



New South Wales

# Government Sector Employment and Other Legislation Amendment Bill 2024

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the functions and objectives of the Public Service Commissioner (the *Commissioner*) and the Secretary of the Premier's Department (the *Secretary*) under the *Government Sector Employment Act 2013* (the *GSE Act*),
- (b) to amend the employment arrangements for the chief executive officer (the *CEO*) of the NSW Reconstruction Authority (the *Authority*) under the *NSW Reconstruction Authority Act 2022*,
- (c) to make consequential amendments to certain Acts and regulations.

## 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.

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

**Schedule 1**[3] amends the general functions of the Commissioner and provides that the Commissioner has the function of leading the strategic development and management of the government sector workforce in relation to the following—

- (a) recruitment,

- (b) equity and diversity,
- (c) general conduct and compliance with ethical standards,
- (d) learning and development,
- (e) executive employment arrangements.

**Schedule 1[2]** makes a consequential amendment to the principal objectives of the Commissioner and provides that the Commissioner's objectives are—

- (a) promoting and maintaining the highest levels of integrity, impartiality, accountability and leadership across the government sector, and
- (b) ensuring government sector recruitment and selection processes comply with the merit principle and adhere to professional standards, and
- (c) fostering a public service culture in which integrity, trust, service and accountability are strongly valued, and
- (d) building public confidence in the government sector.

**Schedule 1[4]** requires a report on the Commissioner's work and activities to be given to the Premier as soon as practicable after 30 June in each financial year.

**Schedule 1[6]** requires the Premier to table a report on the state of the government sector for each financial year in both Houses of Parliament. The Secretary of the Premier's Department is given power to request information from public sector agencies to enable the report to be prepared.

**Schedule 1[1]** inserts a definition of *financial year* consequent on Schedule 1[4] and [6].

**Schedule 1[5]** provides that the Commissioner must arrange for information about the Commissioner's functions and the work of the Commissioner to be published on a NSW Government website.

## **Schedule 2      Amendment of NSW Reconstruction Authority Act 2022 No 80**

**Schedule 2** omits section 16(2), which provides for certain matters in relation to the employment arrangements for the CEO of the Authority.

## **Schedule 3      Consequential amendments of other legislation**

**Schedule 3** replaces references to the Commissioner with references to the Secretary in certain Acts and regulations.



New South Wales

# Government Sector Employment and Other Legislation Amendment Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Government Sector Employment and Other Legislation Amendment Bill 2024**

No           , 2024

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### **A Bill for**

An Act to amend the *Government Sector Employment Act 2013* to provide that certain functions are no longer to be exercised by the Public Service Commissioner; to amend the *NSW Reconstruction Authority Act 2022* in relation to the appointment of the chief executive officer of the NSW Reconstruction Authority; and for related purposes.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

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*Clerk of the Legislative Assembly*

**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Government Sector Employment and Other Legislation Amendment Act 2024*.

3

4

**2 Commencement**

5

This Act commences on a day or days to be appointed by proclamation.

6

<b>Schedule 1</b>	<b>Amendment of Government Sector Employment Act 2013 No 40</b>	1
		2
<b>[1] Section 3 Definitions</b>		3
	Insert in alphabetical order in section 3(1)—	4
	<i>financial year</i> means a period of 12 months starting on 1 July.	5
<b>[2] Section 10</b>		6
	Omit the section. Insert instead—	7
	<b>10 Principal objectives of Commissioner</b>	8
	The principal objectives of the Commissioner are as follows—	9
	(a) to promote and maintain the highest levels of integrity, impartiality, accountability and leadership across the government sector,	10
		11
	(b) to ensure that government sector recruitment and selection processes comply with the merit principle and adhere to professional standards,	12
		13
	(c) to foster a public service culture in which integrity, trust, service and accountability are strongly valued,	14
		15
	(d) to build public confidence in the government sector.	16
<b>[3] Section 11 General functions of Commissioner</b>		17
	Omit section 11(1). Insert instead—	18
	(1) The Commissioner has the function of leading the strategic development and management of the government sector workforce in relation to the following—	19
		20
		21
	(a) recruitment, particularly compliance with the requirements relating to appointment and promotion on merit,	22
		23
	(b) equity and diversity, including strategies to ensure the government sector reflects the diversity of the wider community,	24
		25
	(c) general conduct and compliance with ethical practices,	26
	(d) learning and development,	27
	(e) executive employment arrangements.	28
<b>[4] Section 15</b>		29
	Omit section 15(1) and (2) and heading. Insert instead—	30
	<b>15 Annual report of the Commissioner</b>	31
	(1) The Commissioner must, as soon as practicable after 30 June in each financial year, give to the Premier a report on the Commissioner's work and activities for the financial year.	32
		33
		34
<b>[5] Section 17 Miscellaneous provisions relating to Commissioner</b>		35
	Omit section 17(3). Insert instead—	36
	(3) The Commissioner must arrange for information about the Commissioner's functions and the work of the Commissioner to be published on a NSW Government website.	37
		38
		39

