

**MISCELLANEOUS ACTS (PUBLIC SECTOR EXECUTIVES
EMPLOYMENT) AMENDMENT ACT 1989 No. 105**

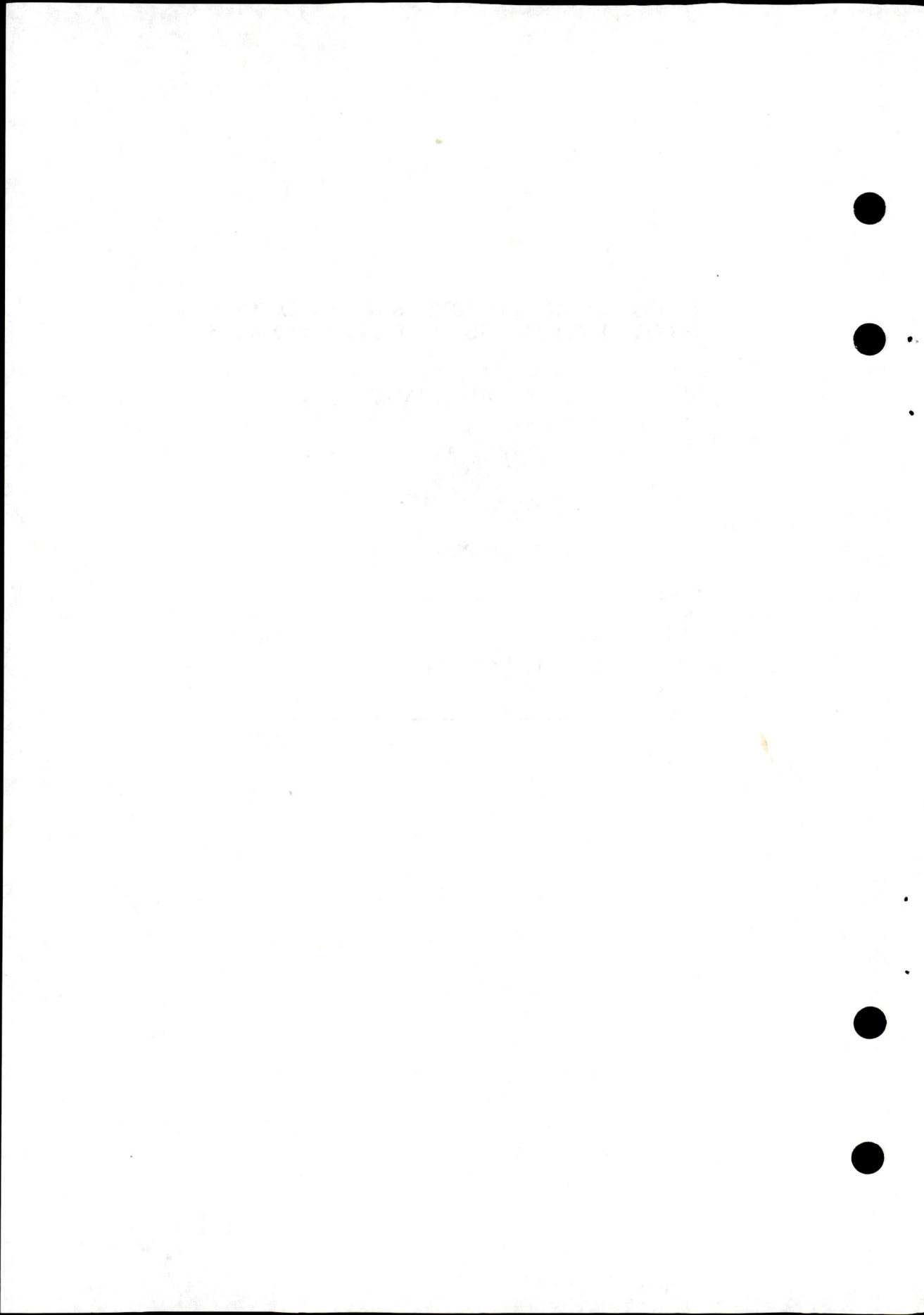
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Acts

