

# The government sector

## What is the government sector under the *Government Sector Employment Act 2013*?

### Key points

- The *Government Sector Employment Act 2013* establishes two main employment groups: the government sector and, within that, the Public Service.
- The GSE Act applies to the Public Service, but only parts of it apply to the other services in the government sector.
- Some agencies are not part of the government sector at all. This means that the GSE Act does not apply to these agencies.
- Section 3 of the GSE Act defines the government sector and section 5 lists the agencies and other entities to which the Act does not apply. Schedule 1 lists all Public Service agencies.

### The *Government Sector Employment Act 2013*

The [Government Sector Employment Act 2013](#) (GSE Act) provides the legislative framework for government employment in NSW. The GSE Act reforms employment arrangements, executive structures, and workforce management in the NSW public sector.

The GSE Act is the centre-piece of a suite of reforms that provide the foundation for a modern, capable and professional workforce delivering the best services to the people of NSW.

The GSE Act commenced on 24 February 2014 and has replaced the *Public Sector Employment and Management Act 2002*.

### What is the government sector?

The GSE Act establishes two main employment groups: the government sector and, within that, the Public Service. The government sector comprises most government employees.

The government sector is defined by [section 3\(1\)](#) of the GSE Act as:

- The Public Service
- The Teaching Service
- The NSW Police Force
- The NSW Health Service
- The Transport Service of NSW
- Any other service of the Crown



- Any other organisation prescribed under another Act or the [Government Sector Employment Regulation 2014](#) for the purpose of the definition.

To see the structure of the government sector, please see the [government sector diagram](#).

## What is the Public Service?

The Public Service is made up of three types of Public Service agencies:

- Departments
- Public Service executive agencies (which are agencies related to Departments)
- Separate Public Service agencies

Departments, executive agencies and separate agencies are listed in [Schedule 1](#) of the GSE Act.

People who are employed under the GSE Act in a Department, an executive agency, or a separate agency are Public Service employees. The GSE Act applies to all Public Service employees.

## How does the GSE Act apply to those parts of the government sector other than the Public Service?

Employees of the Teaching Service, the Police Force, the Health Service, the Transport Service, other Crown services and other prescribed bodies are government sector employees.

Only certain parts of the GSE Act apply to government sector employees. This is because they have their own employment arrangements set out in other legislation, such as the *Teaching Service Act 1980*, the *Police*

*Act 1990*, the *Health Services Act 1997* and the *Transport Administration Act 1988*.

The provisions of the GSE Act which apply to all employees of the services in the government sector include those concerning the ethical framework for the government sector ([Part 2](#) of the GSE Act), and the provisions in [Part 5](#) of the GSE Act, which includes such provisions covering workforce diversity ([section 63](#)) (which applies to the government sector including state owned corporations), employee transfers and secondments ([section 64](#)), cross-agency employment ([section 65](#)), temporary assignments ([section 66](#)), performance management systems ([section 67](#)), managing underperformance ([section 68](#)) and misconduct ([section 69](#)) (if the agency is prescribed for this section).

For more information, you can see the summary of [to whom the GSE Act applies](#).

## What is not part of the government sector?

Some employment is specifically excluded from the application of the GSE Act by [section 5](#) of the Act. Some examples are employment as a member of staff of the Independent Commission Against Corruption, the Judicial Commission of NSW, and the Audit Office of NSW. These organisations have their own employment arrangements contained in legislation that is specific to the organisations.

## Government sector employment rules

The Public Service Commissioner can make government sector employment rules (GSE Rules) to establish consistent, transparent, sector level requirements about employment



matters. The rules will generally be about operational or procedural matters.

Some of the rules apply only in relation to employment in Public Service agencies. Others apply more broadly, to employment in the government sector agencies. The coverage is made clear in the rules themselves.

### **Do the ‘clusters’ still exist?**

‘Clusters’ are the groups into which NSW Government agencies are organised to enhance coordination and provision of related services and policy development.

Clusters are not set up by legislation and the GSE Act does not refer to the term ‘cluster’ or to cluster arrangements. However, the GSE Act strengthens the relationship between Departments and Public Service executive agencies related to Departments, and the term ‘cluster’ continues to be used for other administrative purposes.

To see how Public Service agencies are arranged in clusters, please see the table outlining the [structure of the government sector](#).

### **Would you like more information?**

To read the GSE Act and other supporting instruments, such as the GSE Regulation and GSE Rules, please see the [EmploymentPortal](#)

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