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AUSTRALIAN CAPITAL TERRITORY

FIRE BRIGADE (PROMOTION OF OFFICER) ORDINANCE 1985

EXPLANATORY STATEMENT

No. 32 of 1985

The Fire Brigade (Promotion of Officer) Ordinance 1985 ("the Ordinance") promotes a District Officer in the Australian Capital Territory Fire Brigade ("the Brigade") to the rank of Superintendant in the Brigade, prior to his retirement from the Brigade on 15 August 1985.

Paragraph 29(1) (a) of the Fire Brigade (Administration) Ordinance 1974 ("the Administration Ordinance") provides that, subject to the Administration Ordinance, the Commissioner may by instrument in writing under his hand, promote an officer of the Brigade to a higher rank. Section 32 of the Administration Ordinance provides that any such promotion is to be provisional and subject to appeal. Section 33 provides for an appeal period of two weeks, and the procedures for the hearing of appeals.

During the course of present negotiations in the ACT Fire Brigade industrial dispute it has been decided to promote Mr Towns to the rank of Superintendant prior to his retirement, so that he receives the retirement and superannuation benefits pertaining to that rank. However, his promotion would not have become unconditional before he left the Brigade, and accordingly, he would not have retirement benefits at the rank of Superintendant.

Details of the Ordinance are as follows:

Section 1 deals with citation.

Section 2 provides that the Ordinance will come into operation on a day fixed by the Minister by notice in the Gazette.

Section 3 deals with interpretation. Sub-section 3(1) provides that a reference to "the Administration Ordinance" means the Fire Brigade (Administration) Ordinance 1974, and sub-section 3(2) provides that, unless the contrary intention appears, words in the Ordinance are to have the meaning they have in the Administration Ordinance.

Section 4 provides that the Ordinance is to have effect despite any of the provisions of the Fire Brigade (Administration) Ordinance 1974 ("the Administration Ordinance").

Sub-section 5(1) provides that Mr Raymond Edward Towns is promoted to the rank of Superintendant in the Brigade. Sub-section 5(2) provides in paragraph (a) that the promotion is to take effect on the commencement of the Ordinance and in paragraph (b) that it is to take effect as if it were a promotion made under section 29 of the Administration Ordinance. Sub-section 5(3) provides that sections 32 and 33 of the Administration Ordinance (which deal with rights of appeal against promotions pursuant to that Ordinance) do not apply in relation to the promotion effected by the Ordinance.

Section 6 provides that the Ordinance shall cease to have effect on 19 August 1985.

Ord No. 43 /85