

**CONSTITUTION (PUBLIC SERVICE) AMENDMENT
ACT, 1979, No. 91**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 91, 1979.

An Act to amend the Constitution Act, 1902, consequent on and in connection with the enactment of the Public Service Act, 1979. [Assented to, 16th May, 1979.]

Constitution (Public Service) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Constitution (Public Service) Amendment Act, 1979".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Public Service Act, 1979.

Amendment
of Act No.
32, 1902. **3.** The Constitution Act, 1902, is amended—

Sec. 1.
(Short title
and
division.) (a) by omitting from section 1 the matter relating to Part VI and by inserting instead the following matter :—

**PART VI.—OFFICERS AND DEPARTMENTS—SS.
47–49.**

Part VI,
heading. (b) by omitting from the heading to Part VI the words "APPOINTMENT OF OFFICERS" and by inserting instead the words "OFFICERS AND DEPARTMENTS";

Secs. 48, 49. (c) by inserting after section 47 the following sections :—

Absent
officers.
cf. 1902
No. 31, s. 6. **48.** (1) In this section—
"functions" includes powers, authorities and duties;
"officer" means an officer in the service of the Crown or of an authority of the State, but does not include an Executive Councillor (as defined in section 35) or the holder of a judicial office;

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“unavailable”, in relation to an officer, means unavailable by reason of the officer’s absence, suspension or disability or for any other reason.

(2) Where, by any Act or statutory or other instrument, any function is conferred or imposed on an officer in his capacity as an officer, the function may be exercised or performed by another officer whom the Governor has directed to exercise the functions of the firstmentioned officer during any period when he is unavailable in the same manner and to the same extent in all respects as those functions might have been exercised or performed by the firstmentioned officer.

(3) Any act, matter or thing done or omitted by an officer while acting pursuant to a direction given as referred to in subsection (2) in relation to the functions of another officer shall be as valid and effectual as if the act, matter or thing had been done or omitted by that other officer.

(4) This section is in addition to and not in derogation of any other provision made for the exercise of the functions of an unavailable officer (whether by way of temporary appointment or otherwise).

49. (1) In this section—

Departments.

“branch” means a branch or other part of a Department;

“Department” means a Department of the Government.

(2) The Governor may, by proclamation published in the Gazette—

(a) establish, abolish or change the name of any Department or branch of any Department;

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- (b) remove a branch from any Department; or
- (c) add a branch to any Department.

Savings.

4. The various Departments as established immediately before the commencement of this section shall be deemed to have been established under section 49 of the Constitution Act, 1902, as amended by this Act.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
By Deputation from
His Excellency the Governor.

Government House,
Sydney, 16th May, 1979.

CONSTITUTION (PUBLIC SERVICE) AMENDMENT BILL, 1979

EXPLANATORY NOTE

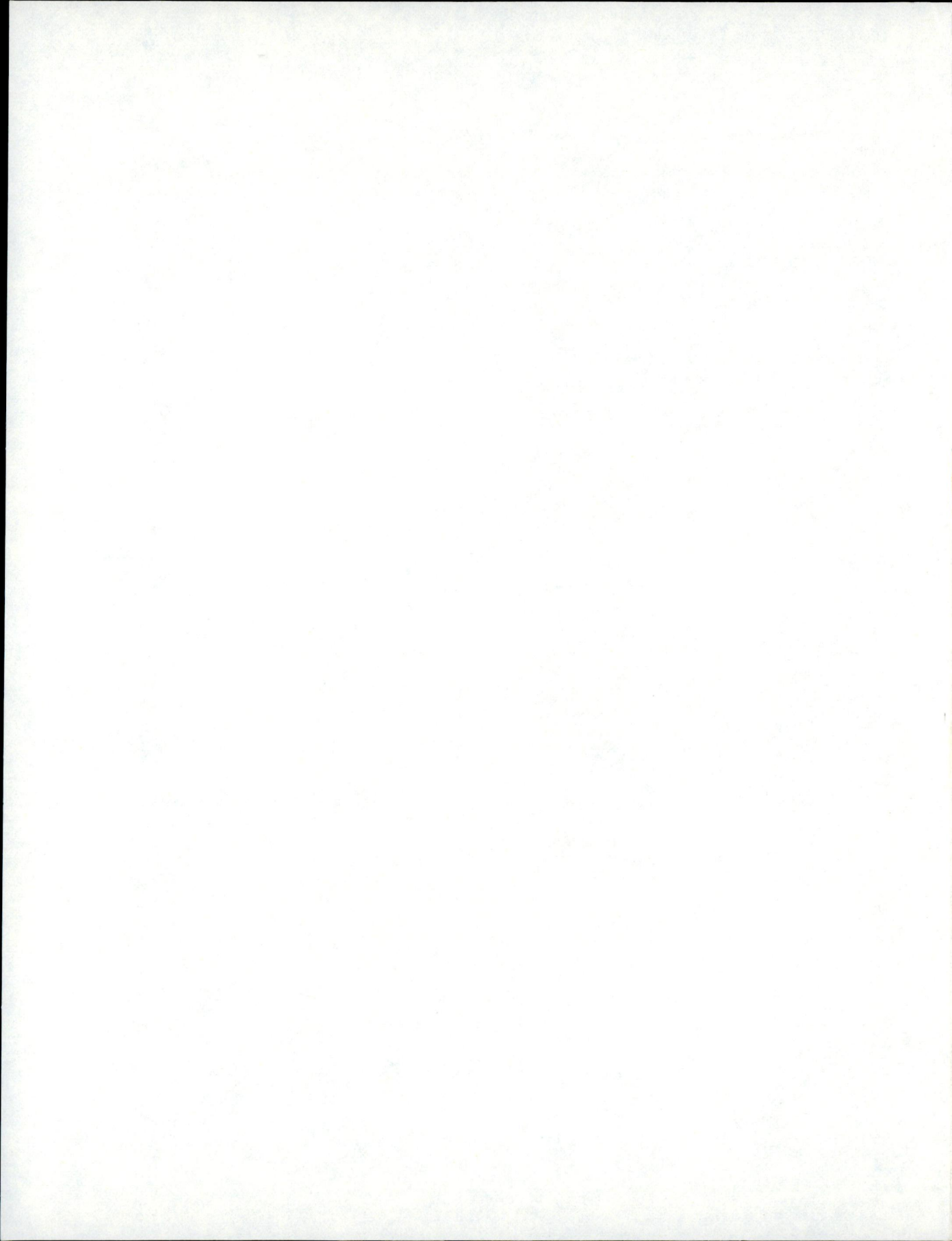
(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Service Bill, 1979.

The object of this Bill is to effect amendments to the Constitution Act, 1902, consequent on and in connection with the enactment of the proposed Public Service Act, 1979.

The Bill enacts, as section 48 of the Constitution Act, 1902, provisions similar to those presently contained in section 6 of the Public Service Act, 1902. The proposed section 48 empowers the Governor-in-Council to authorise an officer to exercise the functions of an absent or otherwise unavailable officer, being an officer in the service of the Crown or of an authority of the State.

The Bill inserts a new section 49 into the Constitution Act, 1902, giving express power to the Governor-in-Council to establish, abolish and otherwise deal with Departments.



**CONSTITUTION (PUBLIC SERVICE) AMENDMENT
BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Constitution Act, 1902, consequent on and
in connection with the enactment of the Public Service Act,
1979.

[MR WRAN—18 April, 1979.]

Constitution (Public Service) Amendment.

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the functions of an unavailable officer (whether by way of
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Constitution (Public Service) Amendment.

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5 established under section 49 of the Constitution Act, 1902, as
amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[8c]

