 293A ins as mod SL2018-10 s 3
mod exp 1 September 2021 (s 300 and see SL2018-10 s 4)

Existing appointment of Commissioner for Public Administration
s 294 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Misconduct before commencement day—procedure started
s 295 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Misconduct before commencement day—procedure not started
s 296 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Misconduct on or after commencement day
s 297 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Commissioner for public administration investigation
s 298 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Transitional regulations
s 299 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Expiry—pt 18
s 300 ins A2016-52 s 65
exp 1 September 2021 (s 300)

Reviewable decisions
sch 1 am R3 (LA s 116 (1) (k) (iii))
sub A2011-1 s 36
am A2016-52 s 66

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Appellable decisions

sch 2 — am A2005-20 amdt 3.335
sub A2011-1 s 37
am A2016-52 ss 67-69; items renum R40 LA

Modifications of Occupational Health and Safety Act 1989

sch 3 hdg — sub A2004-29 amdt 3.2

sch 3 — am A1998-54 sch; A1999-82 sch pt 2; A2001-44 amdts 1.3497-1.3500; R3 (LA s 116 (1) (k) (iii)); A2002-11 amdt 2.84, amdt 2.85; A2003-56 amdt 3.177; A2004-9 amdt 1.37, amdt 1.38; A2004-29 amdts 3.3-3.17; mod renum R12 LA (see A2004-29 amdt 3.18); A2005-53 amdts 1.126-1.130; A2007-31 amdts 1.5-1.9
om A2009-28 amdt 2.24

Dictionary

dict — ins A2007-3 amdt 3.435
am A2012-21 amdt 3.130; A2012-26 amdt 1.45; A2013-41 amdt 1.35; A2016-52 s 70; A2018-42 amdt 3.86
def ***Aboriginal or Torres Strait Islander person*** ins A2011-52 amdt 3.175
om A2016-52 s 71
def ***Aboriginal person or Torres Strait Islander*** ins A2011-1 s 38
om A2011-52 amdt 3.175
def ***access and equity principle*** ins A2007-3 amdt 3.435
om A2016-52 s 71
def ***access and equity program*** ins A2007-3 amdt 3.435
om A2016-52 s 71
def ***action*** ins A2007-3 amdt 3.435
om A2011-1 s 39
def ***administering chief executive*** ins A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2011-21 s 106
def ***administrative arrangements*** ins A2016-52 s 72
def ***administrative unit*** reloc from s 3 A2007-3 amdt 3.428
def ***appeal*** ins A2011-1 s 40
def ***appeal committee*** ins A2007-3 amdt 3.435
om A2011-21 s 107
def ***appellable classification*** ins A2016-52 s 72
def ***appellable decision*** ins A2011-1 s 41
sub A2018-42 amdt 3.87
def ***appellable level position*** ins A2011-1 s 41
om A2016-52 s 73
def ***appellable promotion*** ins A2007-3 amdt 3.435
om A2011-1 s 42
def ***approving authority*** ins A2007-3 amdt 3.435
om A2011-1 s 42

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def ***auditor-general's office*** ins A1996-24 s 4
reloc from s 3 A2007-3 amdt 3.428
am A2013-25 amdt 1.3
om A2016-52 s 74
def ***authorised doctor*** am A2004-39 amdt 5.25
reloc from s 3 A2007-3 amdt 3.428
am A2011-21 s 108
def ***authorised officer*** ins A2007-3 amdt 3.435
om A2011-21 s 109
def ***authorised person*** ins A2007-3 amdt 3.435
om A2011-1 s 43
def ***autonomous instrumentality*** sub A1995-7 sch; A1996-24 s 4
reloc from s 3 A2007-3 amdt 3.428
am A2012-26 amdt 1.46; A2013-41 amdt 1.36, amdt 1.37; pars renum R36 LA
om A2016-52 s 74
def ***best practice principle*** ins A2016-52 s 75
def ***category A officer*** ins A2007-3 amdt 3.435
om A2011-1 s 44
def ***category B officer*** ins A2007-3 amdt 3.435
om A2011-1 s 44
def ***chief executive*** am A1995-51 s 4
sub A2007-3 amdt 3.422
reloc from s 3 A2007-3 amdt 3.428
sub A2007-16 amdt 3.137; A2011-1 s 45
om A2011-21 s 109
def ***chief executive officer*** ins A1996-24 s 4
sub A2007-3 amdt 3.423
reloc from s 3 A2007-3 amdt 3.428
am A2012-26 amdt 1.47; A2013-41 amdt 1.38, amdt 1.39; pars renum R36 LA
sub A2016-52 s 76
def ***classification*** am A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
sub A2016-52 s 76
def ***clerk*** ins A2005-42 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2012-26 amdt 1.48
def ***commissioner*** reloc from s 3 A2007-3 amdt 3.428
am A2016-52 s 77
sub A2018-42 amdt 3.88
def ***Commonwealth Long Service Leave Act*** ins A2007-3 amdt 3.435
om A2011-1 s 46

