

Diversity legislation

The legislative requirements on diversity for the NSW government sector.

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There are specific legal responsibilities for departments and agencies around workplace diversity. This page sets out specific responsibilities under NSW legislation for NSW government entities.

Diversity must be included in workforce planning

Under **Section 63** of the *Government Sector Employment Act 2013* (GSE Act), the head of a NSW government sector agency is responsible for workforce diversity and ensuring that workforce diversity is integrated into workforce planning within their agency.

Workforce diversity includes (but is not limited to) diversity of the workforce in respect of gender, cultural and linguistic background, Aboriginal people and people with a disability.

This includes state owned corporations, **universities** and other services or agencies prescribed by the **regulations**.

NSW and Commonwealth anti-discrimination laws must also be followed in workplaces, find out more at the **[Anti-Discrimination Board](#)**.

Rules for employing specific diversity groups

While it's important for all recruitment practices to be inclusive and barrier free, NSW government sector agencies can use Rule 26 of the *Government Sector Employment (General) Rules 2014* to change their recruitment and selection process to help employ people from designated groups in non-executive roles.

The rule helps people who may otherwise be disadvantaged when seeking employment in the sector.

For this Rule, an 'eligible person' is one of the following:

- an Aboriginal person or Torres Strait Islander
- a person with a disability
- a person under the age of 25 years
- a person who, on or after 1 December 2015, enters or has entered Australia on a Refugee and Humanitarian (Migrant) (Class XB) visa issued by the Commonwealth
- a person who belongs to a group of persons designated by the Public Service Commissioner as being disadvantaged in employment.

Rule 26 allows you to make changes to advertising requirements and assessment processes, such as:

- advertising through a specialised job board which also counts as external advertising for offering employment
- reducing the number of capability-based assessments
- removing the interview and focus on inclusive work sample tests or a presentation
- removing the requirement for a written component of the application, allowing candidates to submit a resume instead
- using one or two assessors instead of three or more
- conducting group interviews and work skills tests
- using a staged interview process instead of traditional interviews to assess person's ability to perform the inherent role requirements.

Using Rule 26

This fact sheet provides further information on using Rule 26 to employ people with disability.

[Download the fact sheet](#) →

Keeping records and reporting workforce diversity data

The head of a government sector agency must ensure:

- that information relating to workforce diversity within the agency is collected under the **GSE Rule 27** and;
- that information can be provided to the Commissioner if required to do so under **Section 16** of the GSE Act.

Every year, NSW public sector agencies need to include workforce diversity information in their annual reports under the Annual Reports (Departments) Regulation 2015 and the Annual Reports (Statutory Bodies) Regulation 2015.

Agencies must report statistics for both the representation and distribution of employees in diversity groups, in the same format as the report provided to each agency by the Public Service Commission.

Additionally, agencies must report on the workforce diversity achievements during the reporting year and the key workforce diversity strategies proposed for the following year.

Universities which are prescribed for the purposes of workforce diversity, under the Government Sector Employment Regulation 2014, are encouraged to continue to include workforce diversity information, in the same terms, in their annual reports.

For further information on annual reporting requirements visit [**NSW Treasury**](#).