



Public Sector Management Act 1994

## Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2013

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### 1. Citation

These regulations are the *Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2013*.

### 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### 3. Regulations amended

These regulations amend the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.

### 4. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of *Commonwealth award* and insert:

*Commonwealth award* means —

- (a) a modern award, enterprise agreement or workplace determination made under the *Fair Work Act 2009* (Commonwealth); or

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- (b) a transitional instrument as defined in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Commonwealth) Schedule 2 item 2;
- (2) In regulation 3(1) in the definition of **enterprise bargaining allowance** delete paragraph (c)(i) and (ii) and insert:
- (i) an enterprise agreement made under the *Fair Work Act 2009* (Commonwealth);  
or
  - (ii) an agreement-based transitional instrument as defined in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Commonwealth) Schedule 2 item 2; or

**5. Regulation 4 amended**

- (1) In regulation 4(1) delete “subregulation (2),” and insert:
- subregulations (2A) and (2),
- (2) After regulation 4(1) insert:
- (2A) An employee who is employed under a contract of employment that has a fixed term and who is not a permanent officer —
    - (a) is not eligible for redeployment under these regulations; and
    - (b) if section 59 of the Act applies to the employee or the employee is a ministerial officer, is not

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eligible for voluntary severance under these regulations.

- (3) Delete regulation 4(2)(d).
- (4) After regulation 4(2) after each of paragraphs (a), (b) and (c) insert:

or

**6. Regulation 4AA amended**

- (1) Delete regulation 4AA(1)(a) and (b) and insert:
  - (a) the office, post or position of an employee is to be abolished and the employee may become surplus to the requirements of his or her department or organisation; or
  - (b) the employee may otherwise become surplus to the requirements of his or her department or organisation,
- (2) Delete regulation 4AA(2)(a) and insert:
  - (a) the reasons why —
    - (i) the office, post or position of an employee is to be abolished and the employee may become surplus to the requirements of his or her department or organisation; or
    - (ii) the employee may otherwise become surplus to the requirements of his or her department or organisation;

and

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**7. Regulation 4A amended**

- (1) In regulation 4A(1) insert in alphabetical order:

*prescribed written notice* means —

- (a) in the case of notice in relation to an employee who is an applicant under a scheme approved under regulation 5A(1) — 20 weeks' written notice;
- (b) otherwise — 12 weeks' written notice.

- (2) In regulation 4A(1) in the definition of *pay* delete “20(7).” and insert:

20(7);

- (3) Delete regulation 4A(2) and insert:

- (2) The employing authority of an employee must give the employee at least the prescribed written notice of the fact that —
- (a) the employee's office, post or position is to be abolished and the employee will become surplus to the requirements of his or her department or organisation; or
  - (b) the employee will otherwise become surplus to the requirements of his or her department or organisation.

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**8. Regulation 5A inserted**

At the end of Part 1 insert:

**5A. Minister may approve voluntary severance scheme**

- (1) The Minister may approve a scheme under which employees are invited to apply to be offered voluntary severance.
- (2) The approval must specify —
  - (a) the employees, or class or description of employees, to whom the scheme applies; and
  - (b) the period within which an application under the scheme may be made.
- (3) Notice of an approval under subregulation (1) must be published in the *Gazette*.
- (4) Failure to comply with subregulation (3) does not invalidate the approval.

**9. Regulation 6 amended**

Delete regulation 6(1) and insert:

- (1) The employing authority of an employee may, with the prior approval of the Commissioner, offer voluntary severance to an employee —
  - (a) whose office, post or position is, or is to be, abolished and who is, or will become, surplus to the requirements of his or her department or organisation; or

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- (b) who is, or will become, otherwise surplus to the requirements of his or her department or organisation.

**10. Regulation 7 amended**

- (1) Before regulation 7(1) insert:

- (1A) In this regulation —

*surplus employee* means an employee —

- (a) whose office, post or position has been abolished and who is surplus to the requirements of his or her department or organisation; or
- (b) who is otherwise surplus to the requirements of his or her department or organisation.

- (2) In regulation 7(1):

- (a) delete paragraph (a);
- (b) in paragraph (b) delete “the surplus” and insert:

a surplus

**11. Regulation 11 amended**

- (1) Before regulation 11(1) insert:

- (1A) In this regulation —

*surplus employee* means an employee —

- (a) whose office, post or position has been abolished and who is surplus to the

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requirements of his or her department or  
organisation; or

- (b) who is otherwise surplus to the requirements of  
his or her department or organisation.

- (2) Delete regulation 11(1) and insert:

- (1) The employing authority of a surplus employee who  
cannot be transferred within his or her department or  
organisation may apply to the Commissioner to register  
that employee.

By Command of the Lieutenant-Governor and  
deputy of the Governor,

N. HAGLEY, Clerk of the Executive Council.