SCHEDULE 1 - AMENDMENT OF ACTS



**MISCELLANEOUS ACTS (PUBLIC SECTOR EXECUTIVES
EMPLOYMENT) AMENDMENT ACT 1989 No. 105**

NEW SOUTH WALES



Act No. 105, 1989

An Act to amend certain Acts as a consequence of the enactment of the Public Sector Management (Executives) Amendment Act 1989.
[Assented to 15 August 1989]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Public Sector Executives Employment) Amendment Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Acts

3. Each Act specified in Schedule 1 is amended in the manner set out in that Schedule.

SCHEDULE 1 - AMENDMENT OF ACTS

(Sec. 3)

Anti-Discrimination Act 1977 No. 48:

(1) Section 122F (**Appointment of Director**):

(a) Section 122F:

Omit ", on such terms and conditions as are specified in the instrument of appointment".

(b) Section 122F (2):

At the end of section 122F, insert:

(2) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (2) Sections 122G, 122H, 122HA, 122HB, 122HC, 122HD and 122HF:

Omit the sections.

Auctioneers and Agents Act 1941 No. 28:

- (1) Section 8 (**Constitution of council**):

Section 8 (8) - (10):

Omit the subsections, insert instead:

(8) Subject to this Act, the official member holds office for such term, not exceeding 3 years, as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

(9) Part 2 of the Public Sector Management Act 1988 does not apply to the appointment of the official member.

- (2) Section 8A:

Omit the section, insert instead:

Chairman of council

8A. (1) The Governor may appoint a chairman of the council.

(2) The employment of the chairman is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(3) A reference in this Act to a member includes a reference to the chairman.

- (3) Section 9 (**Vacation of office**):

- (a) Section 9 (1):

After "A member of the council", insert "(other than the chairman)".

- (b) Section 9 (1) (i):

Omit "salesman; or", insert instead "salesman".

- (c) Section 9 (1) (j), (k):

Omit the paragraphs.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(d) Section 9 (2):
Omit the subsection.

(4) Section 10 (**Removal of member**):
After "member of the council", insert "(other than the chairman)".

(5) Section 11 (**Filling of vacancy**):
Section 11 (2), (3):
Omit the subsections, insert instead:
(2) If a vacancy occurs in the office of the chairman or the official member, a person is, subject to this Act, to be appointed to fill the vacancy.

(6) Schedule 2:
Omit the Schedule.

Companies (Administration) Act 1981 No. 64:

Schedule 1A (**Provisions relating to the Commissioner**):

(a) Clause 1A:
Before clause 1, insert:
Employment of Commissioner

1A. The employment of the Commissioner is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 1, 2 and 4 - 12:
Omit the clauses.

Dairy Industry Act 1979 No. 208:

Schedule 2 (**Provisions relating to General Manager**):

(a) Clause 1A:
Before clause 1, insert:

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

Employment of General Manager

1A. The employment of the General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

- (b) Clause 1 (1):
Omit the subclause.
- (c) Clause 2 (5):
Omit ", 8".
- (d) Clauses 3 - 11:
Omit the clauses.

Darling Harbour Authority Act 1984 No. 103:

Schedule 2 (**Provisions relating to the members of the Authority**):

- (a) Clause 1A:
Before clause 1, insert:

Employment of General Manager

1A. The employment of the General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

- (b) Clauses 1, 5, 11, 12 and 13:
Omit the clauses.
- (c) Clause 4:
Omit the clause, insert instead:

Term of office of part-time members

4. Subject to this Schedule, a part-time member holds office for such period (not exceeding 5 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

- (d) Clause 6 (1):
Omit the subclause.
- (e) Clause 8:
Omit "member" where firstly occurring, insert instead "part-time member".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (f) Clause 8 (1) (b), (g), (i) and (j):
Omit the paragraphs.
- (g) Clause 8 (1) (c):
Omit "being a part-time member,".
- (h) Clause 8 (1) (h):
After "Minister;", insert "or".
- (i) Clause 8 (1) (k):
Omit the paragraph, insert instead:
 - (k) is removed from office by the Governor under this clause or under Part 8 of the Public Sector Management Act 1988.
- (j) Clause 8 (2), (3) and (5):
Omit the subclauses.
- (k) Clause 10 (1):
Omit "member" where firstly and secondly occurring, insert instead "part-time member".

