



New South Wales

Public Sector Management (Goods and Services) Amendment Regulation 2007

under the

Public Sector Employment and Management Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Sector Employment and Management Act 2002*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

Recently, section 143 of the *Public Sector Employment and Management Act 2002* was amended to permit regulations to be made for or with respect to the acquisition or disposal of goods or services for the public sector service, not just the Public Service. The public sector service includes the Government Service, the Teaching Service, the NSW Police Force and the NSW Health Service.

The object of this Regulation is to amend the *Public Sector Management (Goods and Services) Regulation 2000* so that it extends to the whole of the public sector service (excluding Parliament).

This Regulation is made under the *Public Sector Employment and Management Act 2002*, including sections 143 and 164 (the general regulation-making power).

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Clause 1 Public Sector Management (Goods and Services) Amendment Regulation
2007

**Public Sector Management (Goods and Services)
Amendment Regulation 2007**

under the

Public Sector Employment and Management Act 2002

1 Name of Regulation

This Regulation is the *Public Sector Management (Goods and Services) Amendment Regulation 2007*.

2 Amendment of Public Sector Management (Goods and Services) Regulation 2000

The *Public Sector Management (Goods and Services) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Omit the definition of *public servant* from clause 3 (1).

Insert instead the following in alphabetical order:

public sector agency means any part of the public sector service.

public sector agency head (or *head* of a public sector agency) means the person who is the chief executive officer, or who exercises the functions of chief executive officer, of the public sector agency.

public sector employee means a person employed in the public sector service.

public sector service has the meaning given to it under the Act, except that it does not include the service of either House of Parliament, or the President or Speaker, or the President and the Speaker jointly.

[2] Clause 4 Objects of Regulation

Omit clause 4 (a). Insert instead:

- (a) to establish the basis on which the public sector service acquires goods and services, or disposes of goods, so as to maximise value for money, within a framework of probity and fairness to suppliers,

[3] Clauses 4 (b) and (c), 16 (1), 17 (1), 18 (2), 19 (1), 20, 23 (1), 24 (1), 25 (4) and 26 (2)

Omit “Public Service” wherever occurring.

Insert instead “public sector service”.

[4] Clause 5 Government procurement and tendering policies and codes of practice

Omit “Department Heads” from clause 5 (2).

Insert instead “public sector agency heads”.

[5] Clause 5 (3)

Omit “a public sector agency not within the Public Service”.

Insert instead “a public body not within the public sector service”.

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Schedule 1 Amendments

- [6] **Clauses 16 (2) (c) and (4), 17 (2) (c) and (4), 36 (1) and 37 (1)**
Omit “Department” wherever occurring.
Insert instead “public sector agency”.
- [7] **Clauses 16 (3) and 17 (3) and note to clause 27**
Omit “Departments” wherever occurring.
Insert instead “public sector agencies”.
- [8] **Clause 18 Board may arrange supply or disposal for other public bodies**
Omit “public sector agencies not within the Public Service” from clause 18 (1).
Insert instead “public bodies not within the public sector service”.
- [9] **Clause 18 (1) and (2)**
Omit “those agencies” wherever occurring. Insert instead “those bodies”.
- [10] **Clause 18 (4)**
Omit the subclause. Insert instead:
(4) In this clause, a *public body* includes the following:
(a) a government trading enterprise (including a State owned corporation),
(b) a public or private hospital (including an area health service),
(c) a local government agency,
(d) a charity or other community non-profit organisation,
(e) a public or private school or a college or university,
(f) a public authority of this State, the Commonwealth or any other State or Territory,
(g) a contractor to a public authority (but only in respect of things done as such a contractor).
- [11] **Clause 21 Basis on which Board arranges supply or disposal**
Omit “Public Service on” from clause 21 (1).
Insert instead “public sector service on”.
- [12] **Clauses 21 (1) (a) and (2), 22 (1), 28 (1), 33 (2) and 38 (1) (c)**
Omit “for the Public Service” wherever occurring.

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- [13] **Clauses 25, 35, 38 (1), 41 and 42, clause 1 (1) of Schedule 1 and clause 9 of Schedule 2**
Omit “public servant” wherever occurring.
Insert instead “public sector employee”.
- [14] **Clause 25 Information to be provided by the public sector service**
Omit “any Department” from clause 25 (1).
Insert instead “any public sector agency”.
- [15] **Clauses 25, 35 and 42**
Omit “Department Head” wherever occurring.
Insert instead “public sector agency head”.
- [16] **Clauses 25 (2) and 40**
Omit “the Department” wherever occurring.
Insert instead “the agency”.
- [17] **Clause 25 (3)**
Omit “Public servants”.
Insert instead “Public sector employees”.
- [18] **Clauses 26 Application of Part**
Omit “public sector agency” from clause 26 (2). Insert instead “public body”.
- [19] **Clause 35 Exemption for emergencies**
Omit “Departmental” from clause 35 (5) (b).
Insert instead “public sector agency’s”.
- [20] **Clause 40 and clause 7 of Schedule 2**
Omit “Department Head of a Department” wherever occurring.
Insert instead “head of a public sector agency”.
- [21] **Clause 40 Responsibility of public sector agency heads**
Omit “reasonable Departmental needs” from clause 40 (b).
Insert instead “the reasonable needs of the agency”.

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Schedule 1 Amendments

[22] Schedule 2 Provisions relating to procedure of Board

Omit “that Department” from clause 7.

Insert instead “the agency”.

BY AUTHORITY
