



NORTHERN TERRITORY OF AUSTRALIA

No. 28 of 1985

AN ACT

To amend the *Public Service Act*
and certain other Acts

[Assented to 26 June 1985]

BE 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 Service and Statutory Authorities Amendment Act 1985*.

2. PRINCIPAL ACT

The *Public Service Act* is in this Act referred to as the Principal Act.

3. INTERPRETATION

Section 4(1) of the Principal Act is amended by inserting after "Public Service" in the definition of "employee" the words "or a person in respect of whom a prescribed authority is, in an Act constituting it, declared to be a prescribed authority".

4. APPOINTMENT OF PUBLIC SERVICE COMMISSIONER

Section 6 of the Principal Act is amended by omitting sub-sections (4) and (5) and substituting the following:

"(4) The Administrator may at any time terminate the appointment of the Commissioner."

5. REPEAL

Sections 10 and 11 of the Principal Act are repealed.

Public Service and Statutory Authorities Amendment

6. NEW SECTION

The Principal Act is amended by inserting after section 16 the following:

"16A. PERFORMANCE OF CERTAIN DUTIES BY DIRECTION

"(1) The Minister may, in writing, direct an employee to take any action or step that the Commissioner may take by virtue of section 14(2) or (3) and, on being so directed, the employee shall take that action or step in accordance with the direction and has, in relation thereto, all the powers and obligations of the Commissioner under sections 15 and 16, and the power of the Commissioner under section 60(10) to give directions, as if he were the Commissioner.

"(2) In relation to an action or step directed under sub-section (1) to be taken or a power or obligation relating thereto, 'Commissioner' where appearing in sections 14(2) and (3), 15, 16 and 60(10) includes a person directed to take that action or step or so empowered or obliged."

7. DUTIES OF COMMISSIONER

Section 32 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "prescribed authority concerned -" and substituting "prescribed authority concerned, and shall, if so directed (in respect of a Departmental Head or the Chairman or Director of a statutory corporation) by the Minister primarily responsible for the administration of this Act -"; and
- (b) by inserting in sub-section (3), after "the transfer", the words "(other than a transfer as the result of a direction referred to in sub-section (1))".

8. SCHEDULE 2

Schedule 2 to the Principal Act is amended -

- (a) by omitting "Port Authority" and "Ports Act";
- (b) by omitting "Lottery and Gaming Act" and substituting "Racing and Betting Act"; and
- (c) by omitting "Territory Parks and Wildlife Commission" and "Territory Parks and Wildlife Conservation Act".

9. AMENDMENT OF OTHER ACTS

(1) Section 16 of the *Aboriginal Sacred Sites Act* is amended -

Public Service and Statutory Authorities Amendment

- (a) by omitting sub-section (1) and substituting the following:

"(1) The Minister may, by instrument in writing, appoint a person to be the Director of the Authority.

"(1A) The Minister may at any time terminate the appointment of the Director.

"(1B) The Director shall be charged with carrying out the decisions of the Authority.";

- (b) by omitting from sub-section (2) "The Director" and "Administrator" and substituting "Subject to sub-section (1A), the Director" and "Minister" respectively; and

- (c) by adding at the end the following:

"(3) In relation to the Director, the Authority is a prescribed authority within the meaning and for the purposes of the *Public Service Act*."

(2) Section 4 of the *Conservation Commission Act* is amended by inserting after sub-section (2) the following:

"(2A) The Minister may at any time terminate the appointment of the Director."

(3) Section 14(1) of the *Conservation Commission Act* is amended by omitting "The Minister" and substituting "Without limiting the generality of section 4(2A), the Minister".

(4) Section 8 of the *Darwin Port Authority Act* is amended by adding at the end the following:

"(4) The Minister may at any time terminate the appointment of the Chairman."

(5) Section 10(1) of the *Darwin Port Authority Act* is amended by omitting "The Minister" and substituting "Without limiting the generality of section 8(4), the Minister".