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def ***Commonwealth officer*** am A2007-3 amdt 3.424
reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 78
def ***confinement*** ins A2007-3 amdt 3.435
om A2011-1 s 47
def ***confirmed officer*** ins A2016-52 s 79
def ***criminal offence*** am A1999-55 s 4; pars renum R4 LA
reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 80
def ***decision*** ins A2007-3 amdt 3.435
om A2011-1 s 48
def ***declaration*** ins A2016-52 s 81
def ***designated group*** ins A2007-3 amdt 3.435
om A2016-52 s 82
def ***detached officer*** ins A2007-3 amdt 3.435
om A2011-1 s 49
def ***direction*** ins A2007-3 amdt 3.435
om A2011-21 s 109
def ***director*** reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 50
def ***director-general*** ins A2011-21 s 110
sub A2016-52 s 83
def ***disability*** ins A2007-3 amdt 3.435
om A2016-52 s 84
def ***disciplinary appeal committee*** ins A2007-3 amdt 3.435
om A2011-1 s 51
def ***discrimination*** ins A2007-3 amdt 3.435
om A2016-52 s 84
def ***election candidate*** ins A2016-52 s 85
def ***eligible person*** ins A2016-52 s 85
am A2019-36 s 11
def ***eligible public employment*** ins A2007-3 amdt 3.435
om A2011-21 s 111
def ***employ*** ins A2016-52 s 85
def ***employee*** sub A1995-51 s 4; A2007-3 amdt 3.425
reloc from s 3 A2007-3 amdt 3.428
am A2007-16 amdt 3.138; A2011-1 s 52
sub A2011-21 s 112
am A2016-52 s 86; pars renum R40 LA; A2018-42 amdt 3.89
def ***employment*** ins A2007-3 amdt 3.435
om A2011-1 s 53
def ***employment matters*** ins A2007-3 amdt 3.435
om A2016-52 s 87
def ***engager*** ins A2016-52 s 88

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def ***equal employment opportunity program*** ins A2007-3 amdt 3.435
om A2016-52 s 89
def ***equitable employer*** ins A2016-52 s 90
def ***essential qualification*** ins A2011-1 s 54
om A2016-52 s 91
def ***excess officer*** ins A2007-3 amdt 3.435
sub A2011-1 s 55; A2016-52 s 92
def ***executive*** ins A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
sub A2016-52 s 93
def ***executive office*** ins A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 94
def ***exonerated*** ins A2016-52 s 95
def ***government agency*** reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 96
def ***head of service*** ins A2011-21 s 113
sub A2016-52 s 97
def ***incapacitated*** ins A2016-52 s 98
def ***industrial award*** am A2005-20 amdt 3.328; A2007-3 amdt 1.1
reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 56
def ***industrial democracy program*** ins A2007-3 amdt 3.435
om A2016-52 s 99
def ***industrial instrument*** ins A2011-1 s 57
am A2016-52 s 100
def ***ineligible*** ins A2016-52 s 101
def ***internal appeal officer*** ins A2007-3 amdt 3.435
om A2011-1 s 58
def ***job*** ins A2016-52 s 101
def ***joint council*** ins A2016-52 s 101
def ***joint selection committee*** ins A2011-1 s 59
sub A2016-52 s 102
def ***leave*** ins A2007-3 amdt 3.435
om A2011-1 s 60
def ***leave officer*** ins A2007-3 amdt 3.435
om A2011-1 s 60
def ***Legislative Assembly secretariat*** ins A2005-42 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2012-26 amdt 1.48
def ***long service leave*** ins A2007-3 amdt 3.435
om A2011-1 s 61
def ***management standards*** reloc from s 3 A2007-3 amdt 3.428
def ***management strategy*** ins A2016-52 s 103

