

Fire & Rescue NSW, Rural Fire Service & State Emergency Service

Key points

- Permanent and retained firefighters of Fire & Rescue NSW are government sector employees but **not** Public Service employees.
- Other staff of Fire & Rescue NSW, staff of the NSW Rural Fire Service and staff of the NSW State Emergency Service are Public Service employees.
- Commissioners and senior executives of all three emergency service agencies are employed as Public Service senior executives.
- Volunteers of the three emergency service agencies are not Public Service or government sector employees and are covered by the laws and policies that are specific to these services.

What law am I employed under as a member of an emergency service?

Some staff in emergency service agencies are employed under the *Government Sector Employment Act 2013* (GSE Act) and others are employed under other legislation. This affects whether and, if so, how the GSE Act applies to you.

Fire & Rescue NSW

The staff in Fire & Rescue NSW are employed under the GSE Act as Public Service employees.

However, permanent and retained firefighters are employed under the *Fire Brigades Act 1989* in the service of the Crown. Firefighters are included in the government sector because

of the definition of government sector in section 3(1) of the GSE Act, but not in the Public Service. This means that only parts of the GSE Act apply to firefighters.

The GSE Act does not apply to volunteer members of community fire units, who are appointed under the *Fire Brigades Act 1989*.

NSW Rural Fire Service (RFS)

Staff of the RFS are employed under the GSE Act as Public Service employees.

Volunteer rural firefighters are registered as members of fire brigades under the *Rural Fires Act 1997*. They are not employees.



NSW State Emergency Service (SES)

Staff of the SES are employed under the GSE Act as Public Service employees.

Volunteer officers and members of SES units are registered under the *State Emergency Service Act 1989*. They are not employees.

Commissioners and senior executives

Commissioners of emergency service agencies are employed as Public Service senior executives, however they are appointed by the Minister for Police and Emergency Services.

Other senior executives in emergency service agencies are employed as Public Service senior executives under the GSE Act by the Secretary of the Department of Police and Justice.

What parts of the GSE Act apply?

If you are employed under the GSE Act as a Public Service employee, the whole of the GSE Act applies to your employment.

If you are employed under other legislation, only the following provisions of the GSE Act apply to your employment:

- Part 2 – Ethical framework for the government sector
- Section 63 – Workforce diversity
- Section 64, 65 & 66 – Government sector mobility including transfers and secondments, cross-agency employment and temporary assignments
- Section 67 & 68 – Performance management and unsatisfactory performance

- Section 71 & 72 – Contesting elections

Misconduct

Misconduct in the Public Service is dealt with by section 69 of the GSE Act and Part 8 of the Government Sector Employment Rules 2014 (GSE Rules). All employees of emergency service agencies are covered, except for firefighters.

Misconduct by firefighters employed under the *Fire Brigades Act 1989* is addressed by the *Fire Brigades Regulation 2008*.

Performance management

All government sector employees are covered by the performance management provisions in the GSE Act. This includes all employees of emergency service agencies.

What is happening now under the GSE Act?

Each agency is developing transition plans to fully align with the GSE Act in areas such as executive structures, and recruitment and selection. In the meantime, some processes will continue as they did under the *Public Sector Employment and Management Act 2002* until these plans are implemented.

Would you like more information?

To read the GSE Act and other supporting instruments, such as the GSE Regulation and GSE Rules, visit the [Employment Portal](#).

If you have questions about your own employment situation, and how the GSE Act applies to you, you should contact the human resources unit in your agency.

(May 2014)

