



New South Wales

# Government Sector Employment and Other Legislation Amendment Act 2024 No 35

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# Government Sector Employment and Other Legislation Amendment Act 2024 No 35

Act No 35, 2024

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An Act to amend the *Government Sector Employment Act 2013* to provide that certain functions are no longer to be exercised by the Public Service Commissioner; to amend the *NSW Reconstruction Authority Act 2022* in relation to the appointment of the chief executive officer of the NSW Reconstruction Authority; and for related purposes. [Assented to 24 June 2024]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Government Sector Employment and Other Legislation Amendment Act 2024*.

**2 Commencement**

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

## **Schedule 1      Amendment of Government Sector Employment Act 2013 No 40**

### **[1] Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*financial year* means a period of 12 months starting on 1 July.

### **[2] Section 10**

Omit the section. Insert instead—

#### **10 Principal objectives of Commissioner**

The principal objectives of the Commissioner are as follows—

- (a) to promote and maintain the highest levels of integrity, impartiality, accountability and leadership across the government sector,
- (b) to ensure that government sector recruitment and selection processes comply with the merit principle and adhere to professional standards,
- (c) to foster a public service culture in which integrity, trust, service and accountability are strongly valued,
- (d) to build public confidence in the government sector.

### **[3] Section 11 General functions of Commissioner**

Omit section 11(1). Insert instead—

- (1) The Commissioner has the function of leading the strategic development and management of the government sector workforce in relation to the following—
  - (a) recruitment, particularly compliance with the requirements relating to appointment and promotion on merit,
  - (b) equity and diversity, including strategies to ensure the government sector reflects the diversity of the wider community,
  - (c) general conduct and compliance with ethical practices,
  - (d) learning and development,
  - (e) executive employment arrangements.

### **[4] Section 15**

Omit section 15(1) and (2) and heading. Insert instead—

#### **15 Annual report of the Commissioner**

- (1) The Commissioner must, as soon as practicable after 30 June in each financial year, give to the Premier a report on the Commissioner's work and activities for the financial year.

### **[5] Section 17 Miscellaneous provisions relating to Commissioner**

Omit section 17(3). Insert instead—

- (3) The Commissioner must arrange for information about the Commissioner's functions and the work of the Commissioner to be published on a NSW Government website.

**[6] Section 82A**

Insert after section 82—

**82A State of government sector**

- (1) The Minister must ensure that, as soon as practicable after 30 June in each financial year, a report on the state of the government sector in relation to the financial year is tabled in both Houses of Parliament.
- (2) The report must include the following—
  - (a) an assessment of the performance of the whole of the government sector, including notable achievements, challenges and priorities,
  - (b) an analysis of government sector workforce data.
- (3) Section 16 applies for the purposes of the preparation of a report under subsection (1) as if a reference in that section to the Commissioner were a reference to the Secretary of the Premier's Department.

## **Schedule 2      Amendment of NSW Reconstruction Authority Act 2022 No 80**

### **Section 16 Staff**

Omit section 16(2).

## **Schedule 3 Consequential amendments of other legislation**

### **3.1 Cemeteries and Crematoria Act 2013 No 105**

#### **Schedule 1 Members and procedure of Board**

Omit “Public Service Commissioner” from clause 3.

Insert instead “Secretary of the Premier’s Department”.

### **3.2 Community Welfare Act 1987 No 52**

#### **Section 11 Arrangements to use services**

Omit “Public Service Commissioner” from section 11(5).

Insert instead “Secretary of the Premier’s Department”.

### **3.3 Constitution Act 1902 No 32**

#### **Section 50G Publication, commencement and operation of orders**

Omit “Public Service Commissioner” from section 50G(5).

Insert instead “Secretary of the Premier’s Department”.

### **3.4 Council of Law Reporting Act 1969 No 59**

#### **Section 8 Employees**

Omit “Public Service Commissioner” from section 8(2)(a).

Insert instead “Secretary of the Premier’s Department”.

### **3.5 Dams Safety Act 2015 No 26**

#### **Schedule 1 Provisions relating to members and procedure of Dams Safety NSW**

Omit “Public Service Commissioner” from clause 4.

Insert instead “Secretary of the Premier’s Department”.

### **3.6 Exhibited Animals Protection Act 1986 No 123**

#### **Section 7 Staff of the advisory committee**

Omit “Public Service Commissioner” from section 7(1)(b).

Insert instead “Secretary of the Premier’s Department”.

### **3.7 Film and Television Industry (Advisory Committee) Regulation 2019**

#### **Clause 7 Remuneration**

Omit “Public Service Commissioner”.

Insert instead “Secretary of the Premier’s Department”.

### **3.8 Funeral Funds Act 1979 No 106**

#### **[1] Section 8 Inspectors**

Omit “Public Service Commissioner” from section 8(2)(a).

Insert instead “Secretary of the Premier’s Department”.

**[2] Section 8(2)(a)**

Omit “Commissioner”. Insert instead “Secretary of the Premier’s Department”.

**3.9 Judicial Officers Act 1986 No 100**

**Section 6 Staff etc of the Commission**

Omit “Public Service Commissioner” wherever occurring.

Insert instead “Secretary of the Premier’s Department”.

**3.10 Local Land Services Act 2013 No 51**

**Schedule 2 Constitution and procedure of Board and local boards**

Omit “Public Service Commissioner” from clause 9.

Insert instead “Secretary of the Premier’s Department”.

**3.11 Protection of the Environment Administration Act 1991 No 60**

**Schedule 1 Provisions relating to members and procedure of the Board**

Omit “Public Service Commissioner” from clause 2A.

Insert instead “Secretary of the Premier’s Department”.

**3.12 Sporting Venues Authorities Act 2008 No 65**

**Schedule 1 Constitution and procedure of Board of Venues NSW**

Omit “Public Service Commissioner” from clause 4.

Insert instead “Secretary of the Premier’s Department”.

**3.13 Teaching Service Act 1980 No 23**

**Section 92 Deduction from salary or wages for use of building or provision of services**

Omit “Public Service Commissioner” from section 92(1).

Insert instead “Secretary of the Premier’s Department”.

**3.14 Transport Administration Act 1988 No 109**

**Section 88V Temporary staff placement with ARTC (secondments)**

Omit “Public Service Commissioner” wherever occurring.

Insert instead “Secretary of the Premier’s Department”.

[Second reading speech made in—

Legislative Council on 6 June 2024

Legislative Assembly on 21 June 2024]