



Parliamentary Service Amendment Act 2001

No. 125, 2001



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**An Act to amend the *Parliamentary Service Act
1999*, and for related purposes**

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No. 125, 2001

An Act to amend the *Parliamentary Service Act 1999*, and for related purposes

[Assented to 27 September 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Parliamentary Service Amendment Act 2001*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Mobility of employees and Departmental name changes

Parliamentary Service Act 1999

1 Section 7

Insert:

non-ongoing APS employee has the same meaning as in the *Public Service Act 1999*.

2 Section 7

Insert:

ongoing APS employee has the same meaning as in the *Public Service Act 1999*.

3 Section 26

Repeal the section, substitute:

26 Mobility between Parliamentary Service and Public Service

- (1) An ongoing Parliamentary Service employee is eligible for engagement, at any classification, as an ongoing APS employee. The engagement is subject to review in accordance with regulations under the *Public Service Act 1999*.
- (2) An ongoing APS employee is eligible for engagement, at any classification, as an ongoing Parliamentary Service employee. The engagement is subject to review in accordance with the determinations.
- (3) A person who moves from:
 - (a) employment as an ongoing Parliamentary Service employee to employment as an ongoing APS employee; or
 - (b) employment as an ongoing APS employee to employment as an ongoing Parliamentary Service employee;retains his or her existing or accrued entitlements relating to annual leave, and personal or carer's leave, (however they may be described).

Note: Service for long service leave purposes is dealt with under the *Long Service Leave (Commonwealth Employees) Act 1976*, and service for maternity leave purposes is dealt with under the *Maternity Leave (Commonwealth Employees) Act 1973*.

- (4) If a person moves from one service to another as mentioned in this section, the person stops being an employee of the service from which the person moved when he or she is engaged as an ongoing APS employee or as an ongoing Parliamentary Service employee.

26A Rights of ongoing employees when engaged as non-ongoing employees of the other service

- (1) If an ongoing Parliamentary Service employee is granted leave without pay to take up employment as a non-ongoing APS employee, the employee:
- (a) retains his or her existing or accrued entitlements relating to annual leave, and personal or carer's leave, (however they may be described) in respect of employment as a Parliamentary Service employee; and
 - (b) when he or she returns to the Parliamentary Service—retains his or her existing or accrued entitlements of that kind in respect of employment as an APS employee.
- (2) If an ongoing APS employee is granted leave without pay to take up employment as a non-ongoing Parliamentary Service employee, the employee:
- (a) retains his or her existing or accrued entitlements relating to annual leave, and personal or carer's leave, (however they may be described) in respect of employment as an APS employee; and
 - (b) when he or she returns to the APS—retains his or her existing or accrued entitlements of that kind in respect of employment as a Parliamentary Service employee.
- (3) Any period of leave without pay referred to in subsection (1) or (2) counts as service for all purposes except accrual of annual leave, or personal or carer's leave, (however they may be described).

Note: Service for long service leave purposes is dealt with under the *Long Service Leave (Commonwealth Employees) Act 1976*, and service for maternity leave purposes is dealt with under the *Maternity Leave (Commonwealth Employees) Act 1973*.

4 After section 54

Insert:

54A Change of name of Department

- (1) The name of a Department referred to in subsection 54(2) may be changed to a new name by resolutions passed by each House of the Parliament. The change takes effect when the resolutions are passed.
- (2) After the former name is changed, a reference to the former name in a law of the Commonwealth, in a contract to which the Commonwealth is a party or in some other instrument of the Commonwealth has effect as if it were a reference to the new name.
- (3) The Secretary of the Department whose name was changed remains the Secretary of the newly named Department.
- (4) Each Parliamentary Service employee of the Department whose name was changed remains an employee of the newly named Department.
- (5) The terms and conditions of service of the Secretary and of those employees are not altered by the change of name.
- (6) The functions of the newly named Department are not altered by the change of name unless the resolutions passed by each House of the Parliament declare otherwise.

54B Abolition of Department

If a Department (the *former Department*) referred to in subsection 54(2) is abolished and its functions conferred on another Department established under that subsection, a reference to the former Department in a law of the Commonwealth, in a contract to which the Commonwealth is a party or in some other instrument of the Commonwealth has effect as if it were a reference to that other Department.

*[Minister's second reading speech made in—
House of Representatives on 23 August 2001
Senate on 19 September 2001]*

(164/01)