



# Public Employment (Consequential and Transitional) Amendment Act 1999

**Act No. 146 of 1999 as amended**

This compilation was prepared on 5 August 2002

**[This Act was amended by Acts No. 189 of 1997 (as am. by No. 145 of 1999), No. 121 of 2000 and No. 63 of 2002]**

## **Amendment from Act No. 189 of 1997**

[Schedule 1 (item 10) repealed section 12

Schedule 1 (item 10) commenced on 5 December 1999]

(Note: heading to Schedule 1 (item 10) was amended by No. 145 of 1999)

## **Amendment from Act No. 121 of 2000**

[Schedule 2 (item 8) repealed and substituted item 277 of Schedule 1

Schedule 2 (item 8) commenced on 11 November 1999]

## **Amendments from Act No. 63 of 2002**

[Schedule 2 (item 17) amended Heading to Item 95 of Schedule 1

Schedule 2 (item 18) amended Item 98 of Schedule 1

Schedule 2 (item 19) amended Item 99 of Schedule 1

Schedule 2 (item 20) repealed Heading before item 339 of Schedule 1

Schedule 2 (item 21) added Heading before item 339 of Schedule 1

Schedule 2 (item 22) amended Heading to item 339 of Schedule 1

Schedule 2 (item 23) repealed Items 472 to 478 of Schedule 1

Schedule 2 (item 24) amended Heading to item 552 of Schedule 1

Schedule 2 (item 25) repealed Item 597 of Schedule 1

Schedule 2 (item 26) repealed Item 602 of Schedule 1

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Schedule 2 (item 27) amended Item 838 of Schedule 1  
Schedule 2 (item 28) amended Item 839 of Schedule 1  
Schedule 2 (item 29) amended Heading to item 935 of Schedule 1  
Schedule 2 (items 17-29) commenced on 5 December 1999]

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**An Act to deal with consequential and transitional matters arising from the repeal of the *Public Service Act 1922* and the enactment of the *Public Service Act 1999*, and for other purposes**

[Assented to 11 November 1999]

The Parliament of Australia enacts:

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *Public Employment (Consequential and Transitional) Amendment Act 1999*.

**2 Commencement**

- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (3) If:
  - (a) an item (the **amending item**) of a Schedule to this Act is expressed to amend another Act (the **amended Act**); and
  - (b) the whole of the amended Act is expressed to commence at one time; and
  - (c) at the time when the *Public Service Act 1999* commences, the amended Act:
    - (i) has not yet been enacted; or
    - (ii) has been enacted but has not yet commenced;then the amending item commences immediately after the commencement of the amended Act.
- (4) If:

Section 2

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- (a) an item (the *amending item*) of a Schedule to this Act is expressed to amend, or to amend a part of, a section (the *amended section*) of another Act; and
  - (b) at the time when the *Public Service Act 1999* commences, the amended section:
    - (i) has not yet been enacted; or
    - (ii) has been enacted but has not yet commenced;then the amending item commences immediately after the commencement of the amended section.
- (5) If:
- (a) an item (the *amending item*) of a Schedule to this Act is expressed to amend, or to amend a part of, a specified subsection or definition (the *amended provision*); and
  - (b) at the time when the *Public Service Act 1999* commences, the amended provision:
    - (i) has not yet been enacted; or
    - (ii) has been enacted but has not yet commenced;then the amending item commences immediately after the commencement of the amended provision.
- (6) If an item (the *amending item*) of a Schedule to this Act is expressed to amend another Act, but that other Act is repealed at or before the commencing time, then the amending item never commences.
- (7) If the *Employment and Training Amendment Act 1999* commences before the commencing time, then items 402, 403 and 404 of Schedule 1 to this Act never commence. If the *Employment and Training Amendment Act 1999* commences at or after the commencing time, then items 405 and 406 of Schedule 1 to this Act never commence.



## **Part 2—Repeals and amendments**

### **3 Schedule(s)**

- (1) Subject to section 2 and this section, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) If, at the commencing time, subsection 43(2) of the *Human Rights and Equal Opportunity Commission Act 1986* refers to the President (rather than the Commission), then the item in Schedule 1 to this Act that replaces subsection 43(2) of that Act takes effect as if “President” were substituted for “Commission” (wherever occurring) in the replacement subsection.
- (3) If, at the commencing time, subsection 43(2) of the *Human Rights and Equal Opportunity Commission Act 1986* refers to the Commission (rather than the President), then the first amendment of that subsection after the commencing time that substitutes “President” for “Commission” applies to “Commission” (wherever occurring).

## Part 3—Transitional provisions

### 4 Interpretation

In this Part, unless the contrary intention appears:

*Agency* means an Agency within the meaning of the new Act.

*Agency Head* means an Agency Head within the meaning of the new Act.

*APS employee* means an APS employee within the meaning of the new Act.

*classification* includes a level.

*Code of Conduct* means the Code of Conduct within the meaning of the new Act.

*continuing employee* means a person who was a continuing employee for the purposes of Division 10 of Part III of the old Act immediately before the commencing time.

*continuing SES officer* means an SES officer under the old Act, other than a fixed-term SES officer.

*core Department* means a Department as defined in subsection 25(9) of the old Act.

*corresponding Agency* means:

- (a) for an unattached officer under the old Act who was included in an old Act Department under subsection 33C(2) of the old Act immediately before the commencing time:
  - (i) the Agency that corresponds to that Department; or
  - (ii) if that Department no longer existed immediately before the commencing time—the Agency that corresponds to the old Act Department that was responsible, immediately before the commencing time, for the matter to which the officer's duties related, or mainly related,

at the time when the officer last became an unattached officer; and

- (b) for an officer under the old Act (other than an unattached officer)—the Agency that corresponds to the old Act Department in which the officer was an officer immediately before the commencing time; and
- (c) for an employee under the old Act—the Agency that corresponds to the old Act Department in which the employee was an employee immediately before the commencing time.

***disciplinary direction*** means a direction under section 62, 63, 63K, 63L or 63M of the old Act (including those sections as applied by regulations made for the purposes of section 63T of the old Act).

***eligible public employment*** means eligible public employment within the meaning of Part IV of the old Act.

***first-tier person*** means:

- (a) a person to whom Division 2 of Part IV of the old Act applied immediately before the commencing time; and
- (b) a person to whom the *Officers' Rights Declaration Act 1928* applied immediately before the commencing time because of section 87TA of the old Act.

***fixed-term Secretary*** means a Secretary of a core Department who holds office on a fixed-term basis.

***fixed-term SES officer*** means a person who held an appointment under section 44 of the old Act immediately before the commencing time.

***locally engaged employee*** means a person engaged under section 74 of the new Act.

***Merit Protection Act*** means the *Merit Protection (Australian Government Employees) Act 1984*.

***modifications*** includes additions, omissions and substitutions.

***new Act*** means the *Public Service Act 1999*.

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***new Act Department*** means a Department within the meaning of the new Act.

***new Act Secretary*** means a Secretary within the meaning of the new Act.

***non-SES officer*** means an officer under the old Act, other than an SES officer.

***old Act*** means the *Public Service Act 1922*.

***old Act Department*** means a Department within the meaning of the old Act.

***old Act employee*** means an employee within the meaning of the old Act.

***old Act officer*** means an officer within the meaning of the old Act.

***overseas engaged employee*** means a person engaged under section 82AF of the old Act.

***Parliamentary Department*** means a Parliamentary Department within the meaning of section 9B of the old Act.

***pre-commencement misconduct*** means conduct of an old Act officer or old Act employee before the commencing time that was misconduct for the purposes of Subdivision C, D or E of Division 6 of Part III of the old Act.

***second-tier person*** means:

- (a) a person to whom Division 3 of Part IV of the old Act applied immediately before the commencing time; or
- (b) a person who becomes a second-tier person under subsection 6(6) of this Act.

***Statutory Agency*** means a Statutory Agency within the meaning of the new Act.

***statutory instrument*** means:

- (a) a law of the Commonwealth (other than the new Act); or
- (b) a law of a Territory; or

- (c) an instrument having effect under a law covered by paragraph (a) or (b).

***term employee*** means a person who, immediately before the commencing time, was:

- (a) a short-term or fixed-term employee for the purposes of Division 10 of Part III of the old Act; or
- (b) a person employed under section 82AG of the old Act.

***transitional 82D determination*** means a determination under section 82D of the old Act that is in force immediately before the commencing time, subject to any amendments that are prescribed by the regulations under this Act.

***transitional period***, in relation to a first-tier person, means the period that starts at the commencing time and ends at the earliest of the following times:

- (a) the period prescribed by the regulations for the purposes of this paragraph;
- (b) the time when the person ceases to be engaged in eligible public employment;
- (c) the time when the person resigns or retires as an APS employee;
- (d) the end of the relevant period (as defined in subsection 87D(5) of the old Act).

***unattached Secretary*** has the same meaning as in the old Act.

## **5 Conversion of officers, employees etc.**

### *Fixed-term Secretaries*

- (1) At the commencing time, a fixed-term Secretary becomes a Secretary of the corresponding new Act Department, as if he or she had been appointed as a Secretary under the new Act for a period equal to the unexpired part of the fixed term.

### *Public Service Commissioner*

- (2) At the commencing time, the person holding office as the Public Service Commissioner under the old Act becomes the Public

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Service Commissioner under the new Act, as if he or she had been appointed as the Public Service Commissioner under the new Act for a period equal to the unexpired part of his or her term under the old Act.

*Merit Protection Commissioner*

- (3) At the commencing time, the person holding office as the Merit Protection Commissioner under the *Merit Protection (Australian Government Employees) Act 1984* becomes the Merit Protection Commissioner under the new Act, as if he or she had been appointed as the Merit Protection Commissioner under the new Act for a period equal to the unexpired part of his or her term under the *Merit Protection (Australian Government Employees) Act 1984*.

*Fixed-term SES officer*

- (4) At the commencing time, a fixed-term SES officer becomes an SES employee:
- (a) in the corresponding Agency; and
  - (b) with a corresponding classification;
- as if he or she had been engaged as an APS employee under the new Act for a period equal to the unexpired part of the fixed term.

*Continuing SES officer*

- (5) At the commencing time, a continuing SES officer becomes an SES employee:
- (a) in the corresponding Agency; and
  - (b) with a corresponding classification;
- as if he or she had been engaged as an ongoing APS employee under the new Act.

*Non-SES officers*

- (6) At the commencing time, a non-SES officer becomes a non-SES employee:
- (a) in the corresponding Agency; and
  - (b) with a corresponding classification;

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as if he or she had been engaged as an ongoing APS employee under the new Act.

*Term employees*

- (7) At the commencing time, a term employee becomes a non-SES employee:
- (a) in the corresponding Agency; and
  - (b) with a corresponding classification;
- as if he or she had been engaged as an APS employee under the new Act for a period equal to the unexpired part of the period of engagement under the old Act.

*Continuing employees*

- (8) At the commencing time, a continuing employee becomes a non-SES employee:
- (a) in the corresponding Agency; and
  - (b) with a corresponding classification;
- as if he or she had been engaged as an ongoing APS employee under the new Act.

*Overseas-engaged employees*

- (9) At the commencing time, an overseas-engaged employee becomes a non-SES employee:
- (a) in the corresponding Agency; and
  - (b) in an equivalent capacity;
- as if he or she had been engaged as a locally engaged employee under the new Act.

*New Act applies*

- (10) Except where this Act expressly provides otherwise, the new Act applies to a person who is taken, under this section, to have been appointed or engaged under the new Act in the same way as it applies to persons actually engaged or appointed under the new Act.

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**6 Rights under Part IV of the old Act—first tier**

- (1) During the transitional period, a first-tier person is taken to be absent from duty as an APS employee, on leave without pay.
- (2) Service by a first-tier person in eligible public employment during the transitional period is counted, for the purposes of accrual of recreation leave credits and sick leave credits, as if it were service as an APS employee.
- (3) A first-tier person is taken to have resigned as an APS employee at the end of the transitional period unless, before the end of the transitional period:
  - (a) the person has given notice in writing to the Agency Head, stating that the person intends to resume duties as an APS employee on the first working day after the end of the transitional period; or
  - (b) the person has been granted leave for a period that consists of, or includes, the first working day after the end of the transitional period.
- (4) If a person:
  - (a) gives a notice under paragraph (3)(a) of this section; and
  - (b) is absent from duty without leave on the first working day after the end of the transitional period;the person is taken to have resigned as an APS employee at the end of that first working day.
- (5) If a person would have ceased to be an officer under the old Act at a particular time because of section 87JA or 87JB of the old Act (if the old Act had not been repealed), then the person is taken to have resigned as an APS employee at that time.
- (6) If the transitional period for a first-tier person ends at the end of the relevant period (as defined in subsection 87D(5) of the old Act), then the person becomes a second-tier person at the end of that relevant period.



**7 Rights under Part IV of the old Act—second tier**

- (1) A second-tier person is entitled to be engaged as an APS employee, in accordance with the regulations, within the time limits prescribed by the regulations.
- (2) Regulations made for the purposes of subsection (1) may prescribe exceptions to the entitlement.

**8 Retirement and redeployment of Secretaries**

Subject to any modifications prescribed by the regulations, Division 8A of Part III of the old Act continues to apply (as if the old Act had not been repealed) to a person who was an unattached Secretary under the old Act immediately before the commencing time.

**9 Determinations under section 82D of the old Act**

- (1) At the commencing time, each Agency Head is taken to have made a determination (a *continued determination*) under section 24 of the new Act containing the terms of each transitional 82D determination.
- (2) A continued determination may be amended or revoked by the Agency Head in the same way as if it had actually been made under section 24 of the new Act.
- (3) Unless it is sooner revoked, a continued determination (including any amendments made by an Agency Head under section 24 of the new Act) ceases to be in force on the third anniversary of the commencing time.

**10 Misconduct**

- (1) An Agency Head may, under section 15 of the new Act, impose the same sanctions on an APS employee in the Agency for pre-commencement misconduct as the Agency Head could have imposed on the employee for that conduct under that section if the conduct had happened after the commencing time.

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- (2) Subsection (1) does not apply to conduct for which a person was charged under the old Act before the commencing time.
- (3) For the purposes of this section, the procedures referred to in section 15 of the new Act apply in determining whether:
  - (a) conduct was misconduct for the purposes of Subdivision C, D or E of Division 6 of Part III of the old Act; and
  - (b) conduct would have been a breach of the Code of Conduct if the conduct had happened after the commencing time.

### 11 Secretaries of core Departments

- (1) At the commencing time, the name of each Secretary of a core Department is amended by changing “Secretary to” to “Secretary of”.
- (2) In any statutory instrument:
  - (a) a reference to the Secretary to a Department includes a reference to the Secretary of a Department; and
  - (b) a reference to the Secretary to a specified Department includes a reference to the Secretary of the specified Department.

### 13 References in statutory instruments to “officer” etc.

- (1) In any statutory instrument (other than the *Acts Interpretation Act 1901*), unless the contrary intention appears:
  - (a) references in general terms to an officer include references to a new Act Secretary or an APS employee; and
  - (b) references to an officer of the Commonwealth include references to a new Act Secretary or an APS employee; and
  - (c) references to an officer or employee of a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and
  - (d) references to a person occupying, holding or performing the duties of an office in a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and

- (e) references to an employee of a particular Department include references to a locally engaged employee in that Department; and
  - (f) references in general terms to an office include references to a position occupied by an APS employee; and
  - (g) references to an office in a particular Department or Statutory Agency include references to a position occupied by an APS employee in that Department or Statutory Agency.
- (2) If a reference in a statutory instrument to “the Department” is read as a reference to a particular Department because of subsection 19A(3) of the *Acts Interpretation Act 1901*, then that reference to “the Department” is a reference to a particular Department for the purposes of this section.

## **14 Regulations**

- (1) The Governor-General may make regulations prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The following subsections do not, by implication, limit subsection (1).
- (3) Regulations may be made:
  - (a) in relation to the continuation of the following things under the old Act or the Merit Protection Act, and their effects under the new Act:
    - (i) processes relating to appointment, re-instatement, transfer, promotion, advancement, classification or retirement;
    - (ii) inquiries into pre-commencement misconduct for which a person was charged under the old Act before the commencing time;
    - (iii) appeals against disciplinary directions;
    - (iv) the performance of functions under Subdivision FA of Division 2 of Part II of the Merit Protection Act;
    - (v) the review of decisions under Division 3 of Part II of the Merit Protection Act;

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- (vi) the investigation of grievances under Division 4 of Part II of the Merit Protection Act; and
  - (b) in relation to the continuation under the new Act of suspensions that were in force under the old Act immediately before the commencing time; and
  - (c) in relation to:
    - (i) the review of decisions made under the old Act before the commencing time; and
    - (ii) the effects, under the new Act, of those reviews; and
    - (iii) the powers available to a person or body conducting such a review; and
  - (d) providing for the powers available to a person conducting a review referred to in paragraph (c); and
  - (e) in relation to arrangements, agreements and other things under Division 9 of Part III of the old Act; and
  - (f) for other matters of a transitional or saving nature arising from:
    - (i) the repeal of the old Act or the Merit Protection Act; or
    - (ii) the transition from the old Act to the new Act;including such matters arising from the amendments made by a Schedule to this Act or from amendments made by regulations under this section.
- (4) Regulations made under subsection (3):
- (a) may provide for the old Act or the Merit Protection Act to continue in force for the purposes of the regulations, even though those Acts are repealed by this Act; and
  - (b) prevail over the old Act, the new Act, the Merit Protection Act and section 13 of this Act, to the extent of any inconsistency.
- (5) The regulations may:
- (a) amend other Acts, by making amendments of a kind that are consequential on the repeal of the old Act and its replacement by the new Act; and
  - (b) make provision of a transitional or saving nature in relation to amendments made under paragraph (a).

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- (6) For the purposes of the *Amendments Incorporation Act 1905*, amendments made by regulations under paragraph (5)(a) are to be treated as if they had been made by an Act.
- (7) Regulations made under this section within one year after the commencement of this section may commence on a day earlier than the day on which they are made, but not earlier than the commencement of this section.
- (8) This section does not, by implication, limit any other section of this Act that provides for the making of regulations.

