

THE NORTHERN TERRITORY OF AUSTRALIA

No. 15 of 1981

AN ACT

To amend the Public Service Act

[Assented to 9 January 1981]

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 Amendment Act (No. 2) 1980.

2. PRINCIPAL ACT

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

3. NEW SECTION

The Principal Act is amended by inserting after section 18 the following section:

"18A. DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

"(1) There is hereby established a Department entitled the Department of the Legislative Assembly of the Northern Territory.

"(2) Subject to this section, a reference in this Act, or an instrument of a legislative or administrative character made, granted or issued under this Act to the Chief Executive Officer shall, in relation to the Department of the Legislative Assembly of the Northern Territory, be read as a reference to the Clerk of the Legislative Assembly.

"(3) Subject to this section, a power, function or duty conferred or imposed by this Act, or an instrument of a legislative or administrative character made, granted or issued under this Act, on the Minister or the Commissioner shall, in relation to the Department of the Legislative Assembly of the Northern Territory, be exercised or performed, as the case may be, by the Speaker.

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"(4) Notwithstanding anything to the contrary contained in this Act, the Regulations or the By-laws -

- (a) the Clerk and Deputy Clerk of the Legislative Assembly shall be appointed by the Administrator on the recommendation of the Speaker; and
- (b) employees, other than the Clerk and Deputy Clerk, who serve in the Department of the Legislative Assembly shall be appointed or promoted, as the case may be, in relation to the Department of the Legislative Assembly of the Northern Territory, by the Clerk.

"(5) By-laws and determinations made under this Act by the Commissioner apply to and in relation to employees who serve in the Department of the Legislative Assembly of the Northern Territory, in respect of their service in that Department, to the extent to which they are not in conflict with a By-law or determination made by the Speaker."

4. DEPARTMENTAL HEADS AND OTHER CHIEF EXECUTIVE OFFICERS

Section 19 of the Principal Act is amended by omitting subsection (8).

5. REPEAL

Section 20 of the Principal Act is repealed.

6. NEW SECTION

The Principal Act is amended by inserting after section 62 the following section:

"62A. RESTRUCTURING OF DEPARTMENTS, &c.

"(1) Where -

- (a) a vacancy in a Department or in the service of a prescribed authority ceases to exist without being filled, whether by reason of the abolition of the Department or prescribed authority or otherwise;
- (b) at the same instant, a vacancy is created in a Department or in the service of a prescribed authority by reason of the taking of an action under section 26(1); and
- (c) the Commissioner is satisfied that the duties of the kind to be performed by the person selected to fill the newly created vacancy are substantially the same as the duties of the kind that would have been performed by the person selected to fill the vacancy that has ceased to exist, if that vacancy had been filled,

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the Commissioner may, by notice in the Gazette, determine that an action taken for the purpose of filling the first-mentioned vacancy before it ceased to exist shall have effect as if, at the time it was taken, the second-mentioned vacancy was in existence and the action had been taken in relation to the second-mentioned vacancy.

"(2) A determination made under sub-section (1) -

(a) is not a By-law;

(b) is subject to such conditions, qualifications and limitations, if any, as are specified in the instrument in which it is made; and

(c) has effect according to its tenor.

"(3) Without limiting the effect of sub-section (2)(b), a determination may be made subject to a qualification that the time within which appeals may be made against a provisional promotion is extended."

7. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 7

AMENDMENTS

Provision of the Principal Act	Amendment	
	Omit	Substitute
4(1)	definition of "Administrator"	
15(2) and (3)	"500 dollars"	"\$500"
18	sub-section (2)	
53(9)(b) and (12)	"40 dollars"	"\$40"
57(4)	"200 dollars"	"\$200"

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Provision of the Principal Act	Amendment	
	Omit	Substitute
60	sub-sections (2) and (3)	
63	sub-sections (2), (3), (4) and (5)	
67	the whole section	