

Passed by both Houses



New South Wales

Government Sector Employment and Other Legislation Amendment Bill 2024

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2024

Clerk of the Parliaments



New South Wales

Government Sector Employment and Other Legislation Amendment Bill 2024

Act No , 2024

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.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Government Sector Employment Act 2013 No 40

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

financial year means a period of 12 months starting on 1 July.

[2] Section 10

Omit the section. Insert instead—

10 Principal objectives of Commissioner

The principal objectives of the Commissioner are as follows—

- (a) to promote and maintain the highest levels of integrity, impartiality, accountability and leadership across the government sector,
- (b) to ensure that government sector recruitment and selection processes comply with the merit principle and adhere to professional standards,
- (c) to foster a public service culture in which integrity, trust, service and accountability are strongly valued,
- (d) to build public confidence in the government sector.

[3] Section 11 General functions of Commissioner

Omit section 11(1). Insert instead—

- (1) The Commissioner has the function of leading the strategic development and management of the government sector workforce in relation to the following—
 - (a) recruitment, particularly compliance with the requirements relating to appointment and promotion on merit,
 - (b) equity and diversity, including strategies to ensure the government sector reflects the diversity of the wider community,
 - (c) general conduct and compliance with ethical practices,
 - (d) learning and development,
 - (e) executive employment arrangements.

[4] Section 15

Omit section 15(1) and (2) and heading. Insert instead—

15 Annual report of the Commissioner

- (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.

[5] Section 17 Miscellaneous provisions relating to Commissioner

Omit section 17(3). Insert instead—

- (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.

[6] Section 82A

Insert after section 82—

82A State of government sector

- (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.
- (2) The report must include the following—
 - (a) an assessment of the performance of the whole of the government sector, including notable achievements, challenges and priorities,
 - (b) an analysis of government sector workforce data.
- (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.

Schedule 2 Amendment of NSW Reconstruction Authority Act 2022 No 80

Section 16 Staff

Omit section 16(2).

Schedule 3 Consequential amendments of other legislation

3.1 Cemeteries and Crematoria Act 2013 No 105

Schedule 1 Members and procedure of Board

Omit “Public Service Commissioner” from clause 3.

Insert instead “Secretary of the Premier’s Department”.

3.2 Community Welfare Act 1987 No 52

Section 11 Arrangements to use services

Omit “Public Service Commissioner” from section 11(5).

Insert instead “Secretary of the Premier’s Department”.

3.3 Constitution Act 1902 No 32

Section 50G Publication, commencement and operation of orders

Omit “Public Service Commissioner” from section 50G(5).

Insert instead “Secretary of the Premier’s Department”.

3.4 Council of Law Reporting Act 1969 No 59

Section 8 Employees

Omit “Public Service Commissioner” from section 8(2)(a).

Insert instead “Secretary of the Premier’s Department”.

3.5 Dams Safety Act 2015 No 26

Schedule 1 Provisions relating to members and procedure of Dams Safety NSW

Omit “Public Service Commissioner” from clause 4.

Insert instead “Secretary of the Premier’s Department”.

3.6 Exhibited Animals Protection Act 1986 No 123

Section 7 Staff of the advisory committee

Omit “Public Service Commissioner” from section 7(1)(b).

Insert instead “Secretary of the Premier’s Department”.

3.7 Film and Television Industry (Advisory Committee) Regulation 2019

Clause 7 Remuneration

Omit “Public Service Commissioner”.

Insert instead “Secretary of the Premier’s Department”.

3.8 Funeral Funds Act 1979 No 106

[1] Section 8 Inspectors

Omit “Public Service Commissioner” from section 8(2)(a).

Insert instead “Secretary of the Premier’s Department”.

[2] Section 8(2)(a)

Omit “Commissioner”. Insert instead “Secretary of the Premier’s Department”.

3.9 Judicial Officers Act 1986 No 100

Section 6 Staff etc of the Commission

Omit “Public Service Commissioner” wherever occurring.

Insert instead “Secretary of the Premier’s Department”.

3.10 Local Land Services Act 2013 No 51

Schedule 2 Constitution and procedure of Board and local boards

Omit “Public Service Commissioner” from clause 9.

Insert instead “Secretary of the Premier’s Department”.

3.11 Protection of the Environment Administration Act 1991 No 60

Schedule 1 Provisions relating to members and procedure of the Board

Omit “Public Service Commissioner” from clause 2A.

Insert instead “Secretary of the Premier’s Department”.

3.12 Sporting Venues Authorities Act 2008 No 65

Schedule 1 Constitution and procedure of Board of Venues NSW

Omit “Public Service Commissioner” from clause 4.

Insert instead “Secretary of the Premier’s Department”.

3.13 Teaching Service Act 1980 No 23

Section 92 Deduction from salary or wages for use of building or provision of services

Omit “Public Service Commissioner” from section 92(1).

Insert instead “Secretary of the Premier’s Department”.

3.14 Transport Administration Act 1988 No 109

Section 88V Temporary staff placement with ARTC (secondments)

Omit “Public Service Commissioner” wherever occurring.

Insert instead “Secretary of the Premier’s Department”.