Administrative Arrangements Bill 1987

Date Introduced: 15 September 1987
House: Senate
Presented by: Senator the Hon. John Button, Minister for Industry, Technology and Commerce

Digest of Bill

Purpose
To amend two Acts as a result of the introduction of new Ministerial arrangements and reform of the Public Service.

Background
The measures to be implemented by this Bill arise from two recent government decisions. The first involves the abolition of the Public Service Board and the transfer of its functions to the Departments, a new Commissioner and the proposed Australian Public Service Management Advisory Board. The decision follows the review of the Public Service by the Efficiency Scrutiny Unit, which was established in 1986, and the recommendation of the Unit's head, Mr David Block. The decision to restructure the Public Service Board was foreshadowed by the Treasurer in the Initial Budget Measures (the May Statement) announced by the Treasurer on 13 May 1987.

Other measures to be implemented by this Bill result from the new Ministerial arrangements announced by the Prime Minister on 22 July 1987. Under the new arrangements, there will be 18 Departments and 30 Ministers, resulting in the situation where more than one Minister administers a Department. As a number of Acts refer to 'the Minister' in relation to powers and responsibilities, this Bill will amend the Acts Interpretation Act 1901 to clarify which Minister, or Ministers, are able to exercise the powers and responsibility.

Main Provisions
Amendments to the Acts Interpretation Act 1901
Clause 5 will insert a new section 19A into this Act. Under the new provision, where an Act refers to the Minister without specifying the Minister, the reference will be taken as a reference to the Minister, or Ministers, who administer the matter concerned. Similarly, a non-specific reference to 'the Department' will be taken as a reference to the Department that administers the matters concerned.
Amendments to the *Public Service Act* 1922

Clause 10 will amend section 7 of this Act to remove the definition of the Board and insert a definition of Commissioner which is defined to be the Public Service Commissioner.

Clause 11 will repeal sections 11 to 17 of this Act and insert new provisions. Proposed section 11 will establish the position of Public Service Commissioner, who will be appointed by the Governor-General. Proposed sections 12 to 18B contain the usual provisions regarding statutory positions dealing with renumeration, disclosure of interests, annual report etc.

Section 19 of this Act deals with the powers of the Public Service Board. Clause 12 will amend this section to change references to the Board to the Commissioner and to increase the penalty for a failure to obey a summons to attend, to be sworn or to answer questions or produce documents from a maximum of a $40 fine to a maximum penalty of a $1000 fine and/or six months imprisonment.

Clause 13 will repeal section 19A of this Act which established Joint Council and Classification Committees.

Clause 15 will substitute a new section 22 into this Act which will establish the Australian Public Service Management Advisory Board. The proposed Board's functions will be to advise on significant issues relating to management and to act as a forum for discussion on management activities. The proposed Board will consist of the Secretaries of the Departments of Prime Minister and Cabinet, Industrial Relations, Finance, such other Secretaries as are nominated by the Prime Minister, the Commissioner and at least two others nominated by the Prime Minister.

Proposed section 23 will provide for the establishment of Joint Councils by regulation. Their functions will be as prescribed (clause 16).

Clause 20 will allow the Governor-General to make regulations to modify Acts as a consequence of a Department being administered by two or more Ministers or a Minister administering more than one Department. This provision will cease to have effect one year after its commencement.

The Schedule to the bill will substitute new Schedules into this Act that reflect the new Departmental structure.

For further information, if required, contact the Economics and Commerce Group.

24 September 1987

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