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def ***maternity leave*** ins A2007-3 amdt 3.435
om A2011-1 s 62
def ***merit and equity principle*** ins A2016-52 s 103
def ***Merit Protection Act*** reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 63
def ***merit protection agency*** reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 63
def ***misconduct*** ins A2007-3 amdt 3.435
sub A2011-1 s 64; A2016-52 s 104
def ***misconduct procedure*** ins A2016-52 s 105
def ***non-appellable promotion*** reloc from s 3 A2007-3 amdt 3.428
am A2009-49 amdt 1.24
om A2016-52 s 106
def ***notified*** ins A2007-3 amdt 3.435
om A2011-21 s 114
def ***not qualified to perform duties*** ins A2011-1 s 65
om A2016-52 s 106
def ***office*** ins A2007-3 amdt 3.435
am A2011-1 s 66; A2011-21 s 115
sub A2016-52 s 107
def ***office of chief executive*** ins A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
om R28 LA
def ***office of director-general*** ins R28 LA
om A2016-52 s 108
def ***office of head of service*** ins A2011-21 s 116
om A2016-52 s 108
def ***officer*** am A1995-7 sch; A1995-51 s 4; pars renum R4 LA
sub A2007-3 amdt 3.426
reloc from s 3 A2007-3 amdt 3.428
sub A2011-1 s 67
am A2016-52 s 109, s 110; pars renum R40 LA
def ***original office*** ins A2007-3 amdt 3.435
om A2011-1 s 68
def ***overseas*** reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 111
def ***part-time office*** am A2007-3 amdt 3.427
reloc from s 3 A2007-3 amdt 3.428
am A2016-52 s 112
def ***permanent resident*** ins A2019-36 s 12
def ***prescribed*** reloc from s 3 A2007-3 amdt 3.428
def ***principal union*** ins A2011-1 s 69
def ***proceeding*** ins A2007-3 amdt 3.435
om A2011-1 s 70

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def ***promotion*** reloc from s 3 A2007-3 amdt 3.428
sub A2016-52 s 113
def ***promotion appeal committee*** reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 71
def ***public employee*** reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 114
def ***public office*** ins A2007-3 amdt 3.435
om A2011-1 s 72
def ***public sector*** reloc from s 3 A2007-3 amdt 3.428
sub A2016-52 s 115
am A2025-29 amdt 3.249
def ***public sector employer*** ins A2016-52 s 116
def ***public sector member*** ins A2016-52 s 116
def ***public sector officer*** ins A2011-21 s 116
om A2016-52 s 117
def ***public sector principles*** ins A2016-52 s 118
def ***public sector values*** ins A2016-52 s 118
def ***qualification*** ins A2016-52 s 118
def ***redundancy*** ins A2007-3 amdt 3.435
om A2011-1 s 73
def ***relevant chief executive*** sub A2005-44 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2011-21 s 117
def ***relevant staff organisation*** am A2005-20 amdt 3.328
reloc from s 3 A2007-3 amdt 3.428
om A2011-1 s 75
def ***relevant union*** ins A2011-1 s 74
def ***review*** ins A2007-3 amdt 3.435
sub A2011-1 s 76
om A2011-21 s 117
def ***reviewable decision*** ins A2011-1 s 77
sub A2018-42 amdt 3.90
def ***salary*** ins A2007-3 amdt 3.435
om A2011-1 s 78
def ***secretariat*** ins A2005-42 s 4
reloc from s 3 A2007-3 amdt 3.428
om A2012-26 amdt 1.48
def ***senior executive service*** ins A2016-52 s 118
def ***service*** am A1995-51 s 4
reloc from s 3 A2007-3 amdt 3.428
sub A2011-21 s 118
def ***SES member*** ins A2016-52 s 118
def ***SES position*** ins A2016-52 s 118
def ***SETs*** ins A2016-52 s 120
def ***specified*** ins A2007-3 amdt 3.435
om A2011-21 s 119

