



New South Wales

Public Sector Employment and Management Amendment Act 2010 No 128

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Public Sector Employment and Management Amendment Act 2010 No 128

Act No 128, 2010

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.
[Assented to 7 December 2010]

The Legislature of New South Wales enacts:

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.

[Agreement in principle speech made in Legislative Assembly on 24 November 2010
Second reading speech made in Legislative Council on 30 November 2010]

BY AUTHORITY