

# Government Sector Employment Regulation and Government Sector Employment Rules

## Key points

- The *Government Sector Employment Regulation 2014* and the *Government Sector Employment Rules 2014* form part of the legislative framework for employment in the government sector under the *Government Sector Employment Act 2013*.
- You can access the GSE Act, GSE Regulation and GSE Rules along with other guidance and supporting material on the [EmploymentPortal](#).

The *Government Sector Employment Act 2013* (GSE Act) commenced on 24 February 2014. Two main instruments made under the GSE Act form the legislative framework for the employment and administration of the NSW government sector workforce. Those instruments are the *Government Sector Employment Regulation 2014* (GSE Regulation) and the *Government Sector Employment Rules 2014* (GSE Rules).

The GSE Regulation, GSE Rules and other guidance issued by the Public Service Commissioner work in combination with each other and industrial instruments.

## The GSE Regulation

The GSE Regulation contains provisions that have been transferred, with appropriate modifications, from the *Public Sector Employment and Management Act 2002* and the *Public Sector Employment and Management Regulation 2009* and provisions included by the GSE Act on new matters.

## The status of the GSE Regulation

The GSE Regulation is a statutory instrument made by the Governor of NSW and has the force of law.

## What you will find in the GSE Regulation

The GSE Regulation includes provisions relating to the Public Service (as defined by the GSE Act), specifically:

- General provisions relating to employment such as employees undertaking other paid work, reporting charges and convictions for serious offences and reporting bankruptcy
- General conditions of employment such as public holidays, absences, increments and fitness for duty
- Leave entitlements such as for extended leave, leave for senior executives and cashing-out of accrued leave on becoming a senior executive



- Allowances such as for temporary assignments and where allowances are inadequate or unavailable

It also includes provisions that relate to the government sector (of which the Public Service is part):

- Provisions relating to compensation on termination for senior executives
- Cross-government sector leave arrangements such as recognition of prior service for extended leave, annual leave, sick leave, parental leave and funding of entitlements
- Workforce diversity, dealing with the status of pre-existing EEO Management Plans and prescribing agencies into the scope of the workforce diversity provisions
- Deductions from salaries for rent

## The GSE Rules

The GSE Rules allow the Public Service Commissioner to establish consistent, transparent, sector level requirements about employment matters which are generally of an operational or procedural nature.

Section 12 of the GSE Act allows the Public Service Commissioner to make rules. Rules may only be made on matters on which the GSE Act allows them to be made. Various provisions of the Act allow rules to be made on specific matters, such as sections 36 and 48 which deal with executive and non-executive employee related matters.

The initial GSE Rules deal with priority matters that are required for the effective implementation of the GSE Act upon commencement, or in which stakeholders

have expressed a particular interest (such as merit-based employment).

The initial GSE Rules cover Public Service agencies and employees and, as relevant, government sector agencies and employees.

## The status of the GSE Rules

The GSE Rules are a form of statutory instrument that is made by the Public Service Commissioner. They have the force of law.

## What you will find in the GSE Rules

- Rules on the application of conditions of engagement, maximum periods of temporary employment and termination of employment
- Merit-based employment rules governing the recruitment and selection of employees
- Rules covering the process for reviewing a promotion decision
- Workforce diversity rules covering the employment of eligible persons and the provision of diversity information
- Transfers and secondments rules covering the movement of employees from one agency to another on an ongoing or temporary basis
- Performance management rules covering the core requirements of performance management systems and for dealing with unsatisfactory performance
- Misconduct rules covering the procedural requirements for dealing with the misconduct of an employee



- Senior executive rules including contracts, employment conditions, assignments, part-time arrangements, performance management, capability assessments, and reports to the Public Service Commissioner on terminations

## 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](#)

(Updated May 2014)

