

POLICE SERVICE (EMPLOYER)

AMENDMENT BILL 1992

SPEECH NOTES FOR MINISTER'S

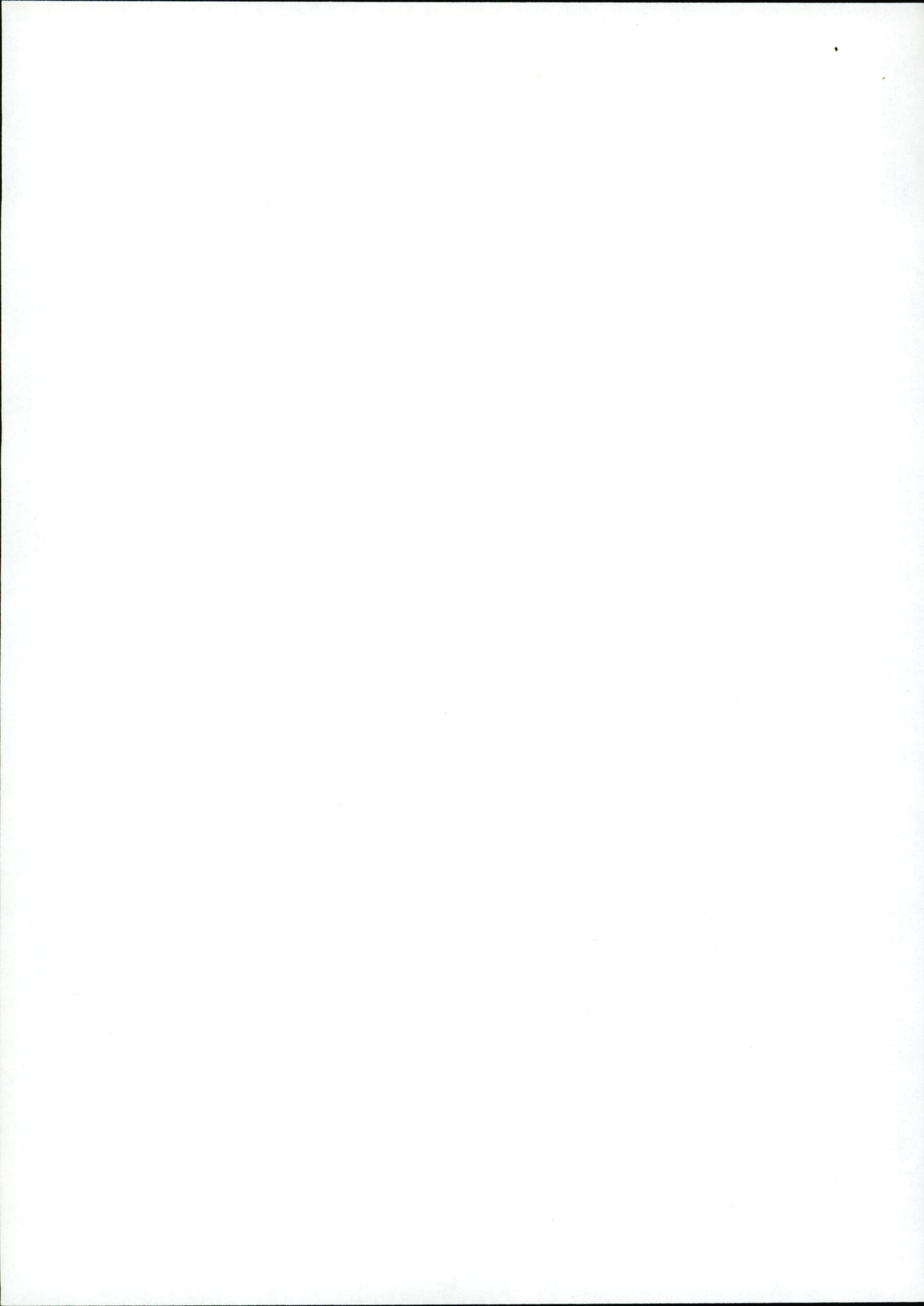
SECOND READING SPEECH

- LEGISLATIVE COUNCIL

1.