## Schedule 1—Repeals and amendments

### *Aboriginal and Torres Strait Islander Commission Act 1989*

#### **1 Subsection 35(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

#### **2 Subsection 49(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

#### **3 Subsection 55(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

#### **4 Subsection 55(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
- (b) the Chief Executive Officer is the Head of that Statutory Agency.

#### **5 Subsection 77C(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

#### **6 Subsection 77E(1)**

Omit “officers of the Australian Public Service who are members of the Senior Executive Service”, substitute “SES employees”.

#### **7 Subsection 124C(1)**

Omit “officers of the Australian Public Service who are members of the Senior Executive Service”, substitute “SES employees”.

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**8 Subsection 124E(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, an”, substitute “An”.

**9 Subsection 127D(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**10 Subsection 143P(1)**

Omit “officers of the Australian Public Service who are members of the Senior Executive Service”, substitute “SES employees”.

**11 Subsection 143Z(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**12 Subsection 144K(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**13 Subsection 144R(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**14 Subsection 144R(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the TSRA General Manager and the APS employees assisting the TSRA General Manager together constitute a Statutory Agency; and
- (b) the TSRA General Manager is the Head of that Statutory Agency.

**15 Subsection 144ZK(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**16 Subsection 144ZM(1)**

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Omit “officers of the Australian Public Service who are members of the Senior Executive Service”, substitute “SES employees”.

**17 Subsection 192D(2)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**18 Subsection 200(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**19 Subsection 200(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the General Manager of Aboriginal Hostels Limited, and the APS employees assisting Aboriginal Hostels Limited, together constitute a Statutory Agency; and
  - (b) the General Manager of Aboriginal Hostels Limited is the Head of that Statutory Agency.

***Aboriginal and Torres Strait Islander Heritage Protection Act 1984***

**20 Subsection 30(2)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999* (the *public servant*)”.

**21 Subsection 30(2)**

Omit “officer” (second and third occurring), substitute “public servant”.

***Aboriginal and Torres Strait Islander Heritage Protection Act 1999***

**22 Subsection 14(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

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**23 Subsection 16(1)**

Omit “officers of the Australian Public Service who are members of the Senior Executive Service”, substitute “SES employees”.

**24 Section 20**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**25 Subsection 79(5) (paragraph (b) of the definition of authorised person)**

Repeal the paragraph, substitute:

- (b) a person appointed or engaged under the *Public Service Act 1999* who is authorised in writing by the Attorney-General under this section.

**26 Subsection 80(2)**

Omit “a person who holds or performs the duties of a Senior Executive Service office under the *Public Service Act 1922*”, substitute “an SES employee or acting SES employee”.

***Aboriginal Councils and Associations Act 1976***

**27 Subsection 4(4)**

Omit “officers of the Australian Public Service”, substitute “persons engaged under the *Public Service Act 1999*”.

***Aboriginal Land Rights (Northern Territory) Act 1976***

**28 Paragraph 23E(3)(b)**

Omit “Permanent Head” (wherever occurring), substitute “Secretary”.

**29 Paragraph 54C(2)(b)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999* (the *public servant*)”.

**30 Subsection 54C(2)**

Omit “the officer” (wherever occurring), substitute “the public servant”.

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**31 Section 59**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***ACIS Administration Act 1999***

**32 Subsection 115(1)**

Omit “an SES officer (within the meaning of the *Public Service Act 1922*)”, substitute “an SES employee”.

***Acts Interpretation Act 1901***

**33 After section 17**

Insert:

**17AA Definitions relating to the Australian Public Service**

In any Act, unless the contrary intention appears:

*acting SES employee* has the same meaning as in the *Public Service Act 1999*.

*APS employee* has the same meaning as in the *Public Service Act 1999*.

*SES employee* has the same meaning as in the *Public Service Act 1999*.

**34 Paragraph 19B(3)(a)**

Omit “the holder of which was, by virtue of section 25 of the *Public Service Act 1922*, the Secretary of a Department”, substitute “of Secretary of a Department within the meaning of the *Public Service Act 1999*”.

**35 Paragraph 19BA(3)(a)**

Omit “the holder of which is, by virtue of section 25 of the *Public Service Act 1922*, the Secretary of a Department”, substitute “of Secretary of a Department within the meaning of the *Public Service Act 1999*”.

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**36 At the end of section 19C**

Add:

(2) In this section:

*officer* includes an APS employee.

**37 At the end of section 21**

Add:

(2) In this section:

*office* includes a position occupied by an APS employee.

*officer* includes an APS employee.

**38 At the end of section 25B**

Add:

(3) In this section:

*office* includes a position occupied by an APS employee.

**39 After subsection 33(2)**

Insert:

(2AA) In subsection (2), *office* includes a position occupied by an APS employee.

**40 At the end of section 33A**

Add:

(2) In this section:

*office* includes a position occupied by an APS employee.

***Administrative Appeals Tribunal Act 1975***

**41 Subsection 12(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**42 Subsection 24G(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**43 Subsection 24N(3)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**44 Subsection 24N(4)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head within the meaning of the *Public Service Act 1999*”.

**45 Subsection 24N(4)**

Omit “the Department”, substitute “the Agency”.

**46 Section 24P**

Repeal the section, substitute:

**24P Statutory Agency etc. for purposes of Public Service Act**

For the purposes of the *Public Service Act 1999*:

- (a) the Registrar and the APS employees assisting the Registrar together constitute a Statutory Agency; and
- (b) the Registrar is the Head of that Statutory Agency.

**47 Section 57**

Omit “appointed or employed under the *Public Service Act 1922-1975*”, substitute “engaged under the *Public Service Act 1999*”.

***Administrative Arrangements Act 1987***

**48 Subsection 19(1)**

Omit all the words after “include, references”, substitute “to an SES employee, or acting SES employee, in the Department who is specified in the notice”.

**49 Subsection 19(2)**

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Omit all the words after “the specified”, substitute “SES employee or acting SES employee”.

***Administrative Decisions (Judicial Review) Act 1977***

**50 Paragraph (r) of Schedule 2**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**51 Paragraph (s) of Schedule 2**

Repeal the paragraph.

**52 Subparagraph (t)(ii) of Schedule 2**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**53 Paragraph (w) of Schedule 2**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Affirmative Action (Equal Employment Opportunity for Women) Act 1986***

**54 Subsection 29(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**55 Subsection 29(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

***Aged Care Act 1997***

**56 Clause 1 of Schedule 1 (definition of officer)**

Repeal the definition.

***Aged Care Income Testing Act 1997***

**57 Section 3 (definition of officer)**

Repeal the definition.

***Agricultural and Veterinary Chemicals (Administration) Act 1992***

**58 Paragraph 11(1)(e)**

Repeal the paragraph, substitute:

(e) a person appointed or engaged under the *Public Service Act 1999*;

**59 Section 39**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**60 Paragraph 46(1)(a)**

Omit “Departments of the Australian Public Service”, substitute “Agencies (within the meaning of the *Public Service Act 1999*)”.

**61 Subsection 69F(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Act 1994***

**62 Subsection 18(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Aircraft Noise Levy Collection Act 1995***

**63 Paragraph 10(3)(a)**

Repeal the paragraph, substitute:

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(a) an SES employee, or acting SES employee, in the Department; or

**64 Subsection 14(3)**

Omit “the holder of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**65 Subsection 17(2)**

Omit “the holder of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**66 Paragraph 18(3)(a)**

Repeal the paragraph, substitute:

(a) an SES employee, or acting SES employee, in the Department; or

*Airline Equipment (Loan Guarantee) Act 1972*

**67 Subparagraph 4(d)(i)**

Omit “officers employed in the Commonwealth Service”, substitute “APS employees”.

**68 Subparagraph 4(d)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act 1976*

**69 Subparagraph 5(d)(i)**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**70 Subparagraph 5(d)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act 1977*

**71 Subparagraph 5(d)(i)**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**72 Subparagraph 5(d)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act 1978*

**73 Subparagraph 5(d)(i)**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**74 Subparagraph 5(d)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act (No. 2) 1978*

**75 Subparagraph 6(e)(i)**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**76 Subparagraph 6(e)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act 1980*

**77 Subparagraph 5(e)(i)**

Omit “officers of the Australian Public Service”, substitute “APS employees”.

**78 Subparagraph 5(e)(ii)**

Omit “officers”, substitute “APS employees”.

*Airline Equipment (Loan Guarantee) Act 1981*

**79 Subparagraph 5(e)(i)**

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Omit “officers of the Australian Public Service”, substitute “APS employees”.

**80 Subparagraph 5(e)(ii)**

Omit “officers”, substitute “APS employees”.

*Airports Act 1996*

**81 Paragraph 244(1)(b)**

Repeal the paragraph, substitute:

(b) an SES employee or acting SES employee whether or not in the Department;

**82 Subsection 244(2)**

Repeal the subsection.

**83 Subsection 249(3)**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**84 Subsection 249(7) (definition of Senior Executive Service office)**

Repeal the definition.

*Air Services Act 1995*

**85 Subsection 30(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

*Albury-Wodonga Development Act 1973*

**86 Subsection 3(1) (definition of Australian Public Service)**

Omit “service established under the *Public Service Act 1922-1973*”, substitute “APS within the meaning of the *Public Service Act 1999*”.

**87 Paragraph 8(1)(e)**

Omit “for Departments”, substitute “for Agencies (within the meaning of the *Public Service Act 1999*)”.

**88 Paragraph 8(1)(e)**

Omit “those Departments”, substitute “those Agencies”.

**89 Subsection 21(3)**

Omit “the Secretary of any Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**90 Subsection 21(3)**

Omit “the Department”, substitute “the Agency”.

**91 Section 22**

Repeal the section.

***A New Tax System (Australian Business Number) Act 1999***

**92 Subparagraph 30(3)(c)(i)**

Repeal the subparagraph, substitute:

- (i) an Agency Head (within the meaning of the *Public Service Act 1999*) for the purposes of legislation administered by the Agency Minister (within the meaning of that Act); or

**93 Subparagraph 30(3)(d)(i)**

Repeal the subparagraph, substitute:

- (i) an Agency Head (within the meaning of the *Public Service Act 1999*) for the purposes of legislation administered by the Agency Minister (within the meaning of that Act); or

**94 Section 41 (paragraph (c) of the definition of government entity)**

Repeal the paragraph, substitute:

- (c) an Executive Agency, or Statutory Agency, within the meaning of the *Public Service Act 1999*; or
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***A New Tax System (Commonwealth-State Financial Arrangements) Act 1999***

**95 Subsection 21(1)**

Omit “an SES officer (within the meaning of the *Public Service Act 1922*)”, substitute “an SES employee”.

***ANL Guarantee Act 1994***

**96 Subsection 5(1)**

Omit “an officer in the Senior Executive Service”, substitute “a person who is an SES employee or acting SES employee”.

**97 Subsection 5(2)**

Omit “officer”, substitute “person”.

***Anti-Personnel Mines Convention Act 1998***

**98 Paragraph 29(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, whether or not in the Department;

**99 Paragraph 29(3)(d)**

Repeal the paragraph, substitute:

- (d) an SES employee, or acting SES employee, whether or not in the Department;

***Archives Act 1983***

**100 Subsection 3(1) (definition of Director-General)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**101 Subsection 7(1)**

Omit “hold office under the *Public Service Act 1922*”, substitute “be a person appointed or engaged under the *Public Service Act 1999*”.

**102 Section 9**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**103 Paragraph 34(8)(a)**

Repeal the paragraph, substitute:

- (a) the Secretary of a Department (within the meaning of the *Public Service Act 1999*); or

***Auditor-General Act 1997***

**104 Subsection 40(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**105 After subsection 40(1)**

Insert:

(1A) For the purposes of the *Public Service Act 1999*:

- (a) the Auditor-General and the APS employees assisting the Auditor-General together constitute a Statutory Agency; and
- (b) the Auditor-General is the Head of that Statutory Agency.

**106 Subclause 4(1) of Schedule 1**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Australia Council Act 1975***

**107 Subsection 12(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**108 Subsection 16(5)**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**109 Subsection 19C(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Australia-Japan Foundation Act 1976***

**110 Section 20**

Omit “appointed or employed under the *Public Service Act 1922-1975*”, substitute “engaged under the *Public Service Act 1999*”.

***Australian Bicentennial Road Development Trust Fund Act 1982***

**111 Subsection 26(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Australian Broadcasting Corporation Act 1983***

**112 Subsection 14A(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Australian Bureau of Statistics Act 1975***

**113 Subparagraph 6(5)(b)(i)**

Repeal the subparagraph, substitute:

- (i) an Agency within the meaning of the *Public Service Act 1999*; or

**114 Subsection 16(1)**

Omit “appointed or employed under, or whose services are made available in accordance with arrangements made under, the *Public Service Act 1922*”, substitute “engaged under, or whose services are made available in accordance with arrangements made under, the *Public Service Act 1999*”.

**115 Subsection 16(3)**

Omit “, with the approval of the Public Service Board,”.

**116 Subsections 16(4) and (5)**

Repeal the subsections, substitute:

- (4) For the purposes of the *Public Service Act 1999*:
- (a) the Statistician and the APS employees assisting the Statistician together constitute a Statutory Agency; and
  - (b) the Statistician is the Head of that Statutory Agency.

***Australian Capital Territory Government Service  
(Consequential Provisions) Act 1994***

**117 Subsection 3(1) (definition of unattached officer)**

Repeal the definition.

**118 Sections 6 and 7**

Repeal the sections.

**119 Subsection 8(1)**

After “where”, insert “before the commencement of the *Public Service Act 1999*”.

**120 Subsection 8(2)**

After “Secretary” (first occurring), insert “or Agency Head (within the meaning of the *Public Service Act 1999*)”.

**121 Subsection 8(2)**

After “Secretary” (last occurring), insert “or Agency Head”.

**122 Subsection 8(3)**

After “Secretary”, insert “or Agency Head (within the meaning of the *Public Service Act 1999*)”.

**123 Subsection 8(5)**

After “Secretary”, insert “or Agency Head”.

**124 Section 10**

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Omit “The Secretary of a Department of the Australian Public Service”, substitute “An Agency Head (within the meaning of the *Public Service Act 1999*)”.

**125 Paragraph 10(a)**

Omit “Department”, substitute “Agency (within the meaning of that Act)”.

**126 Paragraph 10(b)**

Omit “Secretary”, substitute “Agency Head”.

**127 Part 3**

Repeal the Part.

**128 Section 24**

Repeal the section.

**129 Subsection 25(1)**

Repeal the subsection, substitute:

- (1) This section applies to a person who is engaged under section 22 of the *Public Service Act 1999*.

**130 Subsection 25(2)**

Repeal the subsection.

**131 Subsection 25(3)**

Omit “appointment to an office or as an unattached officer”, substitute “engagement as an APS employee”.

**132 Subsections 25(3) and (4)**

Omit “Public Service Act”, substitute “*Public Service Act 1999*”.

**133 Subsection 25(4)**

Omit “appointment of a person to an office or as an unattached officer”, substitute “engagement of a person as an APS employee”.

**134 Subsection 25(4)**

Omit “an officer of the Australian Public Service”, substitute “an APS employee”.

**135 Subsection 25(5)**

Omit “appointment of a person to an office or as an unattached officer”, substitute “engagement of a person as an APS employee”.

**136 Subsection 25(5)**

Omit “clause 6 of the Australian Government Employment (Recreation Leave—Additional Payment) Award 1986”, substitute “the APS General Employment Conditions Award 1995”.

**137 Subsection 25(6)**

Omit “clause 6 of the Australian Government Employment (Recreation Leave—Additional Payment) Award 1986”, substitute “the APS General Employment Conditions Award 1995”.

Note: The heading to section 25 is replaced by the heading “**Leave entitlements**”.

**138 Subparagraph 26(2)(a)(i)**

Omit “Public Service Act”, substitute “*Public Service Act 1999*”.

**139 Paragraph 26(2)(b)**

Omit “under a provision corresponding to section 6 of this Act”.

**140 Paragraph 26(3)(b)**

After “*Public Service Act 1922*”, insert “or the *Public Service Act 1999*”.

***Australian Capital Territory (Planning and Land Management) Act 1988***

**141 Subsection 38(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**142 Subsection 47(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

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**143 Subsection 47(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Chief Executive and the APS employees assisting the Chief Executive together constitute a Statutory Agency; and
  - (b) the Chief Executive is the Head of that Statutory Agency.

***Australian Centre for International Agricultural Research Act 1982***

**144 Paragraph 19(1)(c)**

Omit “office”, substitute “position”.

**145 Subsection 26(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**146 Subsection 30(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**147 Subsections 30(2) and (3)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**148 Subsection 31(1)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**149 Subsection 31(1)**

Omit “the Department”, substitute “the Agency”.

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***Australian Communications Authority Act 1997***

**150 Section 3**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**151 Section 4 (definition of Chairman)**

Repeal the definition, substitute:

*Chair* means the Chair of the ACA.

**152 Section 4 (definition of Deputy Chairman)**

Repeal the definition, substitute:

*Deputy Chair* means the Deputy Chair of the ACA.

**153 Section 16**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**154 Subsections 17(2) and (3)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**155 Subsections 22(3), (4) and (5)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**156 Section 24**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**157 Subsections 34(1) and (2)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**158 Subsection 35(1)**

Omit “This subsection has effect subject to section 87E of the *Public Service Act 1922*.”.

**159 Subsections 35(2), (3) and (4)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

**160 Subsections 39(1), (2) and (3)**

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Omit “Chairman” (wherever occurring), substitute “Chair”.

**161 Subsection 40(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**162 Subsection 40(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chair and the APS employees assisting the Chair together constitute a Statutory Agency; and
- (b) the Chair is the Head of that Statutory Agency.

**163 Subsections 48(4) and (5)**

Omit “Chairman” (wherever occurring), substitute “Chair”.

***Australia New Zealand Food Authority Act 1991***

**164 Paragraph 38(a)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**165 Paragraphs 38(d) and (e)**

After “in those”, insert “Agencies,”.

**166 Paragraph 39(7)(a)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**167 Paragraph 39(7)(a)**

Omit “the Department”, substitute “the Agency”.

**168 Subsection 53(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

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**169 Subsection 53(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Chairperson and the APS employees assisting the Chairperson together constitute a Statutory Agency; and
  - (b) the Chairperson is the Head of that Statutory Agency.