<b>[6] Section 82A</b>	1
Insert after section 82—	2
<b>82A State of government sector</b>	3
(1) The Minister must ensure that, as soon as practicable after 30 June in each financial year, a report on the state of the government sector in relation to the financial year is tabled in both Houses of Parliament.	4 5 6
(2) The report must include the following—	7
(a) an assessment of the performance of the whole of the government sector, including notable achievements, challenges and priorities,	8 9
(b) an analysis of government sector workforce data.	10
(3) Section 16 applies for the purposes of the preparation of a report under subsection (1) as if a reference in that section to the Commissioner were a reference to the Secretary of the Premier’s Department.	11 12 13

<b>Schedule 2</b>	<b>Amendment of NSW Reconstruction Authority Act 2022 No 80</b>	1
		2
<b>Section 16 Staff</b>		3
Omit section 16(2).		4



<b>Schedule 3</b>	<b>Consequential amendments of other legislation</b>	1
<b>3.1</b>	<b>Cemeteries and Crematoria Act 2013 No 105</b>	2
	<b>Schedule 1 Members and procedure of Board</b>	3
	Omit “Public Service Commissioner” from clause 3.	4
	Insert instead “Secretary of the Premier’s Department”.	5
<b>3.2</b>	<b>Community Welfare Act 1987 No 52</b>	6
	<b>Section 11 Arrangements to use services</b>	7
	Omit “Public Service Commissioner” from section 11(5).	8
	Insert instead “Secretary of the Premier’s Department”.	9
<b>3.3</b>	<b>Constitution Act 1902 No 32</b>	10
	<b>Section 50G Publication, commencement and operation of orders</b>	11
	Omit “Public Service Commissioner” from section 50G(5).	12
	Insert instead “Secretary of the Premier’s Department”.	13
<b>3.4</b>	<b>Council of Law Reporting Act 1969 No 59</b>	14
	<b>Section 8 Employees</b>	15
	Omit “Public Service Commissioner” from section 8(2)(a).	16
	Insert instead “Secretary of the Premier’s Department”.	17
<b>3.5</b>	<b>Dams Safety Act 2015 No 26</b>	18
	<b>Schedule 1 Provisions relating to members and procedure of Dams Safety NSW</b>	19
	Omit “Public Service Commissioner” from clause 4.	20
	Insert instead “Secretary of the Premier’s Department”.	21
<b>3.6</b>	<b>Exhibited Animals Protection Act 1986 No 123</b>	22
	<b>Section 7 Staff of the advisory committee</b>	23
	Omit “Public Service Commissioner” from section 7(1)(b).	24
	Insert instead “Secretary of the Premier’s Department”.	25
<b>3.7</b>	<b>Film and Television Industry (Advisory Committee) Regulation 2019</b>	26
	<b>Clause 7 Remuneration</b>	27
	Omit “Public Service Commissioner”.	28
	Insert instead “Secretary of the Premier’s Department”.	29
<b>3.8</b>	<b>Funeral Funds Act 1979 No 106</b>	30
<b>[1]</b>	<b>Section 8 Inspectors</b>	31
	Omit “Public Service Commissioner” from section 8(2)(a).	32

Insert instead “Secretary of the Premier’s Department”.	1
<b>[2] Section 8(2)(a)</b>	2
Omit “Commissioner”. Insert instead “Secretary of the Premier’s Department”.	3
<b>3.9 Judicial Officers Act 1986 No 100</b>	4
<b>Section 6 Staff etc of the Commission</b>	5
Omit “Public Service Commissioner” wherever occurring.	6
Insert instead “Secretary of the Premier’s Department”.	7
<b>3.10 Local Land Services Act 2013 No 51</b>	8
<b>Schedule 2 Constitution and procedure of Board and local boards</b>	9
Omit “Public Service Commissioner” from clause 9.	10
Insert instead “Secretary of the Premier’s Department”.	11
<b>3.11 Protection of the Environment Administration Act 1991 No 60</b>	12
<b>Schedule 1 Provisions relating to members and procedure of the Board</b>	13
Omit “Public Service Commissioner” from clause 2A.	14
Insert instead “Secretary of the Premier’s Department”.	15
<b>3.12 Sporting Venues Authorities Act 2008 No 65</b>	16
<b>Schedule 1 Constitution and procedure of Board of Venues NSW</b>	17
Omit “Public Service Commissioner” from clause 4.	18
Insert instead “Secretary of the Premier’s Department”.	19
<b>3.13 Teaching Service Act 1980 No 23</b>	20
<b>Section 92 Deduction from salary or wages for use of building or provision of services</b>	21
Omit “Public Service Commissioner” from section 92(1).	22
Insert instead “Secretary of the Premier’s Department”.	23
<b>3.14 Transport Administration Act 1988 No 109</b>	24
<b>Section 88V Temporary staff placement with ARTC (secondments)</b>	25
Omit “Public Service Commissioner” wherever occurring.	26
Insert instead “Secretary of the Premier’s Department”.	27
	28