

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

*Eighty-second Report — “Explanatory Report in relation to the Public Sector Management
(Redeployment and Redundancy) Regulations 2014” — Tabling*

MR P. ABETZ (Southern River) [9.58 am]: I present for tabling the eighty-second report of the Joint Standing Committee on Delegated Legislation, titled “Explanatory Report in relation to the *Public Sector Management (Redeployment and Redundancy) Regulations 2014*”.

[See paper 2890.]

Mr P. ABETZ: The committee observed that, on 24 February 2015, Hon Kate Doust, MLC, gave notice of motion in the Legislative Council to disallow regulations 28 to 38 of the instrument. The notice of motion to disallow was moved pro forma on 10 March 2015. The committee resolved to prepare this report to assist the houses of Parliament during debate on the disallowance motion and any other disallowance motion affecting the instrument.

The instrument prescribes the administrative procedures by which public sector employees can access, and be subject to, the enhanced and more flexible redeployment and redundancy arrangements introduced into the Public Sector Management Act 1994 by part 3 of the Workforce Reform Act 2014 on 1 July 2014. The introduction of the involuntary severance of public sector employees was perhaps one of the most significant changes brought in by those amendments. The substantive provisions of the instrument commenced operation on 1 May 2015.

The committee found that the instrument is within power. However, there is potential for the instrument to be inconsistent with the commonwealth Fair Work Act 2009 and, therefore, in breach of section 109 of the commonwealth Constitution whenever the instrument applies to a state public sector employee whose employment conditions are governed by the national system of industrial relations. The state government has confirmed to the committee that it is aware of this potential and accepts that, in certain limited circumstances, the instrument must yield to the national system to the extent of any inconsistency. Currently, no state public sector employees fall within the national system.

This report provides information about the manner in which certain redeployment and redundancy payments will be made to employees to whom the instrument applies, including any state public sector employees who fall within the national system.

Finally, the committee noted that the disallowance motion in the Legislative Council affects only selected provisions of the instrument, some of which are not easily severed from the instrument. The committee commends the report to the house.