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COMMONWEALTH EMPLOYEES (REDEPLOYMENT AND RETIREMENT
BILL) 1976

Date Introduced: 8 December 1976
House: House of Representatives
Presented by: Hon. A.A. Street, Minister for Employment and Industrial Relations and Minister Assisting the Prime Minister in Public Service Matters.

Short Digest of Bill

Purpose

The purpose of the Bill is to facilitate the redeployment within the public service of staff whose services are not being efficiently and economically employed and to enable compulsory retirement of staff who cannot be effectively redeployed. It also provides for early retirement voluntarily at a prescribed minimum age and compulsorily at a prescribed maximum age.

Summary

Part II of the Bill deals with redeployment. The objects of the Part are set out in clause 7: they are to ensure that all staff are economically and efficiently used and to ensure that any staff who are, for any of the stated reasons, not being economically and efficiently used are redeployed to other reasonable tasks for which they are qualified. Staff should be redeployed if they are redundant, physically or mentally incapable of performing their duties or are “for any other reason” not being employed so as to make efficient or economical use of their services.

Clause 8 provides that the Public Service Board may determine criteria and administrative procedures to ascertain who should be redeployed. Clause 9 requires Permanent Heads to carry out determinations of the Public Service Board and to declare in writing which employees are eligible for redeployment.

Copies of declarations are furnished to the employee and the Public Service Board. (Clause 10) Employees who are found to be inefficient or incompetent for causes within their control are not eligible for redeployment.

Clause 11 provides the procedures for attempted redeployment bearing in mind the efficiency of Departments, the interests of the employee, and the interests of other employees. The Board may transfer employees to similar or lower positions. If the Board cannot redeploy the employee it issues a certificate to that effect to the Permanent Head and a copy to the employee. Clauses 12 and 13 deal with special cases where redeployment is not possible.

Clause 14 provides that regulations shall be made providing for a review of declarations under clause 9, certificates under clauses 11, 12 and 13, or action taken in

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redeploying an employee and until regulations are in force these procedures cannot be used. The nature of the review authority will depend on the regulations made as will the rights of hearing and representation of the appellants; sub-clause 14 (3) does provide that a review may take the form of a reconsideration by the person or body who made the particular decision being reviewed.

Part III deals with retirement.

Clause 15 permits retirement at a minimum retiring age of 60 or such lower age as is prescribed in relation to a class of employees. In his Second Reading Speech the Minister suggested that the age would initially be 55 years for all staff.

Clause 18 requires retirement at a maximum age of 65 years or such lower age as is prescribed. In his Second Reading Speech the Minister suggests that no lower age will initially be prescribed. Individual employees may be permitted to stay beyond maximum retiring age “in the interests of the Commonwealth”.

Clause 16 permits the compulsory retirement of a Permanent Head by the Governor-General, after report from the Board, on the grounds of inefficiency, incompetence or physical or mental incapacity, or his transfer to another office at a salary appropriate to the new office.

Clause 17 requires the compulsory retirement of persons who cannot be redeployed under Part II. The relevant Permanent Head must again consider whether some position within the Department can be found for the employee.

Clause 19 provides that regulations may be made providing for compensation to persons compulsorily retired under clause 17.

The Bill applies to all Departments and to such authorities and other organizations (such as ASIO and the Commonwealth Police Force) as are prescribed. It also applies equally to permanent and temporary employees.

Clause 24 provides that regulations may be made modifying or adapting the Act in its application to the five Parliamentary Departments if the Governor is satisfied that it is desirable to do so.

Law and Government Group

11 February 1977

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