Egg Industry Act 1983 No. 57:

Schedule 2 (Constitution and procedure of the Corporation):

- (a) Clause 3:
After clause 2, insert:
Employment of Managing Director
3. The employment of the Managing Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
- (b) Clauses 4, 7, 13, 14 and 15:
Omit the clauses.
- (c) Clause 5:
Omit the clause, insert instead:
Term of office of part-time members
5. Subject to this Schedule, a part-time member shall hold office for such period (not exceeding 3 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (d) Clause 8 (1):
Omit the subclause.
- (e) Clause 10 (1):
Omit "member", where firstly occurring, insert instead "part-time member".
- (f) Clause 10 (1) (b):
Omit "being a part-time member,".
- (g) Clause 10 (1) (c), (g), (k) and (l):
Omit the paragraphs.
- (h) Clause 10 (1) (j):
After "Minister;", insert "or".
- (i) Clause 10 (2):
Omit the subclause.
- (j) Clause 10 (3):
Before "member", insert "part-time".
- (k) Clause 12 (1):
Omit the subclause, insert instead:
 - (1) Part 2 of the Public Sector Management Act 1988 does not apply to the appointment of a part-time member.

Electricity Commission Act 1950 No. 22:

- (1) Section 73B:
After section 73A, insert:
Public sector executives
73B. This Part and any regulations or by-laws are subject to Part 2A of the Public Sector Management Act 1988.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (2) Schedule 6 (**Provisions relating to the membership of the Commission**):
- (a) Clause 2 (2), (3):
Omit the subclauses.
- (b) Clause 2A:
After clause 2, insert:
Employment of General Manager
2A. The employment of the General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
- (c) Clauses 6 and 7:
Omit the clauses, insert instead:
Terms of office
6. Subject to this Schedule, a part-time commissioner holds office:
(a) except as provided by paragraph (b) - for such period, not exceeding 5 years, as may be specified in the commissioner's instrument of appointment;
or
(b) in the case of the commissioner referred to in clause 2 (1) (c) - for 3 years from the date specified in the commissioner's instrument of appointment,
but is eligible (if otherwise qualified) for re-appointment.
- (d) Clauses 8, 12, 13 and 14:
Omit the clauses.
- (e) Clause 10 (1):
Omit "commissioner" where firstly occurring, insert instead "part-time commissioner".
- (f) Clause 10 (1) (b):
Omit "being a part-time commissioner".
- (g) Clause 10 (1) (c), (h) and (j):
Omit the paragraphs.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(h) Clause 10 (1) (i):

Omit the paragraph, insert instead:

(i) he is removed from office by the Governor; or

(i) Clause 10 (2), (3):

Omit the subclauses, insert instead:

(2) The Governor may remove a part-time commissioner from office at any time.

(j) Clause 11 (1):

Omit "commissioner" where firstly and secondly occurring, insert instead "part-time commissioner".

Environmental Planning and Assessment Act 1979 No. 203:

Schedule 1 (**The Director**):

Omit clauses 2 - 11, insert instead:

Employment of Director

2. The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

Ethnic Affairs Commission Act 1979 No. 23:

(1) Section 7 (**Appointment of commissioners**):

(a) Section 7 (2A):

After section 7 (2), insert:

(2A) The employment of a full-time commissioner is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Section 7 (3):

Omit the subsection.

(c) Section 7 (5):

After "commissioner", insert "(other than a full-time commissioner)".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (d) Section 7 (6):
Omit the subsection, insert instead:
(6) If the office of a commissioner becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.
- (e) Section 7 (8):
Omit the subsection, insert instead:
(8) Part 2 of the Public Sector Management Act 1988 does not apply to the appointment of a part-time commissioner.
- (2) Section 8 (**Provisions relating to commissioners generally**):
Omit section 8 (2) and (3).
- (3) Section 9 (**Vacation of office**):
 - (a) Section 9 (1):
Before "commissioner" where firstly occurring, insert "part-time".
 - (b) Section 9 (1) (b), (d), (j) and (l):
Omit the paragraphs.
 - (c) Section 9 (1) (e):
Omit ", being a part-time commissioner,".
 - (d) Section 9 (1) (i):
After "office;", insert "or".
 - (e) Section 9 (1) (k):
Omit "Governor; or", insert instead "Governor.".
 - (f) Section 9 (2):
Before "commissioner", insert "part-time".
 - (g) Section 9 (3):
Omit the subsection.
- (4) Sections 11, 12 and 13:
Omit the sections.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

Fire Brigades Act 1909 No. 9:

(1) Section 8 (**Appointment and election of members of board**):

(a) Section 8 (1):

Omit the subsection, insert instead:

(1) The president of the board shall be appointed by the Governor.

