

The Public Service

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Components

The Public Service is listed in Schedule 1 of the GSE Act and comprises of:

- Departments
- Public Service executive agencies related to departments
- separate Public Service agencies.

The schedule itself can be amended by Administrative Arrangements Orders which are made by the Governor of NSW.

Governance

Departmental Secretaries and the heads of a Public Service agency (other than a Department) are responsible to Ministers for the general conduct and management of the functions and activities of their corresponding Departments or agencies in accordance with the government sector core values.

The head of a government sector agency, including those in the Public Service, is responsible for developing and implementing a performance management system with respect to employees of the agency. The government sector employment rules may deal with the core requirements of any such performance management.

Employment arrangements

Departmental Secretaries hold the employer functions for all employees in their Departments and for all Public Service senior executives assigned to roles in their Departments. They also exercise employer functions for the head of each Public Service executive agency related to their Departments with some exceptions, and the Public Service senior executives assigned to roles in each Public Service executive agency related to their Departments.

Heads of Public Service executive agencies related to Departments hold the employer functions for all other employees in their agencies.

Heads of separate Public Service agencies hold the employer functions for all their employees, including senior executives.

Public Service senior executives

The GSE Act governs the employment arrangements of senior executives including making provisions for their:

- kind of employment (ongoing or term)
- contracts of employment
- employment into bands
- assignment to roles across the Public Service
- remuneration
- termination of employment.

The GSE Act requires that senior executives be employed under a contract of employment which deals with, among other matters, the senior executive's performance obligations and reviews of performance of the executive. The GSE Act provides for the Government Sector Employment (General) Rules 2014 (GSE Rules) to prescribe a model contract which deals with, among other issues, progression in the total remuneration package of the executive based on performance.

The employment of a senior executive may be terminated under section 41 of the GSE Act at any time for any or no stated reason and without notice, or under section 68 for unsatisfactory performance or section 69 for misconduct (as long as the procedural requirements set out the GSE Rules have been complied with).



Government Sector Employment (General) Rules 2014

[Access the rules via Legislation NSW.](#) →



Senior executive employment

[Access more information.](#) →

Public Service employees (other than executives)

The GSE Act governs the employment arrangements of Public Service employees, including making provisions for their:

- kinds of employment
- employment in work classifications
- assignment to roles within their agencies
- termination of employment.

The GSE Act also contains various additional Public Service employment provisions, including the ability to make the engagement of a Public Service employee subject to conditions (such as probation, citizenship or residency requirements, formal qualifications or clearances), resignation, the retirement of employees on medical grounds and the exclusion of industrial or legal proceedings in certain circumstances.



Non-executive employees

Conditions of employment for non-executive employees are generally set by industrial instruments (usually in awards). Access more information via NSW Industrial Relations.

<https://www.industrialrelations.nsw.gov.au/nsw-public-sector/public-sector/public-sector-awards/>



Workforce Diversity

Under section 63 of the GSE Act, the heads of Government Sector Agencies (including State Owned Corporations and any University or other service or agency prescribed by the regulations) are responsible for workforce diversity within the agency and for ensuring that workforce diversity is integrated into workforce planning in the agency.



Diversity and inclusion

[Access diversity and inclusion resources.](#) →