Mr. President, the Police Service (Employer) Amendment Bill 1992 is intended to effect a transfer of the employer role (for industrial relations purposes) for non-executive officers of the New South Wales Police Service from the Public Employment Industrial Relations Authority to the Commissioner of Police.

In accordance with the Government's policy of "let the managers manage", the Public Employment Industrial Relations Authority has been active in devolving its operational functions to Chief Executive Officers.



2.

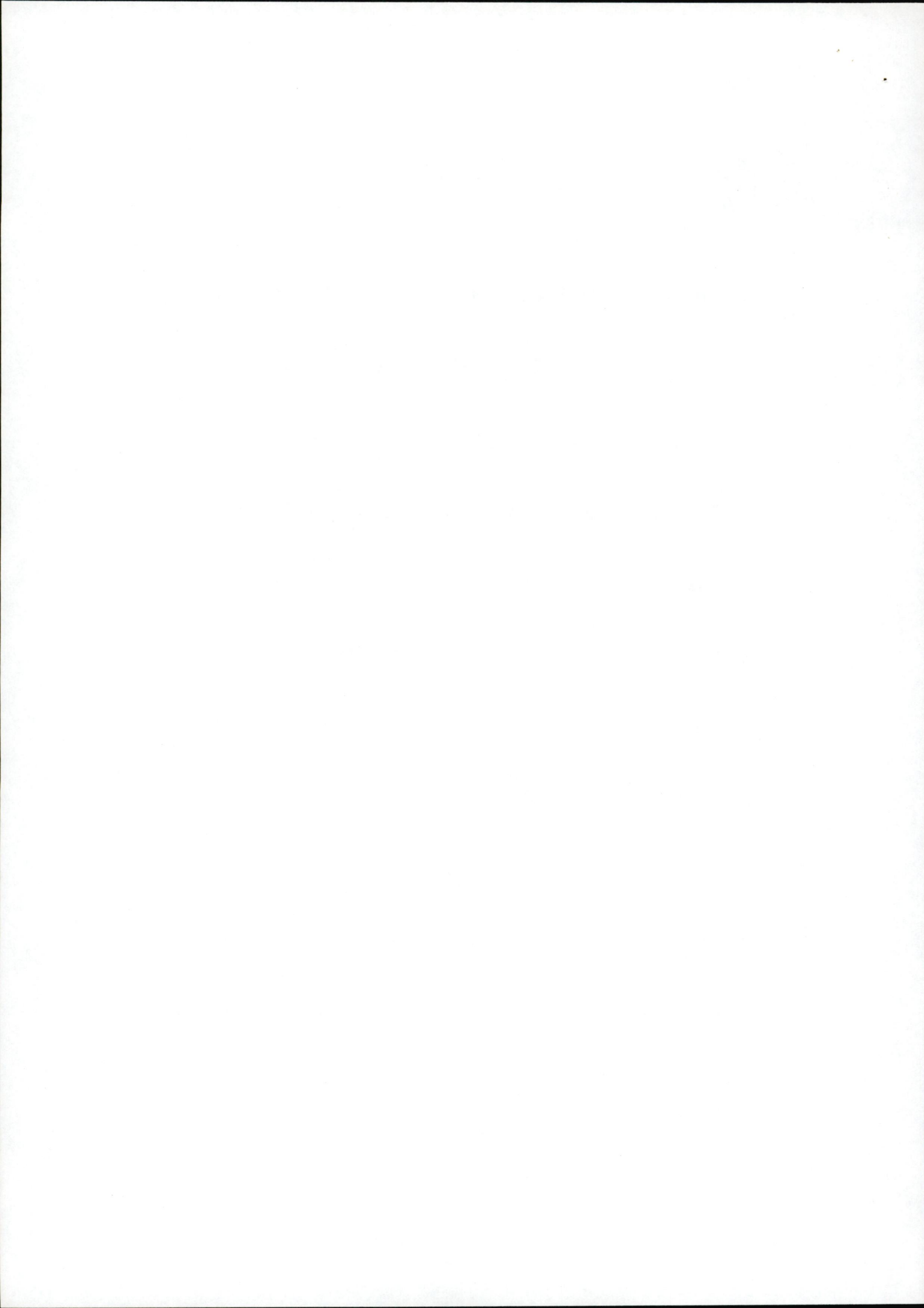
The Bill's provisions further this aim in respect of non-executive officers of the Police Service (being, firstly, police officers other than members of the Police Service Senior Executive Service and, secondly, administrative officers below Senior Executive Service level).