(b) Section 8 (2A):

After section 8 (2), insert:

(2A) The employment of the president of the board is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(c) Section 8 (3), (4):

Omit the subsections.

(2) Section 11 (**Vacancies**):

(a) Section 11 (1):

After "member" where firstly occurring, insert "(other than the president)".

(b) Section 11 (1) (d1), (h):

Omit the paragraphs.

(c) Section 11 (1) (f):

After "punishable;", insert "or".

(d) Section 11 (1) (g):

Omit "Governor; or", insert instead "Governor".

(e) Section 11 (2):

After "member", insert "(other than the president)".

(f) Section 11 (3), (4):

Omit the subsections, insert instead:

(3) On the occurrence of a vacancy in the office of a member, a person shall, subject to this Act, be appointed to fill the vacancy.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(3) Section 12 (**Remuneration**):

Omit section 12 (1) and (3).

(4) Section 27 (**Appointment of officers**):

At the end of the section, insert:

(2) This section and any by-laws are subject to Part 2A of the Public Sector Management Act 1988.

Forestry Act 1916 No. 55:

Section 5 (**Constitution of the commission**):

(a) Section 5 (1):

Omit ", and who shall, subject to this Act, hold his office for such term, not exceeding 7 years, as is specified in the instrument of his appointment. Any person so appointed may at the end of such term be reappointed for a further like term".

(b) Section 5 (2) (b):

Omit the paragraph.

(c) Section 5 (2A):

After section 5 (2), insert:

(2A) The employment of the Commissioner and each Assistant Commissioner is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(d) Section 5 (3), (4), (5), (8), (8A) and (9):

Omit the subsections.

Government Insurance Act 1927 No. 18:

Schedule 2, clause 9 (**Full-time directors**):

Omit clause 9 (2), insert instead:

(2) A full-time director is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine in respect of the full-time director.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(2A) Until such a determination is made, the remuneration is that payable to the full-time director immediately before the commencement of this subclause.

Grain Handling Act 1954 No. 36:

Schedule 1 (Constitution and procedure of the Authority):

(a) Clauses 2, 5, 11, 12 and 13:

Omit the clauses.

(b) Clause 1A:

After clause 1, insert:

Employment of Managing Director

1A. The employment of the Managing Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(c) Clause 3 (1):

After "other than", insert "the Managing Director or".

(d) Clause 3 (3):

Omit "A member", insert instead "Any such member".

(e) Clause 7 (1):

Omit the subclause.

(f) Clause 8:

After "member" wherever occurring, insert "(other than the Managing Director)".

(g) Clause 10 (1):

After "member" where firstly occurring, insert "(other than the Managing Director)".

(h) Clause 10 (1) (b):

Omit ", not being the Managing Director,".

(i) Clause 10 (1) (c), (d), (k), (l) and (m):

Omit the paragraphs.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (j) Clause 10 (1) (i):
After "appointed;", insert "or".
- (k) Clause 10 (2):
After "member", insert "(other than the Managing Director)".
- (l) Clause 10 (3):
Omit the subclause.

Home Care Service Act 1988 No. 6:

Section 8 (**Staff of the Service**):

Section 8 (4):

Omit the subsection, insert instead:

(4) The employment of staff by the Service is not subject to Part 2 of the Public Sector Management Act 1988.

Hunter Water Board Act 1988 No. 119:

Schedule 2 (**Provisions relating to the Managing Director and the Deputy Managing Director**):

(a) Clause 1A:

After clause 1, insert:

Employment of executive officer

1A. The employment of an executive officer is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 2 and 4 - 12:

Omit the clauses.

Legal Aid Commission Act 1979 No. 78:

(1) Section 15 (**Provisions relating to Director**):

Omit the section, insert instead:

Employment of Director

15. The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (2) Section 16 (**Preservation of certain rights of Director**):
Omit the section.
- (3) Schedules 4 and 5:
Omit the Schedules.

