



New South Wales

# Public Sector Employment and Management Amendment Bill 2012

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Public Sector Employment and Management Act 2002*:

- (a) to revise the provisions of that Act relating to excess officers of Public Service Departments and the circumstances in which the services of those officers may be dispensed with, and
- (b) to exclude the unfair contracts jurisdiction of the Industrial Relations Commission in connection with any such excess officers and any excess employees of other public sector agencies, and
- (c) to require the heads of public sector agencies to develop and implement performance management systems for their staff and to require the Public Service Commissioner to issue guidelines for that purpose.

## 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 assent to the proposed Act.

## **Schedule 1      Amendment of Public Sector Employment and Management Act 2002 No 43**

**Schedule 1 [2]** substitutes section 56 to revise the current provisions of the Act relating to excess officers of Public Service Departments and the circumstances in which the services of those officers may be dispensed with. The revised provisions:

- (a) require the Department Head to take all practicable steps to find an on-going position in the public sector for an excess officer, rather than any employment in the public sector, and
- (b) enable the Department Head to dispense with the services of an excess officer if such a position is not found, rather than if useful work in the public sector cannot be found, and
- (c) deal with excess officers arising in connection with the functions and activities of a part of a Department as well as of the whole of a Department.

**Schedule 1 [3]** makes a comparable amendment about placement in an on-going public sector position in connection with officers who are paid excessive salaries for the work performed in their current positions.

**Schedule 1 [4]** requires the heads of public sector agencies to develop and implement performance management systems for their staff and requires the Public Service Commissioner to issue guidelines for that purpose. **Schedule 1 [1]** makes a consequential amendment.

**Schedule 1 [5]** excludes the unfair contracts jurisdiction of the Industrial Relations Commission in connection with excess officers of Public Service Departments and excess employees of other public sector agencies. **Schedule 1 [6]** makes a consequential amendment.

**Schedule 1 [7]** authorises the making of savings and transitional regulations consequent on the enactment of the proposed Act.

**Schedule 1 [8]** enacts specific savings and transitional provisions to extend the exclusion of the unfair contracts jurisdiction to existing excess employees and to proceedings instituted after the giving of notice for the introduction of this Bill into Parliament.