



# NORTHERN TERRITORY OF AUSTRALIA

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No. 79 of 1993

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## AN ACT

to amend the *Public Sector Employment and Management Act*

[Assented to 1 December 1993]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### 1. SHORT TITLE

This Act may be cited as the *Public Sector Employment and Management Amendment Act 1993*.

### 2. PRINCIPAL ACT

The *Public Sector Employment and Management Act* is in this Act referred to as the Principal Act.

### 3. DELEGATION BY CHIEF EXECUTIVE OFFICER

Section 27 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) A Chief Executive Officer may, in writing, delegate to -

- (a) an employee employed in (or the holder from time to time of a particular designation or office in) his or her Agency;
  - (b) with the agreement of the Chief Executive Officer of another Agency -
    - (i) the Chief Executive Officer of; or
    - (ii) an employee employed in (or the holder from time to time of a particular designation or office in),
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that other Agency; or

(c) the Commissioner,

any of the Chief Executive Officer's functions or powers under this Act, other than this power of delegation."

4. TRANSFER OF SURPLUS EMPLOYEES

Section 42(1) of the Principal Act is amended by omitting "under that section" and substituting "under this section".

5. PROMOTION APPEALS

Section 55 of the Principal Act is amended -

(a) by omitting from subsection (1) paragraph (b) and all words before that paragraph and substituting "(1) Subject to subsection (2) and section 30(2), an employee aggrieved by the selection of another employee to perform duties in an Agency by way of promotion as referred to in section 30(1)"; and

(b) by omitting subsection (2) and substituting the following:

"(2) Subject to subsection (2A), an employee may not appeal under subsection (1) unless he or she was an applicant for selection, and had he or she been the successful applicant the selection would have amounted to a promotion of the employee, to perform the duties.

"(2A) An employee who was not an applicant for selection to perform duties the subject of advertising referred to in section 30(1)(a) may, with the approval in writing of the Commissioner, appeal under subsection (1) as though he or she were an applicant."

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