



Australian Capital Territory

Public Sector Management Amendment Act 2019

A2019-36

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Australian Capital Territory

Public Sector Management Amendment Act 2019

A2019-36

An Act to amend the *Public Sector Management Act 1994*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Public Sector Management Amendment Act 2019*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Public Sector Management Act 1994*.

Note This Act also amends other legislation (see sch 1).

**4 Appointment to vacant office
Section 68 (1), note**

omit

**5 Promotion to vacant office
Section 83 (1), note**

omit

**6 Transfer to vacant office
Section 92 (1), note**

omit

**7 Simultaneous transfer within administrative unit
Section 93 (2), note**

omit

**8 Transfer between administrative units
Section 94, note**

omit

**9 Re-employment after maternity leave
Section 141 (3), note**

omit

10 New section 242A

insert

242A Authorisation to share certain personal information with relevant union

- (1) This section applies to a person who is engaged as an SES member, or appointed or employed as an officer or employee, after the commencement date if the person—
 - (a) is given a reasonable opportunity to ask that the person’s contact information not be given to a union; and
 - (b) does not ask that the person’s contact information not be given to a union.
- (2) An information holder is authorised to give contact information about the person to the relevant union for the person.
- (3) In this section:

commencement date means the day the *Public Sector Management Amendment Act 2019*, section 3 commences.

contact information, for a person, means—

- (a) the person’s full name; and
- (b) the person’s position in the service; and
- (c) where in the service the person is engaged, appointed or employed to work; and
- (d) the person’s ACT Government email address; and
- (e) the person’s ACT Government phone number.

information holder means—

- (a) the head of service; or
- (b) a public sector employer.

relevant union, for a person, means an employee organisation registered under the *Fair Work (Registered Organisations) Act 2009* (Cwlth)—

- (a) that is—
 - (i) entitled to represent the person’s industrial interests; and
 - (ii) covered by an industrial agreement that applies to the person; or
- (b) for an SES member—that is entitled to represent the SES member’s industrial interests.

11 Dictionary, definition of *eligible person*

after

for appointment,

insert

secondment,

12 Dictionary, new definition of *permanent resident*

insert

permanent resident means—

- (a) a person who holds a permanent visa for the *Migration Act 1958* (Cwlth), section 30; or
- (b) a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cwlth), section 32.

Schedule 1 Long Service Leave Act 1976— Other amendments

(see s 3)

[1.1] Dictionary, note 2

insert

- public employee

[1.2] Dictionary, definition of *employee*

substitute

employee—

(a) includes—

- a person who is remunerated at piecework rates; and
- a part-time employee; and
- a casual employee; but

(b) does not include—

- a public employee; or
- a person employed by a member of the Legislative Assembly under the *Legislative Assembly (Members' Staff) Act 1989*, section 10.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 August 2019.

2 Notification

Notified under the [Legislation Act](#) on 10 October 2019.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Public Sector Management Amendment Bill 2019, which was passed by the Legislative Assembly on 26 September 2019.

Clerk of the Legislative Assembly

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