



New South Wales

# Teaching Service Amendment (Transfers) Bill 2014

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Teaching Service Act 1980* to restore the substantive effect of provisions relating to the transfer of officers within the Teaching Service that applied under the general government sector staff transfer provisions (sections 86A and 87) of the *Public Sector Employment and Management Act 2002* immediately before its repeal by the *Government Sector Employment Act 2013*. The *Government Sector Employment Act 2013* continued provisions relating to the transfer of staff between the services of the Crown, but left transfers within a service of the Crown (other than the Public Service) to be regulated by the separate provisions that apply to those other services. The *Teaching Service Act 1980* does not currently contain specific provision relating to transfers between schools.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1      Principal amendments of Teaching Service Act 1980 No 23

**Schedule 1 [1]** removes a note that refers to the application to the Teaching Service of the general public sector transfer provisions of the *Public Sector Employment and Management Act 2002* that have now been repealed by the *Government Sector Employment Act 2013*.

**Schedule 1 [2]** inserts section 51A into the Act to restore the substantive effect of those repealed provisions (sections 86A and 87) in relation to the permanent or temporary transfer of officers within the Teaching Service. Under the transfer provisions:

- (a) the Secretary of the Department of Education and Communities is required to consult an officer about a permanent transfer, and
- (b) an officer may request (but is not entitled to) a transfer, and
- (c) the Secretary may transfer an officer with or without the officer's consent, and
- (d) a transfer may be made to any workplace location in the State, and
- (e) an officer is entitled to be transferred at the officer's existing level of remuneration.

**Schedule 1 [3]** amends section 75 of the Act to confirm the power to terminate the employment of an officer who refuses to comply with a direction for the officer's transfer to another position.

## **Schedule 2      Law revision amendments of Teaching Service Act 1980 No 23**

The Schedule makes law revision amendments to take account of changes made by the *Government Sector Employment Act 2013* to government sector employment arrangements.