

Passed by both Houses



New South Wales

Public Sector Employment and Management Amendment Bill 2010

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Public Sector Employment and Management Act 2002 No 43	3

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2010*



New South Wales

Public Sector Employment and Management Amendment Bill 2010

Act No , 2010

An Act to amend the *Public Sector Employment and Management Act 2002* to make further provision in relation to appointments to positions in the Public Service.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Public Sector Employment and Management Amendment Act 2010*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Public Sector Employment and Management Act 2002 No 43

[1] Section 19 Merit appointment

Insert at the end of section 19 (3A) (b):

, or

- (c) a person who is employed in a Division of the Government Service specified in Part 3 of Schedule 1 (a *Special Employment Division*) that is associated with the Department, other than any such person who is employed on a casual basis or, if employed on a temporary basis, has not been employed in the Special Employment Division for a continuous period of at least 2 years.

[2] Section 19 (3B)

Insert after section 19 (3A):

- (3B) For the purposes of subsection (3A) (c), a Special Employment Division is taken to be *associated* with a Department if the Head of that Department is also the Division Head of the Special Employment Division.

[3] Section 19 (4)

Omit “an officer or a Departmental temporary employee”.

Insert instead “a qualified member of staff of the Department within the meaning of subsection (3A)”.

[4] Section 22 Legal proceedings not to be brought in respect of appointments etc

Insert after section 22 (4):

- (5) Nothing in this section prevents any of the following proceedings being brought by a member of staff of a Department in relation to the appointment of another member of staff of any Department to a position in the Public Service:
 - (a) proceedings under Part 9 of the *Anti-Discrimination Act 1977* in relation to a complaint under that Part,
 - (b) proceedings under section 213 of the *Industrial Relations Act 1996* to enforce the provisions of section 210 (Freedom from victimisation) of that Act.

[5] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

*Public Sector Employment and Management Amendment Act
2010*

[6] Schedule 4

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of
Public Sector Employment and
Management Amendment Act 2010**

Proceedings in respect of appointing

Section 22 (5), as inserted by the *Public Sector Employment and Management Amendment Act 2010*, does not apply in relation to any appointment made before the commencement of that subsection.