

Public Sector Employment and Management Amendment Act 2010 No 128

[2010-128]



New South Wales

Status Information

Currency of version

Repealed version for 7 December 2010 to 7 December 2010 (accessed 12 July 2024 at 3:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 8.12.2010.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 December 2010

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New South Wales

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.

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.