Marine Administration Act 1989 No. 93:

- (1) Section 39 (**Regulations relating to staff**):
At the end of section 39 (2) (b), insert:
; and
(c) have effect subject to Part 2A of the Public Sector Management Act 1988.
- (2) Schedule 2 (**Provisions relating to the Chief Executive of the MSB**):
 - (a) Clause 1A:
After clause 1, insert:
Employment of Chief Executive
1A. The employment of the Chief Executive is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
 - (b) Clauses 3 - 10:
Omit the clauses.

Meat Industry Act 1978 No. 54:

- (1) Section 55 (**Officers and employees**):
Omit section 55 (4), insert instead:
(4) The employment of officers and employees by the Corporation is not subject to Part 2 of the Public Sector Management Act 1988.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (2) Schedule 2 (**Provisions relating to the constitution, members and procedure of the Authority**):
- (a) Clause 1A:
Before clause 1, insert:
Employment of chairman
1A. The employment of the chairman is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
 - (b) Clauses 1, 4 and 5:
Omit the clauses.
 - (c) Clause 2:
After "member" where firstly and secondly occurring, insert "(other than the chairman)".
 - (d) Clause 3 (1) (a):
Omit the paragraph.
 - (e) Clause 9 (1):
After "member" where firstly occurring, insert "(other than the chairman)".
 - (f) Clause 9 (1) (a), (c), (e) and (l):
Omit the paragraphs.
 - (g) Clause 9 (1) (f):
Omit ", being a member other than the chairman,".
 - (h) Clause 9 (1) (j):
After "clause;"; insert "or".
 - (i) Clause 9 (1) (k):
Omit "be; or", insert instead "be.".
 - (j) Clause 9 (2):
After "member", insert "(other than the chairman)".
 - (k) Clause 9 (3):
Omit the subclause.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(1) Clause 10 (1):

Omit the subclause, insert instead:

(1) On the occurrence of a vacancy in the office of a member (other than an elected member), a person shall, subject to this Act, be appointed to fill the vacancy.

(3) Schedule 3 (**Provisions relating to the management of the Corporation**):

(a) Clause 1 (2A):

After clause 1 (2), insert:

(2A) The employment of the General Manager and the Deputy General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clause 1 (4):

Omit "an executive officer", insert instead "the General Manager, Deputy General Manager".

(c) Clause 1 (4) (a):

Omit the paragraph.

(d) Clauses 2, 3, 4, 6, 7, 14, 15 and 16:

Omit the clauses.

(e) Clause 5 (1):

Omit the subclause.

(f) Clause 13:

Omit "an executive officer" wherever occurring, insert instead "the General Manager or Deputy General Manager".

Motor Accidents Act 1988 No. 102:

Schedule 3 (**General Manager and Deputy General Manager of the Authority**):

(a) Clause 1A:

After clause 1, insert:

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

Employment of executive officer

1A. The employment of an executive officer is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

- (b) Clauses 2 and 4 - 11:

Omit the clauses.

Motor Accidents (Amendment) Act 1989:

Omit Schedule 1 (75).

National Parks and Wildlife Act 1974 No. 80:

- (1) Section 7 (**Director**):

Omit section 7 (2), insert instead:

(2) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

- (2) Schedule 4 (**The Director**):

Omit the Schedule.

Prisons Act 1952 No. 9:

Schedule 3 (**Provisions relating to the Director-General and Deputy Directors-General**):

- (a) Clause 1A:

Before clause 1, insert:

Employment of Director-General and Deputy Directors-General

1A. The employment of the Director-General and a Deputy Director-General is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

- (b) Clauses 1, 2 and 4 - 10:

Omit the clauses.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

Rural Assistance Act 1989 No. 97:

Schedule 2 (Provisions relating to Chief Executive):

(a) **Clause 1A:**

After clause 1, insert:

Employment of Chief Executive

1A. The employment of the Chief Executive is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) **Clauses 2 and 4 - 11:**

Omit the clauses.

Soil Conservation Act 1938 No. 10:

Section 4 (Commissioner of Soil Conservation Service):

(a) **Section 4 (1):**

Omit the second sentence in the subsection.

(b) **Section 4 (1A):**

After section 4 (1), insert:

(1A) The employment of the Commissioner is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(c) **Section 4 (2), (3), (5), (7), (7A) and (8):**

Omit the subsections.

