

Serial 195
Public Sector
Employment and
Management
(Consequential
Amendments)
Mr Finch

NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the various Acts consequential on the passing of the Public Sector Employment and Management Act 1993

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 Sector Employment and Management (Consequential Amendment) Act 1993.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the Public Sector Employment and Management Act 1993.

AMENDMENTS

- (1) The provisions of the Acts specified in Schedule 1 are amended as provided for in that Schedule.
- (2) The provisions of the Regulations or Rules specified in Schedule 2 are amended as provided for in that Schedule.

SCHEDULE 1

Provision	Amendment	
	omit	substitute
Abattoirs and Slaughtering Act		
Section 5 - definition of "officer"	"of the Northern Territory"	"an employee as defined in the Public Sector Employment and Management Act"
Administrators Pensions Act	:	
Section 4(b)(i)	"Public Service Act"	"Public Sector Employment and Management Act"
Annual Leave Act		
Section 4(1)	paragraph (a)	"(a) an employee, the Commiss- ioner or a Chief Execu- tive Officer within the meaning of the Public Sector Employment and Manage- ment Act;"
Architects Act		
Section 4 - definition of "practise"	"of the Public Service of the Northern Territory"	"as defined in the Public Sector Employment and Management Act"

Building Act

Section 4(1) - definition of "employee"

the whole definition

"'employee' has the same meaning as it has in the Public Sector Employment and Management Act"

Building Societies Act

Section 6(2)

"within the meaning of the *Public Service Act*"

"as defined in the Public Sector Employment and Management Act"

Business Franchise Act

Section 3(1) - definition of "employee of the Commissioner"

"an employee, within the meaning of the Public Service Act" "an employee as defined in the Public Sector Employment and Management Act"

Business Names Act

Section 4A(1)

"within the meaning of the *Public Service Act*"

"as defined in the Public Sector Employment and Management Act"

Commercial and Private Agents Licensing Act

Section 4(1)(b)

"an employee within the meaning of the Public Service Act" "a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act"

Commercial Passenger (Road) Transport Act Section 5(1) "an employee, within "a Chief Executive the meaning of the Officer or employee, Public Service Act" as defined in the PublicSector Employment and Management Act," Community Welfare Act Section 18(b) "the permanent head, "the Chief Executive within the meaning of Officer, as defined the Public Service in the Public Same of Act, of the depart-Employment and ment" Management Act of the department of the Public Service" Companies (Administration) Act Sections 4(1) "the Public Service "the Public Sector and (3) and 5(3)Act" Employment Management Act" Conservation Commission Act Section 3 the definition of "public servant" Section 4(1) "a public servant" "a person" Section 4(2) "a public servant" "an employee as defined in the Public Sector Employment and Management Act" Section 24 the whole section Consumer Affairs

"who is an employee within the meaning of the *Public Service Act*"

and Fair Trading

Act

Section 6

"as defined in the Sections 10(2)(b) within the meaning of Public Sector the Public Service Act" and (4)(b) and Employment and 11(1)(a) Management Act" Credit Unions Act "as defined in the "within the meaning of Section 8(2) the Public Service Act" Public Sector Employment and Management Act" Criminal Code Section 1 the whole definition "'election' means any election held - definition of "election" under the authority statute any providing for the choice of persons to fill any office or place of a public character; 'employed in the public service' includes employed in an Agency under the Public Sector Employment Management Act;" Crimes Victims Advisory Committee Act "the Chief Executive Section 4(1)(b) "the Departmental Head for the time being" Officer, as defined in the *Public Sector* Employment and Management Act," "the Chief Executive Section 4(1)(d) "the Departmental Head Officer" and (e) for the time being" Dangerous Goods Act Section 5 - definition of the whole definition "public servant" "an employee as Section 8(1) "a public servant" defined in the Public Sector Employment and

Management Act,"