In future, Mr. President, the Industrial Authority's role in respect of these officers will be limited to:

3.

- * maintaining a co-ordinating role in respect of major industrial claims and advising the Minister for Industrial Relations on matters which could create new standards in the public sector and proposed actions that would fall outside industrial relations principles to which the Government is committed; and

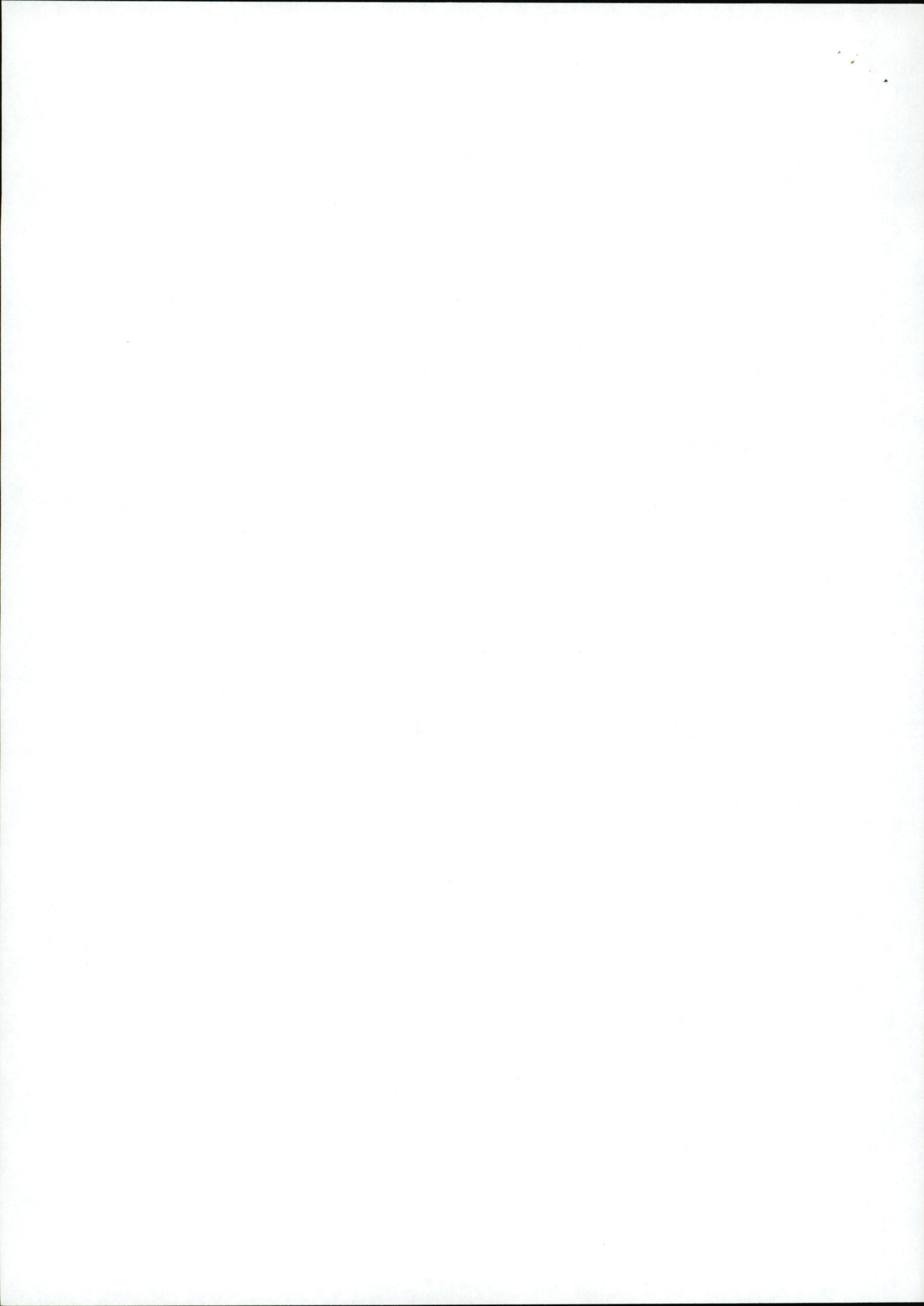
- * maintaining a consultative/advisory role and providing support, including training, where appropriate.



