

Additional Information  
QON – PM 36

**Clarification by the Australian Public Service Commission  
–Ms Tarjan’s evidence, Estimates hearing on 22 May 2007**

In answering questions from Senator Wong in relation to statutory authorities, Ms Tarjan assumed that the reference was to statutory authorities that are not staffed under the *Public Service Act 1999* (PS Act). However there are statutory agencies which operate under the PS Act, and other statutory agencies that employ staff under their own legislation (outside the PS Act).

In relation to statutory agencies that operate under the PS Act, the provisions in relation to machinery of government changes (MOG) and redundancy are the same as applying to other APS agencies.

Where a MOG change moves staff from an APS agency to a statutory agency outside the APS, there is a provision in the PS Act that protects remuneration and other conditions of employment (s.72(3)&(4)).

Where a MOG change moves staff from a statutory agency (outside the APS) to an APS agency, Public Service Regulation 8.2 sets out arrangements that can apply.

For both moves into and out of the APS, the transmission of business provisions of the *Workplace Relations Act 1996* may apply.

The Commission does not have a policy role in relation to non-APS statutory agencies.