



Public Service Amendment Regulations 2004 (No.)¹

Statutory Rules 2004 No. ²

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Public Service Act 1999*.

Dated 2004

Governor-General

By His Excellency's Command

KEVIN ANDREWS
Minister for Employment and Workplace Relations
for the Prime Minister

1 Name of Regulations

These Regulations are the *Public Service Amendment Regulations 2004 (No.)*.

2 Commencement

These Regulations commence on the date of their notification in the *Gazette*.

3 Amendment of *Public Service Regulations 1999*

Schedule 1 amends the *Public Service Regulations 1999*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulations 3.9 (4) and 3.9A (5)

omit

any directions issued by the Commissioner under section 36 of the Act.

insert

the Commissioner's Directions.

[2] Subregulation 3.12 (2)

substitute

- (2) If a decision mentioned in paragraph (1) (a) was made in accordance with the measures mentioned in clause 4.2 of the Commissioner's Directions, the notification of the decision must include a statement to the effect that:

'This engagement is made in accordance with the provisions of subclause 4.2 (2) of the *Public Service Commissioner's Directions 1999* — similar employment opportunity previously notified.'

[3] Subregulation 3.12 (3)

substitute

- (3) If a decision mentioned in paragraph (1) (a) was made in accordance with the measures mentioned in clause 4.2A of the Commissioner's Directions, the notification of the decision must include a statement to the effect that:

'This engagement was authorised by the Public Service Commissioner on (*date*) under clause 4.2A of the *Public Service Commissioner's Directions 1999* — exceptional circumstances.'

- (4) If a decision mentioned in paragraph (1) (h) was made in accordance with the measures mentioned in clause 4.6A of the Commissioner's Directions, the notification of the decision must include a statement to the effect that:

'This promotion is made in accordance with the provisions of subclause 4.6A (2) of the *Public Service Commissioner's Directions 1999* — similar employment opportunity previously notified.'

[4] Subregulation 3.14 (1)

substitute

- (1) A person to whom section 32 of the Act applies is entitled to be again engaged as an APS employee if, within the required time, the person applies to the relevant authority.

[5] Subregulation 3.14 (3), before definition of *required time*

insert

relevant authority means:

- (a) if the Agency in which the person was employed when the person resigned still exists — the Agency Head of that Agency; or

- (b) if the functions to which the person's duties related, or mainly related, have been transferred to another Agency — the Agency Head of that Agency; or
- (c) in any other case — the Commissioner.

[6] Subregulation 3.15 (6)

substitute

- (6) For the purposes mentioned in subregulation (7), the continuity of the person's service is taken not to have been broken by the period between the person's resignation and the person's again being engaged as an APS employee but that period does not count as service.
- (7) The purposes are:
 - (a) calculation of leave entitlements under an award, certified agreement, AWA or determination under the Act; and
 - (b) calculation of the person's redundancy pay, however described, under an award, certified agreement, AWA or determination under the Act.

Note For entitlements to long service leave and paid maternity leave, see the *Long Service Leave (Commonwealth Employees) Act 1976* and the *Maternity Leave (Commonwealth Employees) Act 1973*.

[7] Paragraph 5.5 (b)

substitute

- (b) the Commissioner's Directions; and

[8] Dictionary, definition of *Classification Rules*

substitute

Classification Rules means the *Public Service Classification Rules 2000*, as in force on 9 June 2004.

[9] Dictionary, definition of *Commissioner's Directions*

substitute

Commissioner's Directions means the *Public Service Commissioner's Directions 1999*, as in force on 9 June 2004.

Notes

1. These Regulations amend Statutory Rules 1999 No. 300, as amended by 2000 No. 359; 2001 No. 328; 2002 Nos. 214 and 264; 2003 Nos. 317 and 364.
2. Notified in the *Commonwealth of Australia Gazette* on 2004.