

House of Representatives

Supplementary Order Paper

Tuesday, 2 July 2013

State Sector and Public Finance Reform Bill

Proposed amendments

Denise Roche, in Committee, to move the following amendments:

Clause 25

In *clause 25, new section 32(1)(h)*, replace “outcomes.” (line 9 on page 27) with “outcomes; and”

In *clause 25, new section 32(1)*, (after line 9 on page 27), insert:

- “(i) the department’s contribution to Public Service workforce capability development and management.”

Clause 49

In *clause 49*, after *new clause 61AB* (after line 31 on page 43), insert:

“61AC Power to transfer employees

- “(1) Where duties are no longer carried out by a department, or the chief executive considers that a greater number of persons is employed on duties than is reasonable, all or any persons carrying out those duties may, subject to any relevant employment agreement,—
 - “(a) be appointed by the chief executive to other positions in the same department; or
 - “(b) by agreement between the employee and the chief executive of any other department, be appointed to positions in that other department.
- “(2) Nothing in sections 60, 61, and 65 applies to any appointment made under this section.
- “(3) Before any appointment is made under **subsection (1)(a)** the chief executive responsible will consult with the employee about the proposed appointment.

- “(4) Any appointment made under **subsection (1)(b)** must be with the agreement of both departmental chief executives.”
- “(5) Any employee who agrees to an appointment under **subsection (1)(a)** will not be entitled to a redundancy payment where the new position—
- “(a) has comparable duties and responsibilities to those of the employee’s current position; and
 - “(b) is in substantially the same general locality or a locality within reasonable commuting distance; and
 - “(c) is on terms and conditions of employment, including redundancy and superannuation conditions, that are no less favourable than the employee’s current position; and
 - “(d) is on terms that treat the employee’s service within the State sector as continuous.”

Explanatory note

This Supplementary Order Paper amends the State Sector and Public Finance Reform Bill to reinstate a chief executive’s power to redeploy employees through transfer. It would also enable transfer of such employees without the need for separate enabling legislation. The omission of such a provision in the Bill would seem to be an oversight in that other changes to the State Sector Act 1988 are designed to foster greater collaboration and management of capability across the system. The absence of any such power and a positive obligation on the part of chief executives to encourage and manage capability across the system by actively facilitating transfers of employees between departments is a significant gap and a barrier to an effective public service workforce. Such a strategy would also support retention of capability within the public service.