***Australian Federal Police Act 1979***

**170 Subsection 21(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**171 After subsection 31(3)**

Insert:

- (3A) If subsection (1) or (3) would have caused the termination of a person’s return rights at a particular time after the commencement of this subsection if the *Public Service Act 1922* had not been repealed, then section 6 or 7 of the *Public Employment (Consequential and Transitional) Amendment Act 1999* does not apply to the person after that time.
- (3B) The reference in subsection (3A) to the termination of a person’s return rights is a reference to any of the following ceasing to apply to the person:
- (a) Part IV of the *Public Service Act 1922*;
  - (b) Division 3 of Part IV of the *Public Service Act 1922*;
  - (c) the *Officers’ Rights Declaration Act 1928*.

***Australian Film Commission Act 1975***

**172 Subsection 18(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Australian Film, Television and Radio School Act 1973***

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**173 Subsection 17(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Australian Hearing Services Act 1991***

**174 Subsection 8(10) (paragraph (a) of the definition of referred Commonwealth employee)**

Omit “an officer or employee, within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**175 Subsection 8(10) (paragraph (a) of the definition of referred Commonwealth employee)**

Omit “within the meaning of that Act”.

**176 Paragraph 67(7)(a)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**177 Paragraph 67(7)(a)**

Omit “the Department”, substitute “the Agency”.

**178 Paragraph 68(a)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**179 Paragraphs 68(d) and (e)**

After “in those”, insert “Agencies,”.

**180 Paragraph 69(b)**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

***Australian Heritage Commission Act 1975***

**181 Subsection 3(1) (definition of Department)**

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Omit “a department of the Australian Public Service”, substitute “an Agency (within the meaning of the *Public Service Act 1999*)”.

**182 Subsection 12(3)**

Omit “full-time officers or employees of the Australian Public Service”, substitute “persons appointed or engaged on a full-time basis under the *Public Service Act 1999*”.

**183 Subsection 32(1)**

Omit “appointed or employed under the *Public Service Act 1922-1975*”, substitute “engaged under the *Public Service Act 1999*”.

**184 Section 33**

Omit “Department of the Commonwealth Government”, substitute “Agency (within the meaning of the *Public Service Act 1999*)”.

**185 Section 33**

Omit “the Department”, substitute “the Agency”.

***Australian Industry Development Corporation Act 1970***

**186 Section 29W**

Repeal the section.

**187 Subsection 34E(6) (paragraph (c) of the definition of associated person)**

Repeal the paragraph, substitute:

- (c) a person appointed or engaged under the *Public Service Act 1999*; or

**188 Paragraph 34X(1)(c)**

Repeal the paragraph, substitute:

- (c) an SES employee or acting SES employee, whether or not in the Department of Finance;

**189 Subsection 34X(2)**

Repeal the subsection.

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**190 Paragraph 37A(1)(c)**

Repeal the paragraph, substitute:

- (c) an SES employee or acting SES employee, whether or not in the Department;

**191 Subsection 37A(2)**

Repeal the subsection.

***Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989***

**192 Subsection 29(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**193 Subsection 29(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Principal and the APS employees assisting the Principal together constitute a Statutory Agency; and
  - (b) the Principal is the Head of that Statutory Agency.

**194 Section 45A**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Australian Institute of Health and Welfare Act 1987***

**195 Subsection 11(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**196 Paragraph 19(1)(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**197 Subsection 19(2)**

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Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

***Australian Institute of Marine Science Act 1972***

**198 Subsection 25(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**199 Section 34**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Australian Land Transport Development Act 1988***

**200 Section 39**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Australian Land Transport (Financial Assistance) Act 1985***

**201 Subsection 36(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Australian Law Reform Commission Act 1996***

**202 Subsection 19(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Australian Maritime Safety Authority Act 1990***

**203 Subsection 17(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**204 Subsection 51A(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**205 Paragraph 57(a)**

Omit “, or Associate Secretary,”.

**206 Paragraph 57(b)**

Repeal the paragraph, substitute:

(b) an SES employee, or acting SES employee, in the Department.

***Australian Meat and Live-stock Industry Act 1997***

**207 Subsection 70(3) (definition of SES employee)**

Repeal the definition.

***Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997***

**208 Item 10 of Schedule 5 (definition of officer)**

Repeal the definition, substitute:

*officer* means a person in the Department who is engaged under the *Public Service Act 1999*.

**209 Item 23 of Schedule 5 (definition of officer)**

Repeal the definition, substitute:

*officer* means a person in the Department who is engaged under the *Public Service Act 1999*.

***Australian Meat and Live-stock (Quotas) Act 1990***

**210 Section 8A**

Omit “an officer, within the meaning of the *Public Service Act 1922*, or to an APS employee, within the meaning of the *Public Service Act 1997*”, substitute “a person engaged under the *Public Service Act 1999*”.

### ***Australian National Maritime Museum Act 1990***

#### **211 Subsection 34(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

#### **212 Subsection 40(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

#### **213 Subsection 40(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

#### **214 Subsection 41(1)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

#### **215 Subsection 41(1)**

Omit “Department” (last occurring), substitute “Agency”.

### ***Australian National Railways Commission Act 1983***

#### **216 Subsection 67AZB(5) (paragraph (c) of the definition of associated person)**

Repeal the paragraph, substitute:

- (c) a person appointed or engaged under the *Public Service Act 1999*; or

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**217 Paragraph 67AZV(1)(c)**

Repeal the paragraph, substitute:

- (c) an SES employee or acting SES employee, whether or not in the Department of Finance;

**218 Subsection 67AZV(2)**

Repeal the subsection.

*Australian National Training Authority Act 1992*

**219 Subsection 30(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**220 Paragraph 40A(1)(a)**

Omit “of a Department of the Australian Public Service or”.

**221 After paragraph 40A(1)(a)**

Insert:

- (aa) a person appointed or engaged under the *Public Service Act 1999* who is made available to the Authority to perform the duties of Chief Executive Officer; or

**222 Subsection 43(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**223 Subsection 45(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**224 Subsections 45(5), (6) and (7)**

Repeal the subsections, substitute:

- (5) For the purposes of the *Public Service Act 1999*:
  - (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and

(b) the Chief Executive Officer is the Head of that Statutory Agency.

**225 Paragraph 46(1)(a)**

Omit “of Departments of the Australian Public Service, and”.

**226 After paragraph 46(1)(a)**

Insert:

(aa) persons appointed or engaged under the *Public Service Act 1999* whose services are made available to the Authority in connection with the performance or exercise of any of its functions or powers; and

***Australian Nuclear Science and Technology Organisation Act 1987***

**227 Subsection 21A(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**228 Subsection 24(2)**

Omit “the Secretary of any Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**229 Subsection 24(2)**

Omit “that Department”, substitute “that Agency”.

**230 Subsection 37J(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**231 Subsection 37P(2)**

Omit “the Secretary of any Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**232 Subsection 37P(2)**

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Omit “that Department”, substitute “that Agency”.

***Australian Protective Service Act 1987***

**233 Subsection 9(1)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “appointed or engaged under the *Public Service Act 1999*”.

**234 Subsection 9(2)**

Omit “Secretary within the meaning of the *Public Service Act 1922*”, substitute “Agency Head within the meaning of the *Public Service Act 1999*”.

**235 Paragraph 12(3)(c)**

Repeal the paragraph, substitute:

- (c) a determination made under section 24 of the *Public Service Act 1999*;

***Australian Prudential Regulation Authority Act 1998***

**236 Subsection 9A(4)**

Omit “a person holding or performing the duties of a Senior Executive Service office in the Department”, substitute “an SES employee, or acting SES employee, in the Department”.

***Australian Radiation Protection and Nuclear Safety Act 1998***

**237 Subsection 48(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**238 Subsections 58(1) and (2)**

Repeal the subsections, substitute:

- (1) The staff necessary to assist the CEO are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:

- (a) the CEO and the APS employees assisting the CEO together constitute a Statutory Agency; and
- (b) the CEO is the Head of that Statutory Agency.

***Australian Securities and Investments Commission Act 1989***

**239 Subsection 113(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**240 Subsection 120(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**241 Subsection 120(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Commission and the APS employees assisting the Commission together constitute a Statutory Agency; and
  - (b) the Chairperson of the Commission is the Head of that Statutory Agency.

**242 Subsection 120(3)**

Omit “Commission” (wherever occurring), substitute “Chairperson”.

**243 Subsection 120(4)**

Omit “Commission”, substitute “Chairperson”.

**244 Subsection 121(1)**

Omit “The Commission may”, substitute “The Chairperson may”.

**245 Subsection 121(2)**

Omit “Commission”, substitute “Chairperson”.

**246 Paragraph 122(a)**

Omit “Departments of the Australian Public Service”, substitute “Agencies (within the meaning of the *Public Service Act 1999*)”.

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**247 Paragraph 125(1)(a)**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**248 Subsection 156(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**249 Subsection 156(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Convenor and the APS employees assisting the Convenor together constitute a Statutory Agency; and
- (b) the Convenor is the Head of that Statutory Agency.

**250 Paragraph 158(a)**

Omit “Departments of the Australian Public Service”, substitute “Agencies (within the meaning of the *Public Service Act 1999*)”.

**251 Subsection 180(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Australian Security Intelligence Organisation Act 1979***

**252 Section 4 (paragraph (a) of the definition of authority of the Commonwealth)**

Omit “a Department of the Public Service”, substitute “an Agency within the meaning of the *Public Service Act 1999*”.

**253 Subsection 11(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**254 Subsection 24(3) (definition of Senior Executive Service office)**

Repeal the definition.

**255 Subsection 24(3) (paragraph (a) of the definition of senior officer of the Organisation)**

Repeal the paragraph, substitute:

- (a) equivalent to a position occupied by an SES employee; or

**256 Section 86**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**257 Subsection 90(5)**

Repeal the subsection.

**258 Section 90A**

Repeal the section.

***Australian Space Council Act 1994***

**259 Section 27**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Australian Sports Commission Act 1989***

**260 Subsection 14(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**261 Subsection 35(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**262 Subsection 41(3)**

Omit “the Secretary of any Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**263 Subsection 41(3)**

Omit “that Department”, substitute “that Agency”.

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***Australian Sports Drug Agency Act 1990***

**264 Subsection 33(3)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**265 Subsection 56(3)**

Omit “the Secretary of any Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**266 Subsection 56(3)**

Omit “Department” (second occurring), substitute “Agency”.

***Australian Tourist Commission Act 1987***

**267 Subsection 13(4)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**268 Subsection 18(3)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**269 Subsection 36(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Australian Trade Commission Act 1985***

**270 Subsection 3(1) (definition of Australian authority)**

Omit “a Department of the Australian Public Service”, substitute “an Agency (within the meaning of the *Public Service Act 1999*)”.

**271 Subsection 57(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**272 Section 63**

Repeal the section.

***Australian War Memorial Act 1980***

**273 Subsection 23(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**274 Subsection 27(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**275 Subsections 27(2), (3) and (4)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**276 Subsection 28(1)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

***Australian Wine and Brandy Corporation Act 1980***

**277 Subsection 39ZL(1A)**

Omit “a Department of the Commonwealth”, substitute “an Agency (within the meaning of the *Public Service Act 1999*)”.

Note: This item corrects a misdescribed amendment of the *Australian Wine and Brandy Corporation Act 1980*.

***Australian Wool Research and Promotion Organisation Act 1993***

**278 Subsection 4(1) (definition of designated group)**

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Repeal the definition, substitute:

*designated group* means any of the following classes of persons:

- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is not English, and the children of such persons;
- (c) persons with a physical or mental disability.

### ***Bank Integration Act 1991***

#### **279 Subsection 5(1) (subparagraph (b)(ii) of the definition of authorised person)**

Repeal the subparagraph, substitute:

- (ii) an SES employee or acting SES employee;

### ***Bankruptcy Act 1966***

#### **280 Subsection 31A(5)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

### ***Bounty (Books) Act 1986***

#### **281 Subsection 32(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

### ***Broadcasting Services Act 1992***

#### **282 Subsection 165(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

#### **283 Subsection 165(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:

- (a) the Chairperson and the APS employees assisting the Chairperson together constitute a Statutory Agency; and
- (b) the Chairperson is the Head of that Statutory Agency.

***Chemical Weapons (Prohibition) Act 1994***

**284 Paragraph 99(c)**

Repeal the paragraph, substitute:

- (c) an SES employee, or acting SES employee, in the Department;

***Child Support (Assessment) Act 1989***

**285 Subparagraph 149(1)(c)(i)**

Repeal the subparagraph, substitute:

- (i) the Agency (within the meaning of the *Public Service Act 1999*) of which the Commissioner is the Agency Head (within the meaning of that Act); or

**286 Subsection 150(1) (subparagraph (c)(i) of the definition of person to whom this section applies)**

Repeal the subparagraph, substitute:

- (i) the Agency (within the meaning of the *Public Service Act 1999*) of which the Commissioner is the Agency Head (within the meaning of that Act); or

***Child Support (Registration and Collection) Act 1988***

**287 Subparagraph 15(1)(c)(i)**

Repeal the subparagraph, substitute:

- (i) the Agency (within the meaning of the *Public Service Act 1999*) of which the Commissioner is the Agency Head (within the meaning of that Act); or

**288 Subsection 16(1) (subparagraph (c)(i) of the definition of person to whom this section applies)**

Repeal the subparagraph, substitute:

- 
- (i) the Agency (within the meaning of the *Public Service Act 1999*) of which the Commissioner is the Agency Head (within the meaning of that Act); or

***Christmas Island Act 1958***

**289 Paragraph 8G(7)(h)**

Repeal the paragraph, substitute:

- (h) a person appointed or engaged under the *Public Service Act 1999*;

**290 Subsection 17(1)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**291 Subsection 17(3)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Civil Aviation Act 1988***

**292 Subsection 37(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Classification (Publications, Films and Computer Games) Act 1995***

**293 Subsection 54(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**294 Subsection 54(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**295 Subsection 59(2)**

Omit “an officer of the Australian Public Service”, substitute “appointed or engaged under the *Public Service Act 1999*”.

**296 Subsection 61(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Cocos (Keeling) Islands Act 1955***

**297 Paragraph 8G(7)(h)**

Repeal the paragraph, substitute:

(h) a person appointed or engaged under the *Public Service Act 1999*;

**298 Subsections 15A(1) and (3)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Commonwealth Authorities and Companies Act 1997***

**299 Subsection 23(2)**

Omit “an officer or employee within the meaning of the *Public Service Act 1999*”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Commonwealth Bank Sale Act 1995***

**300 Subsection 20(5) (subparagraph (c)(i) of the definition of authorised person)**

Repeal the subparagraph, substitute:

(i) is an SES employee, or acting SES employee, in the Department; and

***Commonwealth Electoral Act 1918***

**301 Paragraph 6(5)(a)**

Repeal the paragraph, substitute:

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- 
- (a) an office of Agency Head (within the meaning of the *Public Service Act 1999*); or

**302 Subsection 23(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, an”, substitute “An”.

**303 Paragraph 29(1)(a)**

Repeal the paragraph, substitute:

- (a) persons engaged under the *Public Service Act 1999* (including such persons holding offices established by this Division); and

**304 Subsection 29(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Electoral Commissioner and the APS employees assisting the Electoral Commissioner together constitute a Statutory Agency; and
- (b) the Electoral Commissioner is the Head of that Statutory Agency.

**305 Subsection 35(3)**

Omit all the words after “Commission”.

**306 Subsection 35(5)**

Repeal the subsection.

**307 Paragraph 60(3)(b)**

Omit “an officer”, substitute “a person”.

**308 Paragraph 60(3)(b)**

Omit “officer of the Australian Public Service”, substitute “person appointed or engaged under the *Public Service Act 1999*”.

**309 Paragraph 60(3A)(d)**

Omit “officer of the Australian Public Service”, substitute “person appointed or engaged under the *Public Service Act 1999*”.

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**310 Paragraph 60(4)(b)**

Omit “an officer”, substitute “a person”.

**311 Subsection 91(1) (definition of Secretary of a Department)**

Repeal the definition.

**312 Paragraph 91(11)(a)**

Omit “Secretary of a Department”, substitute “Agency Head of an Agency (within the meaning of the *Public Service Act 1999*)”.

**313 Paragraph 193(2)(b)**

Repeal the paragraph, substitute:

(b) a person appointed or engaged under the *Public Service Act 1999*;

**314 Subsection 279B(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**315 Subsection 279B(7)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**316 Subsection 311A(4) (paragraph (c) of the definition of Commonwealth Department)**

Repeal the paragraph, substitute:

(c) an Agency (within the meaning of the *Public Service Act 1999*).

**317 Subsection 311A(4) (paragraph (b) of the definition of principal officer)**

Repeal the paragraph, substitute:

(b) in relation to an Agency—the Agency Head (within the meaning of the *Public Service Act 1999*) of the Agency.

***Commonwealth Grants Commission Act 1973***

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**318 Subsection 10(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**319 Subsection 15(2)**

Omit “officers or employees employed under the *Public Service Act 1922*”, substitute “APS employees”.

***Commonwealth Inscribed Stock Act 1911***

**320 Paragraph 51H(2)(b)**

After “office”, insert “or position”.

**321 Paragraph 51K(1)(a)**

After “office”, insert “or position”.

***Commonwealth Legal Aid Act 1977***

**322 Part IV**

Repeal the Part.

***Commonwealth Serum Laboratories Act 1961***

**323 Subsection 19X(1)**

Omit “a person who holds, or performs the duties of, a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**324 Subsection 19X(2)**

Repeal the subsection.

***Commonwealth Services Delivery Agency Act 1997***

**325 Section 3 (paragraph (a) of the definition of principal officer)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**326 Subsection 35(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**327 Subsection 35(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
  - (b) the Chief Executive Officer is the Head of that Statutory Agency.

***Commonwealth Superannuation Board Act 1999***

**328 Subsection 23(10) (paragraph (c) of the definition of agency)**

Repeal the paragraph, substitute:

- (c) an Executive Agency, or Statutory Agency, within the meaning of the *Public Service Act 1999*; or

**329 Subsection 24(10) (paragraph (c) of the definition of agency)**

Repeal the paragraph, substitute:

- (c) an Executive Agency, or Statutory Agency, within the meaning of the *Public Service Act 1999*; or

***Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997***

**330 Section 7**

Repeal the section, substitute:

**7 Registrar**

- (1) There is to be a position in the Department whose duties include the general control of the register.