Darwin Port Authority Act

Section 5 - definition of "employee"

the whole definition

"'employee' has the same meaning as it has in the Public Sector Employment and Manage-ment Act:"

Section 8

subsection (2)

Section 22

the whole section

Debits Tax Act

Schedule 2

the words in the fourth column relating to the definition of "officer" in section 3(1) in

column 1

"'officer' means a Chief Executive Officer or employee, as defined in the Public sectorEmployment and Manage-ment Act;"

Dental Act

Section 3 - definition of "employee"

"within the meaning of the Public Service Act"

"as defined in the Public Sector Employment and Management Act"

definition of "Secretary"

the whole definition

"'Secretary' means Chief the Executive Officer, as defined in the PublicsectorEmployment and Management Act, of the Department for the time being primarily responsible under the Minister for the administration of this Act;"

Director of Public Prosecutions Act

Section 4 subsection (3)

Section 9(2)(b) "determines; and" "determines."

Section 9(2) paragraph (c)

Section 23(4) "or of the "or of the Public paragraph (c) Territory" Sector, within the of the definition of "official" meaning of the Public Sector Employment and

Employment ar Management Act,"

Section 31 the whole section

Disasters Act

Section 14(2) "the provisions of the

"the provisions of the Public Sector Public Service Act"

"the Public Sector Employment and Management Act"

Section 24(1)(e) "Departmental Head" "Chief Executive and (f) Officer"

Education Act

Education"

Section 4
- definition of the whole definition
"Department of

"'Department of Education' means the Agency, as defined in Publicthe Sector Employment and Management Act, primarily responsible t o t h e Minister for the administration of

this Act;"

"'Secretary' means the Chief - definition of the whole definition "Secretary" Executive Officer, as defined in the *Public* Sector Employment and Management Act, of the Department of Education;" Section 8 subsection (1) "(a) an employee as Section 9(2) paragraph (a) defined in the PublicSector Employment and Management Act; " paragraphs (c) and (d) "this Act or the "this Act" Teaching Service Act" Section 11(3) paragraph (b) "(b) one member who is an employee as defined in the PublicSector **Employment** and Management Act employed in the Department of Education: " Section 45(1) paragraph (c) "(c) the Chief Executive Officer as defined in the Public Sector Employment and Manage-ment Act, of

the Agency as defined in

Act,

that

primarily

responsible
under its
minister for
employment and
training
matters, or a
nominee of the
Chief Executive
Officer;"

Section 56

subsection (3)

"(3) Subsection (1) does not apply to a member who is an employee as defined in the Public Sector Employment and Management Act."

Electricity Act

Section 3 - definition of "employee"

the whole definition

Section 19(1)

"employee"

"employee of the Authority"

Financial Administration and Audit Act

Section 3 - definition of "accounting officer"

"of a department"

"as defined in the Public Sector Employment and Management Act"

- definition of
"departmental
head"

"means a departmental head within the meaning of the Public Service Act"

"means a Chief Executive Officer of a department"

- definition of "employee" paragraph (a)

"(a) a Chief
Executive Officer
or employee
as defined in the
Public Sector
Employment and
Management Act;"

paragraph (b)

- definition of "Public Service"	"the Public Service of the Northern Territory"	"the Public Sector as defined in the Public Sector Employment and Management Act"	(
- definition of "Public Service Commissioner"	"the Public Service Commissioner for the Northern Territory	"the Commissioner as defined in the Public Sector Employment and Management Act"	(
Section 42	the whole section		
Section 46	the whole section		
Fire Service Act			
Section 34(2)	"Public Service Act"	"Public Sector Employment and Management Act"	
Fisheries Act			
Section 36(1)	"within the meaning of the <i>Public Service Act</i> "	"as defined in the Public Sector Employment and Management Act"	
Health Practitioners and Allied Professional Registration Act	s		
Section 4(1) - definition of "Secretary"	"the Departmental Head, within the meaning of the Public Service Act"	"the Chief Executive Officer, as defined in the Public Sector Employment and Management Act"	
Hospital Management Boards Act	•		
Sections 7(4), 20 and 22(1)(a)	"the <i>Public Service</i> <i>Act</i> "	"the Public Sector Employment and Management Act"	(
Section 24(3)	"the Departmental Head, within the meaning of the Public Service Act"	"the Chief Executive Officer, as defined in the Public Sector Employment and Management Act"	(

