



New South Wales

# **Government Sector Employment Rules (Amendment No 5—Workforce Diversity— Employment of Eligible Persons) 2016**

under the

Government Sector Employment Act 2013

I, Graeme Head, Public Service Commissioner, in pursuance of the *Government Sector Employment Act 2013*, make the following Rule.

GRAEME HEAD  
Public Service Commissioner

## **Government Sector Employment Rules (Amendment No 5— Workforce Diversity—Employment of Eligible Persons) 2016**

under the

Government Sector Employment Act 2013

### **1 Name of Rule**

This Rule is the *Government Sector Employment Rules (Amendment No 5—Workforce Diversity—Employment of Eligible Persons) 2016*.

### **2 Commencement**

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

## Schedule 1      **Amendment of Government Sector Employment Rules 2014**

### [1]    **Rule 26 Employment of eligible persons**

Omit rule 26 (1). Insert instead:

- (1)    An eligible person may be employed by the head of a government sector agency in a non-executive role in the agency.

### [2]    **Rule 26 (3)**

Omit “For that purpose, Part 3 applies”.

Insert instead “In the case of a Public Service agency, Part 3 applies for the purposes of subrule (2)”.

### [3]    **Rule 26 (3A)**

Insert after rule 26 (3):

- (3A)    In the case of a government sector agency other than a Public Service agency, the agency’s recruitment and selection policies or procedures (if any) for non-executive roles apply for the purposes of subrule (2) but with such modifications (except in the case of those policies or procedures required by law) as are necessary to facilitate the employment of eligible persons in the agency.

### [4]    **Rule 26 (4), definition of “eligible person”**

Insert after paragraph (c):

- (c1)    a person who, on or after 1 December 2015, enters or has entered Australia on a Refugee and Humanitarian (Migrant) (Class XB) visa issued by the Commonwealth,

### [5]    **Rule 26 (4)**

Insert in alphabetical order:

- government sector agency* includes the service of a State owned corporation but does not include a university.  
*role* includes position.

### [6]    **Rule 26 (6)**

Insert after rule 26 (5):

- (6)    A person referred to in paragraph (c1) of the definition of *eligible person* is not to be considered to be an eligible person for the purposes of this rule after the end of the period of 5 years following the date on which the person enters Australia in the manner referred to in that paragraph.