- 
- (2) The Registrar is the APS employee who is performing the duties of the position referred to in subsection (1).

***Complaints (Australian Federal Police) Act 1981***

**331 Paragraph 41(1)(c)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**332 Subsection 64(3)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Constitutional Convention (Election) Act 1997***

**333 Paragraph 102(6)(a)**

Omit “officer of the Australian Public Service”, substitute “APS employee”.

**334 Subsection 113(1)**

Omit “officer of the Australian Public Service”, substitute “APS employee”.

**335 Subsection 113(7)**

Omit “officer of the Australian Public Service”, substitute “APS employee”.

***Construction Industry Reform and Development Act 1992***

**336 Subsection 38(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Co-operative Farmers and Graziers Direct Meat Supply Limited (Loan Guarantee) Act 1978***

**337 Paragraph 5(c)**

Omit “officers of the Australian Public Service”, substitute “persons appointed or engaged under the *Public Service Act 1999*”.

### ***Copyright Act 1968***

#### **338 Subsection 170(2)**

Omit “*Public Service Act 1922-1968*”, substitute “*Public Service Act 1999*”.

### ***Corporate Law Economic Reform Program Act 1999***

#### **339 Item 11 of Schedule 5 (new subsection 27A(2))**

Omit “officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

### ***Council for Aboriginal Reconciliation Act 1991***

#### **340 Subsection 20(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

#### **341 Section 26**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

#### **342 Paragraph 29(1)(c)**

Repeal the paragraph, substitute:  
(c) an SES employee or acting SES employee.

### ***Crimes Act 1914***

#### **343 Subsection 3(1) (paragraph (a) of the definition of Commonwealth officer)**

Repeal the paragraph, substitute:  
(a) a person appointed or engaged under the *Public Service Act 1999*;

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**344 Subsection 16(1) (paragraph (b) of the definition of parole officer)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**345 Subsection 21F(3)**

Omit “officers of the Australian Public Service”, substitute “persons appointed or engaged under the *Public Service Act 1999*”.

**346 Subsection 56(2) (definition of eligible person)**

Omit “a Senior Executive Service Officer in the Department of Foreign Affairs and Trade appointed or employed under the *Public Service Act 1922*”, substitute “an SES employee in the Department of Foreign Affairs and Trade”.

**347 Section 85ZL (definition of Commonwealth Department)**

Omit “a Department within the meaning of the *Public Service Act 1922*”, substitute “an Agency within the meaning of the *Public Service Act 1999*”.

**348 Section 85ZL**

Insert:

*Secretary*, in relation to a Commonwealth Department, means the Agency Head within the meaning of the *Public Service Act 1999*.

***Crimes (Aviation) Act 1991***

**349 Subsection 3(1) (paragraph (c) of the definition of authorised person)**

Omit “a Senior Executive Service officer employed under the *Public Service Act 1922*”, substitute “an SES employee or acting SES employee”.

**350 Subsection 3(1) (paragraph (d) of the definition of authorised person)**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**351 Subparagraph 23(2)(c)(i)**

Omit “an officer of, or a person employed in, the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*,”.

***Criminology Research Act 1971***

**352 Subsection 19(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***CSL Sale Act 1993***

**353 Subsection 44(3) (paragraph (b) of the definition of authorised person)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in that Department.

**354 Subsection 47(4) (paragraph (c) of the definition of authorised person)**

Repeal the paragraph, substitute:

- (c) an SES employee, or acting SES employee, in the Department, authorised by the Secretary, in writing, for the purposes of this section.

***Customs Act 1901***

**355 Subsection 208DA(1) (definition of prescribed officer)**

Repeal the definition, substitute:

*prescribed officer* means an SES employee, or acting SES employee, in the Attorney-General’s Department.

***Customs Administration Act 1985***

**356 Subsection 9(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**357 Subsection 15(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**358 Subsection 15(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the CEO and the APS employees assisting the CEO together constitute a Statutory Agency; and
  - (b) the CEO is the Head of that Statutory Agency.

***Dairy Produce Act 1986***

**359 Paragraph 109C(b)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**360 Clause 1 of the Schedule (definition of designated group)**

Repeal the definition, substitute:

- designated group* means any of the following classes of persons:
- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
  - (b) persons who have migrated to Australia and whose first language is not English, and the children of such persons;
  - (c) persons with a physical or mental disability.

***Debits Tax Administration Act 1982***

**361 Subsection 3(1) (definition of officer)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

### ***Defence Act 1903***

#### **362 Paragraph 58B(1A)(a)**

Omit “section 82D of the *Public Service Act 1922*”, substitute “section 24 of the *Public Service Act 1999*”.

#### **363 Subsection 73A(1)**

Omit “or officer in the Australian Public Service who communicates to any person”, substitute “, or person appointed or engaged under the *Public Service Act 1999*, who communicates to any other person”.

#### **364 Subsection 120B(16) (definition of paying officer)**

Omit “an officer of the Australian Public Service”, substitute “a person engaged under the *Public Service Act 1999*”.

#### **365 Subsection 123(2)**

Omit “officer within the meaning of the *Public Service Act 1922*”, substitute “APS employee”.

#### **366 Subparagraph 123(2)(a)(i)**

Omit “officer or employee within the meaning of that Act”, substitute “APS employee”.

#### **367 Subsection 124(1A)**

Omit “section 82D of the *Public Service Act 1922*”, substitute “section 24 of the *Public Service Act 1999*”.

### ***Defence Force Discipline Act 1982***

#### **368 Subsections 175(1) and (2)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

### ***Defence Force Discipline Appeals Act 1955***

#### **369 Subsection 19(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

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***Defence Force Retirement and Death Benefits Act 1973***

**370 Subsection 131(4)**

Omit “section 82D of the *Public Service Act 1922*”, substitute “section 24 of the *Public Service Act 1999*”.

***Defence Housing Authority Act 1987***

**371 Subsection 3(1) (definition of designated office in the Department)**

Repeal the definition.

**372 Subsection 3(1)**

Insert:

*designated position in the Department* means a position in the Department that:

- (a) is designated, in writing, by the Minister for the purposes of section 60; and
- (b) is occupied by an SES employee or acting SES employee.

**373 Paragraph 12(1)(c)**

Omit “an officer within the meaning of the *Public Service Act 1922*”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**374 Subparagraph 41(4)(e)(i)**

Omit “officers of the Australian Public Service”, substitute “persons appointed or engaged under the *Public Service Act 1999* and”.

**375 Subparagraph 41(4)(e)(ii)**

Omit “officers of the Australian Public Service”, substitute “those persons”.

**376 Subsection 51(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**377 Paragraph 57(1)(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**378 Subsections 57(2) and (3)**

Repeal the subsections, substitute:

(2) For the purposes of the *Public Service Act 1999*:

(a) the Managing Director and the APS employees assisting the Managing Director together constitute a Statutory Agency; and

(b) the Managing Director is the Head of that Statutory Agency.

**379 Subsections 60(1) and (2)**

Omit “designated office”, substitute “designated position”.

**380 Subsection 60(4)**

Omit “designated office” (wherever occurring), substitute “designated position”.

***Defence Service Homes Act 1918***

**381 Subsection 23J(2)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999* (the *public servant*)”.

**382 Subsection 23J(2)**

Omit “or officer” (wherever occurring), substitute “or public servant”.

***Defence (Special Undertakings) Act 1952***

**383 Section 4 (paragraph (a) of the definition of Commonwealth officer)**

Repeal the paragraph, substitute:

(a) a person appointed or engaged under the *Public Service Act 1999*;

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***Defence (Visiting Forces) Act 1963***

**384 Subsection 28(1)**

Omit “an officer holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee, or acting SES employee.”.

***Designs Act 1906***

**385 Subsection 8A(1)**

Omit all the words after “any other Act”, substitute “to a prescribed person engaged under the *Public Service Act 1999* in the Designs Office”.

**386 Subsection 8A(2)**

Repeal the subsection.

***Development Allowance Authority Act 1992***

**387 Subsection 103(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**388 Subparagraph 107(3)(c)(ii)**

Omit “a person holding or performing the duties of a specified Senior Executive Service office”, substitute “an SES employee or acting SES employee occupying a specified position”.

**389 Section 108**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

***Director of Public Prosecutions Act 1983***

**390 Subsection 20(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**391 Subsection 27(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**392 Subsection 27(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**393 Paragraph 31(1A)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee.

***Disability Discrimination Act 1992***

**394 Subsection 4(1) (paragraph (a) of the definition of Commonwealth employee)**

Repeal the paragraph, substitute:

- (a) is appointed or engaged under the *Public Service Act 1999*;

**395 Subsection 4(1) (definition of Department)**

Omit “has the same meaning as that expression has in the *Public Service Act 1922*”, substitute “means an Agency within the meaning of the *Public Service Act 1999*”.

**396 Subsection 116(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Disability Services Act 1986***

**397 Subsection 25(1A)**

Omit “the Secretary of another Department”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

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**398 Subsection 25(1B)**

Repeal the subsection.

*Education Legislation Amendment Act 1997*

**399 Item 31 of Schedule 1**

Repeal the item.

*Education Services for Overseas Students (Registration of  
Providers and Financial Regulation) Act 1991*

**400 Section 17**

Omit “officer of the Senior Executive Service”, substitute “SES employee or acting SES employee”.

*Employment, Education and Training Act 1988*

**401 Subsection 17(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**402 Paragraph 32(3)(a)**

Omit “an officer or employee of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**403 Paragraphs 32(3)(b) and (c)**

Omit “an officer or employee”, substitute “a person”.

**404 Paragraph 32(3)(d)**

Repeal the paragraph, substitute:

- (d) any person who from time to time occupies a particular position, or performs particular duties, as a person appointed or engaged under the *Public Service Act 1999*.

**405 Subsection 32(3)**

Omit “an officer or employee of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**406 Subsection 32(3)**

Omit “such an officer or employee”, substitute “such a person”.

**407 Subsection 32(3)**

Omit “an officer or employee of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**408 Subsection 35C(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**409 Subsection 55(2)**

Omit “an officer or employee of the Australian Public Service”, substitute “engaged under the *Public Service Act 1999*”.

**410 Section 56**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**411 Subsection 69(2)**

Omit “subsection 25(6) of the *Public Service Act 1922*”, substitute “section 63 of the *Public Service Act 1999*”.

***Employment Services Act 1994***

**412 Subsection 83(2)**

Omit “Subject to section 87E of the *Public Service Act 1922*, an”, substitute “An”.

**413 Subsection 98(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

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**414 Section 110**

Repeal the section, substitute:

**110 Staff of ESRA**

- (1) The staff required for the purposes of ESRA are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the ESRA Chief Executive Officer and the APS employees assisting the ESRA Chief Executive Officer together constitute a Statutory Agency; and
  - (b) the ESRA Chief Executive Officer is the Head of that Statutory Agency.

**415 Subsection 111(2) (paragraph (a) of the definition of authority of the Commonwealth)**

Repeal the paragraph, substitute:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or

***Endangered Species Protection Act 1992***

**416 Subsection 4(1) (definition of Department)**

Repeal the definition, substitute:

*Department* means an Agency (within the meaning of the *Public Service Act 1999*).

**417 Subsection 4(1) (definition of Secretary)**

Repeal the definition, substitute:

*Secretary* means an Agency Head (within the meaning of the *Public Service Act 1999*).

***Environment Protection (Alligator Rivers Region) Act 1978***

**418 Section 8**

Omit “appointed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**419 Section 26**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**420 Paragraph 31(3)(a)**

Omit “Permanent Head” (wherever occurring), substitute “Secretary”.

**421 Subsection 31(4)**

Omit “Permanent Head”, substitute “Secretary”.

***Environment Protection and Biodiversity Conservation Act 1999***

**422 Subsection 393(1)**

Repeal the subsection, substitute:

- (1) The Secretary may make arrangements with an Agency Head (within the meaning of the *Public Service Act 1999*), or with an authority of the Commonwealth, for the performance or exercise of all or any of the functions or powers of wardens and rangers under this Act or the regulations by officers or employees in that Agency or authority, as the case may be.

**423 Subsection 393(4)**

Repeal the subsection, substitute:

- (4) The Director may make arrangements with an Agency Head (within the meaning of the *Public Service Act 1999*), or with an authority of the Commonwealth, for the performance or exercise of all or any of the functions or powers of wardens and rangers under this Act or the regulations by officers or employees in that Agency or authority, as the case may be.

***Equal Employment Opportunity (Commonwealth Authorities) Act 1987***

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**424 Subsection 3(1) (definition of authority)**

Repeal the definition, substitute:

*authority* means:

- (a) an incorporated or unincorporated body or authority established for a public purpose:
  - (i) by an Act or by regulations made under an Act; or
  - (ii) by or under a law of a Territory (other than a law of the Australian Capital Territory or the Northern Territory);being a body whose staff consists of, or includes, persons who are not APS employees; or
- (b) a company or other body corporate incorporated under a law of the Commonwealth, of a State or of a Territory, being a company or body corporate in which the Commonwealth has a controlling interest;

but does not include any of the following:

- (c) a relevant employer as defined in section 3 of the *Affirmative Action (Equal Employment Opportunity for Women) Act 1986*;
- (d) the Australian Dairy Corporation;
- (e) the Australian Wool Research and Promotion Organisation.

**425 Subsection 3(1) (definition of Board)**

Repeal the definition.

**426 Subsection 3(1) (definition of designated group)**

Repeal the definition, substitute:

*designated group* means any of the following classes of persons:

- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is not English, and the children of such persons;
- (c) persons with a physical or mental disability;
- (d) any other class of persons prescribed by the regulations for the purposes of this definition.

**427 Section 8**

Repeal the section.

**428 Paragraph 9(1)(b)**

Omit “or the Board, as the case may be,”.

**429 Subsection 9(4)**

Repeal the subsection, substitute:

(4) If:

(a) a relevant authority is required by an Act other than this Act to prepare an annual report for presentation to the Parliament; and

(b) the annual report is lodged with the responsible Minister within 3 months after the end of the period to which a program report relates;

then the authority may, with the consent of the responsible Minister, include that program report in the annual report.

**430 Subsection 10(1)**

Repeal the subsection, substitute:

(1) The responsible Minister may, by notice in writing to a relevant authority, require the authority to give the responsible Minister a special report within the time specified in the notice.

**431 Section 11**

Repeal the section, substitute:

**11 Minister may make recommendations**

(1) After considering a report lodged by a relevant authority under this Part, the responsible Minister may make a recommendation in writing to the authority regarding the action to be taken by the authority to improve the effectiveness of its program.

(2) If the authority does not concur in or adopt a recommendation made under subsection (1), the authority must, within a reasonable time, inform the responsible Minister in writing of the authority’s reasons for not concurring in or adopting the recommendation.

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**432 Subsection 12(1)**

Repeal the subsection, substitute:

- (1) The responsible Minister for a relevant authority may give general directions in writing to the authority about the performance of the authority's obligations under this Act.

**433 Sections 13 and 14**

Repeal the sections.

***Evidence Act 1995***

**434 Part 1 of the Dictionary at the end of the Act (paragraph (a) of the definition of Commonwealth agency)**

Repeal the paragraph, substitute:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or

**435 Part 1 of the Dictionary at the end of the Act (paragraph (a) of the definition of Commonwealth entity)**

Repeal the paragraph, substitute:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or

**436 Part 1 of the Dictionary at the end of the Act (paragraph (a) of the definition of Commonwealth record)**

Repeal the paragraph, substitute:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or

**437 After clause 8 in Part 2 of the Dictionary**

Insert:

**8A References to offices etc.**

In this Act:

- (a) a reference to a person appointed or holding office under or because of an Australian law or a law of the Commonwealth includes a reference to an APS employee; and
- (b) in that context, a reference to an office is a reference to the position occupied by the APS employee concerned.

### *Excise Tariff Act 1921*

#### **438 Item 10 of the Schedule**

Omit “Department of the Australian Public Service”, substitute “an Agency (within the meaning of the *Public Service Act 1999*)”.

### *Family Law Act 1975*

#### **439 Subsection 4(1) (paragraph (b) of the definition of welfare officer)**

Omit “an officer or employee, within the meaning of the *Public Service Act 1922*,”, substitute “a person engaged under the *Public Service Act 1999*”.

#### **440 Subsection 26JA(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

#### **441 Subsection 37A(8)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

#### **442 Subsection 37B(1)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

#### **443 Subsection 37B(4)**

Repeal the subsection, substitute:

- (4) An Agency Head (within the meaning of the *Public Service Act 1999*) cannot take action under section 15 of the *Public Service Act 1999* against the Principal Registrar, a Registrar or a Deputy Registrar unless such action is requested by the Chief Judge.

#### **444 Subsection 38G(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**445 Subsection 38N(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**446 Subsection 38N(5)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**447 Subsection 38N(6)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**448 Subsection 38N(8)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**449 Section 38Q**

Repeal the section, substitute:

**38Q Statutory Agency etc. for purposes of Public Service Act**

For the purposes of the *Public Service Act 1999*:

- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
- (b) the Chief Executive Officer is the Head of that Statutory Agency.

**450 Section 67H (subparagraphs (a)(i) and (ii) of the definition of appropriate authority)**

Repeal the subparagraphs, substitute:

- (i) is an SES employee or acting SES employee; or
- (ii) holds an office or position that is at a level equivalent to that of an SES employee; or

**451 Subsection 114G(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**452 Subsection 114M(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**453 Subsection 114M(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**454 Subsection 115(2)**

Omit “officers of the Australian Public Service or”, substitute “persons appointed or engaged under the *Public Service Act 1999*, officers”.

***Federal Airports Corporation Act 1986***

**455 Subsection 3(1) (paragraph (a) of the definition of authority of the Commonwealth)**

Omit “or a Department of the Australian Public Service”.

**456 Subsection 3(1) (after paragraph (a) of the definition of authority of the Commonwealth)**

Insert:

- (aa) an Agency (within the meaning of the *Public Service Act 1999*); and

**457 Subsection 17(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**458 Subsection 61(3)**

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Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**459 Subsection 61(3)**

Omit “a Department” (second occurring), substitute “an Agency”.

**460 Paragraphs 61(3)(a) and (b)**

Omit “Department”, substitute “Agency”.

