

## Second Reading

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.12 a.m.]: I move:

That this bill be now read a second time.

The Public Sector Employment and Management Amendment Bill 2008 primarily implements the recommendations of the Council on the Cost and Quality of Government [COCQOG] review of employment processes in the New South Wales public sector. The main purpose of the bill is to formalise the use of the Government's jobs.nsw website as the main means of advertising vacancies and make small changes to some appointment processes where merit selection has already occurred. The bill amends the Public Sector Employment and Management Act 2002, the Government and Related Employees Appeal Tribunal Act 1980 and the Government and Related Employees Appeal Tribunal Regulation 2005. In conducting its review, COCQOG consulted widely with public sector agencies. I now turn to the proposed amendments. Currently, vacant officer positions in departments must be advertised in the *Public Sector Notices* and in any other publication as the department head determines. To comply with the Act, vacant officer positions are currently advertised in the *Public Sector Notices*. In addition, these positions are also usually advertised in various newspapers, as well as listed on the Government's jobs.nsw website.

The bill replaces the requirement to advertise a vacant position in the *Public Sector Notices* with a requirement for online advertising. The COCQOG recommended this change, as e-recruitment is now the dominant form of recruitment. The bill also enables an employer to publish a notice of appointment on the Government's jobs.nsw website. Currently, notices are placed in the *Public Sector Notices*. These changes will help modernise public sector employment practices and will facilitate the establishment of a more comprehensive Government employment website. The bill also makes small changes to some appointment processes where merit selection has already occurred. The bill simplifies provisions relating to the use of eligibility lists. An eligibility list for a vacant position is a list of eligible applicants arranged in order of merit. Persons on an eligibility list have met all of the selection criteria for a position. Currently, an eligibility list remains current for 12 months after the list was created for an entry-level position and for six months for other positions. The bill extends the expiry date to 12 months for all graded positions. The bill also enables department heads to use another department's eligibility list to fill positions that are substantially the same.

These changes will assist in maximising the employment of identified talent among agencies and are expected to reduce costs. The bill also simplifies the process for converting long-term temporary employment of at least two years to permanent employment in circumstances where the merit principle will continue to be met. This will enable the retention of quality temporary staff. Currently, a temporary employee may be appointed to a permanent position if a number of requirements are satisfied. One of these requirements is that the duties for the permanent position must be substantially the same as the duties for the first temporary position that the person was employed in on the basis of merit. In many cases, the duties for the permanent position will not be substantially the same as the duties for the first temporary position. This is particularly the case if the person has been employed on a temporary basis for more than two years. The bill removes the requirement that duties must be substantially the same. The requirement is considered unnecessary, given the person must still meet the selection criteria for the permanent position in order to be appointed. Importantly, no-one will be able to be appointed to a permanent position at a particular grade unless he or she obtained that, or a similar grade, through a merit selection process.

The bill also simplifies the process for converting certain longstanding secondments of at least two years to permanent appointments. In many cases, a person is seconded to another agency in a higher graded position than that held in the home agency. Currently, the secondee cannot be permanently appointed to that higher position without the host agency satisfying the requirements of the Public Sector Employment and Management Act 2002 regarding the advertising and filling of that position. The bill provides for a simpler process to appoint a person to the position that he or she has been seconded to, if certain requirements are met. Importantly, a person will be appointed to the new position only if that person was selected for secondment on the basis of merit to the same or a similar level. The person must also meet the selection criteria for that position. Accordingly, none of the proposed changes affects the merit principle. Public sector agencies and unions have been widely consulted on the proposed bill and support the changes proposed. I commend the bill to the House