

CLERK

PUBLIC SERVICE AMENDMENT BILL 1978

REPORT TO THE HOUSE

25/1/78
m gills

CHAIRMAN - Mr Speaker - I have to report that the
Public Service Amendment Bill has been considered
in legislation committee and has been agreed to
with amendments.

3.44

Mixon

MINISTER - I move - That consideration of the Report be
made an order of the day for the next sitting.

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aged 15
3.44v

1978
HOUSE OF REPRESENTATIVES
—
LEGISLATION COMMITTEE
ON
PUBLIC SERVICE AMENDMENT BILL 1978

MINUTES OF PROCEEDINGS
WEDNESDAY, 25 OCTOBER 1978

(Bill having been read a second time and referred to a legislation committee on the motion of Mr Viner (Minister Assisting the Prime Minister), for Mr Sinclair (Leader of the House), on 17 October 1978).

The Committee was constituted as follows:

Mr Giles had been appointed Chairman.

GOVERNMENT MEMBERS:

Mr Viner (Member in charge of the Bill)
Mr D. M. Cameron
Mr Dobie
Mr Falconer
Mr Fisher
Mr Haslem
Mr Hodgman
Mr Katter
Mr MacKenzie
Mr Simon
Mr Wilson

OPPOSITION MEMBERS:

Mr Humphreys
Mr L. K. Johnson
Mr J. L. McMahon
Mr Martin
Mr Young

The committee met at 8.03 p.m.

Clauses 1 to 8 agreed to.

Clauses 9 to 11 by leave, taken together, and agreed to.

Clauses 12 to 14 agreed to.

Clause 15 debated.

Mr L. K. Johnson moved—That the clause be postponed.

Debate ensued.

Question—put and passed.

Clauses 16 to 19 agreed to.

Clause 20—

On the motion of Mr Viner, the following amendment was made: Page 10, line 26, omit “Sections 55 to 63”, substitute “Sections 55 to 62”.

Debate continued.

On the motion of Mr Viner, the following further amendments were made:

Page 11, lines 27–37, omit proposed sub-paragraphs (i) and (ii), substitute the following sub-paragraphs:

- “(i) if, at any time after he last performed duty in the Service, he has, in accordance with section 87G, become the holder of an office in the Service—the last office of which he so became the holder;
- (ii) if he is not a person to whom sub-paragraph (i) applies but was the holder of an office when he last performed duty in the Service before his dismissal—that office; or

- (iii) if he is not a person to whom sub-paragraph (i) applies but was an unattached officer performing duty in a Department when he last performed duty in the Service before his dismissal—an office in that Department the duties of which correspond to the duties he was performing, and the classification of which is the same as the classification applicable to him, when he last performed duty in the Service before his dismissal.”

Page 19, lines 13–16, omit proposed sub-section (3), substitute the following sub-section:

- “(3) An officer charged under sub-section (2) may request the Chief Officer to furnish copies of the charge to either or both of the following, that is to say—
- (a) to an organization specified by the officer, being an organization within the meaning of the *Conciliation and Arbitration Act 1904*; or
 - (b) to a person specified by the officer, being a person whom the officer wishes to assist him in relation to the charge,
- and, if the officer makes such a request, the Chief Officer shall comply with the request.”

Page 29, lines 38–40, omit proposed sub-section (4), substitute the following sub-section:

- “(4) A person shall not be appointed as the Chairman of a Disciplinary Appeal Board unless he is or has been a Magistrate or is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years.”

Clause, as amended, further debated and agreed to.

New clause—

On the motion of Mr Viner, the following new clause was inserted in the Bill:

“20A. Section 63 of the Principal Act is renumbered 63U.”

Renumbering

Clauses 21 to 30, by leave, taken together, and agreed to.

Clause 31—

On the motion of Mr Viner, by leave, the following amendments were made together:

Page 73, line 18, after “section 16” insert “or sub-paragraph 19 (2) (b) (iv)”.

Page 96, line 9, after “section 16” insert “or sub-paragraph 19 (2) (b) (iv)”.

On the motion of Mr Viner, the following further amendment was made, after debate: Page 99, line 28, after sub-section (3) insert the following sub-section:

“(3A) Where—

- (a) a person who was a person to whom Division 2 applied—
 - (i) ceased to be such a person by reason of his having retired from employment by a public authority in order to become a candidate for election as a member of a House of the Parliament of the Commonwealth or of a State or of the Legislative Assembly of the Northern Territory or a prescribed legislative or advisory body for another Territory;
 - (ii) retired also from the Service;
 - (iii) was a candidate at the election; and
 - (iv) failed to be elected;
- (b) those retirements took effect not earlier than 1 month before the date on which nominations for the election closed; and
- (c) the person has, upon applications made within 2 months after the declaration of the result of the election, been re-employed by that public authority and re-appointed to the Service under section 47c,

he shall be deemed to have continued in the employment of that public authority as if he had not retired and had been on leave of absence without pay during the period from and including the day on which his retirement became effective to and including the day on which he was so re-employed.”