**461 Paragraph 66(1)(b)**

Repeal the paragraph, substitute:

(b) an SES employee, or acting SES employee, in the Department;

***Federal Court of Australia Act 1976***

**462 Subsection 18A(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**463 Subsection 18G(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**464 Subsection 18N(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**465 Subsection 18N(5)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**466 Subsection 18N(6)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head within the meaning of the *Public Service Act 1999*”.

**467 Subsection 18N(6)**

Omit “the Department”, substitute “the Agency”.

**468 Subsection 18N(8)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**469 Section 18Q**

Repeal the section, substitute:

**18Q Statutory Agency etc. for purposes of Public Service Act**

For the purposes of the *Public Service Act 1999*:

- (a) the Registrar and the APS employees assisting the Registrar together constitute a Statutory Agency; and
- (b) the Registrar is the Head of that Statutory Agency.

**470 Subsection 35A(4)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**471 Subsection 37F(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Federal Magistrates Act 1999***

**479 Subclause 5(1) of Schedule 2**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Film Licensed Investment Company Act 1998***

**480 Paragraph 44(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

***Financial Management and Accountability Act 1997***

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**481 Section 5 (paragraph (b) of the definition of Chief Executive)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Financial Transaction Reports Act 1988***

**482 Subsection 3(1) (paragraph (c) of the definition of taxation officer)**

Omit “an officer or employee of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999* and”.

**483 Subsection 36B(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**484 Subsection 40(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**485 Subsection 40(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

***Financial Sector Reform (Amendments and Transitional Provisions) Act 1998***

**486 Subsection 2(18)**

Omit “*Public Service Act 1998*” (wherever occurring), substitute “*Public Service Act 1999*”.

**487 Item 42 of Schedule 18**

Omit “*Public Service Act 1998*”, substitute “*Public Service Act 1999*”.

***First Home Owners Act 1983***

**488 Subsection 4(1) (definition of Secretary)**

Repeal the definition.

***Fisheries Management Act 1991***

**489 Subsection 137(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**490 Subsection 138(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Foreign Evidence Act 1994***

**491 Subsection 26(3) (paragraph (a) of the definition of authorised officer)**

Repeal the paragraph, substitute:

- (a) who is an SES employee or acting SES employee in the Attorney-General’s Department; and

***Forestry and Timber Bureau Act 1930***

**492 Subsection 3(3)**

Repeal the subsection, substitute:

- (3) The Director-General and staff required for the purposes of this Act must be engaged under the *Public Service Act 1999*.

***Freedom of Information Act 1982***

**493 Division 1 of Part II of Schedule 2 (item relating to the National Health and Medical Research Council)**

Omit “officers, or employees, within the meaning of the *Public Service Act 1922*”, substitute “persons appointed or engaged under the *Public Service Act 1999*”.

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***Fringe Benefits Tax (Application to the Commonwealth) Act 1986***

**494 Subsection 3(1) (paragraph (c) of the definition of Department)**

Repeal the paragraph, substitute:

- (c) an Executive Agency or Statutory Agency (within the meaning of the *Public Service Act 1999*).

***Fringe Benefits Tax Assessment Act 1986***

**495 Subsection 136(1) (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

***Governor-General Act 1974***

**496 At the end of section 6**

Add:

- (2) The Official Secretary, together with the staff employed under section 13, constitute the Office of Official Secretary to the Governor-General.
- (3) The function of the Office is to assist the Governor-General.

**497 Section 14**

Repeal the section, substitute:

**14 Remuneration and other conditions of employees**

The remuneration and other conditions of employment of a person employed under section 13 are as determined by the Official Secretary.

**498 Section 16**

Repeal the section.

**499 Section 17**

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Repeal the section.

***Great Barrier Reef Marine Park Act 1975***

**500 Subsection 13(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**501 Subsection 40(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**502 Subsections 40(2) and (3)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Chairperson and the APS employees assisting the Chairperson together constitute a Statutory Agency; and
  - (b) the Chairperson is the Head of that Statutory Agency.

**503 Subsection 42(2)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**504 Subsection 42(2)**

Omit “Department” (last occurring), substitute “Agency”.

***Hazardous Waste (Regulation of Exports and Imports) Act 1989***

**505 Paragraph 60(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department.

***Health Insurance Act 1973***

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**506 Subsection 106ZB(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, if”, substitute “If”.

**507 Section 106ZM**

Repeal the section, substitute:

**106ZM Staff**

- (1) The staff necessary to assist the Director are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**508 Subsection 130(5B) (paragraph (b) of the definition of authorised officer)**

Repeal the paragraph, substitute:

- (b) an APS employee in the Department.

***Health Insurance Commission Act 1973***

**509 Subsection 3(1) (definition of Australian Public Service)**

Omit “*Public Service Act 1922-1973*”, substitute “*Public Service Act 1999*”.

**510 Subsection 23(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***High Court of Australia Act 1979***

**511 Subsection 22(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**512 Paragraph 25(3)(a)**

Omit “with the concurrence of the Public Service Board.”.

**513 Subsection 26(6)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head within the meaning of the *Public Service Act 1999*”.

**514 Subsection 26(6)**

Omit “the Department”, substitute “the Agency”.

***Horticultural Policy Council Act 1987***

**515 Subsection 25(1)**

Omit “officers or employees of the Department”, substitute “APS employees in the Department”.

***Housing Assistance Act 1996***

**516 After paragraph 8(2)(e)**

Insert:

(ea) an Agency (within the meaning of the *Public Service Act 1999*);

**517 Paragraph 8(2)(f)**

Omit “the Commonwealth or”.

**518 Section 13**

Omit “an officer of, or person employed in, the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Housing Loans Insurance Corporation (Sale of Assets and Abolition) Act 1990***

**519 Section 26**

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Omit “an officer of the Department of Finance who holds a Senior Executive Service office within the meaning of the *Public Service Act 1922*”, substitute “an SES employee, or acting SES employee, in the Department of Finance”.

***Human Rights and Equal Opportunity Commission Act 1986***

**520 Subsection 39(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**521 Subsection 43(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**522 Subsection 43(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Commission and the APS employees assisting the Commission together constitute a Statutory Agency; and
- (b) the Commission is the Head of that Statutory Agency.

**523 Subsection 46F(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Immigration (Education) Act 1971***

**524 Subsection 10(1)**

Omit “an officer of the Public Service of the Commonwealth”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Income Tax Assessment Act 1936***

**525 Subsection 51AL(23)**

Repeal the subsection, substitute:

- (23) The Industry Secretary may, by writing, delegate any or all of his or her functions and powers under this section to a person in the Industry Department:
- (a) who is an SES employee or an acting SES employee; or
  - (b) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
  - (c) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (b).

**526 Subsection 51AL(26) (definition of Senior Executive Service office)**

Repeal the definition.

**527 Subsection 124K(1) (definition of Senior Executive Service office)**

Repeal the definition, substitute:

*Senior Executive Service office* means a position that is occupied by an SES employee or acting SES employee.

**528 Subsection 124ZADAA(1)**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**529 Subsection 124ZADAA(2)**

Repeal the subsection.

**530 Section 159UX**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**531 Section 159UX**

Omit “In this section *Senior Executive Service office* has the same meaning as in the *Public Service Act 1922*.”.

***Income Tax Assessment Act 1997***

**532 Section 34-65**

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Repeal the section, substitute:

**34-65 Delegation of powers by Industry Secretary**

The \*Industry Secretary may, by writing, delegate any or all of his or her functions and powers under this Division to a person in the Department of Industry, Science and Tourism:

- (a) who holds or performs the duties of a \*Senior Executive Service office; or
- (b) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
- (c) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (b).

**533 Section 396-105**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee, or acting SES employee,”.

**534 Subsection 995-1(1) (definition of Senior Executive Service office)**

Repeal the definition, substitute:

*Senior Executive Service office* means a position occupied by an SES employee or acting SES employee.

***Industrial Chemicals (Notification and Assessment) Act 1989***

**535 Section 5 (definition of Department)**

Repeal the definition, substitute:

*Department* means an Agency within the meaning of the *Public Service Act 1999*.

**536 Section 5 (definition of Secretary)**

Repeal the definition, substitute:

*Secretary* means an Agency Head within the meaning of the *Public Service Act 1999*.

**537 Subsection 84(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**538 Subsection 84(2)**

Omit “section 78 of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

**539 Subsection 94(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**540 Subsection 100(1)**

Omit “the Secretary of a Department”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**541 Subsection 100(1)**

Omit “Department” (last occurring), substitute “Agency”.

**542 Paragraph 104(c)**

Repeal the paragraph, substitute:

- (c) an SES employee, or acting SES employee, in the Department;

**543 Section 104A**

Repeal the section, substitute:

**104A Delegation by Director**

The Director may, by signed instrument, delegate to a person:

- (a) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
  - (b) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (a);
- all or any of the Director’s functions or powers under this Act, other than those under subsection 14(4), 17(4) or 19(8) or (9),

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section 24 or 30A, subsection 37(2), section 38, 44, 50B, 60E or 60F or this section.

***Industry Research and Development Act 1986***

**544 Paragraph 9(1)(b)**

After “office”, insert “or position”.

**545 Section 25**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Inspector-General of Intelligence and Security Act 1986***

**546 Paragraph 18(6)(b)**

Omit “a Department”, substitute “an Agency (within the meaning of the *Public Service Act 1999*)”.

**547 Subsection 28(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**548 Subsection 32(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**549 Subsection 32(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

(a) the Inspector-General and the APS employees assisting the Inspector-General together constitute a Statutory Agency;  
and

(b) the Inspector-General is the Head of that Statutory Agency.

***International Air Services Commission Act 1992***

**550 Subsection 44(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, if”, substitute “If”.

***International Transfer of Prisoners Act 1997***

**551 Paragraph 53(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department.

***Judiciary Act 1903***

**552 Subsection 55E(1) (subparagraph (b)(ii) of the definition of Attorney-General’s lawyer)**

Repeal the subparagraph, substitute:

- (ii) a person in the Attorney-General’s Department who is engaged under the *Public Service Act 1999*.

**553 Subsection 55E(5)**

Omit “as an officer or employee in the Attorney-General’s Department”, substitute “as a person in the Attorney-General’s Department engaged under the *Public Service Act 1999*”.

**554 Paragraph 55G(1)(a)**

Omit “an officer of, or employee in, the Attorney-General’s Department”, substitute “a person in the Attorney-General’s Department engaged under the *Public Service Act 1999*”.

***Lands Acquisition Act 1989***

**555 Paragraph 139(1)(a)**

Repeal the paragraph, substitute:

- (a) a person appointed or engaged under the *Public Service Act 1999*; or

***Legislative Instruments Act 1997***

**556 Section 14**

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Omit “An officer of the Senior Executive Service”, substitute “An SES employee”.

***Long Service Leave (Commonwealth Employees) Act 1976***

**557 Subsection 4(1) (paragraph (e) of the definition of approving authority)**

Repeal the paragraph, substitute:

- (e) in any other case:
  - (i) the chief executive officer of the employing agency (the *original agency*) in which the person is employed, or in which the person was employed at the time of his or her ceasing to be an employee (whether by reason of death or otherwise); or
  - (ii) if the original agency no longer exists—the chief executive officer (however described) of the replacement agency determined under subsection (1A).

**558 Subsection 4(1)**

Insert:

*chief executive officer*, in relation to an employing agency, means:

- (a) if the employing agency is an Agency within the meaning of the *Public Service Act 1999*—the Agency Head (within the meaning of that Act); or
- (b) in any other case—the person (however described) who is the chief executive officer of the employing agency.

**559 Subsection 4(1)**

Insert:

*employing agency* means:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or
- (b) a public authority of the Commonwealth; or
- (c) a body covered by paragraph (6)(b); or
- (d) a company covered by paragraph (6)(c).

**560 Subsection 4(1) (definition of officer)**

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Repeal the definition.

**561 After subsection 4(1)**

Insert:

- (1A) If the employing agency (the *original agency*) in which a person was employed at the time of his or her ceasing to be an employee no longer exists at a later time, then the *replacement agency* at that later time is:
- (a) the employing agency that is responsible for the matter to which the person's duties related, or mainly related, at the time of his or her ceasing to be an employee; or
  - (b) if there is no employing agency that is responsible for that matter—the employing agency that is nominated in writing by the Secretary of the Department.

**562 Subsection 4(9)**

Repeal the subsection.

**563 Subsection 4(10)**

Omit “to whom the *Commonwealth Employees (Redeployment and Retirement) Act 1979* does not apply”.

**564 Paragraph 4(10)(a)**

Repeal the paragraph, substitute:

- (a) in the case of an employee who is an APS employee—the minimum that applies to the employee under section 30 of the *Public Service Act 1999*; or

**565 Sections 9 and 9A**

Repeal the sections, substitute:

**9 Delegation by approving authority**

- (1) An approving authority may, in writing, delegate to another person any of the approving authority's powers or functions under this Act (other than this section).
- (2) A person (the *first delegate*) to whom powers or functions are delegated under subsection (1) may, in writing, delegate any of

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those powers or functions to another person (the *second delegate*). However, if the first delegate is subject to directions in relation to the exercise of a power or function delegated under this subsection, the first delegate must give corresponding directions to the second delegate.

- (3) A power or function that is exercised or performed by a person under a delegation under subsection (2) is taken, for the purposes of this Act, to have been exercised or performed by the approving authority.
- (4) A person exercising powers or functions under a delegation under this section must comply with any directions of the person who delegated the power or function.
- (5) In this section:

*approving authority* does not include the President of the Senate or the Speaker of the House of Representatives.

#### **566 Paragraph 12(3)(a)**

Repeal the paragraph, substitute:

- (a) unless a chief executive officer, or the person who granted the leave, determined (otherwise than under this Act), either at the time of the grant or at a later time, that the period of absence be included in the person's period of service for the purpose of the granting of long service leave; or

### ***Management and Investment Companies Act 1983***

#### **567 Section 16**

Omit "appointed or employed under the *Public Service Act 1922*", substitute "engaged under the *Public Service Act 1999*".

### ***Maternity Leave (Commonwealth Employees) Act 1973***

#### **568 Subsection 3(1)**

Insert:

*Agency Head*, in relation to an employee, means:

- (a) in the case of an employee in an Agency (within the meaning of the *Public Service Act 1999*)—the Agency Head within the meaning of that Act; or
- (b) in the case of an employee in a prescribed authority—the chief executive officer (however described) of the prescribed authority.

**569 Subsection 3(1) (definition of Department of the Australian Public Service)**

Repeal the definition.

**570 Subsection 3(1) (definition of Secretary)**

Repeal the definition.

**571 Paragraph 5(1)(a)**

Omit “*Public Service Act 1922-1973*”, substitute “*Public Service Act 1999*”.

**572 Subsection 5A(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the application of this Act in relation to a person employed in a Parliamentary Department, the powers conferred on an Agency Head (other than the power of delegation conferred by section 11) are to be exercised, in substitution for the Agency Head, by the Head of the Parliamentary Department concerned.

**573 Subsection 6(4)**

Omit “or (4AB)”.

**574 Subsection 6(4AB)**

Repeal the subsection.

**575 Subsection 6(4B)**

Omit “or (4AB)”.

**576 Subsection 6(4C)**

Omit “the Secretary to the Department”, substitute “the Agency Head”.

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**577 Subsection 6(4F)**

Omit “the Secretary to the Department”, substitute “the Agency Head”.

**578 Subsection 7A(4)**

Omit “the Secretary to the Department”, substitute “the Agency Head”.

**579 Subsection 7A(4)**

Omit “wishes the Secretary”, substitute “wishes the Agency Head”.

**580 Subsection 7A(5)**

Omit “the Secretary to the Department”, substitute “the Agency Head”.

**581 Subsection 7A(5)**

Omit “subsection (4), the Secretary”, substitute “subsection (4), the Agency Head”.

**582 Subsection 7A(6)**

Omit “the Secretary to the Department”, substitute “the Agency Head”.

**583 Subsection 7A(6)**

Omit “or the Secretary”, substitute “or the Agency Head”.

**584 Section 8**

Repeal the section, substitute:

**8 APS employees on maternity leave**

Clause 12 of Schedule 14 to the *Workplace Relations Act 1996* applies to a female APS employee if:

- (a) the employee is absent from duty in accordance with section 6; and
- (b) the absence is after her confinement and without pay.

**585 Sections 11 and 12**

Repeal the sections, substitute:

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## **11 Delegation by Agency Head**

- (1) An Agency Head may, in writing, delegate to another person any of the Agency Head's powers or functions under this Act (other than this section).
- (2) A person (the *first delegate*) to whom powers or functions are delegated under subsection (1) may, in writing, delegate any of those powers or functions to another person (the *second delegate*). However, if the first delegate is subject to directions in relation to the exercise of a power or function delegated under this subsection, the first delegate must give corresponding directions to the second delegate.
- (3) A power or function that is exercised or performed by a person under a delegation under subsection (2) is taken, for the purposes of this Act, to have been exercised or performed by the Agency Head.
- (4) A person exercising powers or functions under a delegation under this section must comply with any directions of the person who delegated the power or function.
- (5) In this section:

*Agency Head* does not include the President of the Senate or the Speaker of the House of Representatives.

## ***Meat Inspection Arrangements Act 1964***

### **586 Subsection 3(1) (definition of person employed by the Commonwealth)**

Repeal the definition, substitute:

*person employed by the Commonwealth* means a person appointed or engaged under the *Public Service Act 1999*.

## ***Members of Parliament (Staff) Act 1984***

### **587 Section 3 (definition of Agency)**

Repeal the definition.

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**588 Section 3 (definition of Board)**

Repeal the definition.

**589 Section 3 (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the Public Service Act.

**590 Section 3 (definition of Public Service Act)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**591 Section 3 (definition of relevant public servant)**

Repeal the definition.

**592 Subsections 5(1), (2) and (3)**

Omit “Board”, substitute “Prime Minister”.

**593 Section 10**

Repeal the section.

**594 Section 11**

Repeal the section.

**595 Subsection 14(1)**

Omit “subsection (2) and to”.

**596 Subsection 14(1)**

Omit all the words after “are the same as”, substitute “are to be ascertained in accordance with the agreement for the employment of the person”.

**598 Subsection 14(2)**

Repeal the subsection.

**599 Sections 17 and 18**

Repeal the sections.