Jabiru Town Development Act		
Section 6	"the <i>Public Service</i> Act"	"the Public Sector Employment and Management Act"
Section 29	the whole section	
Juries Act		
Schedule 7	"within the meaning of the <i>Public Service Act</i> " (twice occurring)	"as defined in the Public Sector Employment and Management Act"
Lands Acquisition Act		
Section 17	"the <i>Public Service</i> " <i>Act</i> "	"the Public Sector Employment and Management Act"
Law Officers Act		
Section 8(12)	definition of "Secretary"	"'Secretary' means the Chief Executive Officer, as defined in the Public Sector Employment and Manage- ment Act, of the Depart- ment."
Section 13(3)	"the <i>Public Service</i> " <i>Act</i> "	"the Public Sector Employment and Management Act"
Section 13(4)	"officer of the Public Service"	"employee as defined in the <i>Public Sector</i> <i>Employment and</i> <i>Management Act</i> "
Legal Aid Act		
Section 4(1) - definition of "officer"	"within the meaning of the <i>Public Service Act</i> "	"as defined in the Public Sector Employment and Management Act"

Section 18(1)	"Public Service Commissioner"	"Commissioner, as defined in the Public Sector Employment and Management Act"
Section 20	the whole section	"20. RIGHTS, PRIVI- LEGES AND DUTIES OF OFFICERS An officer who is not the Director has all the rights, privileges and duties of a legal practitioner employed by a person who holds an unres- tricted practising certificate under the Legal Practit- ioners Act."
Section 63(1)(a)	"within the meaning of the <i>Public Service Act</i> "	"as defined in the Public Sector Employment and Management Act"
Section 63(2)	"Public Service Act"	"Public Sector Employment and Management Act"
Liquor Act		
Section 6	subsection (5)	
Section 7(1)(a)	"an employee within the meaning of the Public Service Act"	"a Chief Executive Officer or employee as defined in "the Public Sector Employment and Management Act"
Section 8(1)	"within the meaning of the <i>Public Service</i> <i>Act</i> "	"as defined in the Public Sector Employ ment and Manage- ment Act"

Local Government Grants Commission Act

Section 5(1)

paragraph (b)

"(b) one shall be the Chief Executive Officer of the Agency, within the meaning οf the PublicSector**Employment** and Management Act, primarily responsible t o t h e Minister for the administration of this Act, or his or her nominee."

Section 9

subsection 3

Section 22(2)

"the Public Service

Act"

"the Public Sector Employment and Management Act"

Section 22

subsection (3)

Lotteries and Gaming Act

Section 4D(1)(a)

"the Departmental Head, within the meaning of the Public Service Act"

"the Chief Executive Officer, as defined in the Public Sector Employment and Management Act"

Marine Act

Section 7(1) - definition of "Director"

the whole definition

"'Director' means
the Chief
Executive
Officer, as
defined in
the Public
Sector
Employment
and Management Act, of

the Agency as defined in that Act primarily responsible under the Minister for the administration of this Act;"

- definition of
"employee"

the whole definition

"'employee' has the same meaning as in the Public Sector Employment and Management Act;"

Medical Services Act

Section 5
- definition of
"Secretary"

the whole definition

"'Secretary' means the Chief Executive Officer as defined in the Public S e c t o rEmployment and Manage-ment Act, of the Agency as defined in that Act primarily responsi b l e under the Minister for the administration of this Act;"

Section 9(4)

