



New South Wales

Government Sector Employment Rules (Amendment No 7—Miscellaneous) 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 7—Miscellaneous) 2016

under the

Government Sector Employment Act 2013

1 Name of Rule

This Rule is the *Government Sector Employment Rules (Amendment No 7—Miscellaneous) 2016*.

2 Commencement

This Rule commences on 1 January 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Government Sector Employment Rules 2014

[1] Rule 1 Name of Rules

Insert “(General)” after “Employment”.

[2] Rule 3 Definitions

Insert “or in a senior executive band” after “current classification” in paragraph (a) of the definition of *above-level*.

[3] Rule 3, definition of “external advertising”

Omit “NSW Jobs”. Insert instead “NSW Government jobs”.

[4] Rule 5 Probation periods

Insert “or following the cessation of any previous employment in the Public Service” after “for the first time” in rule 5 (1).

[5] Rule 12 Conversion of temporary or term employment to ongoing employment at-level

Omit rule 12 (1). Insert instead:

- (1) An agency head may convert the temporary or term employment of a person to ongoing employment in the agency if:
 - (a) the ongoing employment is at-level, and
 - (b) the person has been employed in that temporary or term employment for a period of at least 12 months.
- (1A) The requirement under subrule (1) (b) applies only if the advertisement for the temporary or term employment did not refer to the availability or potential availability of ongoing employment.

[6] Rule 12 (2) (a)

Omit “for the role concerned”.

[7] Rule 12 (5)

Omit “2017”. Insert instead “2018”.

[8] Rule 12 (9)

Insert after rule 12 (8):

- (9) A reference in this rule to the head of the agency in which a person is employed is, in the case where the person is a Public Service senior executive, taken to be a reference to the employer of the executive.

[9] Rule 21 Temporary or term employment for up to 12 months

Omit “6 months” from rule 21 (1) and (2) wherever occurring. Insert instead “12 months”.

[10] Rule 21 (2)

Omit “3 months”. Insert instead “9 months”.

[11] Rule 22 Temporary or term employment for more than 12 months

Omit “6 months” from rule 22 (1). Insert instead “12 months”.

[12] Rule 22D Exemption from rules 21 and 22 for temporary employees who are subject to Commissioner’s determination

Omit “23 February 2017” from rule 22D (4). Insert instead “23 February 2018”.

[13] Rule 28 Application of Part

Insert “, as provided by section 64 of the Act,” after “applies” in rule 28 (1).

[14] Rule 28 (3)

Insert after rule 28 (2):

- (3) A reference in this Part to the agency head in relation to a government sector employee is, in the case where the employee is a Health Service senior executive, a reference to the person who, in accordance with section 116 of the *Health Services Act 1997*, exercises employer functions in relation to the executive.

[15] Rule 29 Transfer of employees between government sector agencies

Omit rule 29 (6).

[16] Rule 31 Secondment of employees between government sector agencies

Omit rule 31 (9).

[17] Rule 33 Above-level secondments to Public Service agencies

Omit “6 months” from rule 33 (1) and (2) wherever occurring. Insert instead “12 months”.

[18] Rule 33 (2)

Omit “3 months”. Insert instead “9 months”.

[19] Schedules 1–3

Omit the definition of “GSE Rules” from clause 3.1 of the model contract in each Schedule.
Insert instead:

“GSE Rules” means the Government Sector Employment (General) Rules 2014.

[20] Schedule 1 Model contract of employment for Public Service senior executives (other than Secretaries and agency heads)

Insert “, or be transferred to another government sector agency and assigned to a role,” after “Public Service agency” in clause 5.3 of the model contract.

[21] Schedule 1, model contract

Omit “signed” from clause 9.1. Insert instead “entered into”.

[22] Schedule 1, model contract

Omit clause 9.2.

[23] Schedule 1, model contract

Omit “Appendix C” wherever occurring in clauses 11.1 and 11.3.

Insert instead “Appendix B”.

[24] Schedule 1, model contract

Omit Appendix B and renumber Appendix C as Appendix B.

[25] Schedule 1, model contract

Omit all matter under the heading “**Signatures**” relating to the witnessing of the signatures of the Employer and the Senior Executive.

[26] Schedule 2, Model contract of employment for Secretaries of Departments and heads of other Public Service agencies

Omit “signed” from clause 8.1 of the model contract. Insert instead “entered into”.

[27] Schedule 2, model contract

Omit clause 8.2.

[28] Schedule 2, model contract

Omit “Appendix C” wherever occurring in clauses 10.1 and 10.3.

Insert instead “Appendix B”.

[29] Schedule 2, model contract

Omit Appendix B and renumber Appendix C as Appendix B.

[30] Schedule 2, model contract

Omit all matter under the heading “**Signatures**” relating to the witnessing of the signatures of the Employer and the Secretary or Agency Head.

[31] Schedule 3 Model contract of employment for statutory office holders

Omit all matter under the heading “**Signatures**” relating to the witnessing of the signatures of the Minister and the Office Holder.