



New South Wales

# Government Sector Employment (Parliamentary Staff and Overseas Trade Employees) Amendment Regulation 2015

under the

Government Sector Employment Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Government Sector Employment Act 2013*.

MIKE BAIRD, MP  
Premier

## Explanatory note

The objects of this Regulation are as follows:

- (a) to ensure that parliamentary staff may continue to be appointed or employed under arrangements that were in force before the commencement of the *Government Sector Employment Act 2013*,
- (b) to enable the Secretary of the Department of Premier and Cabinet to determine special employment arrangements in respect of certain employees of that Department who live and work overseas.

This Regulation is made under the *Government Sector Employment Act 2013*, including section 88 (the general regulation-making power) and clause 2 of Schedule 4.

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### **1 Name of Regulation**

This Regulation is the *Government Sector Employment (Parliamentary Staff and Overseas Trade Employees) Amendment Regulation 2015*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Government Sector Employment Act 2013 No 40**

**[1]    Schedule 4 Savings, transitional and other provisions**

Omit clause 13B.

**[2]    Schedule 4**

Insert at the end of Part 2:

**13C    Parliamentary officers**

- (1) During the period commencing 24 February 2014 and ending 30 June 2016, parliamentary officers may, despite sections 47 and 47A of the *Constitution Act 1902* (as inserted by the amendments made to that Act by Schedule 6.2 to this Act), continue to be appointed or employed under section 47 of the *Constitution Act 1902* as in force immediately before its substitution by Schedule 6.2 to this Act.
- (2) In this clause, *parliamentary officer* means a person appointed or employed as an officer of either House of Parliament or as an officer under the separate control of the President or Speaker, or under their joint control, but does not include the Clerk of the Parliaments or of either House of Parliament or any other officer of the Parliament designated by order of the Governor under section 47 of the *Constitution Act 1902* (as inserted by the amendments made to that Act by Schedule 6.2 to this Act).

## Schedule 2 Amendment of Government Sector Employment Regulation 2014

### Clause 10A

Insert after clause 10:

#### 10A Overseas trade employees

- (1) In this clause:  
*overseas trade employee* means a person who:
  - (a) is employed in the Department of Premier and Cabinet (the *Department*) to work in the area of international trade and investment, and
  - (b) ordinarily resides and works in a country other than Australia while so employed.
- (2) The employment under the Act of an overseas trade employee is subject to such arrangements as may be determined by the Secretary of the Department in respect of the employee.
- (3) Any arrangements determined by the Secretary under this clause in respect of an overseas trade employee:
  - (a) may be specified in the employee's contract of employment, and
  - (b) prevail to the extent of any inconsistency with any other provision of this Regulation or the government sector employment rules.
- (4) An overseas trade employee who is a Public Service non-executive employee may be employed under a written contract of employment signed by the employee and by the Secretary of the Department.
- (5) Persons may be employed as overseas trade employees without compliance with the government sector employment rules on merit-based employment. However, any decision to employ a person as an overseas trade employee must be based on the person's appropriateness for the role concerned having regard to the nature of the role and the person's qualifications, skills and experience.
- (6) Any limitation under the government sector employment rules on the power of the Secretary of the Department to delegate his or her functions under the Act does not apply in respect of those functions to the extent that they relate to overseas trade employees.