



New South Wales

Government Sector Employment Amendment (Transfer of Staff of Sydney Cricket and Sports Ground Trust) Regulation 2017

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*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to transfer the staff employed in the Sydney Cricket and Sports Ground Trust Staff Agency to the employment of the Sydney Cricket and Sports Ground Trust under the *Sydney Cricket and Sports Ground Act 1978* as a consequence of the abolition of the Sydney Cricket and Sports Ground Trust Staff Agency by the *Government Sector Employment Legislation Amendment Act 2016*.

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 (Savings, transitional and other provisions).

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1 Name of Regulation

This Regulation is the *Government Sector Employment Amendment (Transfer of Staff of Sydney Cricket and Sports Ground Trust) Regulation 2017*.

2 Commencement

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

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

Schedule 4 Savings, transitional and other provisions

Insert after clause 19:

20 Transfer of staff of Sydney Cricket and Sports Ground Trust

- (1) The persons employed under this Act in the Sydney Cricket and Sports Ground Trust Staff Agency immediately before 1 April 2017 are transferred to the employment of the Sydney Cricket and Sports Ground Trust.
- (2) Any such person is referred to in this clause as a *transferred employee* and the Sydney Cricket and Sports Ground Trust is referred to as the *new employer*.
- (3) The following provisions apply in relation to a transferred employee:
 - (a) the transferred employee retains any rights to annual leave, extended or long service leave or sick leave accrued or accruing immediately before the transfer of employment,
 - (b) the continuity of employment of the transferred employee is not broken by the transfer of employment and, accordingly, service of the transferred employee as a Public Service employee (including any service taken to be service as such an employee) that is continuous service up to the time of the transfer of employment is, for all purposes, service with the new employer,
 - (c) the conditions of employment applying to the transferred employee immediately before the transfer of employment (whether under a State industrial instrument or contract of employment) continue to apply to the transferred employee until such time as provision is otherwise made in accordance with any other Act or law.
- (4) Subclause (3) (c) extends to the provisions (in force as at 1 April 2017) of the regulations and the government sector employment rules that confer or impose conditions of employment or engagement on Public Sector employees in relation to the following matters:
 - (a) probation,
 - (b) security and other clearances,
 - (c) health clearances or assessments,
 - (d) requirements not to undertake other paid work without permission and to report charges and convictions for serious offences,
 - (e) absences from duty,
 - (f) the payment of increments,
 - (g) fitness for duty,
 - (h) the payment of allowances for temporary assignments to higher roles.

For that purpose, a reference in any such provision of the regulations or the rules:

- (a) to a Public Service employee is taken to include a reference to a transferred employee, and
- (b) to the head of a Public Service agency or to the employer of a Public Service employee is taken to include a reference to the new employer.