

## MISCELLANEOUS ACTS (PUBLIC SECTOR MANAGEMENT) AMENDMENT BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Public Sector Management Bill 1988.

The object of the Bill is to amend certain Acts with respect to the removal from office of certain statutory office holders and to amend other Acts as a consequence of the enactment of the proposed Public Sector Management Act 1988.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedules of amendments.

**Schedule 1** contains amendments to the Acts constituting certain statutory offices for the purpose of replacing provisions that require Parliamentary approval for the removal from office of the holders of those offices. The offices concerned are—

- the President of the Anti-Discrimination Board;
- the Director of Equal Opportunity in Public Employment;
- the Commissioner and an Assistant Commissioner appointed under the Forestry Act 1916;
- the Commissioner of the Soil Conservation Service;
- the Director of State Lotteries;
- the Commissioner for Motor Transport; and
- the Western Lands Commissioner and an Assistant Western Lands Commissioner.

As a result of the amendments, the Governor will be empowered to remove from office the holders of those offices for incapacity, incompetence or misbehaviour or under the provisions of Part 8 of the proposed Public Sector Management Act 1988.

*Miscellaneous Acts (Public Sector Management) Amendment 1988*

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**Schedule 2** contains amendments to the following Acts:

- the Government and Related Employees Appeal Tribunal Act 1980.
- the Industrial Arbitration Act 1940.
- the Public Finance and Audit Act 1983.
- the Public Servant Housing Authority Act 1975.
- the Statutory and Other Offices Remuneration Act 1975.

All the amendments contained in the Schedule are consequential on the abolition of the Public Service Board and the establishment of the Public Employment Industrial Relations Authority, except for the amendment to section 21 (1) (g) of the Government and Related Employees Appeal Tribunal Act 1980. As a result of that amendment, an appeal under section 20 of that Act against a decision to recommend the appointment of an employee to fill a vacant position that has been advertised may not be entertained unless the appellant was an applicant for the vacant position.

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