



New South Wales

Government Sector Employment Legislation Amendment Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to align employment arrangements for senior executives in the NSW Health Service, the NSW Police Force and the Transport Service of NSW (and for certain statutory officers currently employed under senior executive service arrangements) with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*,
- (b) to align employment arrangements for employees of the NSW Police Force who are not police officers with the new employment arrangements for non-executive employees of the Public Service under that Act,
- (c) to amend that Act to make further provision with respect to misconduct and other matters,
- (d) to make amendments to other Acts consequent on the enactment of that Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of commencement of the *Government Sector Employment Act 2013*.

Schedule 1 Amendment of Government Sector Employment Act 2013 No 40

The Schedule makes a number of miscellaneous amendments to the *Government Sector Employment Act 2013*. They include:

- (a) enabling the assignment of Public Service senior executives to the NSW Health Service, to the Police Force (other than as police officers) or to the Transport Service (other amendments made by the proposed Act provide for the assignment of senior executives from those other services to the Public Service), and
- (b) clarifying provisions relating to the transfer or temporary secondment of government sector employees between agencies and to other bodies, and
- (c) extending the misconduct provisions of the Act to findings of guilt for offences in addition to convictions and to interstate offences, and
- (d) expressly excluding statutory Crown law officers from provisions of the Act that enable the summary removal of those statutory officers from office (instead of relying on the operation of the *Interpretation Act 1987* to preserve existing exclusions from any such removal from office), and
- (e) other minor amendments.

Schedule 2 Amendment of Health Services Act 1997 No 154

The Schedule amends the *Health Services Act 1997* to align employment arrangements for senior executives in the NSW Health Service with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule transfers employment functions for chief executives of local health districts and specialty network governed health corporations from the Secretary of the Ministry of Health to the board of those districts and specialty networks and transfers the employment functions for senior executives in those districts and specialty networks from that Secretary to the chief executives of those districts and specialty networks.

Schedule 3 Amendment of Police Act 1990 No 47

The Schedule amends the *Police Act 1990* to align employment arrangements for the Commissioner of Police and senior police and administrative executives in the NSW Police Force with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule aligns employment arrangements for employees of the NSW Police Force who are not police officers with the new employment arrangements for non-executive employees of the Public Service under that Act.

Schedule 4 Amendment of Transport Administration Act 1988 No 109

The Schedule amends the *Transport Administration Act 1988* to align employment arrangements for senior executives in the Transport Service of New South Wales with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule transfers from the Public Service to the Transport Service the staff of the State Transit Authority and Roads and Maritime Services.

Schedule 5 Amendment of other Acts

The Schedule amends various Acts to update provisions consequent on the enactment of the *Government Sector Employment Act 2013* and the enactment of the proposed Act. A number of the amendments align employment arrangements for certain statutory officers currently employed under senior executive service arrangements with the new employment arrangements for senior

executives in the Public Service under the *Government Sector Employment Act 2013*. Other amendments update terminology with respect to Public Service agencies, heads of agencies and employees.