



# **Australian Civilian Corps Amendment Act 2013**

**No. 140, 2013**

**An Act to amend the *Australian Civilian Corps Act 2011*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Australian Civilian Corps Amendment Act 2013

No. 140, 2013

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## **An Act to amend the *Australian Civilian Corps Act 2011*, and for related purposes**

[Assented to 13 December 2013]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Australian Civilian Corps Amendment Act 2013*.

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## **2 Commencement**

This Act commences on the day this Act receives the Royal Assent.

## **3 Schedule(s)**

- (1) Each Act, and each set of regulations or directions, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.
- (3) The amendment of any direction under subsection (1) does not prevent the direction, as so amended, from being amended or repealed by the Prime Minister or the Secretary of the Department (as the case requires).

## **Schedule 1—Amendments**

### **Part 1—Amendment of the Australian Civilian Corps Act 2011**

#### *Australian Civilian Corps Act 2011*

##### **1 Section 4 (third paragraph)**

Omit “Director-General of AusAID”, substitute “Secretary of the Department”.

##### **2 Section 5 (definition of *AusAID*)**

Repeal the definition.

##### **3 Section 5 (definition of *Director-General*)**

Repeal the definition.

##### **4 Section 5**

Insert:

*Secretary* means the Secretary of the Department.

##### **5 Section 11**

Omit “Director-General, under the Minister,”, substitute “Secretary”.

##### **6 Section 13 (heading)**

Repeal the heading, substitute:

#### **13 Secretary’s directions about the Australian Civilian Corps Values**

##### **7 Subsection 13(1)**

Omit “Director-General”, substitute “Secretary”.

##### **8 Section 14 (heading)**

Repeal the heading, substitute:

**14 Secretary must uphold and promote the Australian Civilian Corps Values**

**9 Section 14**

Omit “Director-General”, substitute “Secretary”.

**10 Section 16 (heading)**

Repeal the heading, substitute:

**16 Secretary’s directions about the Australian Civilian Corps Code of Conduct**

**11 Subsection 16(1)**

Omit “Director-General”, substitute “Secretary”.

**12 Subsections 17(1), (2), (3) and (8)**

Omit “Director-General”, substitute “Secretary”.

**13 Subsections 17A(4), (5) and (6)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**14 Paragraph 17A(6)(b)**

Omit “AusAID”, substitute “the Department”.

**15 Subsections 17A(7) and (8)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**16 Paragraph 17A(8)(b)**

Omit “AusAID”, substitute “the Department”.

**17 Section 18 (heading)**

Repeal the heading, substitute:

**18 Employer powers etc. of Secretary**

**18 Subsections 18(1) and (2)**

Omit “Director-General”, substitute “Secretary”.

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**19 Subsection 19(1)**

Omit “Director-General”, substitute “Secretary”.

**20 Subsection 20(1)**

Omit “Director-General”, substitute “Secretary”.

**21 Section 21**

Omit “Director-General”, substitute “Secretary”.

**22 Subsection 23(1)**

Omit “Director-General”, substitute “Secretary”.

**23 Subsections 24(1), (2), (3) and (4)**

Omit “Director-General”, substitute “Secretary”.

**24 Section 25 (heading)**

Repeal the heading, substitute:

**25 Limitation on Ministerial directions to Secretary**

**25 Section 25**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**26 Paragraph 30(1)(b)**

Omit “AusAID”, substitute “the Department”.

**27 Subsection 30(2)**

Omit “Director-General”, substitute “Secretary”.

**28 Paragraph 30(2)(a)**

Omit “AusAID”, substitute “the Department”.

## **Part 2—Amendment of the Australian Civilian Corps Regulations 2011**

### *Australian Civilian Corps Regulations 2011*

#### **29 Regulation 3 (definition of ACC Register)**

Omit “AusAID” (wherever occurring), substitute “the Department”.

#### **30 Regulation 3 (note)**

Repeal the note.

#### **31 Paragraph 6(1)(b)**

Omit “Director-General”, substitute “Secretary”.

#### **32 Subregulation 7(1)**

Omit “Director-General”, substitute “Secretary”.

#### **33 Regulation 8 (heading)**

Repeal the heading, substitute:

#### **8 Secretary’s responsibility**

#### **34 Regulation 8**

Omit “Director-General”, substitute “Secretary”.

#### **35 Paragraph 8(c)**

Omit “Director-General’s”, substitute “Secretary’s”.

#### **36 Subparagraph 9(5)(b)(iii)**

Omit “Director-General”, substitute “Secretary”.

#### **37 Subregulation 10(2)**

Omit “Director-General”, substitute “Secretary”.