**600 Subsection 21(1)**

Omit “subsection (2) and to”.

**601 Subsection 21(1)**

Omit all the words after “are the same as”, substitute “are to be ascertained in accordance with the agreement for the employment of the person”.

**603 Subsection 21(2)**

Repeal the subsection.

**604 Section 24**

Repeal the section.

**605 Section 25**

Repeal the section.

***Merit Protection (Australian Government Employees) Act  
1984***

**606 The whole of the Act**

Repeal the Act.

***Migration Act 1958***

**607 Paragraph 143(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in that Department.

**608 Section 275 (paragraphs (a) and (b) of the definition of official)**

Repeal the paragraphs, substitute:

- (a) a person appointed or engaged under the *Public Service Act 1999*; or

**609 Paragraph 364(1)(b)**

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Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**610 Subsection 407(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**611 Subsection 408(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**612 Paragraph 428(1)(a)**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**613 Subsection 472(4)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**614 Subsection 473(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Migration Legislation Amendment (Migration Agents) Act 1997***

**615 Subsection 2(3)**

Omit “*Public Service Act 1997*”, substitute “*Public Service Act 1999*”.

**616 Item 82 of Schedule 1**

Omit “*Public Service Act 1997*”, substitute “*Public Service Act 1999*”.

***Motor Vehicle Standards Act 1989***

**617 Paragraph 22(2)(b)**

Repeal the paragraph, substitute:

(b) is to be an SES employee, or acting SES employee, in the Department.

**618 Subsection 25(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**619 Subsection 25(2)**

Omit “section 78 of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

***National Crime Authority Act 1984***

**620 Subsection 40(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**621 Subsection 47(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**622 Subsection 47(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chairperson and the APS employees assisting the Chairperson together constitute a Statutory Agency; and
- (b) the Chairperson is the Head of that Statutory Agency.

***National Environment Protection Council Act 1994***

**623 Subsection 43(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**624 Subsection 49(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**625 Subsections 49(2) and (3)**

Repeal the subsections, substitute:

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(2) For the purposes of the *Public Service Act 1999*:

- (a) the NEPC Executive Officer and the APS employees assisting the NEPC Executive Officer together constitute a Statutory Agency; and
- (b) the NEPC Executive Officer is the Head of that Statutory Agency.

**626 Subsection 51(1)**

Omit “officers and employees of Departments of the Australian Public Service”, substitute “persons engaged under the *Public Service Act 1999*”.

***National Gallery Act 1975***

**627 Subsection 28(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***National Health Act 1953***

**628 Subsection 4(1) (paragraph (a) of the definition of Director)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**629 Subsection 82PEA(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**630 Subsection 82PL(2)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**631 Subsection 82PL(2)**

Omit “Department” (last occurring), substitute “Agency”.

**632 Subsection 82PN(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**633 Subsection 82R(3)**

Omit “an officer of the Australian Public Service”, substitute “a person engaged under the *Public Service Act 1999*”.

**634 Subsection 82X(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**635 Subsection 82ZUD(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, if”, substitute “If”.

**636 Subsection 82ZUG(2)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**637 Subsection 82ZUG(2)**

Omit “Department” (last occurring), substitute “Agency”.

***National Health and Medical Research Council Act 1992***

**638 Subsection 22(1)**

Repeal the subsection, substitute:

- (1) The Secretary to the Council is an SES employee or acting SES employee who is designated for the purpose by the Secretary of the Department.

**639 Subsection 26(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**640 Subsection 45(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

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**641 Subsection 45(2)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**642 Paragraph 48(1)(a)**

Repeal the paragraph, substitute:

- (a) an Agency Head within the meaning of the *Public Service Act 1999*; or

**643 Paragraphs 48(1)(d), (e) and (f)**

After “of that”, insert “Agency,”.

**644 Paragraph 72(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***National Labour Consultative Council Act 1977***

**645 Section 9**

Omit all the words after “payable to”, substitute “persons engaged under the *Public Service Act 1999*”.

**646 Subsection 12(2)**

Omit all the words after “payable to”, substitute “persons engaged under the *Public Service Act 1999*”.

***National Library Act 1960***

**647 Subparagraph 6(c)(ii)**

Omit “Departments and”.

**648 At the end of paragraph 6(c)**

Add:

- (iv) the Agencies (within the meaning of the *Public Service Act 1999*); and

**649 Subsection 17(4)**

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Repeal the subsection, substitute:

(4) For the purposes of the *Public Service Act 1999*:

- (a) the Director-General and the APS employees assisting the Director-General together constitute a Statutory Agency; and
- (b) the Director-General is the Head of that Statutory Agency.

**650 Subsection 17(5)**

Omit “an officer employed under the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

**651 Subsection 17(5)**

Omit “including his or her powers referred to in subsection (4) but”.

**652 Subsection 17(6)**

Omit “, other than the powers referred to in subsection (4) of this section,”.

**653 Subsection 17B(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**654 Section 18**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***National Museum of Australia Act 1980***

**655 Subsection 26(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**656 Subsection 30(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**657 Subsections 30(2), (3) and (4)**

Repeal the subsections, substitute:

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- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**658 Subsection 31(1)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

***National Occupational Health and Safety Commission Act 1985***

**659 Subsection 12(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**660 Subsection 32(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**661 Subsection 53(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**662 Subsection 53(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
  - (b) the Chief Executive Officer is the Head of that Statutory Agency.

**663 Subsection 54(1)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**664 Subsection 54(1)**

Omit “Department” (last occurring), substitute “Agency”.

***National Parks and Wildlife Conservation Act 1975***

**665 Subsection 26(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**666 Subsection 34(1)**

Omit “appointed or employed under the *Public Service Act 1922-1974*”, substitute “engaged under the *Public Service Act 1999*”.

**667 Subsections 34(2) and (3)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

**668 Subsection 36(2)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**669 Subsection 36(2)**

Omit “Department” (last occurring), substitute “Agency”.

***National Roads Act 1974***

**670 Subsection 15(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

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***National Road Transport Commission Act 1991***

**671 Subsection 29(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**672 Section 31**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**673 Subsection 31(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
- (b) the Chief Executive Officer is the Head of that Statutory Agency.

**674 Paragraph 33(1)(a)**

Repeal the paragraph, substitute:

- (a) persons engaged under the *Public Service Act 1999*, and officers and employees of authorities of the Commonwealth, whose services are made available to the Commission in connection with the performance or exercise of any of its functions or powers; and

***National Transmission Network Sale Act 1998***

**675 Paragraph 23(1)(b)**

Omit “a person holding, or performing the duties of, a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

***Native Title Act 1993***

**676 Subsection 102(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**677 Subsection 117(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**678 Subsection 130(3)**

Repeal the subsection, substitute:

*Employment etc. under Public Service Act*

- (3) The Deputy Registrars and the staff of the Tribunal are to be persons engaged under the *Public Service Act 1999*.

**679 Subsection 130(4)**

Omit “the Secretary of a Department of the Australian Public Service”, substitute “an Agency Head within the meaning of the *Public Service Act 1999*”.

**680 Subsection 130(4)**

Omit “the Department”, substitute “the Agency”.

**681 Section 131**

Repeal the section, substitute:

**131 Statutory Agency etc. for purposes of Public Service Act**

For the purposes of the *Public Service Act 1999*:

- (a) the Registrar and the APS employees assisting the Registrar together constitute a Statutory Agency; and  
(b) the Registrar is the Head of that Statutory Agency.

**682 Subsection 183(7)**

Omit “*Public Service Act 1997*”, substitute “*Public Service Act 1999*”.

***Natural Heritage Trust of Australia Act 1997***

**683 Paragraph 45(1)(c)**

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Repeal the paragraph, substitute:

- (c) an SES employee or acting SES employee (whether or not in the Department);

**684 Paragraph 46(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee or acting SES employee (whether or not in the Department of Primary Industries and Energy);

**685 Section 54 (definition of Senior Executive Service office)**

Repeal the definition.

***Natural Resources Management (Financial Assistance) Act 1992***

**686 Subsection 4(1) (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

***Naval Defence Act 1910***

**687 Section 40 (definition of industrial award)**

Repeal the definition, substitute:

*industrial award* means an award within the meaning of the *Workplace Relations Act 1996*.

**688 Section 42**

Omit all the words after “the Navy”.

**689 Subsection 42C(1)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**690 Subsection 42C(2)**

Omit “Section 64 of the *Public Service Act 1922*”, substitute “Section 75 of the *Public Service Act 1999*”.

**691 Subsection 42C(2)**

Omit “officer”, substitute “APS employee”.

***Norfolk Island Act 1979***

**692 Paragraph 13(4)(a)**

Repeal the paragraph, substitute:

(a) is an APS employee; or

***Nuclear Non-Proliferation (Safeguards) Act 1987***

**693 Subsection 4(1) (paragraph (a) of the definition of Commonwealth officer)**

Repeal the paragraph, substitute:

(a) a person appointed or engaged under the *Public Service Act 1999*; or

**694 Subsection 46(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**695 Section 55**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Occupational Health and Safety (Commonwealth Employment) Act 1991***

**696 Subsection 5(1) (paragraph (a) of the definition of Department)**

Repeal the paragraph, substitute:

(a) an Agency (within the meaning of the *Public Service Act 1999*); or

**697 Subsection 5(1) (paragraph (a) of the definition of Secretary)**

Repeal the paragraph, substitute:

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- (a) in the case of a Department to which paragraph (a) of the definition of **Department** applies—the Agency Head (within the meaning of the *Public Service Act 1999*); or

**698 Section 51**

Omit “section 78 of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

**699 Subsection 80(1)**

Omit “employed under the *Public Service Act 1922*, the purposes of Division 6 of Part III of that Act,”, substitute “appointed or engaged under the *Public Service Act 1999*”.

**700 Subsection 80(2)**

After “office”, insert “or position”.

**701 Subsection 80(2)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Occupational Health and Safety (Maritime Industry) Act  
1993***

**702 Subsection 106(3)**

Omit “section 78 of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

***Office of National Assessments Act 1977***

**703 Section 3 (paragraph (e) of the definition of prescribed Commonwealth officer)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**704 Paragraph 6(2)(d)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**705 Paragraph 7(2)(a)**

Omit “an officer or officers of the Australian Public Service”, substitute “a person or persons appointed or engaged under the *Public Service Act 1999*”.

**706 Subsection 13(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**707 Paragraph 17(1)(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**708 Subsections 17(2) and (3)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director-General and the APS employees assisting the Director-General together constitute a Statutory Agency; and
  - (b) the Director-General is the Head of that Statutory Agency.

**709 Subsection 17(4)**

Omit “the Secretary of a Department”, substitute “an Agency Head (within the meaning of the *Public Service Act 1999*)”.

**710 Subsection 17(4)**

Omit “appointed or employed under the *Public Service Act 1922* in the Department”, substitute “engaged under that Act in the Agency”.

***Ombudsman Act 1976***

**711 Subsection 3(1) (definition of Department)**

Omit “Department of the Australian Public Service referred to in paragraph (a) of the definition of *Department* in subsection 7(1) of the *Public Service Act 1922*”, substitute “Department within the meaning of the *Public Service Act 1999*”.

**712 Subsection 3(1) (definition of Secretary)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

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**713 Paragraph 5(2)(g)**

After “office” (first and second occurring), insert “or position”.

**714 Subsections 6(9), (10) and (11)**

Repeal the subsections, substitute:

(9) If the Ombudsman forms the opinion:

(a) that a complaint could have been made under the *Public Service Act 1999*; and

(b) that the complaint could be more conveniently or effectively dealt with by the Public Service Commissioner;

the Ombudsman may decide not to investigate the complaint, or not to investigate the complaint further, as the case may be, and to transfer the complaint to the Public Service Commissioner.

(10) If the Ombudsman makes a decision under subsection (9), the Ombudsman must:

(a) transfer the complaint to the Public Service Commissioner as soon as is reasonably practicable; and

(b) give the Public Service Commissioner any information or documents relating to the complaint that are in the possession, or under the control, of the Ombudsman; and

(c) as soon as is reasonably practicable, give the complainant written notice that the complaint has been transferred to the Public Service Commissioner.

**715 Subsection 25(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**716 Subsection 31(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**717 Subsections 31(2) and (3)**

Repeal the subsections, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Ombudsman and the APS employees assisting the Ombudsman together constitute a Statutory Agency; and
- (b) the Ombudsman is the Head of that Statutory Agency.

***Overseas Students (Refunds) Act 1990***

**718 Section 3 (definition of officer)**

Repeal the definition.

**719 Subsection 5(1)**

Omit “an officer of”, substitute “an APS employee in”.

**720 Paragraph 10(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

***Ozone Protection Act 1989***

**721 Paragraph 49(1)(a)**

Omit “the Australian Public Service or any other”, substitute “an”.

**722 After paragraph 49(1)(a)**

Insert:

- (b) a person engaged under the *Public Service Act 1999*; or

**723 Section 67A**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

***Parliamentary Contributory Superannuation Act 1948***

**724 Subsection 21B(1) (paragraph (d) of the definition of holder of an office of profit under the Commonwealth)**

Repeal the paragraph, substitute:

- (d) the holder of an office of Secretary within the meaning of the *Public Service Act 1999*; or
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***Parliamentary Counsel Act 1970***

**725 Subsection 7(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**726 Subsection 16(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**727 Subsections 16(2) and (3)**

Repeal the subsections, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the First Parliamentary Counsel and the APS employees assisting the First Parliamentary Counsel together constitute a Statutory Agency; and
  - (b) the First Parliamentary Counsel is the Head of that Statutory Agency.

***Patents Act 1990***

**728 Section 200A**

Repeal the section, substitute:

**200A Designated Manager**

For the purposes of this Act, a person is the Designated Manager if the person occupies, or is acting in, a position that:

- (a) is usually occupied by an SES employee; and
- (b) has been declared by the Secretary to the Department, in writing, to be the position of Designated Manager.

**729 Schedule 1 (paragraph (a) of the definition of employee)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

**730 Schedule 1 (paragraph (b) of the definition of employee)**

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Omit “an officer or employee”, substitute “a person”.

***Petroleum Excise (Prices) Act 1987***

**731 Subsection 4(2)**

Omit “an officer within the meaning of the *Public Service Act 1922*”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Petroleum Resource Rent Tax Assessment Act 1987***

**732 Section 2 (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

***Plant Breeder’s Rights Act 1994***

**733 Subsections 59(1) and (2)**

Omit “another officer of the Department within the Senior Executive Service”, substitute “an SES employee, or acting SES employee, in the Department”.

***Pooled Development Funds Act 1992***

**734 Section 68**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Prawn Export Promotion Act 1995***

**735 Paragraph 24(b)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Prices Surveillance Act 1983***

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**736 Subsection 43(4) (at the end of paragraph (a) of the definition of prescribed person)**

Add:

- (iv) appointed or engaged under the *Public Service Act 1999*; or

***Primary Industries Levies and Charges Collection Act 1991***

**737 Paragraph 26(b)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Privacy Act 1988***

**738 Subsection 6(1) (paragraph (a) of the definition of Commonwealth officer)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “appointed or engaged under the *Public Service Act 1999*”.

**739 Subsection 6(1) (definition of Department)**

Repeal the definition, substitute:

*Department* means an Agency within the meaning of the *Public Service Act 1999*.

**740 Subsection 6(1) (definition of Secretary)**

Repeal the definition, substitute:

*Secretary* means an Agency Head within the meaning of the *Public Service Act 1999*.

**741 Subsection 22(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**742 Subsections 26A(1) and (2)**

Repeal the subsections, substitute:

- (1) The staff necessary to assist the Commissioner must be persons appointed or employed under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Commissioner and the APS employees assisting the Commissioner together constitute a Statutory Agency; and
  - (b) the Commissioner is the Head of that Statutory Agency.

**743 Subsection 50(1) (definition of Merit Protection Act)**

Repeal the definition.

**744 Subsection 50(1) (definition of Merit Protection Agency)**

Repeal the definition.

**745 Paragraph 50(2)(b)**

Omit “Merit Protection Agency under section 47 of the Merit Protection Act”, substitute “Public Service Commissioner under the *Public Service Act 1999*”.

**746 Subsection 50(2)**

Omit “or the Merit Protection Agency” (wherever occurring), substitute “or the Public Service Commissioner”.

**747 Paragraph 50(3)(b)**

Omit “Merit Protection Agency under section 47 of the Merit Protection Act”, substitute “Public Service Commissioner under the *Public Service Act 1999*”.

***Proceeds of Crime Act 1987***

**748 Subsection 4(1) (definition of prescribed officer)**

Repeal the definition, substitute:

*prescribed officer* means an SES employee or acting SES employee in the Attorney-General’s Department.

***Productivity Commission Act 1998***

**749 Subsection 29(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**750 Subsection 44(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**751 Subsection 44(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chair and the APS employees assisting the Chair together constitute a Statutory Agency; and
- (b) the Chair is the Head of that Statutory Agency.

***Protection of Movable Cultural Heritage Act 1986***

**752 Paragraph 24(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

***Public Lending Right Act 1985***

**753 Section 18**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Public Service Act 1922***

**754 The whole of the Act**

Repeal the Act.

***Qantas Sale Act 1992***

**755 Subsection 11(1)**

Omit “a person who holds, or performs the duties of, a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**756 Subsection 11(2)**

Repeal the subsection.

**757 Paragraphs 20(1)(d) and (e)**

Repeal the paragraphs, substitute:

(e) the *Public Service Act 1999*;

**758 Subsection 31(3) (paragraph (b) of the definition of authorised person)**

Repeal the paragraph, substitute:

(b) an SES employee, or acting SES employee, in the Department who is authorised by the Secretary, in writing, for the purposes of this section.

**759 Subsection 40(4) (paragraph (c) of the definition of authorised person)**

Repeal the paragraph, substitute:

(c) an SES employee, or acting SES employee, in the Department.

***Racial Discrimination Act 1975***

**760 Subsection 32(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Radiocommunications Act 1992***

**761 Section 5 (paragraph (a) of the definition of Department)**

Omit “a Department within the meaning of the *Public Service Act 1922*”, substitute “an Agency within the meaning of the *Public Service Act 1999*”.

**762 Subsection 204(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**763 Subsection 248(1)**

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Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Referendum (Machinery Provisions) Act 1984***

**764 Section 3 (subparagraph (b)(iii) of the definition of authorised witness)**

Omit “in the Australian Public Service or”.