(6) Section 22 of the *Darwin Port Authority Act* is amended by omitting "The Port Authority" and substituting "In relation to the Chairman and an employee, the Port Authority".

(7) Section 5 of the *Electricity Commission Act* is amended -

- (a) by omitting from sub-section (5)(b) "hold office" and substituting "subject to sub-section (5A), hold office"; and

- (b) by inserting after sub-section (5) the following:

Public Service and Statutory Authorities Amendment

"(5A) The Administrator may at any time terminate the appointment of the Chairman."

(8) Section 6(3) of the *Electricity Commission Act* is amended by omitting "The Administrator" and substituting "Without limiting the generality of section 5(5A), the Administrator".

(9) The *Electricity Commission Act* is amended by inserting in Part IX, before section 32, the following:

"31A. PRESCRIBED AUTHORITY

In relation to the Chairman and an employee, the Commission is a prescribed authority within the meaning and for the purposes of the *Public Service Act*."

(10) Section 8 of the *Housing Act* is amended -

(a) by omitting from sub-section (1)(b) "holds office" and substituting "subject to sub-section (1A), holds office"; and

(b) by inserting after sub-section (1) the following:

"(1A) The Minister may at any time terminate the appointment of the Chairman."

(11) Section 10(1) of the *Housing Act* is amended by omitting "The Minister" and substituting "Without limiting the generality of section 8(1A), the Minister".

(12) Section 29 of the *Jabiru Town Development Act* is amended by omitting sub-section (3) and substituting the following:

"(3) In relation to the Chairman, and a person employed in the business of the Authority in pursuance of sub-section (2), the Authority is a prescribed authority within the meaning and for the purposes of the *Public Service Act*."

(13) Section 9 of the *Liquor Act* is amended -

(a) by omitting from paragraph (b) "hold office" and substituting "subject to sub-section (3), hold office"; and

(b) by adding at the end the following:

"(2) The Chairman is an employee, within the meaning and for the purposes of the *Public Service Act*, employed in the service of the Commission.

"(3) The Minister may at any time terminate the appointment of the Chairman."

Public Service and Statutory Authorities Amendment

(14) Section 11 of the *Liquor Act* is amended -

(a) by omitting from sub-section (1) "The Minister" and substituting "Without limiting the generality of section 9(2), the Minister"; and

(b) by omitting sub-sections (3) and (4).

(15) Section 12 of the *Racing and Betting Act* is amended -

(a) by inserting before sub-section (1) the following:

"(1A) The Administrator may at any time terminate the appointment of the Chairman."; and

(b) by omitting from sub-section (1) "The Administrator" and substituting "Without limiting the generality of sub-section (1A), the Administrator".

(16) Section 4 of the *Teaching Service Act* is amended -

(a) by omitting sub-section (2) and substituting the following:

"(2) The Administrator may at any time terminate the appointment of the Commissioner."; and

(b) by omitting from sub-section (3)(b) "hold office" and substituting "subject to sub-section (2), hold office".

(17) Section 8 of the *Territory Development Act* is amended by inserting after sub-section (1) the following:

"(1A) The Minister may at any time terminate the appointment of the Chairman.".

(18) Section 11 of the *Territory Development Act* is amended by omitting from sub-section (1) "The Minister" and substituting "Without limiting the generality of section 8(1A), the Minister".

(19) Section 12 of the *Territory Insurance Office Act* is amended by inserting after sub-section (1) the following:

"(1A) The Minister may at any time terminate the appointment of the Chairman.".

(20) Section 15(1) of the *Territory Insurance Office Act* is amended by omitting "The Minister" and substituting "Without limiting the generality of section 12(1A), the Minister".

Public Service and Statutory Authorities Amendment

10. TRANSITIONAL

The amendments effected by this Act apply to and in relation to a person appointed to an office to which the amendments relate as if the amendments were in force at the time the person was appointed to that office.