4.

Specifically, Honourable Members should note that the Bill will amend the Police Service Act 1990 to stipulate that the Commissioner of Police will - for the purposes of proceedings before an industrial tribunal and the determination of remuneration and entry into industrial agreements - be the employer of non-executive officers of the Police Service.

This function will be assumed by the Commissioner upon the proclaimed commencement of the proposed Act.



5.

Appropriate savings and transitional provisions are inserted in the Bill to ensure that past acts done by the Authority prior to the proposed Act's commencement are not affected by the change-over in employer role.

Mr. President, I commend the Bill.

FIRST PRINT

POLICE SERVICE (EMPLOYER) AMENDMENT BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Police Service Act 1990 so as to designate the Commissioner of Police (instead of the Public Employment Industrial Relations Authority) as the employer, for industrial purposes, of non-executive officers of the Police Service. As a consequence, the Commissioner will be authorised to be a party to proceedings before industrial tribunals, to enter into industrial agreements and to make salary determinations.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be proclaimed.

Clause 3 provides that the Police Service Act 1990 is amended as set out in Schedule 1.

Schedule 1 (1) authorises the Commissioner (instead of the Authority) to appear before industrial tribunals as the employer of non-executive officers of the Police Service.

Schedule 1 (2) empowers the Commissioner (instead of the Authority) to determine the salary, wages etc. of those officers.

Schedule 1 (3) permits the Commissioner (instead of the Authority) to enter into agreements concerning industrial matters with organisations representing the officers. Any matters relating to discipline, promotion or transfer of police officers for which industrial tribunals do not have jurisdiction to make awards will continue to be excluded from the power to enter into industrial agreements. Those matters are dealt with in the Principal Act.

Schedule 1 (4) enacts savings provisions which are consequential on the enactment of the proposed Act.