**765 Section 3 (after subparagraph (b)(iii) of the definition of authorised witness)**

Insert:

(iia) a person appointed or engaged under the *Public Service Act 1999*; or

**766 Paragraph 11(4)(c)**

Omit “officers or employees within the meaning of the *Public Service Act 1922*”, substitute “appointed or engaged under the *Public Service Act 1999*”.

**767 Subsection 95B(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**768 Subsection 95B(7)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Registration of Deaths Abroad Act 1984***

**769 Subsection 5(2)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**770 Subsection 6(1)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**771 Paragraph 26(1)(a)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “appointed or engaged under the *Public Service Act 1999*”.

***Remuneration and Allowances Act 1990***

**772 After section 8**

Insert:

**8A Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**773 Clause 7 of Schedule 1**

Omit “officers of the Australian Public Service”, substitute “persons engaged under the *Public Service Act 1999*”.

**774 Clause 5 of Schedule 2**

Omit “officers of the Australian Public Service”, substitute “persons engaged under the *Public Service Act 1999*”.

**775 Subclauses 1(2) and (3) of Schedule 3**

Repeal the subclauses, substitute:

- (2) The Members of Parliament annual salary is equal to:
  - (a) the minimum annual rate of salary payable to an SES employee with a classification of SES Band 2; or
  - (b) if the regulations prescribe a percentage (not more than 100%) of a reference salary—that percentage of the reference salary.
- (3) Before the Governor-General makes a regulation for the purposes of paragraph (2)(b), the Minister must consider advice from the Remuneration Tribunal about the proposed regulation.

(4) In this clause:

*principal executive classification* means a classification determined by the Remuneration Tribunal under subsection 5(2A) of the *Remuneration Tribunal Act 1973*.

*reference salary* means:

- (a) the annual salary applicable to an office under a determination of the Remuneration Tribunal; or
- (b) the annual salary identified (for the purposes of this clause) as the reference salary for a principal executive classification, in a determination of the Remuneration Tribunal under subsection 5(2A) of the *Remuneration Tribunal Act 1973*.

## ***Remuneration Tribunal Act 1973***

### **776 Part II (heading)**

Repeal the heading, substitute:

## **Part II—Remuneration etc. for certain offices and appointments**

### **Division 1—Preliminary**

#### **777 After section 3**

Insert:

### **Division 2—Determinations and reports by the Remuneration Tribunal**

#### **778 Subsection 5(2)**

Repeal the subsection, substitute:

- (2) An additional function of the Tribunal is to provide advice to the Australian National University, the University of Canberra and the Australian Maritime College in relation to terms and conditions (including remuneration and allowances) on which executive education offices in those bodies are to be held.

- (2A) An additional function of the Tribunal is to:
- (a) determine a classification structure for principal executive offices; and
  - (b) provide advice to the employing bodies for principal executive offices in relation to terms and conditions (including remuneration and allowances) on which principal executive offices are to be held.
- (2B) An additional function of the Tribunal is to provide advice, for the purposes of the *Public Service Act 1999*, in relation to terms and conditions (including remuneration and allowances) for the following offices:
- (a) the office of Public Service Commissioner;
  - (b) the office of Merit Protection Commissioner;
  - (c) offices of Secretary;
  - (d) offices of Heads of Executive Agencies.
- (2C) An additional function of the Tribunal is to provide advice for the purposes of subclause 1(3) of Schedule 3 to the *Remuneration and Allowances Act 1990*.
- (2D) An additional function of the Tribunal is to provide advice, for the purposes of the *Parliamentary Service Act 1999*, in relation to terms and conditions (including remuneration and allowances) for the following offices:
- (a) the office of Parliamentary Service Commissioner;
  - (b) the office of Parliamentary Service Merit Protection Commissioner;
  - (c) offices of Secretary.

**779 Subsection 5(3)**

Omit “subsection (2)”, substitute “this section”.

**780 Subsection 7(3)**

Omit “the holders of offices referred to in paragraph (a) of the definition of *office of Secretary* in subsection 7(1) of the *Public Service Act 1922* and to”.

**781 At the end of Part II**

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Add:

**Division 3—Determinations by employing bodies for principal executive offices**

**12C Terms and conditions determined by employing body**

- (1) The employing body for a principal executive office may, in writing, determine the terms and conditions (including remuneration and allowances) applying to the office.
- (2) If an employing body proposes to determine terms and conditions that are not consistent with the classification structure determined by the Tribunal under subsection 5(2A), the employing body must first request the advice of the Tribunal.
- (3) If a determination is in force under this section for a principal executive office, the determination overrides any provision of another Act that provides for the terms and conditions applying to the principal executive office, unless that other provision refers to, and is expressed to override, this section.

***Repatriation Institutions (Transfer) Act 1992***

**782 Subsection 3(1) (definition of employee)**

Repeal the definition.

**783 Subsection 3(1) (definition of officer)**

Repeal the definition.

**784 Subsection 3(1) (definition of the Service)**

Repeal the definition, substitute:

*the Service* means the APS within the meaning of the *Public Service Act 1999*.

**785 Subsection 4(2)**

After “office” (wherever occurring), insert “or position”.

**786 Paragraph 13(1)(b)**

After “office”, insert “or position”.

**787 Section 16**

Omit all the words after “under”, substitute “subsection 16(4) or 17(2) of the *Long Service Leave (Commonwealth Employees) Act 1976* in respect of resignation from the Service”.

**788 Section 17**

Repeal the section.

***Reserve Bank Act 1959***

**789 Subsection 14(2)**

Omit “officers of the Bank or of the Australian Public Service”, substitute “officials”.

**790 Subsection 14(3)**

Omit “an officer of the Bank or of the Australian Public Service”, substitute “an official”.

**791 Subsection 14(4)**

Omit “an officer of the Bank or of the Australian Public Service”, substitute “an official”.

**792 Subsection 14(5)**

Omit “an officer of the Bank or of the Australian Public Service”, substitute “an official”.

**793 At the end of section 14**

Add:

(6) In this section:

*official* means:

- (a) an officer of the Bank; or
- (b) a person appointed or engaged under the *Public Service Act 1999*.

***Resource Assessment Commission Act 1989***

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**794 Subsection 49(1)**

Omit “and section 87E of the *Public Service Act 1922*”.

***Roads Grants Act 1974***

**795 Subsection 15(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Roads Grants Act 1980***

**796 Subsection 38(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Roads Grants Act 1981***

**797 Subsection 33(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Rural Adjustment Act 1992***

**798 Section 20C**

Omit “an officer of the Department who holds or performs the duties of a Senior Executive Service office”, substitute “an SES employee, or acting SES employee, in the Department”.

**799 Subsection 21A(2)**

Omit “an officer of the Department who holds or performs the duties of a Senior Executive Service office”, substitute “an SES employee, or acting SES employee, in the Department”.

***Rural Adjustment Amendment Act 1999***

**800 Subsection 2(2)**

Omit “*Public Service Act 1998*”, substitute “*Public Service Act 1999*”.

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## ***Safety, Rehabilitation and Compensation Act 1988***

### **801 Subsection 81(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

### **802 Subsection 86(2)**

Omit “an officer, within the meaning of the *Public Service Act 1922*, being the occupant for the time being of such office”, substitute “an APS employee who is performing the duties of such position”.

### **803 Paragraph 88(1)(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

### **804 Subsection 88(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chief Executive Officer and the APS employees assisting the Chief Executive Officer together constitute a Statutory Agency; and
- (b) the Chief Executive Officer is the Head of that Statutory Agency.

### **805 Subsection 114A(2) (definition of Department)**

Repeal the definition, substitute:

*Department* means an Agency (within the meaning of the *Public Service Act 1999*).

### **806 Subsection 114A(2) (definition of Secretary)**

Repeal the definition, substitute:

*Secretary* means an Agency Head (within the meaning of the *Public Service Act 1999*).

## ***Science and Industry Research Act 1949***

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**807 Subsection 10C(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

***Seafarers Rehabilitation and Compensation Act 1992***

**808 Subsection 125(1)**

Repeal the subsection, substitute:

- (1) The Authority may, by resolution, delegate all or any of its powers or functions to a person in the Department:
- (a) who is an SES employee or acting SES employee; or
  - (b) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
  - (c) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (b).

***Seafarers Rehabilitation and Compensation Levy Collection Act 1992***

**809 Section 11**

Repeal the section, substitute:

**11 Appointment of authorised persons**

The Secretary may, in writing, appoint a person in the Department:

- (a) who is an SES employee or acting SES employee; or
  - (b) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
  - (c) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (b);
- to be an authorised person for the purposes of a specified provision of this Act.

**810 Subsection 15(1)**

Repeal the subsection, substitute:

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- (1) The Secretary may, in writing, delegate all or any of his or her powers or functions under this Act (other than powers under section 11) to a person in the Department:
- (a) who is an SES employee or acting SES employee; or
  - (b) whose classification level appears in Group 7 or 8 of Schedule 1 to the Classification Rules under the *Public Service Act 1999*; or
  - (c) who is acting in a position usually occupied by a person with a classification level of the kind mentioned in paragraph (b).

### ***Sea Installations Act 1987***

#### **811 Paragraph 74(1)(c)**

Repeal the paragraph, substitute:

- (c) a person appointed or engaged under the *Public Service Act 1999*; or

### ***Sex Discrimination Act 1984***

#### **812 Subsection 4(1) (paragraph (a) of the definition of Commonwealth employee)**

Repeal the paragraph, substitute:

- (a) is appointed or engaged under the *Public Service Act 1999*;

#### **813 Subsection 4(1) (definition of Department)**

Omit “has the same meaning as that expression has in the *Public Service Act 1922*”, substitute “means an Agency within the meaning of the *Public Service Act 1999*”.

#### **814 Subsection 99(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

### ***Shipping Registration Act 1981***

#### **815 Subsection 3(1) (definition of employee)**

Repeal the definition.

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**816 Subsection 52(1)**

Omit “an officer of or employee in the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**817 Subsection 53(1)**

Omit “an officer of or employee in the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Ships (Capital Grants) Act 1987***

**818 Subsection 36(1)**

Omit “a person holding or performing the duties of a Senior Executive Service office within the meaning of the *Public Service Act 1922*, being an office”, substitute “an SES employee or acting SES employee”.

***Snowy Mountains Engineering Corporation Limited Sale Act 1993***

**819 Subsection 35(3) (paragraph (b) of the definition of authorised person)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in that Department.

**820 Subsection 38(4) (paragraph (c) of the definition of authorised person)**

Repeal the paragraph, substitute:

- (c) an SES employee, or acting SES employee, in that Department, authorised by the Secretary, in writing, for the purposes of this section.

***Snowy Mountains Hydro-electric Power Act 1949***

**821 Subsection 11(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

***Social Security Act 1991***

**822 Subsection 1331(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**823 Section 1341**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Social Security (Administration) Act 1999***

**824 Subclause 14(1) of Schedule 3**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**825 Clause 24 of Schedule 3**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Special Broadcasting Service Act 1991***

**826 Subsection 34(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**827 Subsection 81(4)**

Repeal the subsection.

***Special Prosecutors Act 1982***

**828 Paragraph 18(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “appointed or engaged under the *Public Service Act 1999*”.

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***States Grants (Education Assistance—Participation and Equity) Act 1983***

**829 Paragraph 31(1)(c)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***States Grants (Petroleum Products) Act 1965***

**830 Subsection 5(2)**

Omit “an officer of the Australian Public Service”, substitute “a person engaged under the *Public Service Act 1999*”.

**831 Paragraph 5(3)(a)**

Omit “an officer of the Australian Public Service”, substitute “a person engaged under the *Public Service Act 1999* (the **public servant**)”.

**832 Paragraph 5(3)(a)**

Omit “such an officer”, substitute “the public servant”.

**833 Subsection 5(3A)**

Omit “an officer” (wherever occurring), substitute “the public servant”.

***States Grants (Roads) Act 1977***

**834 Subsection 34(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***States Grants (Schools Assistance) Act 1983***

**835 Subsection 76(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***States Grants (Schools Assistance) Act 1984***

**836 Subsection 89(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Stevedoring Industry Charge Assessment Act 1947***

**837 Subsection 4(1) (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

***Stevedoring Levy (Collection) Act 1998***

**838 Subsection 17(1)**

Omit “a person holding or performing the duties of a Senior Executive Service office in the Department”, substitute “an SES employee, or acting SES employee, in the Department”.

**839 Subsection 17(2)**

Omit “a person holding or performing the duties of a Senior Executive Service office in the Department”, substitute “an SES employee, or acting SES employee, in the Department”.

**840 Subsection 17(3)**

Repeal the subsection.

***Student Assistance Act 1973***

**841 Subsection 3(1) (definition of employee)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

***Superannuation Act 1976***

**842 Subsection 3(1)**

Insert:



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*APS Agency* means an Agency within the meaning of the Public Service Act.

**843 Subsection 3(1)**

Insert:

*APS employee* has the same meaning as in the Public Service Act.

**844 Subsection 3(1) (definition of permanent employee)**

Repeal the definition, substitute:

*permanent employee* means a person employed in a permanent capacity by the Commonwealth or by an approved authority, but does not include:

- (a) a part-time employee who is not an approved part-time employee; or
- (b) a person who is engaged or appointed for employment outside Australia only, not being a person who is included in a class of persons approved by the Minister, in writing, for the purposes of this definition.

**845 Subsection 3(1) (definition of Public Service Act)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**846 Subsection 3(1) (definition of temporary employee)**

Omit all the words from and including “means” to and including “but does not include:”, substitute “means a person employed, otherwise than in a permanent capacity, by the Commonwealth or by an approved authority, but does not include:”.

**847 Subsection 3C(2) (definition of Department)**

Repeal the definition, substitute:

*Department* means:

- (a) an APS Agency; or
- (b) a Department of the Parliament.

**848 Paragraph 14A(1)(a)**

Repeal the paragraph, substitute:

- (a) is a person to whom Division 2 or 3 of the *Public Service Act 1922* applied immediately before the time (the *repeal time*) when that Act was repealed and who:
- (i) during the transitional period (within the meaning of Part 3 of the *Public Employment (Consequential and Transitional) Amendment Act 1999*) continues in eligible public employment (within the meaning of Part IV of the *Public Service Act 1922*, as in force immediately before the repeal time); or
  - (ii) after the end of that transitional period, continues in the same eligible public employment (within the meaning of Part IV of the *Public Service Act 1922*, as in force immediately before the repeal time) in which the person was engaged immediately before the end of that transitional period;

**849 Paragraph 14A(1)(c)**

Repeal the paragraph.

**850 Paragraph 14A(1)(d)**

Repeal the paragraph, substitute:

- (d) is a person who is a permanent employee, or a temporary employee, because of having been, or having been deemed to be, re-appointed or re-employed in circumstances similar to:
- (i) the circumstances in which a person could have been re-appointed to the Australian Public Service under section 63F, 63G or 66B of the *Public Service Act 1922*, as in force immediately before its repeal; or
  - (ii) the circumstances in which a person could have been deemed to have been re-appointed to the Australian Public Service in accordance with section 87M or 87Q of the *Public Service Act 1922*, as in force immediately before its repeal; or

**851 Subsection 14A(1A)**

Omit “(1)(a), (b), (c) or (d)”, substitute “(1)(b) or (d)”.

**852 Paragraph 14A(1A)(a)**

Omit “(1)(a) or (b)”, substitute “(1)(b)”.

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**853 Paragraph 14A(1A)(b)**

Omit “(1)(c) or (d)”, substitute “(1)(d)”.

**854 Subsection 14A(1B) (paragraphs (a) and (b) of the definition of previous relevant employment)**

Repeal the paragraphs, substitute:

- (a) if the person, after being dismissed or retired from employment, was re-appointed or re-employed (or deemed to have been re-appointed or re-employed) in circumstances similar to the circumstances referred to in subparagraph (1)(d)(i)—the office held by the person, or the employment in which the person was employed, immediately before his or her dismissal or retirement; or
- (b) if the person is re-appointed or re-employed (or deemed to be re-appointed or re-employed) by a previous employer in circumstances similar to the circumstances referred to in subparagraph (1)(d)(ii)—the office last held by the person, or the employment in which the person was last employed by that employer, before his or her re-appointment or re-employment.

**855 Subsection 14A(2)**

Omit “a person to whom Division 2 or 3 of Part IV of the Public Service Act applies or”.

**856 Subsection 14A(5)**

Omit “Public Service Act”, substitute “*Public Service Act 1922*”.

**857 Paragraph 14A(6)(a)**

Repeal the paragraph, substitute:

- (a) a person who has ceased to be an eligible employee again becomes an eligible employee because of having been, or having been deemed to be, re-appointed or re-employed in circumstances similar to the circumstances referred to in subparagraph (1)(d)(i) or (ii); and

**858 Subsection 14A(6)**

Omit “re-appointment, declaration or reinstatement” (wherever occurring), substitute “re-appointment or reinstatement”.

**859 Section 16A**

Omit “Public Service Act” (wherever occurring), substitute “*Public Service Act 1922*”.

**860 Subsection 21(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**861 Subsection 26(1)**

Omit “appointed or employed under the Public Service Act”, substitute “engaged under the Public Service Act”.

**862 Subsection 26(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Commissioner and the APS employees assisting the Commissioner together constitute a Statutory Agency; and
  - (b) the Commissioner is the Head of that Statutory Agency.

**863 Subparagraph 51(2)(f)(i)**

Repeal the subparagraph, substitute:

- (i) in respect of a person employed in an APS Agency—the Agency Head of the Agency is satisfied that the engaging by the person in the other employment is in the interests of the Australian Public Service; or

**864 Subsection 57B(1) (paragraphs (a), (b) and (c) of the definition of fixed-term employee)**

Repeal the paragraphs, substitute:

- (a) a person appointed under section 51 of the Public Service Act; or
- (b) an APS employee on a fixed term; or

**865 Subsection 57B(2)**

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Omit “a person continues as an officer by virtue of a direction under subsection 37(6) of that Act”, substitute “a person is immediately engaged under section 53 of that Act”.

**866 Subsection 57B(2)**

Omit “at the same time as the person ceases to be an officer by virtue of the direction” (wherever occurring), substitute “at the same time as the engagement under that section ends”.

