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About recruitment legal requirements

An overview of the legal requirements of recruitment in the NSW Public Service

Legal requirements

Recruitment in the NSW Public Service is governed by a legal framework that includes:

- **Government Sector Employment Act 2013** (GSE Act)

The GSE Act establishes an **ethical framework** where recruitment and promotion of employees is on the basis of merit. It also enables the employment and assignment of senior executives across the NSW Public Service (Division 4 of Part 4) and non-executives (Division 5 of Part 4) in the Public Service.

- **Government Sector Employment Regulation 2014** (GSE Regulation)

The GSE Regulation supports the GSE Act and sets out the legal requirements about Public Service employment including allowances for temporary assignments and secondments.

- **Government Sector Employment (General) Rules 2014** (GSE Rules)

The GSE Rules set out the legal requirements for recruitment, particularly Part 3 on the **merit principles** that apply to employment decisions in the Public Service.

GSE Rule amendments – Assessment processes and talent pools

Amendments to the Government Sector Employment (General) Rules 2014 (the GSE Rules) came into effect on 2 September 2019.

Details of the amendments are set out in the **Government Sector Employment (General) Rules (Amendment No 10 – Miscellaneous) 2019**. The main intention of the amendments is to:

- Simplify assessment processes by making clear that the minimum requirement is for an assessment of focus capabilities, knowledge and experience, rather than an assessment of all the capabilities in the role description along with knowledge and experience
- Improve talent pools by extending their maximum duration from 12 to 18 months and allowing referee checks to be done when considering a person for employment
- Remove obsolete transitional provisions in rules 20 and 22D.

This fact sheet provides more details on the changes to assessment processes:

- **Fact sheet: Merit-based employment – Simplified assessment processes.**

This fact sheet provides more details on the changes to talent pools:

- **Fact sheet: Merit-based employment – Talent pools.**