State Bank Act 1981 No. 89

Schedule 1, clause 9 (Full-time directors):

Omit clause 9 (2), insert instead:

(2) A full-time director is entitled to be paid such remuneration (including travelling or subsistence allowances) as the Governor may from time to time determine in respect of the full-time director.

(2A) Until such a determination is made, the remuneration is that payable to the full-time director immediately before the commencement of this subclause.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

State Lotteries Act 1930 No. 51:

Section 7:

Omit the section, insert instead:

Director

7. (1) The Governor may appoint a Director of State Lotteries.

(2) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

State Pollution Control Commission Act 1970 No. 95:

(1) Section 6 (**Constitution of the Commission**):

(a) Section 6 (2) (a):

Omit "ten", insert instead "9".

(b) Section 6 (2) (a) (ii):

Omit the subparagraph.

(c) Section 6 (2) (a1):

After section 6 (2) (a), insert:

(a1) one shall be the Director of the Commission; and

(d) Section 6 (2A), (2B):

After section 6 (2), insert:

(2A) The Governor may appoint a Director of the Commission.

(2B) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(e) Section 6 (8) and (13A):

Omit the subsections.

(f) Section 6 (9) (a):

Omit ", shall devote the whole of his time to the duties of his office,".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (g) Section 6 (13):
Omit ", other than the Director,".
- (2) Section 7 (**Casual vacancies**):
 - (a) Section 7 (1) (b), (c), (j) and (k):
Omit the paragraphs.
 - (b) Section 7 (1) (d):
Omit ", being a member other than the Director,".
 - (c) Section 7 (1) (h):
After "resignation;", insert "or".
 - (d) Section 7 (3):
Omit the subsection.
- (3) Section 8 (**Preservation of certain rights of Director**):
Omit the section.

Superannuation Administration Act 1987 No. 210:

Schedule 1 (**Provisions relating to Board members**):

- (a) Clause 1A:
Before clause 1, insert:
Employment of full-time members
1A. The employment of a full-time member is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
- (b) Clauses 1, 4, 10 and 11:
Omit the clauses.
- (c) Clause 3:
Before "member", insert "part-time".
- (d) Clause 5 (1):
Omit the subclause.
- (e) Clause 6 (1):
Before "member" where firstly occurring, insert "part-time".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (f) Clause 6 (1) (e), (f) and (k):
Omit the paragraphs.
- (g) Clause 6 (1) (g):
Omit "being a part-time member,".
- (h) Clause 6 (1) (i):
After "1983;" insert "or".
- (i) Clause 6 (1) (j):
Omit "or" where lastly occurring.
- (j) Clause 6 (2), (4) and (5):
Omit the subclauses.
- (k) Clause 9 (1):
Before "member" where firstly and secondly occurring,
insert "part-time".

Sydney Cove Redevelopment Authority Act 1968 No. 56:

- (1) Section 4 (**Constitution of Authority**):
 - (a) Section 4 (3A):
After section 4 (3), insert:
(3A) The employment of the Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.
 - (b) Section 4 (4):
After "member" where firstly occurring, insert "(other than the Director)".
 - (c) Section 4 (5):
Omit the subsection, insert instead:
(5) If the office of a member becomes vacant a person shall, subject to this Act, be appointed to fill the vacancy.
 - (d) Section 4 (6), (11A), (16A), (18), (19), (20):
Omit the subsections.
 - (e) Section 4 (7) (a):
Omit ", shall devote the whole of his time to the duties of his office,".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (f) Section 4 (15):
After "member" where firstly occurring, insert "(other than the Director)".
- (g) Section 4 (16):
After "member" where firstly occurring, insert "(other than the Director)".
- (h) Section 4 (16) (b), (c), (k), (l):
Omit the paragraphs.
- (i) Section 4 (16) (d):
Omit ", being a member other than the Director,".
- (j) Section 4 (16) (i):
After "Governor;", insert "or".
- (k) Section 4 (16) (j):
Omit "appointed;", insert instead "appointed."
- (l) Section 14 (17):
After "member", insert "(other than the Director)".
- (2) Section 7 (**Regulations re servants**):
At the end of the section, insert:
 - (2) Any such regulations have effect subject to Part 2A of the Public Sector Management Act 1988.

