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**Commonwealth Employees (Redeployment and Retirement) Amendment Act 1981**

**No. 26 of 1981**

**An Act to amend the *Commonwealth Employees (Redeployment and Retirement*) *Act* 1979**

[*Assented to 14 April 1981*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1.** **(1)** This Act may be cited as the *Commonwealth Employees* (*Redeployment and Retirement*) *Amendment Act* 1981.

**(2)** The *Commonwealth Employees* (*Redeployment and Retirement*) *Act* 19791 is in this Act referred to as the Principal Act.

**Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Inconsistency with other laws, &c.**

**3.** Section 24 of the Principal Act is amended—

(a) by omitting from sub-section (3) “, whether made before or after the commencement of this Act,” and substituting “(being a term included before the commencement date in an award or being a term of an award made before that date)”; and

(b) by omitting sub-section (4) and substituting the following sub-sections:

“(4) If—

(a) a term of an award makes provision for or in relation to—

(i) the redeployment, or the termination of the employment, of persons who are redundant, are physically or mentally incapable of performing their work, are inefficient in the performance of their work, do not have qualifications essential to the performance of their work or have had the operation of such qualifications suspended; or

(ii) the termination of the employment of persons by reason of age; and

(b) the term was included in the award, or the award was made, on or after the commencement date,

that term does not, notwithstanding anything contained in section 41a of the *Conciliation and Arbitration Act* 1904 or in section 22 of the *Public Service Arbitration Act* 1920, have any force or effect to the extent (if any) to which, it applies in relation to persons who are employees, whether those persons were employees at the time when the term was included or the award was made or became employees after that time.

“(5) Without limiting the generality of sub-section (4), a term of an award that makes provision for or in relation to—

(a) the criteria for identifying persons referred to in sub-paragraph (4) (a) (i);

(b) the procedures for effecting the redeployment of persons so identified or, in cases where persons so identified cannot be redeployed, for terminating their employment;

(c) the rights of persons so identified, of persons who are so redeployed or of persons whose employment is so terminated to obtain a review or reconsideration of, or to appeal against, any action taken in or in connection with so identifying them, redeploying them or terminating their employment; or

(d) the benefits (if any) payable to such persons upon their being redeployed or upon their employment being so terminated,

shall be deemed to be a term making provision for or in relation to a matter referred to in sub-paragraph (4) (a) (i).

“(6) A term included on or after the commencement date in an award made before that date shall not be taken to be a term that makes provision for or in relation to a matter referred to in sub-paragraph (4) (a) (i) or (ii) if the term provides only for the limitation or extension of the classes of persons to whom the award is to apply.

“(7) In this section—

‘award’ means—

(a) an award or order made under, or an agreement certified under, the *Conciliation and Arbitration Act* 1904;

(b) a determination or order made under the *Public Service Arbitration Act* 1920; or

(c) an award, order or determination made by a prescribed person, tribunal or body under a law of the Commonwealth or of a Territory other than the Northern Territory;

‘commencement date’ means the date of commencement of the *Commonwealth Employees* (*Redeployment and Retirement*) *Amendment Act* 1981.”.

**NOTE**

1. No. 52, 1979.