



AUSTRALIAN CAPITAL TERRITORY

Public Sector Legislation Amendment Act 1999

No. 70 of 1999

**An Act to amend the *Public Sector Management Act 1994*, the
Fire Brigade (Administration) Act 1974 and the *Legislative
Assembly (Members' Staff) Act 1989* because of the repeal of
the *Merit Protection (Australian Government Employees)
Act 1984* (Cwlth)**

[Notified in ACT Gazette S62: 3 December 1999]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Public Sector Legislation Amendment Act 1999*.

2 Commencement

This Act commences, or is taken to have commenced, on the commencement of the *Public Service Act 1999* (Cwlth).

3 Amendments of the Public Sector Management Act

Section 235 of the *Public Sector Management Act 1994* is amended—

- (a) by adding at the end of subsection (1) the following paragraph:
- “(c) a reference in that Act to the Merit Protection Commissioner or the Merit Protection and Review Agency were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth).”; and
- (b) by omitting subsection (2) and substituting the following subsections:
- “(2) The Merit Protection Act applies under subsection (1) subject to—
- (a) the modifications set out in Schedule 2; and
- (b) any modifications prescribed under the management standards.
- “(3) This Act applies as if—
- (a) a reference to the Director or the Merit Protection Agency were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth); and
- (b) a reference to the Merit Protection Act were a reference to that Act as in force on 1 July 1999.
- “(4) This section ceases to have effect on 31 December 2000.”.

4 Amendment of the Fire Brigade (Administration) Act

Section 34 of the *Fire Brigade (Administration) Act 1974* is amended by adding at the end the following subsections:

- “(5) The Merit Protection Act applies under this Act as if a reference in that Act to the Merit Protection and Review Agency were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth).
- “(6) The Merit Protection Act applies under this Act subject to any modifications prescribed under the regulations.
- “(7) This Act applies as if—
- (a) a reference to the Merit Protection Review Agency of the Commonwealth were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth); and

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- (b) a reference to the Merit Protection Act were a reference to that Act as in force on 1 July 1999.

“(8) This section and section 33 cease to have effect on 31 December 2000.”.

5 Amendment of the Legislative Assembly (Members' Staff) Act

After section 13B of the *Legislative Assembly (Members' Staff) Act 1989* the following section is inserted:

"13BA Application of Merit Protection (Australian Government Employees) Act

"(1) The *Merit Protection (Australian Government Employees) Act 1984* (Cwlth) applies under this Act as if a reference in that Act to the Merit Protection and Review Agency were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth).

"(2) The *Merit Protection (Australian Government Employees) Act 1984* (Cwlth) applies under this Act subject to any modifications prescribed under the regulations.

"(3) This Act applies as if—

- (a) a reference to the Merit Protection Agency were a reference to the Merit Protection Commissioner under the *Public Service Act 1999* (Cwlth); and
- (b) a reference to the *Merit Protection (Australian Government Employees) Act 1984* (Cwlth) were a reference to that Act as in force on 1 July 1999.

"(4) This section and section 13B cease to have effect on 31 December 2000.”.

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Endnotes

Acts amended

- 1 *Public Sector Management Act 1994*. Republished as in force on 30 June 1997. See also Acts 1997 No 74; 1998 No 54; 1999 No 55.
- 2 *Fire Brigade (Administration) Act 1974*. Republished as in force on 31 March 1999.
- 3 *Legislative Assembly (Members' Staff) Act 1989*. Republished as in force on 31 January 1998. See also Act 1999 No 15.

[Presentation speech made in Assembly on 16 November 1999]