FIRST PRINT

POLICE SERVICE (EMPLOYER) AMENDMENT BILL 1992

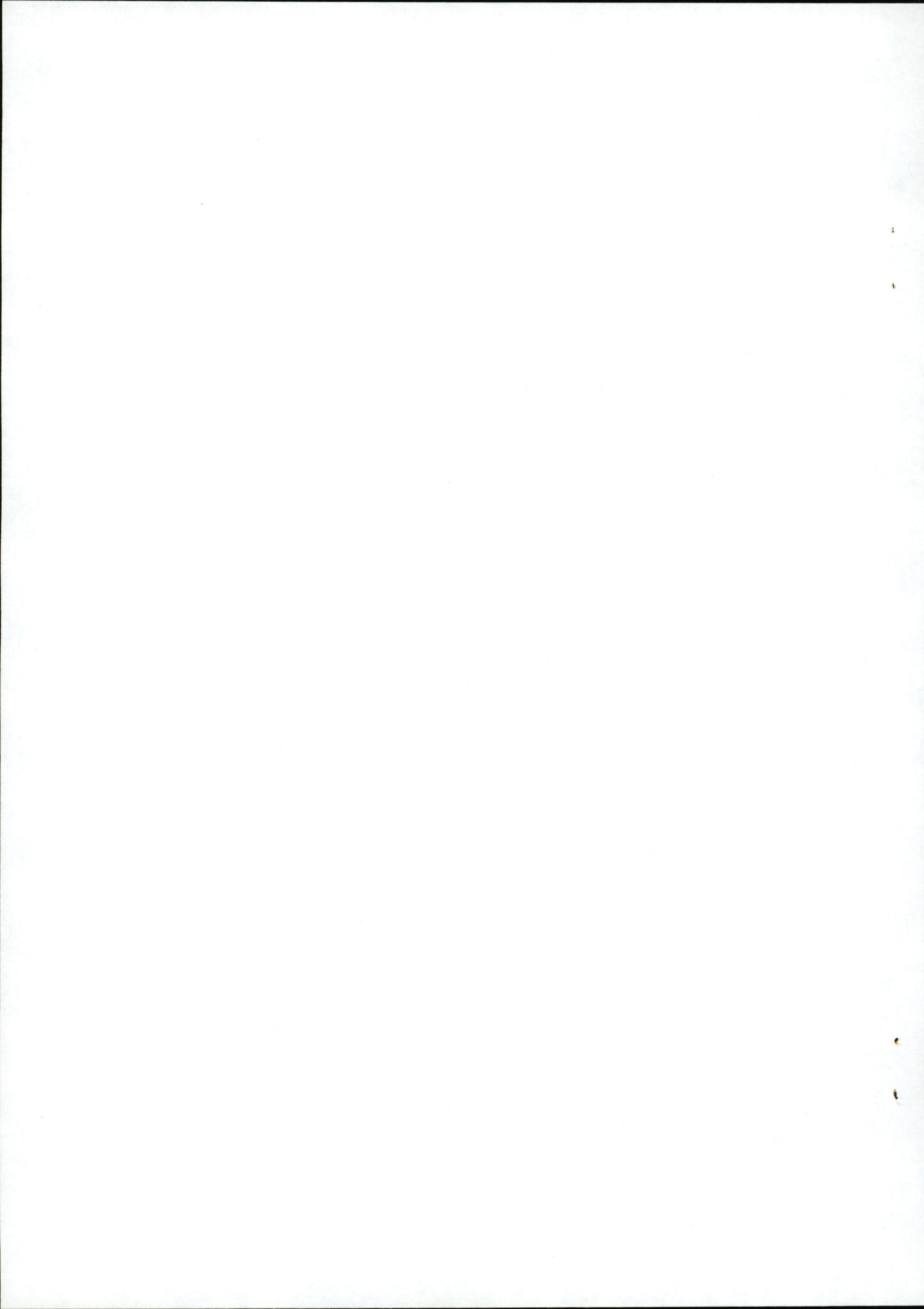
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Police Service Act 1990 No. 47

SCHEDULE 1—AMENDMENTS



POLICE SERVICE (EMPLOYER) AMENDMENT BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Police Service Act 1990 to designate the Commissioner of Police as the employer for industrial purposes of non-executive officers of the Police Service.

Police Service (Employer) Amendment 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Service (Employer) Amendment Act 1992.

Commencement

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

Amendment of Police Service Act 1990 No. 47

3. The Police Service Act 1990 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 84:

Omit the section, insert instead:

Commissioner to be employer for industrial matters

84. The Commissioner is to be the employer of non-executive officers for the purposes of any proceedings relating to non-executive officers held before a competent tribunal having jurisdiction to deal with industrial matters.

(2) Section 85 (**Commissioner may determine salary, wages etc.**):

From section 85 (1), omit "the Public Employment Industrial Relations Authority", insert instead "the Commissioner".

(3) Section 86 (**Commissioner may enter into agreements**):

Omit section 86 (1) and (2), insert instead:

(1) The Commissioner may enter into an agreement with any association or organisation representing a group or class of non-executive officers with respect to industrial matters.

(2) The Commissioner is not authorised to enter into such an agreement with respect to a matter if the Industrial Relations Commission does not have jurisdiction to make an award or order with respect to that matter because of section 349 of the Industrial Relations Act 1991.

Police Service (Employer) Amendment 1992

SCHEDULE 1—AMENDMENTS—*continued*

(4) Schedule 4 (Savings, transitional and other provisions):

- (a) At the end of clause 2 (1), insert:
the Police Service (Employer) Amendment Act 1992.
- (b) After Part 3, insert:

**PART 4—PROVISIONS CONSEQUENTIAL ON
ENACTMENT OF POLICE SERVICE (EMPLOYER)
AMENDMENT ACT 1992**

Pending proceedings by PEIRA

16. (1) Any proceedings to which the Public Employment Industrial Relations Authority is a party immediately before the commencement of the Police Service (Employer) Amendment Act 1992 are not affected by the amendments made by that Act.