Sydney Market Authority Act 1968 No. 11:

- (1) Section 7 (**Regulations re servants**):
At the end of the section, insert:
 - (2) Any such regulations have effect subject to Part 2A of the Public Sector Management Act 1988.
- (2) Schedule 1 (**Constitution and procedure of the Authority**):
 - (a) Clause 1A:
After clause 1, insert:

Employment of Managing Director

1A. The employment of the Managing Director is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (b) Clauses 2, 5, 11, 12 and 13:

Omit the clauses.

- (c) Clause 3:

Omit the clause, insert instead:

Term of office

3. Subject to this Schedule, a part-time member holds office for such period (not exceeding 3 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

- (d) Clause 6 (1):

Omit the subclause.

- (e) Clause 8 (1):

Before "member" where firstly occurring, insert "part-time".

- (f) Clause 8 (1) (b), (g), (j) and (k):

Omit the paragraphs.

- (g) Clause 8 (1) (c):

Omit "being a part-time member,".

- (h) Clause 8 (1) (i):

After "Minister;", insert "or".

- (i) Clause 8 (1) (l):

Omit the paragraph, insert instead:

(l) is removed by the Governor under this clause or under Part 8 of the Public Sector Management Act 1988.

- (j) Clause 8 (2), (3) and (5):

Omit the subclauses.

- (k) Clause 10 (1):

Before "member" where firstly and secondly occurring, insert "part-time".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

Teaching Services Act 1980 No. 23:

(1) Section 4 (**Definitions**):

- (a) Section 4 (1), definitions of "appropriate Department Head" and "Public Service":

Omit "section 4 (1) of the Public Service Act 1979" wherever occurring, insert instead "section 3 (1) of the Public Sector Management Act 1988".

- (b) Section 4 (1), definition of "Public Service Board":

Omit the definition.

- (c) Section 4 (1):

After the definition of "section", insert:

"senior executive officer" has the same meaning it has in the Public Sector Management Act 1988;

(2) Section 25 (**Determination of conditions of employment**):

At the end of section 25, insert:

(2) This section does not apply in relation to the remuneration of, or allowances payable to, senior executive officers.

- (3) Sections 37 (2), 38 (1) (d), 39 (2), 40 (1) (c), 47 (3), 50 (3), 55 (3), 58 (3), 71A (4) and 92 (1):

Omit "Public Service Board" wherever occurring, insert instead "Public Employment Industrial Relations Authority".

- (4) Sections 37 (3) and 39 (3):

Omit "section 47 of the Public Service Act 1979" wherever occurring, insert instead "section 11 of the Public Sector Management Act 1988".

- (5) Section 43 (**Application of Public Sector Management Act 1988**):

Omit "provisions of the Public Service Act 1979", insert instead "provisions of the Public Sector Management Act 1988 which apply to persons in their capacity as public servants".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (6) Sections 46 (1), 54 (1):
Omit "positions to which the Public Service Act 1979 applies" wherever occurring, insert instead "positions in the Public Service".
- (7) Sections 47 (1), 47 (3) (b) (i), 50 (3) (b) (i), 55 (1), 55 (3) (b) (i), 58 (3) (b) (i) and 71A (3):
Omit "Public Service Act 1979" wherever occurring, insert instead "Public Sector Management Act 1988".
- (8) Sections 47 (3) (b) (ii), 50 (3) (b) (ii), 55 (3) (b) (ii) and 58 (3) (b) (ii):
Omit "section 113 (1) (a) of the Public Service Act 1979" wherever occurring, insert instead "section 51 (1) of the Public Sector Management Act 1988".
- (9) Sections 47 (3) (b) (iii), 50 (3) (b) (iii), 55 (3) (b) (iii) and 58 (3) (b) (iii):
Omit "section 114 (2) of the Public Service Act 1979" wherever occurring, insert instead "section 52 (2) of the Public Sector Management Act 1988".
- (10) Sections 47 (3), 50 (3), 55 (3) and 58 (3):
Omit "Public Service Act 1979" where lastly occurring in each case, insert instead "Public Sector Management Act 1988".
- (11) Section 48 (**Appointments on probation**):
After section 48 (6), insert:
(7) This section does not apply to the appointment of a senior executive officer to a position in the Education Teaching Service.
- (12) Section 56 (**Appointments on probation**):
After section 56 (6), insert:
(7) This section does not apply to the appointment of a senior executive officer to a position in the Technical and Further Education Teaching Service.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(13) Section 78A:

After section 78, insert:

Sections 72 - 78 not to apply to senior executive officers

78A. Sections 72 - 78 do not apply to senior executive officers.