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def ***statutory employment terms*** ins A2016-52 s 120
am A2018-42 amdt 3.91
def ***statutory office-holder*** reloc from s 3 A2007-3 amdt 3.428
om A2016-52 s 119
def ***study bank*** ins A2007-3 amdt 3.435
om A2011-1 s 79
def ***territory instrumentality*** am A2001-44 amdt 1.3480; A2003-56 amdt 3.176
reloc from s 3 A2007-3 amdt 3.428
sub A2016-52 s 121
def ***transfer*** ins A2016-52 s 122
def ***unattached officer*** reloc from s 3 A2007-3 amdt 3.428
sub A2011-21 s 120
def ***unauthorised absence*** ins A2007-3 amdt 3.435
om A2011-1 s 80
def ***underperformance*** ins A2011-1 s 81
om A2018-42 amdt 3.92
def ***unsuccessful election candidate*** ins A2016-52 s 123
def ***unsuitability criteria*** ins A2016-52 s 123
def ***vacant office*** ins A2016-52 s 123
def ***whole-of-government strategy*** ins A2016-52 s 123

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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 27 Feb 2008	21 June 1995– 30 June 1995	A1994-108	amendments by A1994-108
R0B 27 Feb 2008	1 July 1995– 20 Dec 1995	A1995-7	amendments by A1995-7
R1 1 Jan 1996	21 Dec 1995– 30 June 1996	A1995-56	amendments by A1995-51 and A1995-56
R1 (RI) 27 Feb 2008	21 Dec 1995– 30 June 1996	A1995-56	reissue of printed version
R1A 27 Feb 2008	1 July 1996– 18 Aug 1996	A1996-33	amendments by A1996-24, A1996-26 and A1996-33
R2 30 June 1997	30 June 1997– 30 Nov 1997	A1996-39	amendments by A1996-39
R2 (RI) 27 Feb 2008	30 June 1997– 30 Nov 1997	A1996-39	reissue of printed version
R2A 27 Feb 2008	9 Dec 1998– 16 Sept 1999	A1998-54	amendments by A1997-74 and A1998-54
R2B 27 Feb 2008	17 Sept 1999– 4 Dec 1999	A1999-55	amendments by A1999-55
R2C 27 Feb 2008	1 Jan 2000– 22 June 2000	A1999-82	amendments by A1999-55 and A1999-70

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Republication No and date	Effective	Last amendment made by	Republication for
R2D 27 Feb 2008	23 June 2000– 30 Dec 2000	A1999-82	amendments by A1999-82
R2E 27 Feb 2008	31 Dec 2000– 11 Sept 2001	A2000-77	amendments by A2000-77
R3 12 Sept 2001	12 Sept 2001– 12 Sept 2001	A2001-44	amendments by A2001-44
R4 24 Apr 2002	13 Sept 2001– 27 May 2002	A2001-57	amendments by A2001-57
R5 29 May 2002	28 May 2002– 16 Sept 2002	A2002-11	amendments by A2002-11
R6 17 Sept 2002	17 Sept 2002– 30 June 2003	A2002-30	amendments by A2001-44 as amended by A2002-30
R7* 1 July 2003	1 July 2003– 11 Dec 2003	A2003-30	amendments by A2003-30
R8 12 Dec 2003	12 Dec 2003– 18 Dec 2003	A2003-62	amendments by A2003-62
R9 19 Dec 2003	19 Dec 2003– 12 Apr 2004	A2003-62	amendments by A2003-56
R10 13 Apr 2004	13 Apr 2004– 30 June 2004	A2004-9	amendments by A2004-9
R11 1 July 2004	1 July 2004– 4 Aug 2004	A2004-28	amendments by A2004-28
R12 5 Aug 2004	5 Aug 2004– 1 June 2005	A2004-29	amendments by A2004-29
R13 2 June 2005	2 June 2005– 6 July 2005	A2005-20	amendments by A2005-20
R14 7 July 2005	7 July 2005– 31 Aug 2005	A2005-20	amendments by A2004-39
R15 1 Sept 2005	1 Sept 2005– 7 Sept 2005	A2005-42	amendments by A2005-42
R16 8 Sept 2005	8 Sept 2005– 22 Nov 2005	A2005-44	amendments by A2005-44