#### **38 Subregulations 11(1) and (3)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

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**39 Subregulations 12(2), (3) and (4)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**40 Paragraphs 13(b), (c) and (d)**

Omit “Director-General”, substitute “Secretary”.

**41 Regulation 14 (heading)**

Repeal the heading, substitute:

**14 Action by Secretary following review**

**42 Regulation 14**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**43 Subregulation 15(1)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**44 Subregulations 16(1) and (3)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**45 Regulation 18**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**46 Subregulation 19(1)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**47 Subparagraph 19(1)(b)(iii)**

Omit “AusAID”, substitute “the Department”.

**48 Subregulations 19(4) and (5)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**49 Subparagraph 19(5)(b)(iii)**

Omit “AusAID”, substitute “the Department”.

**50 Subregulations 19(6) and (7)**

Omit “Director-General” (wherever occurring), substitute “Secretary”.

**51 Subregulation 20(1)**

Omit “Director-General” (first and second occurring), substitute “Secretary”.

**52 Paragraph 20(1)(a)**

Repeal the paragraph, substitute:

- (a) the use or disclosure is necessary for the performance or exercise of:
  - (i) the employer powers of the Secretary; or
  - (ii) the employer powers of the Agency Head;

**53 Subregulation 20(2)**

Omit “Director-General”, substitute “Secretary”.

**54 Subregulation 20(2)**

Omit “Director-General’s”, substitute “Secretary’s”.

**55 Subregulation 20(5) (definition of *employer powers of the Director-General*)**

Repeal the definition.

**56 Subregulation 20(5)**

Insert:

*employer powers of the Secretary* means the rights, duties and powers mentioned in Part 3 of the Act.

**57 Clauses 6, 7, 8, 9 and 10 of Schedule 1**

Omit “Director-General of AusAID”, substitute “Secretary”.

**58 Paragraph 8(a) of Schedule 2**

Omit “senior AusAID Officer”, substitute “senior officer of the Department”.

**59 Clause 13 of Schedule 2**

Omit “Director-General of AusAID”, substitute “Secretary”.

**60 Paragraph 16(b) of Schedule 2**

Omit “AusAID Director-General”, substitute “Secretary”.

**Part 3—Amendment of the Prime Minister's  
Australian Civilian Corps Directions 2012**

*Prime Minister's Australian Civilian Corps Directions 2012*

**61 Before clause 1**

Insert:

**1A Name of Directions**

These Directions are the *Prime Minister's Australian Civilian Corps Directions 2012*.

**62 Subclause 2(1) (definition of ACC Register)**

Omit "AusAID" (wherever occurring), substitute "the Department".

**63 Subclause 4(4)**

Omit "AusAID", substitute "the Department".

**64 Subclause 5(2)**

Omit "Director-General" (wherever occurring), substitute "Secretary".

## **Part 4—Amendment of the Director-General's Australian Civilian Corps Directions 2011**

### *Director-General's Australian Civilian Corps Directions 2011*

#### **65 Before clause 1.1**

Insert:

##### **1.1A Name of Directions**

These Directions are the *Secretary's Australian Civilian Corps Directions 2011*.

#### **66 Subclause 1.3(1) (definition of *Ethics Director*)**

Repeal the definition, substitute:

*Ethics Director* means the person holding or performing the duties of the Director position in the section of the Department that has responsibility for the ACC Values and ACC Code of Conduct.

#### **67 Subclause 1.3(1) (definition of *HR ADG*)**

Repeal the definition.

#### **68 Subclause 1.3(1)**

Insert:

*HR AS* means the person holding or performing the duties of the Senior Executive Band 1 position in the branch of the Department that has responsibility for personnel and employment matters.

#### **69 Subclause 1.3(1) (paragraph (b) of the definition of *senior representative of the Australian Government*)**

Omit "AusAID", substitute "the Department".

#### **70 Paragraph 1.3(2)(b)**

Omit "AusAID", substitute "the Department".

**71 Clause 2.1**

Omit "Director-General", substitute "Secretary".

**72 Subclause 2.2(1)**

Omit "Director-General", substitute "Secretary".

**73 Subclause 2.2(2)**

Omit "AusAID", substitute "Department's".

**74 Subclause 2.2(3)**

Omit "Director-General", substitute "Secretary".

**75 Subclauses 2.3(1) and (2)**

Omit "Director-General", substitute "Secretary".

**76 Clause 2.4 (heading)**

Repeal the heading, substitute:

**2.4 The Secretary provides, to the extent possible, a workplace that  
is free from discrimination and recognises and utilises the  
diversity of the Australian community**

**77 Subclauses 2.4(1) and (2)**

Omit "Director-General" (wherever occurring), substitute "Secretary".