"within the meaning of the *Public Service Act*" "as defined in the Public Sector Employment and Management Act"

Mining Act

Section 4(1)	
- definition	of
"Secretary"	

the whole definition

"'Secretary' means the Chief Executive Officer as defined in Publicthe Sector**Employment** and Management Act, of the Agency as defined in that Act primarily responsible under the Minister for the administration of this Act;"

Section 5(1)

"persons who are employees within the meaning of the Public Service Act" "an employee as defined in the Public Sector Employment and Management Act"

Mines Safety Control Act

Section 4

- definition of
"Officer"

paragraph (a)

"an employee as defined in the Public Sector Employment and Management Act"

Section 5A

"an employee within the meaning of the Public Service Act" "a Chief Executive or an employee, as defined in the Public Sector Employment and Management Act,"

Motor Vehicles Act

Section 13(2)

"or of the Northern Territory" "or an employee as defined in the Public Sector Employment and Management Act"

Motor Vehicle Dealers Act

Section 5(1) and (2)

"of the Public Service of the Northern Territory" ", as defined in the Public Sector Employment and Management Act,"

Museums and Art Galleries Act

Section 4 - definition of "public servant"

"or of the Territory"

"or a Chief
Executive Officer
or an employee, as
defined in the
Public Sector
Employment and
Management Act"

Northern Territory Aboriginal Sacred Sites Act

Section 15(2)

"Public Service Commissioner" "Commission, as defined in the Public Sector Employment and Management Act"

Section 15

subsection (3)

Section 17(1)

"Public Service Commissioner" "Commissioner, as defined in the Public Sector Employment and Management Act"

Northern Territory Employment and Training Authority Act

Section 3(1)
- definition of
"Secretary"

"Departmental Head, within the meaning of the *Public Service Act*, of the Department"

"Chief Executive Officer, as defined in the Public Sector Employment and Management Act, of the Agency"

Section 81(2)

"within the meaning of the *Public Service*, *Act*"

as defined in the Public Sector Employment and Management Act"

Ombudsman (Northern Territory) Act

Section 3(1) - definition of "authority"

paragraph (a)

"(a) that is an Agency as defined in the Public Sector Employment and Management Act;"

- definition of
"department"

"a department of the Public Service of the Northern Territory" "an Agency as
defined in the
Public Sector
Employment and
Management Act;"

- definition of "principal officer" paragraphs (a) and (b)

- "(a) in relation to a department means the Chief Executive Officer, within the meaning of the PublicSector Employment and Management Act, of the department:
- "(b) in relation to an authority, not being the council or a municipality or an Agency, means the Chairman presiding member for the time being of the authority; and"

Section 3(3)(c)

", or in the Public Service of the Northern Territory," ", or in a department,"

Section 11

the whole section

Section 14(2)(a)	"Public Service Act"	"Public Sector Employment and Management Act"
Ozone Protection Act		
Section 25(1)	"an employee (within the meaning of the Public Service Act,"	"a Chief Executive Officer or employee of the Commission, as defined in the Public Sector Employment and Management Act,"
Parole Orders (Transfer) Act		
Section 12(1)	"an employee within the meaning of the Public Service Act"	"a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act"
Pay-roll Tax Act		
Section 5(1)	"a department within the meaning of the Public Service Act"	"an Agency as defined in the Public Sector Employment and Management Act"
Pet Meat Act		
Section 7(1)	"an employee within the meaning of the Public Service Act"	"a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act"
Section 13	"within the meaning of the <i>Public Service Act</i> "	"as defined in the Public Sector Employment and Management Act"
Petroleum Act		
Section 5(1) - definition of "Secretary"	"departmental head of the Department"	"Chief Executive Officer of the agency as defined in the Public Sector Employment and Management Act"

Pharmacy Act

Section 8(2)

"(not being an employee within the meaning of the Public Service

Act"

