



New South Wales

Government Sector Employment Rules (Amendment No 9—Miscellaneous) 2018

under the

Government Sector Employment Act 2013

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

EMMA HOGAN
Public Service Commissioner

Government Sector Employment Rules (Amendment No 9—Miscellaneous) 2018

under the

Government Sector Employment Act 2013

1 Name of Rule

This Rule is the *Government Sector Employment Rules (Amendment No 9—Miscellaneous) 2018*.

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 (General) Rules 2014

[1] Rule 4 Delegation by Secretaries of Departments of functions relating to Public Service senior executives

Omit rule 4 (1) (b). Insert instead:

- (b) the temporary assignment of a Public Service senior executive under rule 11 for a period of more than 12 months,
- (b1) the assignment of a Public Service senior executive to a different role under section 38 of the Act,

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

Insert after rule 12 (2):

- (2A) The requirement under subrule (2) (a) for external advertising does not apply in relation to the conversion of a person's term employment to ongoing employment in the role in which the person is employed if the recruitment of the person to that role was limited in the manner referred to in clause 8 (5) (d) of Schedule 4 to the Act.

[3] Rule 20A

Insert after rule 20:

20A Employment at higher level following completion of graduate program

- (1) This rule applies to a Public Service employee who has successfully completed a graduate program approved by the Public Service Commissioner (a *graduate employee*).
- (2) Despite rule 20, a comparative assessment after external advertising is not required to employ a graduate employee at a higher level for the first time following completion of the graduate program if:
 - (a) the agency head is satisfied that:
 - (i) the graduate employee meets the pre-established standards for the role or the type of role in which the employee is being employed at the higher level, and
 - (ii) the graduate employee's conduct is satisfactory, and
 - (b) the graduate employee's work performance while undergoing the graduate program has, having regard to the employee's performance agreement, been assessed as exceeding expectations.
- (3) In this rule:
higher level, in relation to a graduate employee, means:
 - (a) the classification or grade that is immediately higher than the classification or grade in which the employee was employed on completion of the graduate program, or
 - (b) in cases considered to be exceptional by the agency head—a classification or grade that is 2 levels higher than the classification or grade in which the employee was employed on completion of the graduate program.

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

Insert after rule 21 (2):

- (2A) The requirement under subrule (2) for advertising across the Public Service does not apply in relation to a person's temporary or term employment in the role in which the person is employed if the recruitment of the person to that role was limited in the manner referred to in clause 8 (5) (d) of Schedule 4 to the Act.

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

Insert after rule 22 (1):

- (1A) The requirement under subrule (1) for advertising across the Public Service does not apply in relation to a person's temporary or term employment in the role in which the person is employed if the recruitment of the person to that role was limited in the manner referred to in clause 8 (5) (d) of Schedule 4 to the Act.

[6] Rule 28 Application of Part

Insert "(except as provided by subrule (4)) to" after "corporation or" in rule 28 (2).

[7] Rule 28 (4) and (5)

Insert after rule 28 (3):

- (4) In this Part:
- (a) a reference to a government sector agency includes a reference to any of the following:
 - (i) the Audit Office,
 - (ii) the service in which persons are employed under section 47B of the *Constitution Act 1902*, and
 - (b) a reference to a government sector employee includes a reference to any of the following:
 - (i) a member of staff of the Audit Office employed under the *Public Finance and Audit Act 1983*,
 - (ii) a person employed under section 47B of the *Constitution Act 1902*, being an officer or employee of either House of Parliament or any officer or employee under the separate control of the President or Speaker, or under their joint control.
- (5) Subrule (4) applies only in relation to transfers or secondments initiated by the government sector employee concerned.

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

Insert after rule 29 (2):

- (2A) Before a government sector employee is transferred under this rule, the head of the government sector agency to which the employee is transferred is to ensure that the employee is suitable for the role, position or work to be assigned to the employee in that agency.

[9] Rules 30, 32 and 33

Omit the rules.

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

Omit rule 31 (6) and (7). Insert instead:

- (6) Before a government sector employee is seconded to another government sector agency, the head of that other agency is to ensure that the employee is suitable for the role, position or work to be assigned to the employee in that agency.

[11] Rule 35 Core requirements of performance management systems

Omit rule 35 (1). Insert instead:

- (1) The core requirements of a performance management system are as follows:
 - (a) to set and clarify expectations for employees,
 - (b) to guide and review employee performance,
 - (c) to develop employee capability,
 - (d) to recognise employee achievements,
 - (e) to improve employee performance,
 - (f) to resolve unsatisfactory employee performance,
 - (g) to evaluate and strengthen practices.