

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2012

EXPLANATORY MEMORANDUM

This Bill seeks to update and clarify the positions in the public service that will be automatically vacated if the holder is elected to the Legislative Assembly. The list of positions that are affected and which are set out in Schedule 4 of the *Public Sector Management Act 2000* have not been amended since its commencement. There have been many changes to the public service over the past 12 years and this Bill seeks to bring the list up to date and make it easier to change in future as the requirements and posts within the public service change and evolve.

The Bill provides a specific power to change the list in Schedule 4 by regulation; makes it clear that the relevant aspect of the list is the function performed rather than the naming and provides that any new position above that of Administrative Officer 3 (AO3) is deemed to be included. These latter provisions are intended to ensure that changes will take place even if a change to the formal list has not been made or is overlooked.

The Bill is in 4 clauses—

Clauses 1-3 provide the short title, the commencement (on Gazettal of assent) and a description of the Act being amended.

Clause 4 sets out in a Schedule the amendments to be made to the Principal Act.

Item 1 amends the regulation making power in section 70 by inserting a new subsection specifically providing for changes to Schedule 4 to be made by regulation; such changes may be by adding names of new positions, changing the names of existing positions or removing names of positions.

Item 2 amends Schedule 1 by making it clear (new paragraph (4A)) that the listing of a position by name in Schedule 4 is a listing as at the time the changes made by this Bill comes into effect and provides that if in future the name is changed, or if positions are amalgamated or divided then the resulting positions are deemed to be named in Schedule 4 under their new names. The new paragraph (4B) has the effect that new positions referred to in paragraph (4A) that are classified within the public service as Administrative Officer 3 (AO3) or above are to be deemed included in Schedule 4.

Item 3 repeals the existing Schedule 4 and replaces it with a new Schedule listing all AO3 positions or higher that are to be affected from the commencement of the Act.