(2) However, on the commencement of that Act the Commissioner is taken to be a party to those proceedings instead of the Public Employment Industrial Relations Authority, except in the case of any particular proceedings in respect of which it is agreed between the Commissioner and the Authority that the Authority is to continue to be a party to those proceedings.

Previous determinations, agreements etc. by PEIRA

17. (1) Any thing done by the Public Employment Industrial Relations Authority under Division 7 of Part 6 of this Act before the amendment of that Division by the Police Service (Employer) Amendment Act 1992 is taken, after the commencement of that Act, to have been done by the Commissioner.

(2) Any reference to that Authority in any award, determination or agreement entered into or made under that Division is taken, after that commencement, to be a reference to the Commissioner.

POLICE SERVICE (EMPLOYER) AMENDMENT ACT 1992
No. 22

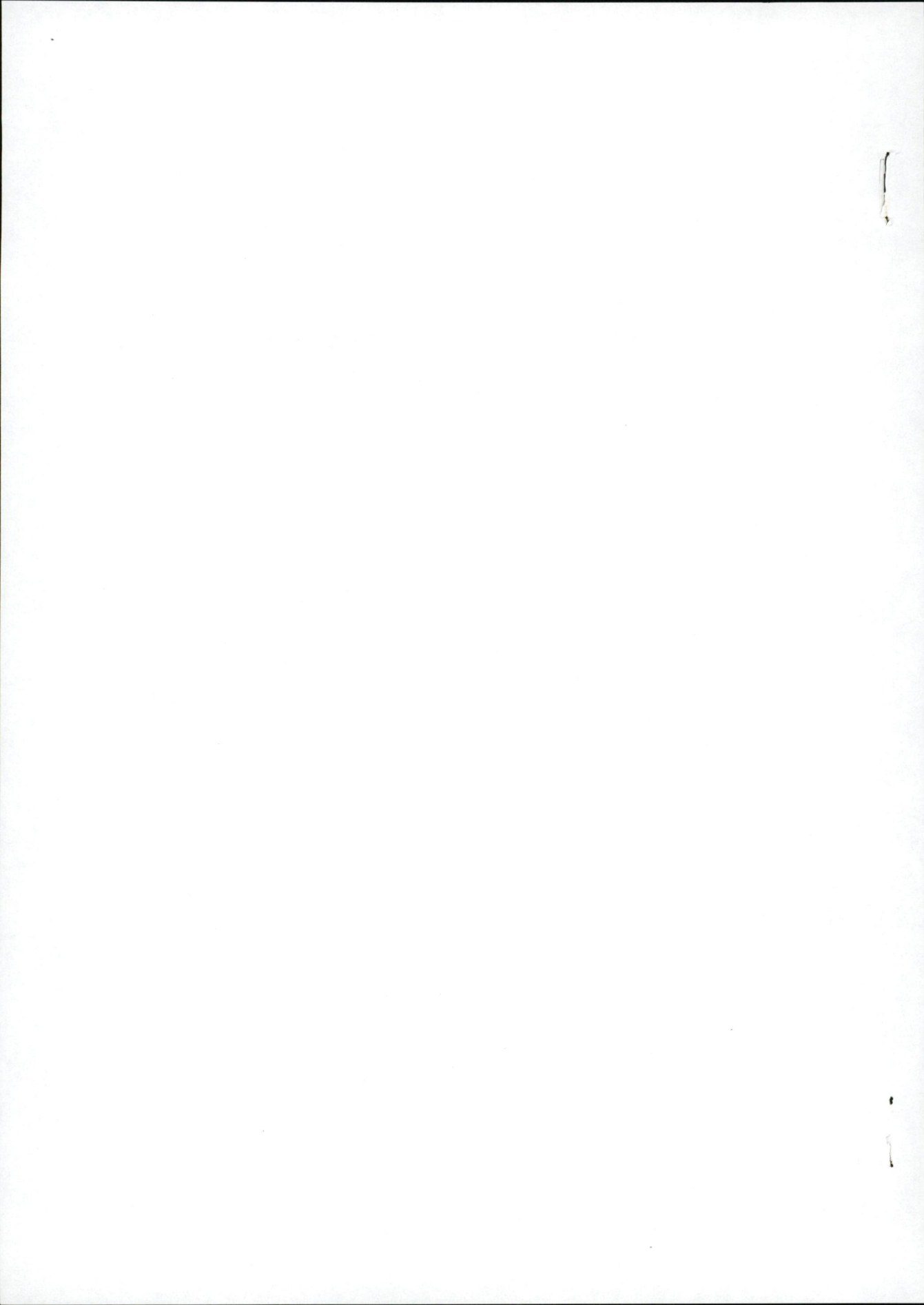
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Police Service Act 1990 No. 47