**78 Clause 2.5 (heading)**

Repeal the heading, substitute:

**2.5 The Secretary provides, to the extent possible, a fair, flexible,  
safe and rewarding workplace for Australian Civilian  
Corps employees**

**79 Clause 2.5**

Omit "Director-General" (wherever occurring), substitute "Secretary".

**80 Subclauses 2.7(1) and 2.8(1)**

Omit "Director-General", substitute "Secretary".

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**81 Subclause 3.1(2)**

Omit "AusAID", substitute "Department".

**82 Subclause 3.1(3)**

Omit "*AusAID*", substitute "*Department*".

**83 Paragraph 3.1(3)(b)**

Omit "ADG", substitute "AS".

**84 Subclause 3.2(2)**

Omit "ADG", substitute "AS".

**85 Subclause 3.5(3)**

Omit "AusAID", substitute "the Department".

**86 Subclause 3.6(1) (paragraph (a) of the note)**

Omit "senior AusAID Officer", substitute "senior officer of the Department".

**87 Subclause 3.6(2)**

Omit all the words after "senior", substitute:

officer of the Department who has authority to give a direction to an ACC employee is an officer who holds or performs the duties of:

- (a) an SES position, or an equivalent position, in the Department; or
- (b) an Executive Level 2 position, or an equivalent position, in the Department.

**88 Subclause 3.6(3)**

Omit "AusAID", substitute "the Department".

**89 Subclause 3.6(4)**

Omit "AusAID", substitute "Department".

**90 Subclause 3.6(5)**

Omit "*AusAID*", substitute "*Department*".

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**91 Paragraph 3.6(5)(b)**

Omit "ADG", substitute "AS".

**92 Subclause 3.10(1) (note)**

Omit "Director-General of AusAID", substitute "Secretary".

**93 Subclause 3.10(2) (note)**

Omit "Director-General", substitute "Secretary".

**94 Subclause 3.11(1) (paragraph (b) of the note)**

Omit "Director-General of AusAID", substitute "Secretary".

**95 Subclause 3.11(3)**

Omit "Director-General", substitute "Secretary".

**96 Paragraph 3.13(4)(b)**

Omit "AusAID", substitute "the Department".

**97 Clause 3 of the Schedule**

Omit "Director-General", substitute "Secretary".

**98 Clause 4 of the Schedule**

Omit "directly mirror the guidelines that apply to employees in AusAID, and are", substitute "be".

**99 Clause 5 of the Schedule**

Omit "Director-General" (wherever occurring), substitute "Secretary".

**100 Clause 6 of the Schedule**

Omit "AusAID" (first, second and third occurring), substitute "the Department".

**101 Clause 6 of the Schedule**

Omit "ADG" (first occurring), substitute "AS".

**102 Subclause 6.1 of the Schedule**

Omit "ADG", substitute "AS".

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**103 Subclause 6.3 of the Schedule**

Omit "AusAID", substitute "the Department".

**104 Subclause 6.3 of the Schedule**

Omit "presented to the Collector of Public Monies (CPM) in Finance Branch", substitute "given to an officer of the Department who has responsibility for the collection of public money".

**105 Subclause 6.4 of the Schedule**

Omit "ADG" (first and second occurring), substitute "AS".

**106 Subclause 6.4 of the Schedule**

Omit "AusAID" (first occurring), substitute "the Department".

**107 Subclause 6.4 of the Schedule**

Omit:

- Arranged to be displayed in AusAID House, or disposed of in an appropriate manner by the Manager, Property and Facilities Management (PFM), having had the matter referred by the HR ADG.  
substitute:
- Direct an officer in the Department to dispose of the gift as directed.

**108 Subclause 6.5 of the Schedule**

Omit "Pay and Conditions Team will maintain the Register.".

**109 Clause 7 of the Schedule**

Omit "ADG" (first occurring), substitute "AS".

**110 Clause 7 of the Schedule**

Omit "AusAID" (first occurring), substitute "the Department".

**111 Clause 7 of the Schedule**

Omit "ADG" (second occurring), substitute "AS".

**112 Clause 7 of the Schedule**

Omit:

- Prizes donated by private or commercial sources to social club or AusAID- / ACC- / overseas mission-sponsored charity events are acceptable where the opportunity to win the prize is also open to non-mission and/or non-social club entrants.  
substitute:
- Prizes donated by private or commercial sources to charity events sponsored by the Department, the Department's social club, the ACC or an overseas mission are acceptable where the opportunity to win the prize is also open to people who are not members of the sponsoring entity.

