



## Teaching Service Amendment (Transfers) Bill 2014

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### Second Reading

**The Hon. JOHN AJAKA** (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra)  
[8.54 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

This Government is proud to have passed the *Government Sector Employment Act 2013*, which commenced operation on 24 February 2014.

The *Government Sector Employment Act* created a new Public Service, with principal departments and related executive agencies.

The *Government Sector Employment Act 2013* has as one of its objects the development of a modern high performing government sector:

- (i) that is efficient and effective in serving the Government in the delivery of services to the people of New South Wales, and
- (ii) that has effective and fair employment arrangements, management and leadership.

The Teaching Service is, of course, a significant part of the government sector and committed to this object.

One of the consequences of Government Sector Employment Act was the repeal of former Public Sector Employment and Management Act 2002.

The former Act contained provisions for the temporary and permanent transfers of staff within public sector agencies. Those provisions, namely sections 86A and 87, applied to staff employed in the teaching service and underpinned the transfer processes for staff employed in the teaching service, including teachers in New South Wales government schools.

In contrast, the internal transfer provisions contained in the *Government Sector Employment Act* do not encompass the teaching service. This bill is necessary to introduce an equivalent statutory power to apply to the teaching service.

The secretary of the department is responsible for the general conduct of the functions and activities of the teaching service, and has a broad power to take such action as the secretary considers appropriate in the circumstances. It is reasonable to ensure that the secretary's broad powers continue to be reinforced with an explicit statutory power to transfer teachers and other educational staff.

The purpose of the bill is to restore the substantive effect of the transfer provisions that were formerly contained in sections 86A and 87 of the repealed PSEM Act. The amendments proposed will, in substance, restore to the secretary an unambiguous statutory power to transfer staff of the teaching service. In this sense, the bill can be regarded as maintaining the status quo. The bill, if passed, will not require the secretary to depart from any of the department's current staffing practices or procedures.

In areas of the government sector where services are delivered across the State, the employer will typically have an express power to transfer staff. For example, equivalent transfer provisions are contained in the *Police Act 1990*. The amendments proposed in this bill are in substance consistent with the equivalent provisions that apply to other parts of the government sector.

The internal transfer power is essential in New South Wales government schools as it ensures that teachers can be relocated between schools to reflect changes in student enrolments over time. In an organisation that delivers educational services in over 2100 schools throughout New South Wales, the power to transfer staff in appropriate

cases assists the department to deliver equitable and quality education to students across the state, including rural and regional areas. The education of students is the core business of the teaching service.

This bill will ensure that the transfer processes for teachers in New South Wales government schools will continue to be underpinned by a legislative power that is both transparent and unambiguous.

The bill also contains some minor amendment of a statute law nature, for example, changing references from "Director-General" to become references to the "Secretary" and removing other references in the Act to legislation that has been previously repealed.

I commend the bill to the House.