
Public Service Bill 2008

Amendments agreed to during Consideration

1 **Clause 21 (Public service offices and their heads)—**

At page 21, line 23, ‘another’—

omit, insert—

‘subject to section 23, another’.

2 **Clause 22 (General provision for application of Acts to public service offices)—**

At page 22, line 11, after ‘office’—

insert—

‘mentioned in section 21(1)(a)’.

3 **Clause 23 (Application of Act to public service offices declared under a regulation)—**

At page 22, lines 26 to 29 and page 23, lines 1 to 16—

omit, insert—

‘(1) This section applies only to a public service office declared under section 21(1)(b).

‘(2) A provision of a regulation (an *application provision*) may provide—

(a) that particular provisions of this Act (the *applied provisions*) are to apply to—

(i) the public service office; or

(ii) persons, other than public service employees, who are employed in the office; and

(b) for the way in which the applied provisions are to apply, including, for example, that they apply with or without change.

- ‘(3) However, an application provision can not reduce an employee’s overall employment conditions, unless—
- (a) the reduction arises out of a change in the employee’s employment; and
 - (b) the change was sought by the employee.
- ‘(4) If an application provision is made for the public service office—
- (a) this Act applies, and only applies, to the following to the extent provided for under the provision—
 - (i) the public service office;
 - (ii) persons, other than public service employees, who are employed in the office; and
 - (b) this Act applies as mentioned in paragraph (a) with necessary changes; and
 - (c) the public service office is a public service office only for this Act as provided under this section and not for the purposes of any other Act.’.

4 Clause 118 (Chapter does not generally apply to chief executives or senior executives)—

At page 67, lines 3 to 12—

omit, insert—

‘118 Application of ch 5

- ‘(1) Subject to subsections (2) and (3), this chapter does not generally apply to chief executives in their capacity as a public service employee or to senior executives.
- ‘(2) The following provisions apply to chief executives—
- (a) in their capacity as public service employees—
 - part 2, division 2
 - part 7
 - sections 127, 137 and 180 to 184;

- (b) in their capacity as persons proposed to be appointed as chief executives—part 6.

Note—

Under section 104, a reference in this Act to the chief executive of a chief executive, or to the chief executive of his or her department, is a reference to the Minister.

- ‘(3) The following provisions apply to senior executives—

- part 2, division 2
- parts 6 and 7
- sections 127, 137 and 180 to 186.

- ‘(4) Subject to subsections (1) to (3), this chapter applies to all public service employees.

Note—

A regulation under section 23 may also apply provisions of this Act to other persons employed in a public service office declared by a regulation under section 21.’.

5 Clause 137 (Suspension other than as disciplinary action)—

At page 77, lines 7 and 8—

omit, insert—

- ‘(4) During the period of the suspension the officer is entitled to normal remuneration, less any amount earned by the officer from alternative employment that the officer engages in during the period.
- ‘(4A) For subsection (4), alternative employment does not include employment if—
- (a) the employee was engaged in the employment at the time of the suspension; and
 - (b) the officer’s engaging in the employment was not in contravention of this Act or an obligation imposed on the officer under a code of conduct—
 - (i) approved under the *Public Sector Ethics Act 1994*;
 - or

- (ii) prescribed under a directive of the commission chief executive.

‘(4B) The deduction under subsection (4) must not be more than the amount of the officer’s normal remuneration during the period of the suspension.’.

6 Clause 191 (Effect of suspension from duty)—

At page 112, lines 17 to 22—

omit, insert—

- ‘(2) During the period of the suspension the officer is entitled to normal remuneration, less any amount earned by the officer from alternative employment that the officer engages in during the period.
- ‘(2A) For subsection (2), alternative employment does not include employment if—
 - (a) the employee was engaged in the employment at the time of the suspension; and
 - (b) the officer’s engaging in the employment was not in contravention of this Act or an obligation imposed on the officer under a code of conduct—
 - (i) approved under the *Public Sector Ethics Act 1994*; or
 - (ii) prescribed under a directive of the commission chief executive.
- ‘(3) The deduction under subsection (2) must not be more than the amount of the officer’s normal remuneration during the period of the suspension.’.

7 Clause 192 (Additional procedures for suspension or termination)—

At page 113, line 8—

omit, insert—

‘191(2); and

- (iii) the effect that alternative employment may, under section 191, have on the entitlement; or’.

8 Clause 228 (Existing tenured senior executives)—

At page 132, after line 2—

insert—

- ‘(4A) Despite section 118(1), sections 135, 136 and 138 apply to the person.’.

9 Clause 243 (Dissolution)—

At page 136, lines 8 to 20—

omit, insert—

‘243 Dissolutions

- ‘(1) On the changeover day—
- (a) the following cease to exist—
 - (i) the office of the former public service commissioner;
 - (ii) the former public service office;
 - (iii) the former service delivery commission; and
 - (b) each SDPC commissioner goes out of office as an SDPC commissioner; and
 - (c) each SDPC commissioner contract ends.
- ‘(2) No amount, whether by way of compensation, reimbursement or otherwise is payable by the State for or in connection with the enactment or operation of subsection (1)(c), other than as expressly provided for under a SDPC commissioner contract.
- ‘(3) To remove any doubt, it is declared that subsections (1)(c) and (2) do not limit or otherwise affect an SDPC commissioner’s right to a benefit or entitlement that, under an SDPC commissioner contract, had accrued or was accruing immediately before the changeover day.

- ‘(4) On the changeover day, a benefit or entitlement mentioned in subsection (3) ceases to accrue and becomes payable as if—
- (a) the SDPC commissioner contract had, according to its terms, been terminated on that day; and
 - (b) the termination is other than by the SDPC commissioner.
- ‘(5) In this section—
- SDPC commissioner* means a commissioner under the repealed Commission Act.
- SDPC commissioner contract* means a contract of employment under section 51 of the repealed Commission Act.’.

10 Schedule 1 (Public service offices and their heads)

At page 141, columns following line 3, after sixth entry—
insert—

‘Family Responsibilities Commission Registry under the <i>Family Responsibilities Commission Act 2008</i>	the commissioner under the <i>Family Responsibilities Commission Act 2008</i> ’.
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11 Schedule 3 (Minor and consequential amendments of other Acts)—

At page 148, after line 24—
insert—

‘Commission for Children and Young People and Child Guardian Act 2000

‘1 Section 120B(2)(b), ‘paragraph (a)’—

omit, insert—
‘subsection (1)’.

**‘2 Schedule 4, definition *CPOPOA disqualification order*,
‘24A’—**

omit, insert—

‘25’.

‘Family Responsibilities Commission Act 2008

‘1 Section 30—

omit, insert—

‘30 Commission is a statutory body

‘(1) The commission is a statutory body under—

(a) the *Financial Administration and Audit Act 1977*; and

(b) the *Statutory Bodies Financial Arrangements Act 1982*
(the *SBFA*).

‘(2) The SBFA, part 2B sets out the way in which the
commission’s powers under this Act are affected by that
Act.’.

12 Schedule 4 (Dictionary)—

At page 158, after line 15—

insert—

‘disqualifying offence see the *Commission for Children and
Young People and Child Guardian Act 2000*, schedule 4.’.