**113 Clause 8 of the Schedule**

Omit "ADG" (wherever occurring), substitute "AS".

**114 Clause 8 of the Schedule**

Omit "HR Services Section (HRS) in Human Resources Branch (HRB)", substitute "the relevant section in the Department".

**115 Clause 9 of the Schedule**

Omit "HR ADG through the Director, HR Services Section", substitute "officer in the Department who has responsibility for approving the request".

**116 Clause 10 of the Schedule**

Omit "ADG" (wherever occurring), substitute "AS".

**117 Clause 10 of the Schedule**

Omit "and filing by the HR Services Section".

**118 Clause 11 of the Schedule**

Omit "AusAID", substitute "The Department".

**119 Clause 11 of the Schedule**

Omit "HR Services Section in Human Resources Branch", substitute "relevant section in the Department".

**120 Appendix to the Schedule**

Omit "**Please forward completed form to Pay and Conditions Team (HRB)**".

**121 Appendix to the Schedule**

Omit:

Please return completed form to **The Pay and Conditions Team**  
Internal Mail: **11<sup>th</sup> Floor, Allara Street, Canberra**  
Email: **paycon@ausaid.gov.au**

**122 Appendix to the Schedule**

Omit:

**Pay and Conditions Team to complete:**

*Processed:..... Date:..... Checked:.....*

## Part 5—Transitional provisions

### 123 Definitions

In this Part:

**amended Act** means the *Australian Civilian Corps Act 2011* as in force after the commencement of this Part.

**amended legislative instrument** means any of the following as in force after the commencement of this Part:

- (a) the *Australian Civilian Corps Regulations 2011*;
- (b) the *Prime Minister's Australian Civilian Corps Directions*;
- (c) the *Secretary's Australian Civilian Corps Directions* (previously known as the *Director-General's Australian Civilian Corps Directions*).

**AusAID** means the Australian Agency for International Development.

**Director-General** means the Director-General of AusAID.

**old Act** means the *Australian Civilian Corps Act 2011* as in force immediately before the commencement of this Part.

**old legislative instrument** means any of the following as in force immediately before the commencement of this Part:

- (a) the *Australian Civilian Corps Regulations 2011*;
- (b) the *Prime Minister's Australian Civilian Corps Directions*;
- (c) the *Director-General's Australian Civilian Corps Directions*.

**Secretary** means the Secretary of the Department.

### 124 Effect of things done by, or in relation to, AusAID etc. under the old Act

- (1) A thing done before the commencement of this Part by, or in relation to, AusAID or the Director-General under a provision of the old Act has effect after that commencement, for the purposes of the amended Act, as if the thing had been done by, or in relation to, the Department or the Secretary (as the case requires) under that provision of the amended Act.
- (2) Subitem (1) does not apply to the making of an instrument.

### **125 Directions issued by the Director-General**

Directions issued by the Director-General under section 13 or 16 of the old Act and in force immediately before the commencement of this Part continue in effect after that commencement as if they were directions issued by the Secretary under section 13 or 16 of the amended Act (as the case requires).

Note: These directions, as continued in effect, are amended as set out in Part 4.

### **126 Effect of things done by, or in relation to, AusAID etc. under the old legislative instruments**

- (1) A thing done before the commencement of this Part by, or in relation to, AusAID, the Director-General or an employee of AusAID under a provision of an old legislative instrument has effect after that commencement, for the purposes of the relevant amended legislative instrument, as if the thing had been done by, or in relation to, the Department, the Secretary or an employee of the Department (as the case requires) under that provision of the amended legislative instrument.
- (2) Subitem (1) does not apply to the making of an instrument.

### **127 Transitional determinations relating to non-legislative instruments**

- (1) The Secretary may determine in writing that an instrument, other than a legislative instrument, made by the Director-General under the old Act, or under an old legislative instrument, and in force immediately before the commencement of this Part, continues in effect after that commencement as if it had been made by the Secretary under the amended Act or under the amended legislative instrument (as the case requires).
- (2) A determination under subitem (1) may also:
  - (a) provide that a reference in the instrument to AusAID, to the Director-General, or to another person or matter related to AusAID, is instead to be taken to be a reference to the Department, to the Secretary, or to another person or matter related to the Department; or
  - (b) provide for how a thing done under the instrument before the commencement of this Part is to continue to have effect.

**Schedule 1** Amendments  
**Part 5** Transitional provisions

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- (3) A determination under subitem (1) is not a legislative instrument.
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*[Minister's second reading speech made in—  
House of Representatives on 20 November 2013  
Senate on 4 December 2013]*

(228/13)

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