On the motion of Mr Viner, the following further amendment was made: Page 99, line 30, omit “applies”, substitute “applied”.

Clause, as amended, debated and agreed to.

Clauses 32 to 44, by leave, taken together, and agreed to.

Clause 45—

On the motion of Mr Viner, the following amendment was made: Page 106, line 5, after sub-clause (1) insert the following sub-clause:

“(1A) Section 22 of the *Commonwealth Legal Aid Commission Act 1977* is amended by omitting sub-section (2).”.

Clause, as amended, agreed to.

Clauses 46 to 50, by leave, taken together, and agreed to.

Schedule agreed to.

Postponed clause 15 further debated, and agreed to.

Title agreed to.

Debate, by leave, ensued.

Bill to be reported with amendments.

Committee adjourned at 9.55 p.m.

A. B BROWNING,
Clerk to the committee

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

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PUBLIC SERVICE AMENDMENT BILL 1978

Schedule of the amendments made
in legislation committee

- (1) Clause 20, page 10, line 26, omit "Sections 55 to 63", substitute "Sections 55 to 62".
- (2) Clause 20, page 11, lines 27 to 37, omit proposed sub-paragraphs (i) and (ii), substitute the following sub-paragraphs:
 - "(i) if, at any time after he last performed duty in the Service, he has, in accordance with section 87G, become the holder of an office in the Service—the last office of which he so became the holder;
 - "(ii) if he is not a person to whom sub-paragraph (i) applies but was the holder of an office when he last performed duty in the Service before his dismissal—that office; or
 - "(iii) if he is not a person to whom sub-paragraph (i) applies but was an unattached officer performing duty in a Department when he last performed duty in the Service before his dismissal—an office in that Department the duties of which correspond to the duties he was performing, and the classification of which is the same as the classification applicable to him, when he last performed duty in the Service before his dismissal;"
- (3) Clause 20, page 19, lines 13 to 16, omit proposed sub-section (3), substitute the following sub-section:
 - "(3) An officer charged under sub-section (2) may request the Chief Officer to furnish copies of the charge to either or both of the following, that is to say—
 - (a) to an organization specified by the officer, being an organization within the meaning of the *Conciliation and Arbitration Act 1904*;
 - or

(b) to a person specified by the officer, being a person whom the officer wishes to assist him in relation to the charge, and, if the officer makes such a request, the Chief Officer shall comply with the request.”.

(4) Clause 20, page 29, lines 38 to 40, omit proposed sub-section (4), substitute the following sub-section:

“(4) A person shall not be appointed as the Chairman of a Disciplinary Appeal Board unless he is or has been a Magistrate or is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years.”.

(5) Page 43, after clause 20 insert the following new clause:

Renumbering “ 20A. Section 63 of the Principal Act is renumbered 63U.”.

(6) Clause 31, page 73, line 18, after “ section 16 ” insert “ or subparagraph 19 (2) (b) (iv) ”.

(7) Clause 31, page 96, line 9, after “ section 16 ” insert “ or subparagraph 19 (2) (b) (iv) ”.

(8) Clause 31, page 99, line 28, after sub-section (3) insert the following sub-section:

“(3A) Where—

(a) a person who was a person to whom Division 2 applied—

(i) ceased to be such a person by reason of his having retired from employment by a public authority in order to become a candidate for election as a member of a House of the Parliament of the Commonwealth or of a State or of the Legislative Assembly of the Northern Territory or a prescribed legislative or advisory body for another Territory;

(ii) retired also from the Service;

(iii) was a candidate at the election; and

(iv) failed to be elected;

(b) those retirements took effect not earlier than 1 month before the date on which nominations for the election closed; and

(c) the person has, upon applications made within 2 months after the declaration of the result of the election, been re-employed by that public authority and re-appointed to the Service under section 47C,

he shall be deemed to have continued in the employment of that public authority as if he had not retired and had been on leave of absence without pay during the period from and including the day on which his retirement became effective to and including the day on which he was so re-employed.”.

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- (9) Clause 31, page 99, line 30, omit " applies ", substitute " applied ".
- (10) Clause 45, page 106, line 5, after sub-clause (1) insert the following sub-clause:
- " (1A) Section 22 of the *Commonwealth Legal Aid Commission Act* 1977 is amended by omitting sub-section (2)."



Clerk to the Committee

25 October 1978