SCHEDULE 1—AMENDMENTS



POLICE SERVICE (EMPLOYER) AMENDMENT ACT 1992
No. 22

NEW SOUTH WALES



Act No. 22, 1992

An Act to amend the Police Service Act 1990 to designate the Commissioner of Police as the employer for industrial purposes of non-executive officers of the Police Service. [Assented to 14 May 1992]

Police Service (Employer) Amendment 1992 No. 22

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Police Service (Employer) Amendment Act 1992.

Commencement

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

Amendment of Police Service Act 1990 No. 47

3. The Police Service Act 1990 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 84:

Omit the section, insert instead:

Commissioner to be employer for industrial matters

84. The Commissioner is to be the employer of non-executive officers for the purposes of any proceedings relating to non-executive officers held before a competent tribunal having jurisdiction to deal with industrial matters.

(2) Section 85 (**Commissioner may determine salary, wages etc.**):

From section 85 (1), omit "the Public Employment Industrial Relations Authority", insert instead "the Commissioner".

(3) Section 86 (**Commissioner may enter into agreements**):

Omit section 86 (1) and (2), insert instead:

(1) The Commissioner may enter into an agreement with any association or organisation representing a group or class of non-executive officers with respect to industrial matters.

Police Service (Employer) Amendment 1992 No. 22

SCHEDULE 1—AMENDMENTS—*continued*

(2) The Commissioner is not authorised to enter into such an agreement with respect to a matter if the Industrial Relations Commission does not have jurisdiction to make an award or order with respect to that matter because of section 349 of the Industrial Relations Act 1991.

(4) Schedule 4 (**Savings, transitional and other provisions**):

- (a) At the end of clause 2 (1), insert:
the Police Service (Employer) Amendment Act 1992.
- (b) After Part 3, insert:

**PART 4—PROVISIONS CONSEQUENTIAL ON
ENACTMENT OF POLICE SERVICE (EMPLOYER)
AMENDMENT ACT 1992**

Pending proceedings by PEIRA

16. (1) Any proceedings to which the Public Employment Industrial Relations Authority is a party immediately before the commencement of the Police Service (Employer) Amendment Act 1992 are not affected by the amendments made by that Act.

(2) However, on the commencement of that Act the Commissioner is taken to be a party to those proceedings instead of the Public Employment Industrial Relations Authority, except in the case of any particular proceedings in respect of which it is agreed between the Commissioner and the Authority that the Authority is to continue to be a party to those proceedings.

Previous determinations, agreements etc. by PEIRA

17. (1) Any thing done by the Public Employment Industrial Relations Authority under Division 7 of Part 6 of this Act before the amendment of that Division by the Police Service (Employer) Amendment Act 1992 is taken, after the commencement of that Act, to have been done by the Commissioner.

Police Service (Employer) Amendment 1992 No. 22

SCHEDULE 1—AMENDMENTS—*continued*

(2) Any reference to that Authority in any award, determination or agreement entered into or made under that Division is taken, after that commencement, to be a reference to the Commissioner.

[*Minister's second reading speech made in—
Legislative Assembly on 26 March 1992
Legislative Council on 5 May 1992*]