

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

PUBLIC SECTOR LEGISLATION AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

**Circulated by authority of
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CHIEF MINISTER**

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OUTLINE

This Bill amends the *Public Sector Management Act 1994*; the *Fire Brigade (Administration) Act 1974* and the *Legislative Assembly (Members' Staff) Act 1989* to remove sunset clauses relating to public service review rights. The removal of the sunset clauses will ensure that ACT public servants retain access to existing public service review rights.

Since the creation of the separate ACT Public Service, the Public Sector Management Act has tied the ACT Public Service to the Commonwealth system of review for employment related decisions under the *Merit Protection (Australian Government Employees) Act 1984*. Similar links also existed for the staff employed under the *Fire Brigade (Administration) Act* and the *Legislative Assembly (Members' Staff) Act*.

Last year, the Commonwealth Government introduced a new legislative framework for the Australian Public Service including a different system of review for employment related decisions. In light of the repeal of key Commonwealth legislation, the Assembly passed the *Public Sector Legislation Amendment Act 1999* to preserve the old review arrangements for the ACT Public Service until 31 December 2000. The Bill provided interim access to the Commonwealth Merit Protection Commissioner pending a new legislative framework for discipline, inefficiency and review in the ACT Public Service. The arrangements are supported by a fee for service agreement with the Commonwealth Merit Protection Commissioner.

A new legislative framework is proposed in the Public Sector Management Amendment Bill 2000. The minor amendments in the Public Sector Legislation Amendment Bill 2000 maintain access to the old review arrangements, unless overridden by agency Certified Agreements, until the passage of the new legislative framework.

Introduction	The clause sets out the Bill's title, date of commencement and operations.
Name of Act and commencement Clauses 1 and 2	These clauses are formal requirements. They refer to the name of the Act, and the commencement of the Bill, which is taken to be on 31 December 2000.
Amendment of Public Sector Management Act Clause 3	This clause omits subsection 235(4) of the <i>Public Sector Management Act 1994</i> to remove the sunset clause relating to public service review rights.
Amendment of Fire Brigade (Administration) Act Clause 4	This clause omits subsection 34(8) of the <i>Fire Brigade (Administration) Act 1974</i> to remove the sunset clause relating to public service review rights.
Amendment of Legislative Assembly (Members' Staff) Act Clause 5	This clause omits subsection 13BA of the <i>Legislative Assembly (Members' Staff) Act 1989</i> to remove sunset clauses relating to public service review rights.