(14) Section 85 (**Punishment for breaches of discipline**):

Section 85 (1) (a) (iv), (v):

Before "reduce" wherever occurring, insert "except in the case of a senior executive officer,".

Tourism Commission Act 1984 No. 46:

Schedule 1 (**Provisions relating to the members of the Commission**):

(a) Clause 1A:

Before clause 1, insert:

Employment of General Manager

1A. The employment of the General Manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 1, 5, 11, 12 and 13:

Omit the clauses.

(c) Clause 4:

Omit the clause, insert instead:

Term of office

4. Subject to this Schedule, a part-time member holds office for such term (not exceeding 5 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

(d) Clause 6 (1):

Omit the subclause.

(e) Clause 8 (1):

Before "member" where firstly occurring, insert "part-time".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

- (f) Clause 8 (1) (b), (g), (i) and (j):
Omit the paragraphs.
- (g) Clause 8 (1) (c):
Omit "being a part-time member,".
- (h) Clause 8 (1) (h):
After "Minister;", insert "or".
- (i) Clause 8 (1) (k):
Omit the paragraph, insert instead:
 - (k) is removed by the Governor under this clause or under Part 8 of the Public Sector Management Act 1988.
- (j) Clause 8 (2), (3) and (5):
Omit the subclauses.
- (k) Clause 10 (1):
Before "member" where firstly and secondly occurring, insert "part-time".

Transport Administration Act 1988 No. 109:

- (1) Section 58 (**Regulations relating to staff**):
At the end of section 58 (2) (c), insert:
 - ; and
 - (d) have effect subject to Part 2A of the Public Sector Management Act 1988.
- (2) Section 62 (**Regulations relating to staff**):
At the end of section 62 (c), insert:
 - ; and
 - (d) have effect subject to Part 2A of the Public Sector Management Act 1988.
- (3) Section 65 (**Regulations relating to staff**):
At the end of section 65 (2) (b), insert:
 - ; and
 - (c) have effect subject to Part 2A of the Public Sector Management Act 1988.

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(4) Schedule 2 (Provisions relating to Chief Executives):

(a) Clause 1A:

After clause 1, insert:

Employment of Chief Executives

1A. The employment of a Chief Executive is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 2 and 4 - 11:

Omit the clauses.

Waste Disposal Act 1970 No. 97:

(1) Section 9 (Executive officers entitled to re-appointment in certain cases):

Omit the section.

(2) Section 15 (Preservation of certain rights):

(a) Section 15 (1):

Omit "the Managing Director or Deputy Managing Director or as" wherever occurring.

(b) Section 15 (2):

Omit "The Managing Director or Deputy Managing Director or a", insert instead "A".

(c) Section 15 (3):

(i) Omit "the Managing Director or Deputy Managing Director or a servant", insert instead "a servant".

(ii) Omit "if the Managing Director or Deputy Managing Director or servant", insert instead "if the servant".

(iii) Omit "as the Managing Director or Deputy Managing Director or such a servant", insert instead "as such a servant".

(iv) Omit "or the Statutory and Other Offices Remuneration Act 1975".

SCHEDULE 1 - AMENDMENT OF ACTS - *continued*

(3) Schedule 3 (**Provisions relating to the executive officers**):

(a) Clause 1A:

After clause 1, insert:

Employment of executive officer

1A. The employment of an executive officer is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 3 - 8:

Omit the clauses.

Water Board Act 1987 No. 141:

Schedule 2 (**Provisions relating to the Managing Director and the Deputy Managing Director**):

(a) Clause 1A:

After clause 1, insert:

Employment of executive officer

1A. The employment of an executive officer is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 2 and 4 - 12:

Omit the clauses.

Water Supply Authorities Act 1987 No. 140:

Schedule 5 (**Provisions relating to the members of an Authority**):

(a) Clause 1A:

Before clause 1, insert:

Employment of full-time member

1A. The employment of a full-time member of an Authority is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

(b) Clauses 1, 6, 12, 13 and 14:

Omit the clauses.