"(not being a Chief Executive Officer or employee as defined in the Public Sector Employment and Management Act)"

Plumbers and Drainers Licensing Act

Section 6(a)

the whole paragraph

"(a) an employee as defined in the PublicSectorEmployment and Management Act;"

Poisons and Dangerous Drugs Act

Section 52A(1)

", within the meaning of the *Public Service* Act"

"as defined in the Public Sector Employment and Management Act"

Police Administration Act

Sections 9(2) and 66(3)

"Public Service Act"

"Public Sector Employment and Management Act"

Power and Water Authority Act

Section 18

the whole section

Prevention of Cruelty to Animals Act

Section 15(b)

"of the Public Service of the Territory or of the Commonwealth"

"or employee of the Public Service of the Commonwealth or employee as defined in the Public Sector Employment and Management Act"

Prisons (Arbitral Tribunal) Act

Section 11H

the whole section

Prisons (Correctional Services) Act

Section 6(1)

"an employee, within the meaning of the Public Service Act," "a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act,"

Section 8(1) and 27(3)

"within the meaning of Public Service Act" "as defined in the Public Sector Employment and Management Act"

Public Health Act

Section 5(1)

paragraph (a)

"(a) who is а Chief Executive Officer or employee, as defined in Publicthe sectorEmployment and Management Act; and"

Public Holidays Act

Section 11(6)

paragraph (a)

"(a) a Chief
Executive
Officer or
employee, as
defined in
the Public
Sector
Employment
and Management Act;"

Public Trustee Act

Section 5 - definition of "employee"

the whole definition

"'employee' has the same meaning as it has in the Public Sector Employment and Management Act;"

Racing Commission Act

Section 19

the whole section

Radioactive Ores and Concentrates (Packaging and Transport) Act

Section 3 - definition of "employee"

the whole definition

"'employee' has the same meaning as it has in the Public Sector Employment and Management Act;"

Remuneration Tribunal Act

Section 13

"within the meaning of the *Public Service Act*"

", as defined in the Public Sector Employment and Management Act,"

Soccer Football Pools Act

Section 22

"within the meaning of the *Public Service Act*" ", as defined in the Public Sector Employment and Management Act,"

Stamp Duty Act

Schedule 2 - item 2

"any duly authorized officer of the Territory on account of the Public Service"

"a duly authorized Chief Executive Officer or employee, as defined in the

Public Sector Employment and Management Act, on account of an Agency, within the meaning of that Act"

Strehlow Research Centre Act

Section 16

subsection (2)

Superannuation Act

Section 3(1) - definition of "eligible employee"

paragraph (d)(i)

"(i) a Chief
 Executive Officer or employee, as defined in the Public Sector Employment and Management Act;"

- definition of
 "permanent
 employee"
- paragraph (a)(i)
- "(i) a Chief
 Executive
 Officer or
 employee, as
 defined in
 the Public
 S e c t o r
 Employment
 and Management Act;"

- definition of
 "Public Service"
- the whole definition
- "'Public Service'
 means the
 Public Sector
 as defined in
 the Public
 Sector
 Employment
 and Management Act;"

Supreme Court Act

Section 41G

"Public Service Act"

"Public Service Act or any Act in substitution for that Act"

Section 41H(b)	"(including an employee within the meaning of the <i>Public Service Act</i>)"	"(including an employee as defined in the <i>Public Sector Employment and Management Act</i>)"
Taxation (Administration) Act		
Section 5A(1)	"Public Service Act"	"Public Sector Employment and Management Act"
Section 5B(1)	"appoint a person appointed or employed under the <i>Public Service Act</i> "	"appoint an employee as defined in the Public Sector Employment and Management Act"
Tenancy Act		
Section 6	"an employee within the meaning of the Public Service Act"	"a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act,"
Territory Insurance Office Act		
Sections 11(1) and (2), 13(1), 14, 15(1) and 16(1)	"or an employee as defined in the <i>Public</i> <i>Service Act</i> "	", or a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act"
Territory Parks and Wildlife Conservation Act		
Section 25C(b)	"the <i>Public</i> Service Act, who"	"the <i>Public Sector Employment Management Act</i> , who"
Therapeutic Goods and Cosmetics Act		****
Section 9(1)(b)	"within the meaning of the <i>Public Service</i> <i>Act</i> "	"as defined in the Public Sector Employment and Management Act"

