



TRIPLICAT

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Public Service Amendment Regulations 2002 (No. 2)¹

Statutory Rules 2002 No. ²

264

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Public Service Act 1999*.

Dated 30 OCT 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

TONY ABBOTT
Minister for Employment and Workplace Relations
for the Prime Minister

1 Name of Regulations

These Regulations are the *Public Service Amendment Regulations 2002* (No.).

2

2 Commencement

These Regulations commence on 1 December 2002.

3 Amendment of *Public Service Regulations 1999*

Schedule 1 amends the *Public Service Regulations 1999*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3.9

substitute

3.9 Ongoing moves between Agencies (Act s 26)

- (1) For subsection 26 (2) of the Act, this regulation applies if:
 - (a) a written agreement is entered into between an Agency Head and an ongoing APS employee for the APS employee to move to the Agency Head's Agency from another Agency; and
 - (b) the agreement does not specify the period of the move.
- (2) If the move is associated with a promotion:
 - (a) the agreement has effect according to its terms; and
 - (b) the move takes effect as provided by regulation 3.8.
- (3) If the move is not associated with a promotion:
 - (a) the agreement has effect according to its terms; and

- (b) the move takes effect:
 - (i) 4 weeks after the pre-move Agency Head is told by the APS employee of the agreement; or
 - (ii) if a different date of effect is agreed between the post-move Agency Head, the pre-move Agency Head and the APS employee — on the agreed date of effect.
- (4) Paragraph (3) (b) has effect in relation to the move of an SES employee subject to any directions issued by the Commissioner under section 36 of the Act.

3.9A Other moves between Agencies (Act s 26)

- (1) For subsection 26 (2) of the Act, this regulation applies if, after the commencement of this regulation:
 - (a) a written agreement is entered into between an Agency Head and an ongoing APS employee for the APS employee to move to the Agency Head's Agency from another Agency; and
 - (b) the agreement specifies the period of the move.
- (2) If the pre-move Agency Head approved the period, in writing, before the agreement was entered into, the agreement has effect, according to its terms, as an agreement to move to the Agency for the specified period.
- (3) If the pre-move Agency Head did not approve the period, in writing, before the agreement was entered into, the agreement has effect:
 - (a) as an agreement to make an ongoing move to the Agency; and
 - (b) as if the period were not specified.
- (4) The move takes effect:
 - (a) 4 weeks after the pre-move Agency Head is told by the APS employee of the agreement; or
 - (b) if a different date of effect is agreed between the post-move Agency Head, the pre-move Agency Head and the APS employee — on the agreed date of effect.

- (5) Subregulation (4) has effect in relation to the move of an SES employee subject to any directions issued by the Commissioner under section 36 of the Act.

3.9B Variation of period of agreement

- (1) This regulation applies if, after the commencement of this regulation, a post-move Agency Head and an ongoing APS employee vary the length of the period specified in an agreement that:
- (a) is described in subregulation 3.9A (1); and
 - (b) has effect in accordance with subregulation 3.9A (2).
- (2) If the pre-move Agency Head approved the variation of the period, in writing, before the agreement was varied, the variation of the period of the move has effect according to its terms.
- (3) If the pre-move Agency Head did not approve the variation of the period, in writing, before the agreement was varied, the variation of the period of the move has no effect.

[2] Dictionary, after definition of **ongoing APS employee*

insert

post-move Agency means the Agency to which an ongoing APS employee moves in accordance with an agreement under section 26 of the Act.

post-move Agency Head means the Agency Head of a post-move Agency.

pre-move Agency means the Agency from which an ongoing APS employee moves in accordance with an agreement under section 26 of the Act.

pre-move Agency Head means the Agency Head of a pre-move Agency.

Notes

1. These Regulations amend Statutory Rules 1999 No. 300, as amended by 2000 No. 359; 2001 No. 328/
2. Notified in the *Commonwealth of Australia Gazette* on / 2002.

; 2002 No. 214
6 November