

Australian Capital Territory

Public Sector Management Amendment Act 2019

A2019-36

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Australian Capital Territory

Public Sector Management Amendment Act 2019

A2019-36

An Act to amend the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37%22%20%5Co%20%22A1994-37), and for other purposes

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

1 Name of Act

This Act is the *Public Sector Management Amendment Act 2019*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37).

Note This Act also amends other legislation (see sch 1).

4 Appointment to vacant office
Section 68 (1), note

omit

5 Promotion to vacant office
Section 83 (1), note

omit

6 Transfer to vacant office
Section 92 (1), note

omit

7 Simultaneous transfer within administrative unit
Section 93 (2), note

omit

8 Transfer between administrative units
Section 94, note

omit

9 Re-employment after maternity leave
Section 141 (3), note

omit

10 New section 242A

insert

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

 (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](https://www.legislation.gov.au/Series/C2004A03679) (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.

11 Dictionary, definition of eligible person

after

for appointment,

insert

secondment,

12 Dictionary, new definition of permanent resident

insert

permanent resident means—

 (a) a person who holds a permanent visa for the [Migration Act 1958](https://www.legislation.gov.au/Series/C1958A00062) (Cwlth), section 30; or

 (b) a New Zealand citizen who holds a special category visa under the [Migration Act 1958](https://www.legislation.gov.au/Series/C1958A00062) (Cwlth), section 32.

Schedule 1 Long Service Leave Act 1976—Other amendments

(see s 3)

[1.1] Dictionary, note 2

insert

 public employee

[1.2] Dictionary, definition of employee

substitute

employee—

 (a) includes—

 (i) a person who is remunerated at piecework rates; and

 (ii) a part-time employee; and

 (iii) a casual employee; but

 (b) does not include—

 (i) a public employee; or

 (ii) a person employed by a member of the Legislative Assembly under the [Legislative Assembly (Members’ Staff) Act 1989](http://www.legislation.act.gov.au/a/1989-19), section 10.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 1 August 2019.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 10 October 2019.

3 Republications of amended laws

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

I certify that the above is a true copy of the Public Sector Management Amendment Bill 2019, which was passed by the Legislative Assembly on 26 September 2019.

Clerk of the Legislative Assembly

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