Trade Measurement Administration Act		•
Section 5(1)	"a person who is an employee within the meaning of the <i>Public Service Act</i> "	"a Chief Executive or employee, as defined in the Public Sector Employment and Management Act,"
Section 5(3)	"a person who is an employee within the meaning of the <i>Public Service Act</i> "	"an employee as defined in the Public Sector Employment and Management Act"
Section 6(1)(a)	"a person who is an employee within the meaning of the <i>Public Service Act</i> "	"a Chief Executive or employee, as defined in the Public Sector Employment and Management Act,"
Section 6(1)(b)	"such number persons, also being employees within the meaning of the <i>Public Service Act</i> "	"such number of employees as defined in the <i>Public Sector</i> <i>Employment and</i> <i>Management Act</i> ,"
Traffic Act		
Section 6(1) and (2)	"an employee within the meaning of the Public Service Act"	"a Chief Executive or employee, as defined in the Public Sector Employment and Management Act,"
Veterinary Surgeons Act		
Section 14	"a person who is an employee within the meaning of the <i>Public Service Act</i> "	"an employee as defined in the Public Sector Employment and Management Act"

Work Health Act

Section 3(1) - definition of "Chief Executive Officer"

the whole definition

"'Chief Executive Officer' means t h e Chief Executive Officer, as in defined the Public S e c t o rEmployment and Management Act, of h e Authority;"

Sections 8 and 9 the whole sections

SCHEDULE 2

Provision	Amendment		
	omit	substitute	
Abattoirs and Slaughtering Regulations			
Regulation 48(2)	<i>"Public Service Ordinance"</i>	"Public Holidays Act"	
Cemeteries Regulations			
Regulation 6	"or of the Northern Territory"	"or an employee as defined in the Public Sector Employment and Management Act"	
Crimes (Victims Assistance) Regulations		·	
Regulation 4(a)(ii)	the whole subparagraph	"(ii) the Public S e c t o r Employment and Manage- ment Act and the Regu- lations made under that Act;"	
ducation School Councils) egulation			
egulation 15(3)(b)	"within the meaning of the <i>Public Service Act</i> "	"as defined in the Public Sector Employment and Management Act"	
egulation 15	subregulation 3 (second occurring)	"(4) A person the subject of a direction given under subregulation (2)(a) shall comply with that direction."	

Housing (Government Employees) Sales Scheme Regulations

Schedule
Clause 1
- definition of
"eligible person"

paragraph (a)

"(a) an employee as defined in the Public Sector Employment and Management Act;"

"Commissioner within the meaning of the Public Service Act"

"Commissioner as defined in the Public Sector Employment and Management Act"

Justices Regulations

Regulation 8(b)

the whole paragraph

"(b) an employee, as defined in the PublicSector**Employment** and Management Act, on behalf of the Agency (within the meaning of that Act) in which he or is s h e employed, "

Local Government (Accounting)
Regulations

Regulation 2(1) - definition of "Director"

"an employee, within the meaning of the Public Service Act"

"a Chief Executive Officer or employee, as defined in the Public Sector Employment and Management Act,"

Motor Vehicles (Fees and Charges) Regulations

Schedule - item 3

"the Northern Territory" "an employee as defined in the Public Sector Employment and Management Act"

Work Health Court Rules

Rule 20(8)(c)

"the Public Service Commissioner of the Northern Territory under the Public Service Act" "the Commissioner as defined in the Public Sector Employment and Management Act"