



New South Wales

Government Sector Employment Amendment (Teleworking) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Government Sector Employment Act 2013* to require the Public Service Commissioner to do the following—

- (a) make government sector employment rules to facilitate the use of teleworking arrangements for government sector employees,
- (b) establish a website providing certain information to government sector employees in connection with teleworking arrangements.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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

Schedule 1[1] inserts a definition of *teleworking arrangement*.

Schedule 1[2] provides that the leadership of strategic development and management of the government sector in relation to teleworking arrangements is a function of the Public Service Commissioner (the *Commissioner*).

Schedule 1[4] inserts proposed Division 2 into Part 5 of the *Government Sector Employment Act 2013* comprising the following provisions—

- (a) **Proposed section 74A** enables the government sector employment rules to deal with teleworking arrangements for a government sector employee.
- (b) **Proposed section 74B** requires the Commissioner to make government sector employment rules for teleworking arrangements dealing with certain matters within 12 months from the date of assent to the proposed Act.
- (c) **Proposed section 74C** provides that the Commissioner must assess certain roles or positions to determine suitability for teleworking arrangements within a certain period of time after the government sector employment rules are published on the NSW legislation website, or before the role or position is externally advertised.
- (d) **Proposed section 74D** provides that the Commissioner must annually report on teleworking arrangements across government sector agencies in certain reports.
- (e) **Proposed section 74E** requires the Commissioner to establish a website within 12 months from the date of assent to the proposed Act for the purposes of providing certain information to government sector employees in connection with teleworking arrangements.

Schedule 1[3] makes a consequential amendment.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Government Sector Employment Act 2013 No 40	3



New South Wales

Government Sector Employment Amendment (Teleworking) Bill 2020

No. _____, 2020

A Bill for

An Act to amend the *Government Sector Employment Act 2013* to facilitate the use of teleworking arrangements for government sector employees.

The Legislature of New South Wales enacts—

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1 Name of Act

2

This Act is the *Government Sector Employment Amendment (Teleworking) Act 2020*.

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2 Commencement

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

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Schedule 1	Amendment of Government Sector Employment Act 2013 No 40	1
		2
[1] Section 3 Definitions		3
	Insert in alphabetical order in section 3(1)—	4
	<i>teleworking arrangement</i> means an arrangement under which a government sector employee performs some or all work using technology in a location other than their usual place of work.	5 6 7
[2] Section 11 General functions of Commissioner		8
	Insert after section 11(1)(b)(x)—	9
	(xi) teleworking arrangements,	10
[3] Part 5, Division 1, heading		11
	Insert before section 63—	12
	Division 1 General	13
[4] Part 5, Division 2		14
	Insert after section 74—	15
	Division 2 Teleworking arrangements	16
74A Government sector employment rules may deal with teleworking arrangements		17 18
	(1) The government sector employment rules may deal with teleworking arrangements for a government sector employee, whether a Public Service senior executive, Public Service non-executive employee or otherwise.	19 20 21
	(2) The Commissioner is responsible for teleworking arrangements and for ensuring that teleworking arrangements are integrated into government sector agencies.	22 23 24
74B Commissioner to make rules dealing with teleworking arrangements		25
	(1) The Commissioner must, within 12 months from the date of assent to the <i>Government Sector Employment Amendment (Teleworking) Act 2020</i> , make government sector employment rules for teleworking arrangements dealing with the following matters—	26 27 28 29
	(a) the content and form of teleworking arrangements,	30
	(b) suitability criteria for teleworking arrangements for all roles or positions, including security, performance and work health and safety,	31 32
	(c) requirements for monitoring and review of employees under teleworking arrangements,	33 34
	(d) termination of teleworking arrangements,	35
	(e) external advertising of roles or positions assessed as suitable for a teleworking arrangement,	36 37
	(f) any other matters prescribed by the regulations.	38
	(2) Without limiting subsection (1), the Commissioner must make a government sector employment rule for teleworking arrangements that prohibits an	39 40

	employee whose usual place of work is within the Greater Sydney Region from entering into a teleworking arrangement outside of that Region.	1 2
(3)	Despite section 88(2)(b), government sector employment rules made for the purposes of this section prevail to the extent of an inconsistency with the regulations.	3 4 5
(4)	In this section— <i>external advertising</i> means the process of advertising on the NSW Government jobs website and includes other forms of advertising that are accessible to the general public. <i>Greater Sydney Region</i> has the same meaning as in the <i>Greater Sydney Commission Act 2015</i> .	6 7 8 9 10 11
74C	Commissioner to assess new and existing roles for teleworking suitability	12
(1)	The Commissioner must assess all new and existing roles or positions to determine suitability for teleworking arrangements against the government sector employment rules made for the purposes of this Division.	13 14 15
(2)	A role or position must be assessed by the Commissioner—	16
(a)	for a new role or position—before the role or position is externally advertised, or	17 18
(b)	for an existing role or position—12 months from the date the government sector employment rules are published on the NSW legislation website.	19 20 21
(3)	In this section— <i>existing role or position</i> means a role or position that is filled by a government sector employee. <i>external advertising</i> has the same meaning as in section 74B(4). <i>new role or position</i> means a role or position that is created for a government sector employee or an existing role or position that becomes vacant.	22 23 24 25 26 27
74D	Commissioner to report on teleworking arrangements	28
	The Commissioner is to include in annual or other reports under Part 3 yearly reports on teleworking arrangements across government sector agencies.	29 30
74E	Website for employees under a teleworking arrangement	31
(1)	The Commissioner must, within 12 months from the date of assent to the <i>Government Sector Employment Amendment (Teleworking) Act 2020</i> , establish a website for the purposes of providing the following information to government sector employees—	32 33 34 35
(a)	teleworking arrangements,	36
(b)	availability of desks that can be used or booked for use by employees under a teleworking arrangement across government sector agency offices,	37 38 39
(c)	any other information determined necessary by the Commissioner.	40
(2)	The website must be accessible to all government sector employees.	41