



New South Wales

Government Sector Employment Amendment (Transfers to Non-Government Sector) Regulation 2017

under the

Government Sector Employment Act 2013

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Government Sector Employment Act 2013*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to provide that certain persons whose employment in a government sector agency is to cease as a result of the transfer of services provided by the agency to a non-government sector body are not affected by the operation of clause 25A (1) of the *Government Sector Regulation 2014* which limits the entitlement to any severance or redundancy payment for that cessation of employment.

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

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1 Name of Regulation

This Regulation is the *Government Sector Employment Amendment (Transfers to Non-Government Sector) Regulation 2017*.

2 Commencement

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

3 Amendment of Government Sector Employment Regulation 2014

Clause 25A Transfer of services to non-government sector—no severance or redundancy payments if comparable employment offered or not applied for

Insert after clause 25A (4):

- (4A) Subclause (1) does not apply in relation to a person whose employment in a government sector agency is to cease as a result of the transfer to a non-government sector body of any of the services provided by the agency if:
- (a) the non-government sector body was selected before 1 January 2015 by the Government of New South Wales, as a result of a process for the formation of a public-private partnership, to provide those services, and
 - (b) the transfer is not authorised by or under an Act, and
 - (c) the transfer was not completed before the commencement of this subclause.