

**2011**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**ADMINISTRATIVE (ONE ACT PUBLIC SERVICE MISCELLANEOUS  
AMENDMENTS) BILL 2011**

**EXPLANATORY STATEMENT**

**Presented by  
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Chief Minister**

## CONTENTS

<b><u>Background</u></b> .....	<b>3</b>
<b><u>DETAIL</u></b> .....	<b>3</b>
<b>Clause 1</b> Name of Act.....	<b>3</b>
<b>Clause 2</b> Commencement .....	<b>3</b>
<b>Clause 3</b> Legislation amended.....	<b>3</b>
<b>Schedule 1</b> Legislation amended.....	<b>3</b>

## **Background**

The ‘Governing the City State: One ACT Government, One ACT Public Service’ report (the Report) by Dr Allan Hawke AC identifies a need for increased focus on whole-of-Government priorities and improved co-ordination across the work of individual agencies to better serve the interests of the ACT community.

The Report recommends a structure for the ACT Public Service (ACTPS) where ‘all existing Administrative Units in ACTPS be abolished and replaced by a single, unified ACTPS organisation ... reporting to a single Chief Executive who is Head of the ACTPS’ (p4). Further, the Report states that ‘(u)nder the recommended structure, there would be a single agency responsible for supporting the government of the day across a number of service delivery lines’ (p74).

The *Public Sector Management (One ACT Public Service) Amendment Act 2011* (the One ACTPS Act) amends the *Public Sector Management Act 1994* to give effect to these recommendations.

The Administrative (One ACT Public Service Miscellaneous Amendments) Bill 2011 (the Bill) amends legislation because of the enactment of the One ACTPS Act. The Bill makes consequential and transitional amendments to various pieces of legislation.

Schedule 1 of the Bill outlines all of the consequential, technical and transitional amendments arising from the One ACTPS Act.

## **DETAIL**

### **Clause 1**                      Name of Act

This clause names the Act as the *Administrative (One ACT Public Service Miscellaneous Amendments) Bill 2011*.

### **Clause 2**                      Commencement

This clause provides for the bill’s commencement on 1 July 2011.

However, three amendments ( [1.89], [1.90] and [1.244] ) require a different commencement time and this is indicated by the inclusion of special commencement provisions at the end of the relevant amendment. Clause 2 contains an example of a special commencement provision.

### **Clause 3**                      Legislation amended

This clause notes that this Act amends all the legislation listed in Schedule 1.

#### Schedule 1    Legislation amended

Schedule 1 contains minor or technical amendments of legislation arising as a consequence of the One ACTPS Act.

Amendments of this nature include:

- substituting references to chief executive with chief executive officer or executive officer, where appropriate;
- substituting references, in various singular or plural forms, to chief executive with director-general;
- substituting references, in various singular or plural forms, to department with directorate;
- substituting references to chief executive, with head of service, where appropriate;
- substituting a reference to government department with government agency;
- substituting definitions of chief executive with a new definition of director-general

In addition to these minor or technical amendments, Sub Part [1.373] amends the Remuneration Tribunal Act 1995 (RT Act) to include the new office of Head of Service within Schedule 1, as a position to which the RT Act applies.

Schedule 1 also contains minor or technical amendments of legislation initiated by the Parliamentary Counsel's Office. The amendments include the correction of minor errors, improving syntax, inserting or amending references to sections within the PSM Act and other minor changes to update or improve the form of legislation.

Finally, Schedule 1 inserts a number of transitional provisions into the *Children and Young People Act 2008* and the *Public Sector Management Act 1994*. The purpose of these amendments is to enable a smoother operational transition to the One ACT Public Service Structure. For example they ensure that a matter or action initiated by a chief executive prior to the commencement of this bill may be continued by the relevant director-general or agency manager on commencement of the One ACTPS Act.

In relation to the *Public Sector Management Act 1994* the transitional provisions also provide for the current director-general of the Chief Minister and Cabinet Directorate to be the holder of the office of the Head of Service from 1 July 2011, consistent with the announcement of the new arrangements made on 24 March 2011.