



New South Wales

Government Sector Employment Amendment (Public Service Employees) Regulation 2024

under the

Government Sector Employment Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Government Sector Employment Act 2013*.

CHRIS MINNS, MP
Premier

Explanatory note

The object of this regulation is to provide that the merit-based employment rules contained in the *Government Sector Employment (General) Rules 2014*, Part 3 do not apply to a decision to employ a person as a non-executive Public Service employee if—

- (a) the person is employed by a private entity engaged to exercise a function or manage or operate a service on behalf of the NSW Government which is being returned to or assumed by the NSW Government, and
- (b) the agency head is satisfied the person is suitable for the role.

Government Sector Employment Amendment (Public Service Employees) Regulation 2024

under the

Government Sector Employment Act 2013

1 Name of regulation

This regulation is the *Government Sector Employment Amendment (Public Service Employees) Regulation 2024*.

2 Commencement

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

Schedule 1 Amendment of Government Sector Employment Regulation 2014

Clause 10B

Insert after clause 10A—

10B Exemption for transfer of employees from private operator—the Act, s 88

- (1) For the Act, section 88(2), the *Government Sector Employment (General) Rules 2014*, Part 3 does not apply to a decision to employ a person as a Public Service non-executive employee if—
 - (a) the person is employed by a private entity that is engaged to exercise a function or manage or operate a service on behalf of the NSW Government, and
 - (b) the private entity will cease to exercise the function or manage or operate the service, and
 - (c) the agency head is satisfied that the person is suitable for the role.
- (2) For subclause (1)(c) and without limiting the paragraph, the agency head—
 - (a) must consider the person's employment history and conduct after conducting appropriate checks, and
 - (b) may require that the person complete one or more assessments, any of which may be an interview.