



New South Wales

Public Sector Management (Goods and Services) Amendment (Disability Employment Organisations) Regulation 2009

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 ROBERTSON, MLC
Minister for Commerce

Explanatory note

The object of this Regulation is to provide an exemption from certain requirements of the *Public Sector Management (Goods and Services) Regulation 2000* for public sector agencies. Under the exemption, a public service agency will be able to obtain goods or services from a disability employment organisation without using contracts arranged or entered into by the State Contracts Control Board (the **Board**) and without the competitive tender process otherwise required under the *Public Sector Management (Goods and Services) Regulation 2000*. The exemption is subject to any directions issued by the Board. A **disability employment organisation** is a person or body approved by the Minister for Disability Services that conducts a business a principal purpose of which is to provide employment to persons with a disability. The Regulation also provides that a register of approved organisations is to be kept and made publicly available.

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

2009 No 608

Clause 1

Public Sector Management (Goods and Services) Amendment (Disability
Employment Organisations) Regulation 2009

**Public Sector Management (Goods and Services)
Amendment (Disability Employment Organisations)
Regulation 2009**

under the

Public Sector Employment and Management Act 2002

1 Name of Regulation

This Regulation is the *Public Sector Management (Goods and Services)
Amendment (Disability Employment Organisations) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the
NSW legislation website.

Schedule 1 Amendment of Public Sector Management (Goods and Services) Regulation 2000

Clause 37A

Insert after clause 37:

37A Exemption for supply by approved disability employment organisations

- (1) A public sector agency may, without reference to the Board and the procedures prescribed by this Regulation, obtain goods or services that are supplied by a person or body approved as a disability employment organisation under this clause.
- (2) However, any such acquisition is subject to any Board Direction relating to acquisitions under this clause.
- (3) The Minister for Disability Services may, by order, approve a person or body as a disability employment organisation if satisfied that the person or body conducts a business a principal purpose of which is to provide employment to persons with a disability.
- (4) An approval may apply to a specified person or body or to all members of a specified class of persons or bodies.
- (5) An approval may apply to a branch or unit within a larger body. For that purpose, a reference in this clause to a body includes a reference to a branch or unit within a larger body.
- (6) An approval may be limited to specified goods or services supplied by a person or body. In that case, the person or body is approved as a disability employment organisation only in relation to those specified goods or services.
- (7) A register of disability employment organisations is to be kept for the purposes of this clause.
- (8) The register is to include particulars of approvals given under this clause.
- (9) The register is to be kept by a person or body appointed for the time being by the Minister for Disability Services to maintain the register.
- (10) Information contained on the register is to be made available to the public in such manner as the Minister for Disability Services directs.

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Schedule 1

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

(11) In this clause:

disability, in relation to a person, has the same meaning as it has
in the *Disability Discrimination Act 1992* of the Commonwealth.