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R17 23 Nov 2005	23 Nov 2005– 31 Dec 2005	A2005-53	amendments by A2005-53
R18 1 Jan 2006	1 Jan 2006– 30 June 2006	A2005-53	commenced expiry
R19 1 July 2006	1 July 2006– 8 Sept 2006	A2005-53	commenced expiry
R20 9 Sept 2006	9 Sept 2006– 11 Apr 2007	A2005-53	commenced expiry
R21 12 Apr 2007	12 Apr 2007– 10 July 2007	A2007-3	amendments by A2007-3
R22 11 July 2007	11 July 2007– 24 Oct 2007	A2007-16	amendments by A2007-16
R23 25 Oct 2007	25 Oct 2007– 22 Nov 2007	A2007-31	amendments by A2007-31
R24 23 Nov 2007	23 Nov 2007– 30 Sept 2009	A2007-37	amendments by A2007-37
R25* 1 Oct 2009	1 Oct 2009– 16 Dec 2009	A2009-28	amendments by A2009-28
R26 17 Dec 2009	17 Dec 2009– 17 Apr 2011	A2009-49	amendments by A2009-49
R27 18 Apr 2011	18 Apr 2011– 30 June 2011	A2011-1	amendments by A2011-1
R28 1 July 2011	1 July 2011– 11 Dec 2011	A2011-22	amendments by A2011-21 and A2011-22
R29 12 Dec 2011	12 Dec 2011– 4 June 2012	A2011-52	amendments by A2011-52
R30 5 June 2012	5 June 2012– 30 June 2012	A2012-21	amendments by A2012-21
R31 1 July 2012	1 July 2012– 7 Nov 2012	A2012-26	amendments by A2012-26
R32 8 Nov 2012	8 Nov 2012– 22 Feb 2013	A2012-26	amendments by A2011-45

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Republication No and date	Effective	Last amendment made by	Republication for
R33* 23 Feb 2013	23 Feb 2013– 1 July 2013	A2012-26	amendments by A2011-1
R34 2 July 2013	2 July 2013– 19 Feb 2014	A2012-26	expiry of transitional provisions (pt 17)
R35 20 Feb 2014	20 Feb 2014– 30 June 2014	A2013-25	amendments by A2013-25
R36 1 July 2014	1 July 2014– 20 Apr 2015	A2013-41	amendments by A2013-41
R37 21 April 2015	21 Apr 2015– 13 Oct 2015	A2015-10	amendments by A2015-10
R38 14 Oct 2015	14 Oct 2015– 8 Dec 2015	A2015-33	amendments by A2015-33
R39 9 Dec 2015	9 Dec 2015– 31 Aug 2016	A2015-50	amendments by A2015-50
R40 1 Sept 2016	1 Sept 2016– 8 Mar 2017	A2016-52	amendments by A2016-52
R41 9 Mar 2017	9 Mar 2017– 27 Mar 2018	A2017-4	amendments by A2017-4
R42 28 Mar 2018	29 Mar 2018– 27 June 2018	A2018-10	amendments by A2018-10
R43 28 June 2018	28 June 2018– 21 Nov 2018	SL2018-10	modifications by SL2018-10
R44 22 Nov 2018	22 Nov 2018– 10 Oct 2019	A2018-42	amendments by A2018-42
R45 11 Oct 2019	11 Oct 2019– 25 Feb 2021	A2019-36	amendments by A2019-36
R46 26 Feb 2021	26 Feb 2021– 3 Mar 2021	A2021-3	amendments by A2021-3
R47 4 Mar 2021	4 Mar 2021– 22 June 2021	A2021-3	amendments by A2020-46
R48 23 June 2021	23 June 2021– 1 Sept 2021	A2021-12	amendments by A2021-12

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Republication No and date	Effective	Last amendment made by	Republication for
R49 2 Sept 2021	2 Sept 2021– 2 July 2023	A2021-12	expiry of provisions (s 152 (7), (8)), transitional provisions (pt 18) and modification (s 293A)
R50 3 July 2023	3 July 2023– 29 Sept 2023	A2023-17	amendments by A2023-17
R51 30 Sept 2023	30 Sept 2023– 19 Apr 2024	A2023-37	amendments by A2023-37
R52 20 Apr 2024	20 Apr 2024– 19 Sept 2024	A2024-15	amendments by A2024-15
R53 20 Sept 2024	20 Sept 2024– 25 Sept 2024	A2024-48	amendments by A2024-48
R54 26 Sept 2024	26 Sept 2024– 25 Nov 2025	A2024-48	amendments by A2024-47

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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