

2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Chief Minister)

# Public Sector Management Amendment Bill 2019

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Appointment to vacant office Section 68 (1), note	2
5 Promotion to vacant office Section 83 (1), note	2
6 Transfer to vacant office Section 92 (1), note	2
7 Simultaneous transfer within administrative unit Section 93 (2), note	2

---

J2018-691

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

Contents

---

	Page	
8	Transfer between administrative units Section 94, note	2
9	Re-employment after maternity leave Section 141 (3), note	3
10	New section 242A	3
11	Dictionary, definition of <i>eligible person</i>	4
12	Dictionary, new definition of <i>permanent resident</i>	4
<b>Schedule 1</b>	<b>Long Service Leave Act 1976—Other amendments</b>	<b>5</b>

2019

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Chief Minister)

# Public Sector Management Amendment Bill 2019

---

## A Bill for

An Act to amend the *Public Sector Management Act 1994*, and for other purposes

---

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

- 1 **1 Name of Act**
- 2 This Act is the *Public Sector Management Amendment Act 2019*.
- 3 **2 Commencement**
- 4 This Act commences on the day after its notification day.
- 5 *Note* The naming and commencement provisions automatically commence on  
6 the notification day (see [Legislation Act](#), s 75 (1)).
- 7 **3 Legislation amended**
- 8 This Act amends the *Public Sector Management Act 1994*.
- 9 *Note* This Act also amends other legislation (see sch 1).
- 10 **4 Appointment to vacant office**  
11 **Section 68 (1), note**
- 12 *omit*
- 13 **5 Promotion to vacant office**  
14 **Section 83 (1), note**
- 15 *omit*
- 16 **6 Transfer to vacant office**  
17 **Section 92 (1), note**
- 18 *omit*
- 19 **7 Simultaneous transfer within administrative unit**  
20 **Section 93 (2), note**
- 21 *omit*
- 22 **8 Transfer between administrative units**  
23 **Section 94, note**
- 24 *omit*

---

1 **9 Re-employment after maternity leave**  
2 **Section 141 (3), note**

3 *omit*

4 **10 New section 242A**

5 *insert*

6 **242A Authorisation to share certain personal information with**  
7 **relevant union**

8 (1) This section applies to a person who is engaged as an SES member,  
9 or appointed or employed as an officer or employee, after the  
10 commencement date if the person—

11 (a) is given a reasonable opportunity to ask that the person's contact  
12 information not be given to a union; and

13 (b) does not ask that the person's contact information not be given  
14 to a union.

15 (2) An information holder is authorised to give contact information about  
16 the person to the relevant union for the person.

17 (3) In this section:

18 *commencement date* means the day the *Public Sector Management*  
19 *Amendment Act 2019*, section 3 commences.

20 *contact information*, for a person, means—

21 (a) the person's full name; and

22 (b) the person's position in the service; and

23 (c) where in the service the person is engaged, appointed or  
24 employed to work; and

25 (d) the person's ACT Government email address; and

26 (e) the person's ACT Government phone number.

1            **information holder** means—

2            (a) the head of service; or

3            (b) a public sector employer.

4            **relevant union**, for a person, means an employee organisation  
5 registered under the *Fair Work (Registered Organisations) Act 2009*  
6 (Cwlth)—

7            (a) that is—

8                    (i) entitled to represent the person’s industrial interests; and

9                    (ii) covered by an industrial agreement that applies to the  
10 person; or

11            (b) for an SES member—that is entitled to represent the SES  
12 member’s industrial interests.

13    **11        Dictionary, definition of *eligible person***

14            *after*

15            for appointment,

16            *insert*

17            secondment,

18    **12        Dictionary, new definition of *permanent resident***

19            *insert*

20            **permanent resident** means—

21            (a) a person who holds a permanent visa for the *Migration Act 1958*  
22 (Cwlth), section 30; or

23            (b) a New Zealand citizen who holds a special category visa under  
24 the *Migration Act 1958* (Cwlth), section 32.

1 **Schedule 1 Long Service Leave Act 1976—**  
2 **Other amendments**

3 (see s 3)

4 **[1.1] Dictionary, note 2**

5 *insert*

- 6 • public employee

7 **[1.2] Dictionary, definition of *employee***

8 *substitute*

9 *employee*—

10 (a) includes—

- 11 (i) a person who is remunerated at piecework rates; and
- 12 (ii) a part-time employee; and
- 13 (iii) a casual employee; but

14 (b) does not include—

- 15 (i) a public employee; or
- 16 (ii) a person employed by a member of the Legislative  
17 Assembly under the *Legislative Assembly (Members’  
18 Staff) Act 1989*, section 10.

---

## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) on 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).

---

© Australian Capital Territory 2019