**867 Subsection 57B(3)**

Omit “Public Service Act”, substitute “*Public Service Act 1922*”.

**868 Paragraph 58(3)(aa)**

Repeal the paragraph, substitute:

- (aa) in the case of an SES employee—the person retires under section 37 of the Public Service Act;

**869 Paragraph 58(3)(b)**

Repeal the paragraph, substitute:

- (b) the person’s employment or appointment is terminated on a ground similar to a ground specified in section 76D, 76L or 76W of the *Public Service Act 1922*, as in force immediately before its repeal;

**870 Paragraph 58(3)(e)**

Repeal the paragraph.

**871 Paragraph 58(3)(f)**

Omit “Public Service Act”, substitute “*Public Service Act 1922*, in its continued application because of section 8 of the *Public Employment (Consequential and Transitional) Amendment Act 1999*”.

**872 Paragraph 58(3)(g)**

Repeal the paragraph.

**873 Paragraph 58(3)(h)**

Omit “otherwise than under the Public Service Act,”.

**874 Subparagraph 58A(1)(c)(i)**

Repeal the subparagraph, substitute:

- (i) was an APS employee or a Secretary (within the meaning of the Public Service Act), other than a fixed-term employee; or

**875 Subparagraph 58B(1)(c)(i)**

Repeal the subparagraph, substitute:

- (i) was an APS employee or a Secretary (within the meaning of the Public Service Act), other than a fixed-term employee; or

**876 Section 120**

Repeal the section, substitute:

**120 Persons to whom Part applies**

This Part applies to a person if:

- (a) the person ceased to be an eligible employee because he or she has voluntarily terminated his or her employment in order to become:
  - (i) a candidate for election as a member of a House of the Parliament of the Commonwealth or of a State or of the Legislative Assembly for the Northern Territory; or
  - (ii) a candidate in an election that is prescribed under the Public Service Act for the purposes of section 32 of that Act; and
- (b) the termination took effect not earlier than 6 months before the day on which nominations for the election closed.

**877 Subsection 125(3)**

Omit “section 47C of the Public Service Act”, substitute “this section”.

**878 Subparagraph 159(1)(b)(i)**

Omit “appointed or employed under the Public Service Act”, substitute “engaged under the Public Service Act”.

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**879 Subsection 160(8) (paragraph (a) of the definition of declared authority)**

Omit “appointed or employed under the Public Service Act”, substitute “engaged under the Public Service Act”.

**880 Paragraph 163A(1)(b)**

Omit “an officer or employee of the Australian Public Service”, substitute “a Secretary within the meaning of the Public Service Act, or other person engaged under that Act,”.

**881 Subsection 167(2) (definition of officer)**

Omit “an officer of the Australian Public Service or an approved authority”, substitute “a person appointed or engaged under the Public Service Act or an officer of an approved authority”.

**882 Section 244**

Omit “Public Service Act” (wherever occurring), substitute “*Public Service Act 1922*”.

***Superannuation Act 1990***

**883 Section 3 (definition of permanent employee)**

Repeal the definition, substitute:

*permanent employee* means a person employed in a permanent capacity by the Commonwealth or by an approved authority, but does not include a person who is engaged or appointed for employment outside Australia only, not being a person who is included in a class of persons approved by the Minister, in writing, for the purposes of this definition.

**884 Section 3 (definition of temporary employee)**

Omit all the words from and including “means” to and including “does not include”, substitute “means a person employed, otherwise than in a permanent capacity, by the Commonwealth or by an approved authority, but does not include”.

**885 Subsection 3AA(2) (definition of Department)**

Repeal the definition, substitute:

*Department* means:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or
- (b) a Department of the Parliament.

**886 Paragraph 6(1)(h)**

Repeal the paragraph, substitute:

- (h) a person to whom Division 2 or 3 of the *Public Service Act 1922* applied immediately before the time (the *repeal time*) when that Act was repealed and who:
  - (i) during the transitional period (within the meaning of Part 3 of the *Public Employment (Consequential and Transitional) Amendment Act 1999*) continues in eligible public employment (within the meaning of Part IV of the *Public Service Act 1922*, as in force immediately before the repeal time); or
  - (ii) after the end of that transitional period, continues in the same eligible public employment (within the meaning of Part IV of the *Public Service Act 1922*, as in force immediately before the repeal time) in which the person was engaged immediately before the end of that transitional period;

**887 Subparagraph 19(1)(b)(i)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**888 Subsection 35(4) (subparagraph (a)(i) of the definition of declared authority)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**889 Subparagraph 36(c)(i)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Superannuation Benefits (Supervisory Mechanisms) Act 1990***

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**890 Subsection 3(1) (definition of overseas employee)**

Omit “section 82AF of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

**891 Subsection 6(6) (definition of employer)**

Omit “a Department within the meaning of the *Public Service Act 1922*”, substitute “an Agency within the meaning of the *Public Service Act 1999*”.

***Superannuation Contributions Tax (Assessment and Collection) Act 1997***

**892 Subsection 32(1) (paragraph (b) of the definition of person to whom this section applies)**

Repeal the paragraph, substitute:

- (b) a person engaged under the *Public Service Act 1999* in the Agency (within the meaning of that Act) of which the Commissioner is the Agency Head; or

**893 Section 36**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**894 Section 43 (definition of authorised officer)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

***Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997***

**895 Subsection 28(1) (paragraph (b) of the definition of person to whom this section applies)**

Repeal the paragraph, substitute:

- (b) a person engaged under the *Public Service Act 1999* in the Agency (within the meaning of the *Public Service Act 1999*) of which the Commissioner is the Agency Head; or

**896 Section 29**

Omit “a person who is an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

**897 Section 38 (definition of authorised officer)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

***Superannuation Guarantee (Administration) Act 1992***

**898 Subsection 5(5) (paragraph (c) of the definition of Commonwealth Department)**

Repeal the paragraph, substitute:

- (c) an Executive Agency, or Statutory Agency, within the meaning of the *Public Service Act 1999*.

**899 Subsection 6(1) (definition of authorised officer)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**900 Subsection 45(1) (paragraph (b) of the definition of person to whom this section applies)**

Repeal the paragraph, substitute:

- (b) a person engaged under the *Public Service Act 1999* in an Agency (within the meaning of that Act) of which the Commissioner is the Agency Head (within the meaning of that Act); or

***Superannuation Industry (Supervision) Act 1993***

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**901 Subsection 10(1) (paragraph (c) of the definition of taxation officer)**

Repeal the paragraph, substitute:

- (c) a person engaged under the *Public Service Act 1999*, or an officer or employee of an authority of the Commonwealth, performing duties in the Australian Taxation Office; or

***Superannuation (Productivity Benefit) Act 1988***

**902 Subsection 3(1) (definition of Department)**

Repeal the definition, substitute:

***Department*** means:

- (a) an Agency within the meaning of the *Public Service Act 1999*; or
- (b) a Department of the Parliament.

**903 Subsection 3(1) (definition of permanent employee)**

Repeal the definition, substitute:

***permanent employee*** means any person employed in a permanent capacity by the Commonwealth or by an approved authority.

**904 Subsection 3(1) (definition of Public Service Act)**

Omit "*Public Service Act 1922*", substitute "*Public Service Act 1999*".

**905 Subsection 3(1) (paragraph (a) of the definition of qualified employee)**

Repeal the paragraph.

**906 Subsection 3(1) (paragraph (b) of the definition of qualified employee)**

Repeal the paragraph, substitute:

- (b) a person employed by the Commonwealth; or

**907 Subsection 3(1) (definition of temporary employee)**

Repeal the definition, substitute:

*temporary employee* means any person employed, otherwise than in a permanent capacity, by the Commonwealth or by an approved authority, but does not include a person who is engaged or appointed for employment outside Australia only.

### ***Superannuation (Resolution of Complaints) Act 1993***

#### **908 Subsection 51(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

#### **909 Subsection 62(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

### ***Sydney Airport Demand Management Act 1997***

#### **910 Paragraph 71(b)**

Repeal the paragraph, substitute:  
(b) an SES employee in the Department;

### ***Taxation Administration Act 1953***

#### **911 Section 2 (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

#### **912 After section 4**

Insert:

#### **4A Statutory Agency etc. for purposes of Public Service Act**

- (1) The staff necessary to assist the Commissioner are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:

- 
- (a) the Commissioner and the APS employees assisting the Commissioner together constitute a Statutory Agency; and
  - (b) the Commissioner is the Head of that Statutory Agency.

**913 Subsection 5(3)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**914 Subsection 6(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**915 Subsection 13D(1) (paragraph (a) of the definition of officer)**

Repeal the paragraph, substitute:

- (a) a person appointed or engaged under the *Public Service Act 1999*; or

***Telecommunications Act 1997***

**916 Subsection 347(1)**

Omit “a person holding or performing the duties of a Senior Executive Service office”, substitute “an SES employee or acting SES employee”.

**917 Subsection 347(3) (definition of Senior Executive Service office)**

Repeal the definition.

***Telecommunications (Interception) Act 1979***

**918 Subsection 5(1) (subparagraph (b)(ii) of the definition of certifying officer)**

Omit “a Senior Executive Service officer within the meaning of the *Public Service Act 1922*”, substitute “an SES employee or acting SES employee”.

***Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997***

**919 Paragraph 25(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

**920 Subsection 25(3)**

Repeal the subsection.

**921 Paragraph 35(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

**922 Subsection 35(3)**

Repeal the subsection.

***Telstra Corporation Act 1991***

**923 Section 3 (definition of Senior Executive Service office)**

Repeal the definition.

**924 Subsection 8AW(6) (paragraph (c) of the definition of associated person)**

Repeal the paragraph, substitute:

- (c) a person appointed or engaged under the *Public Service Act 1999*; or

**925 Paragraph 8BB(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee or acting SES employee whether or not in the Department;

**926 Paragraph 8BB(2)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee or acting SES employee whether or not in the Department of Finance;

**927 Paragraph 8CB(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee or acting SES employee whether or not in the Department;

**928 Paragraph 8CB(2)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee or acting SES employee whether or not in the Department of Finance;

**929 Paragraph 69(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

**930 Paragraph 70(1)(b)**

Repeal the paragraph, substitute:

- (b) an SES employee, or acting SES employee, in the Department;

**931 Subsection 71(1)**

Omit “a person holding or performing the duties of a Senior Executive Service office in the Department”, substitute “an SES employee, or acting SES employee, in the Department”.

***Termination Payments Tax (Assessment and Collection) Act 1997***

**932 Subsection 23(1) (paragraph (b) of the definition of person to whom this section applies)**

Repeal the paragraph, substitute:

- (b) a person engaged under the *Public Service Act 1999* in the Agency (within the meaning of that Act) of which the Commissioner is the Agency Head; or

**933 Section 24**

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Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**934 Section 31 (definition of authorised officer)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “a person engaged under the *Public Service Act 1999*”.

***Textile, Clothing and Footwear Strategic Investment  
Program Act 1999***

**935 Subsection 52(6) (paragraph (a) of the definition of senior officer)**

Repeal the paragraph, substitute:

- (a) an SES employee, or acting SES employee, in the Department; or

***Therapeutic Goods Act 1989***

**936 Subsection 6A(2)**

Repeal the subsection, substitute:

- (2) While an approval is in force for the purpose of subsection (1), section 57 has effect as if such a function or power were a function or power under this Act.

**937 Paragraph 57(1)(b)**

Omit “another Department or of”.

**938 After paragraph 57(1)(b)**

Insert:

- (ba) an APS employee in an Agency (within the meaning of the *Public Service Act 1999*) that has functions in relation to therapeutic goods; or

***Tobacco Charges Assessment Act 1955***

**939 Subsection 4(1) (definition of officer)**

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Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

### ***Trade Marks Act 1995***

#### **940 Section 6 (definition of employee)**

Repeal the definition, substitute:

*employee* means a person engaged under the *Public Service Act 1999*.

#### **941 Section 6 (paragraph (a) of the definition of trade marks officer)**

Repeal the paragraph.

#### **942 Section 6 (paragraph (c) of the definition of trade marks officer)**

Omit “(a) or”.

#### **943 Subsection 206(1)**

Omit all the words after “functions”, substitute “to a prescribed employee, or employees in a prescribed class, employed in the Trade Marks Office”.

### ***Trade Practices Act 1974***

#### **944 Subsection 12(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

#### **945 Subsection 27(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

#### **946 Subsections 27(2) and (3)**

Repeal the subsections, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Chairperson of the Commission and the APS employees assisting the Chairperson together constitute a Statutory Agency; and
- (b) the Chairperson is the Head of that Statutory Agency.

**947 Subsection 29G(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**948 Subsection 29M(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**949 Subsection 29M(2)**

Repeal the subsection, substitute:

(2) For the purposes of the *Public Service Act 1999*:

- (a) the Council President and the APS employees assisting the Council President together constitute a Statutory Agency; and
- (b) the Council President is the Head of that Statutory Agency.

**950 Subsection 44(3)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**951 Subsection 44A(1)**

Omit “an officer or employee for the purposes of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**952 Section 65T**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**953 Section 10.80**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

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**954 Subsection 170(2)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999* (the *public servant*)”.

**955 Subsection 170(2)**

Omit “officer” (second and third occurring), substitute “public servant”.

***Trade Representatives Act 1933***

**956 Section 4**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**957 Section 4**

Omit “the *Public Service Act 1922*”, substitute “that Act”.

**958 Subsection 10(2)**

Omit “*Commonwealth Public Service Act 1922-1932* or of the *Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**959 Paragraph 11(4)(a)**

Omit “section 82D of the *Public Service Act 1922*”, substitute “section 24 of the *Public Service Act 1999*”.

**960 Subsections 11C(1) and (2)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Transport (Planning and Research) Act 1974***

**961 Subsection 18(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Transport Planning and Research (Financial Assistance) Act 1977***

**962 Subsection 14(1)**

Omit “an officer of the Australian Public Service”, substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***Veterans’ Entitlements Act 1986***

**963 Subsection 89(3)**

Omit “employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**964 Subsection 162(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**965 Section 172**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**966 Section 184**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**967 At the end of paragraphs 184(a), (b) and (c)**

Add “and”.

**968 Paragraph 184(d)**

Omit “President; and”, substitute “President.”.

**969 Paragraph 184(e)**

Repeal the paragraph.

**970 Subsection 186(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

**971 Paragraph 193(1)(b)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**972 Section 196**

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Omit “appointed or employed under the *Public Service Act 1922*”,  
substitute “engaged under the *Public Service Act 1999*”.

**973 Section 196T**

Omit “appointed or employed under the *Public Service Act 1922*”,  
substitute “engaged under the *Public Service Act 1999*”.

**974 Section 196ZM**

Omit “appointed or employed under the *Public Service Act 1922*”,  
substitute “engaged under the *Public Service Act 1999*”.

**975 Paragraph 212(1)(a)**

Omit “an officer or employee of the Australian Public Service”,  
substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**976 Subsection 213(1)**

Omit “an officer or employee of the Australian Public Service”,  
substitute “a person appointed or engaged under the *Public Service Act 1999*”.

**977 Subsection 214(1)**

Omit “an officer or employee of the Australian Public Service”,  
substitute “a person appointed or engaged under the *Public Service Act 1999*”.

***War Graves Act 1980***

**978 Subsection 7(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”,  
substitute “The”.

***Wet Tropics of Queensland World Heritage Area  
Conservation Act 1994***

**979 Paragraph 7(a)**

Repeal the paragraph, substitute:

(a) persons engaged under the *Public Service Act 1999*; or

***Wildlife Protection (Regulation of Exports and Imports) Act 1982***

**980 Paragraph 18(2)(d)**

Omit “an officer or employee within the meaning of the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

***Williamstown Dockyard Employees Act 1987***

**981 Section 3 (paragraph (a) of the definition of relevant employee)**

Repeal the paragraph, substitute:

(a) a person appointed or engaged under the *Public Service Act 1999*; or

**982 Section 3 (definition of the Service)**

Repeal the definition, substitute:

*the Service* means the APS within the meaning of the *Public Service Act 1999*.

***Wool Tax (Administration) Act 1964***

**983 Subsection 4(1) (definition of officer)**

Repeal the definition, substitute:

*officer* means a person appointed or engaged under the *Public Service Act 1999*.

***Workplace Relations Act 1996***

**984 Subsection 4(1) (paragraph (a) of the definition of public sector employment)**

Omit “*Public Service Act 1922*”, substitute “*Public Service Act 1999*”.

**985 Subsection 26(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, a”, substitute “A”.

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**986 Subsection 72(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**987 Subsection 83(1)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**988 Subsection 83(2)**

Repeal the subsection, substitute:

- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Industrial Registrar and the APS employees assisting the Industrial Registrar together constitute a Statutory Agency; and
  - (b) the Industrial Registrar is the Head of that Statutory Agency.

**989 Section 83BD**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**990 Subsection 83BL(1)**

Omit “Subject to section 87E of the *Public Service Act 1922*, the”, substitute “The”.

**991 Paragraph 84(2)(a)**

Omit “appointed or employed under the *Public Service Act 1922*”, substitute “engaged under the *Public Service Act 1999*”.

**992 Subsection 84(3)**

Omit “section 78 of the *Public Service Act 1922*”, substitute “section 71 of the *Public Service Act 1999*”.

**993 Subsection 170CD(1) (paragraph (a) of the definition of Commonwealth public sector employee)**

Repeal the paragraph, substitute:

- (a) under the *Public Service Act 1999*; or

**994 Section 170WK**

Repeal the section, substitute:

**170WK AWAs with Commonwealth employees**

An Agency Head (within the meaning of the *Public Service Act 1999*) may act on behalf of the Commonwealth in relation to AWAs with persons in the Agency who are engaged under the *Public Service Act 1999*.

***Workplace Relations Legislation Amendment (More Jobs, Better Pay) Act 1999***

**995 Subsection 2(9)**

Omit “item 964 of Schedule 1 to the *Public Employment (Consequential and Transitional) Amendment Act 1999*”, substitute “the item of Schedule 1 to the *Public Employment (Consequential and Transitional) Amendment Act 1999* dealing with section 170WK of the *Workplace Relations Act 1996*”.

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[*Minister’s second reading speech made in—  
House of Representatives on 30 March 1999  
Senate on 14 October 1999*]

(66/99)

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