

# The Government Sector

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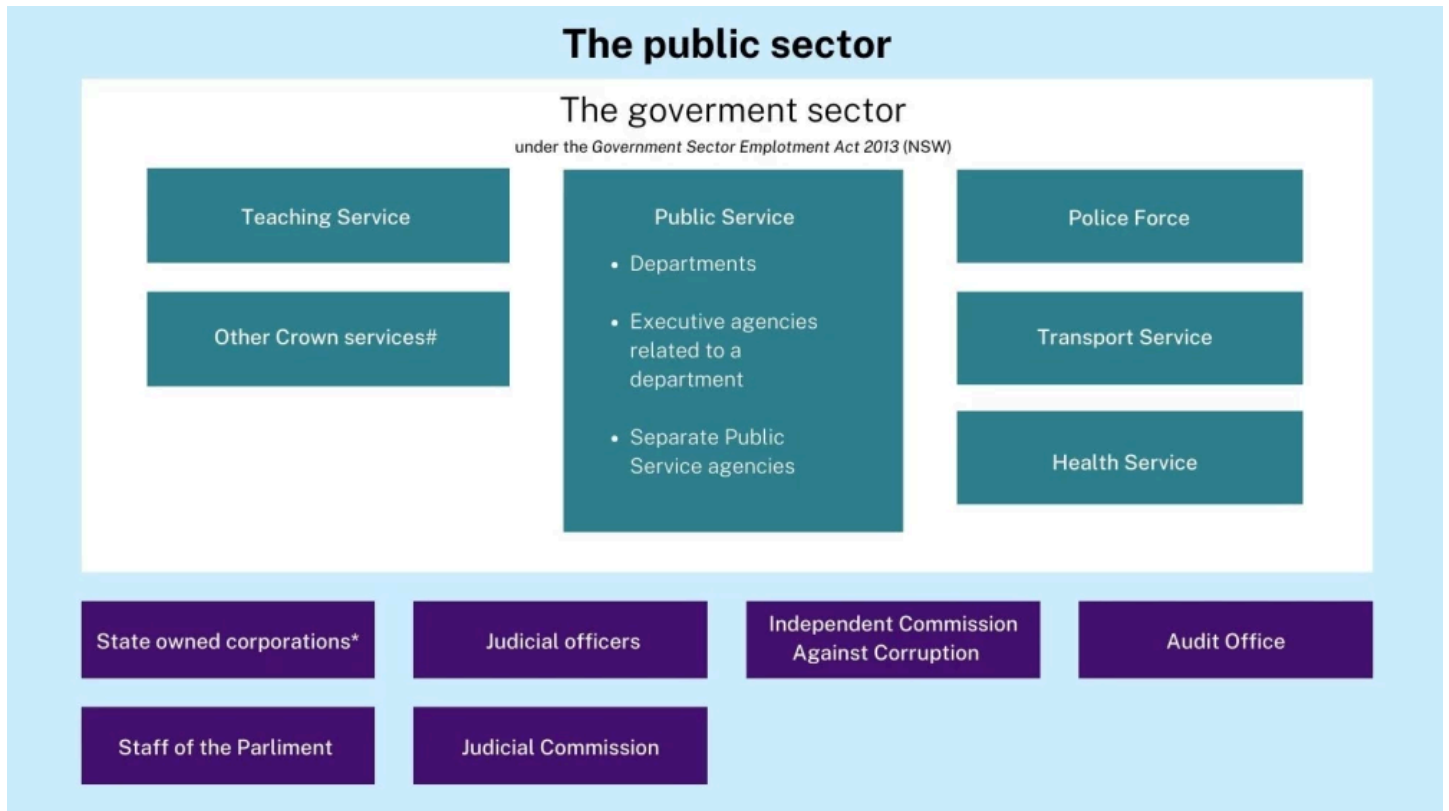
### [Public sector organisations outside the government sector](#)

The GSE Act establishes 2 main employment structures: the government sector, and within that, the Public Service.

The government sector is defined in section 3(1) of the GSE Act as comprising:

- the Public Service
- the Teaching Service
- the NSW Police Force
- the NSW Health Service
- the Transport Service of New South Wales
- any other service of the Crown (including the service of any NSW government agency)
- the service of any other person or body constituted by or under an Act or exercising public functions (such as a State-owned corporation) prescribed by the regulations.

Only certain parts of the GSE Act apply to government sector employees outside of the Public Service. This is because they have their own employment arrangements set out in other legislation, such as the *Teaching Service Act 1980*, the *Police Act 1990*, the *Health Services Act 1997* and the *Transport Administration Act 1988*.



#Examples of other Crown services include the TAFE Commission, School Administrative and Support Staff, and Sydney Trains.

\* Under the GSE Act, State owned corporations are included in the government sector for certain specified purposes.

## Application of GSE Act in the government sector

Provisions of the GSE Act which apply to all employees of the services in the government sector include: the Ethical Framework established by Part 2 and the Code of Ethics and Conduct provided for by Part 2A, as well as other general provisions detailed in Part 5:

Further information on Parts 2 and 2A:



### The Ethical Framework

The GSE Act recognises the role of the government sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the Government of the day. The GSE Act establishes the ethical framework for a merit based, apolitical and professional government sector that implements the decisions of the government of the day and provides government sector core values.

[Access The Ethical Framework](#) →



### The Code of Ethics and Conduct

Section 8A requires that government sector employees must comply with the Code of Ethics and Conduct adopted by the Public Service Commissioner. Contravention of the Code may be misconduct for the purposes of section 69.

The Code of Ethics and Conduct for NSW government sector employees is contained in a direction made by the Public Service Commissioner under the GSE Act.

[Access the Code of conduct direction.](#) →

Further information on Part 5:

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#### **Section 63 - workforce diversity**

Access information on workforce diversity.



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#### **Section 64 - transfers and secondments**

Access information on employee transfers and secondments.



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#### **Section 65 - cross-agency employment**

Cross-agency employment refers to employees employed by 2 or more government sector agencies. Find out more via Legislation NSW.



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#### **Section 67 - performance management systems**

Access the Performance Development Framework and Talent Review Framework.



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#### **Sections 68 - unsatisfactory performance of government sector employees**

Access information on unsatisfactory performance of government sector employees.



## Section 71 - employees contesting State elections



Access information on employees contesting State elections via Legislation NSW.

# Public sector organisations outside the government sector

While the government sector forms part of the broader public sector, officers or staff of some public sector organisations are specifically excluded from the government sector by section 5 of GSE Act due to the unique and independent nature of their functions. The GSE Act does not apply to them because they have their own employment provisions based on their specific enabling legislation. These include:

- judicial officers
- officers or employees of either House of Parliament or any officer or employee under the separate control of the President or Speaker, or under their joint control
- staff of members of parliament employed under the *Members of Parliament Staff Act 2013*
- staff of the Independent Commission Against Corruption employed under the *Independent Commission Against Corruption Act 1988*
- staff of the Audit Office employed under the *Government Sector Audit Act 1983*
- staff of the Judicial Commission of NSW employed under the *Judicial Officers Act 1986*.

For most purposes, State Owned Corporations (SOCs) sit outside the government sector. However, there are specific provisions in the GSE Act that will apply to SOCs, for example, in respect of workforce diversity in workforce planning, employee transfer and secondment arrangements, and provisions applying to employees contesting elections.