

EDUCATION (ANCILLARY STAFF) BILL 1987*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Government and Related Employees Appeal Tribunal (Education Ancillary Staff) Amendment Bill 1987 is cognate with this Bill.

The object of this Bill is to provide for the employment of ancillary staff in the Department of Education on a permanent or temporary basis and for the conditions and other matters relating to their employment.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day to be appointed by proclamation.

Clause 3 defines a number of expressions used in the proposed Act.

PART 2—ORGANISATION OF ANCILLARY STAFF

Clause 4 states—

- (a) that the ancillary staff of the Department of Education consists of the permanent employees and temporary employees employed under the proposed Act; and
- (b) that the Public Service Act 1979 does not apply to the ancillary staff.

Clause 5 provides for different classifications of ancillary staff, the creation of positions in a classification and the determination of working hours for such positions.

Clause 6 enables the Minister to determine the classes or descriptions, and the number, of ancillary staff who may be employed in a classification.

Clause 7 provides for the Director-General of Education to determine the duties of ancillary staff.

* Amended in committee—see table at end of volume.

Education (Ancillary Staff) 1987

PART 3—PERMANENT EMPLOYEES

Clause 8 gives the Director-General power to appoint persons to be ancillary staff members on a permanent basis.

Clause 9 sets out citizenship or residency requirements which a potential permanent employee must satisfy.

Clause 10 provides that a person must satisfy a medical assessment or examination to be eligible for appointment as a permanent employee.

Clause 11 provides that new permanent employees are appointed on probation for (in general) between 12 months and 2 years.

Clause 12 provides for the appointment of a person to be confirmed or annulled during or after the period of probation.

Clause 13 enables permanent employees to be temporarily appointed to positions for up to 6 months.

Clause 14 sets out the circumstances in which a permanent employee will be deemed to have vacated his or her position.

Clause 15 provides that permanent employees may retire at 60 years of age and must retire at 65 years of age (with certain exceptions).

Clause 16 enables the Director-General to retire permanent employees who are likely to be permanently unfit to discharge or incapable of discharging their duties.

Clause 17 enables the Director-General to transfer permanent employees from one position to another position of equal remuneration.

Clause 18 provides that the Director-General may transfer a permanent employee from one position to another, or dispense with his or her services, in the interests of the efficient, effective and economical management of the Department of Education.

Clause 19 sets out the circumstances in which a permanent employee may be dismissed for refusing a transfer.

Clause 20 empowers the Director-General to give a permanent employee directions relating to other employment undertaken by the employee.

PART 4—TEMPORARY EMPLOYEES

Clause 21 gives the Director-General power to employ persons to be ancillary staff members on a temporary basis and sets out the periods for which such persons may be employed.

PART 5—CONDITIONS OF EMPLOYMENT

Clause 22 gives the Public Service Board power to fix the conditions of employment of ancillary staff and provides that regulations may also be made in relation to such conditions.

Clause 23 states that the Public Service Board is to determine the remuneration of ancillary staff.

Clause 24 provides that the Public Service Board is to be deemed the employer of ancillary staff for certain industrial purposes and may make agreements with bodies representing ancillary staff.

Education (Ancillary Staff) 1987

Clause 25 preserves the Crown's right to dispense with the services of ancillary staff members who are in the service of the Crown.

Clause 26 provides that (except as may be provided by any Act) ancillary staff members are not entitled to compensation if their services are dispensed with.

PART 6—DISCIPLINE

Clause 27 lists what constitutes a breach of discipline by a permanent employee.

Clause 28 provides the machinery for dealing with a breach of discipline by a permanent employee.

Clause 29 sets out the courses which the Director-General may take if a permanent employee is found to have committed, or admits to having committed, a breach of discipline.

Clause 30 provides that the Director-General may deal with a permanent employee who is convicted of an offence in the same way as the permanent employee could be dealt with under clause 29.

Clause 31 gives the Director-General power to suspend, and lift the suspension of, a permanent employee from duty in certain situations.

Clause 32 provides for the remuneration of a suspended employee to be withheld during the suspension and to be forfeited if the employee has committed a breach of discipline or been convicted of an offence.

PART 7—MISCELLANEOUS

Clause 33 provides that a permanent employee, with at least 5 years' satisfactory service, may apply for appointment to an office in the Public Service. The person's application and appointment is treated as that of an officer of the Public Service.

Clause 34 enables the Director-General to delegate the Director-General's functions under the proposed Act.

Clause 35 sets out the procedure to be followed in the attachment of the remuneration of an ancillary staff member by way of satisfaction of a judgment debt entered against the member.

Clause 36 provides that offences against the proposed Act are to be dealt with summarily before a Local Court constituted by a Magistrate.

Clause 37 sets out the manner in, or extent to, which certain provisions of the proposed Act are to apply to persons who, immediately before the commencement of the proposed Act, were temporary employees under the Public Service Act 1979 employed in the Department of Education in a classification referred to in clause 5 or a similar classification.

Clause 38 gives the Governor power to make regulations for the purposes of the proposed Act.
