



# Legislative Assembly

## Public Sector Employment And Management Bill Hansard

### Extract

27/06/2002

#### Second Reading

**Mr WHELAN** (Strathfield—Parliamentary Secretary) [6.27 p.m.]: I move:

That this bill be now read a second time.

I refer honourable members to the second reading speech and the speech in reply delivered by the Special Minister of State in the other place. I do, however, wish to address amendments moved by the Government in Committee in the other place that were accepted without opposition. Clauses 28 (2) and 29 (4) in relation to temporary employment have been amended to simplify the circumstances where guidelines are to apply to re-employment situations. The original clauses were unduly complicated. The Government considers that issues such as the periods of employment and the mode of engagement in relation to the re-employment of temporaries are more suitable for guidelines than for legislation. The amendments ensure that the guidelines will apply to all re-employment situations. The guidelines will be developed in consultation with agencies and unions.

Temporary employment up to three years as introduced by these clauses provides benefits to both employers and employees. Employers will be able to engage a temporary employee for up to three years where a project has a specific time frame or no recurrent funding. Temporary employees, will be able to demonstrate a more stable employment history necessary to make financial arrangements such as loans and mortgages. Clauses 45 (5), 46, 47 (4) and 48 (2) in relation to management of conduct and performance, have been amended to make clear, as intended by the original clauses, that when a department head is considering imposing a disciplinary punishment the officer is informed of the particular punishment or punishments being considered. If an allegation of misconduct is made, an employee has two opportunities to make submissions. First, to respond to the allegation and, second, to respond prior to a final decision is made on the punishment. The department head will inform the employee of the possible punishments under consideration.

Clause 47 (5), in relation to unsatisfactory performance, has been amended to delete the reference to "performance standards". The Government did not intend for minor infringements of performance standards to amount to unsatisfactory performance. The amendment has no impact on the taking of action in relation to unsatisfactory performance. The Government considers that performance standards are more applicable to reward and performance management systems than to unsatisfactory performance. Standards of performance are a management tool to assist both the employer and employee identify areas where training and skills development are required. Schedule 6 [5], in relation to the Transport Appeal Boards Act 1980, corrects a typographical error.

The original clause incorrectly referred to "informal" proceedings in the provision relating to formal sittings. Currently all promotional appeals before the Transport Appeal Board are heard in the formal mode, with legal representation and cross-examination. The bill provides that appeals may now be heard informally. A clause in the bill outlines the procedures for informal appeals and for matters still being heard in the formal mode. It was clearly an error to refer to "informal" in this clause. The ability to have promotional appeals heard informally will reduce legal costs for employers and employees. Informal appeals are likely to lead to earlier resolution of promotional appeals. I commend the bill to the House.