

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

FIRE BRIGADE (ADMINISTRATION)(AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

**Circulated by authority of
Terry Connolly MLA
Minister for Urban Services**

AUSTRALIAN CAPITAL TERRITORY

FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1993

GENERAL OUTLINE

The Bill amends the *Fire Brigade (Administration) Act 1974* to provide for the retirement of members of the ACT Fire Brigade who are excess to requirements, and who consent to such action.

Section 58 of the *Superannuation Act 1976*, in respect of the Commonwealth Superannuation Scheme, and rule 4.2.1(c) of the Rules for the Administration of the Public Sector Superannuation Scheme require the Retirement Benefits Office to be satisfied that an effective comparison of the circumstances of a person's ceasing to be a scheme member can be made with those contemplated in section 76W of the *Public Service Act 1922* before involuntary retirement benefits can be paid.

The amendments contained in the Bill are similar to the provisions of section 76W of the *Public Service Act 1922* to the extent that they relate to excess staff and will enable the Retirement Benefits Office to authorise payment of retrenchment benefits (referred to as involuntary retirement benefits in the Commonwealth Superannuation and Public Sector Superannuation Schemes) to members of the Brigade who are retired because they are excess to requirements.

FINANCIAL IMPACT STATEMENT

There are no direct financial implications arising from this Bill.

DETAILED EXPLANATION

Clauses 1 and 3 are formal requirements which refer to the short title of the Bill and define the Principal Act.

Clause 2 provides that the amendments will commence on the day on which they are notified in the Gazette.

Clause 4 inserts a new section 32 in Division 4 of Part III of the Principal Act.

This new section allows the Fire Commissioner to retire members from the Brigade provided the member is excess (as defined) and the member consents to retirement.

The definition of "excess member" includes a situation where more members are employed in a particular class of members than are necessary, or the services of a particular member can not be effectively used because of technological or other changes in the way the Brigade carries out its functions.