

Section 83B of the Government Sector Employment Act 2013

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Band 3 and 4 senior executives must seek guidance from the Public Service Commissioner if they intend to accept an offer of employment in the private sector. This rule applies to any future employment directly related to the roles or responsibilities of their current role and any role held in the past 2 years.

The obligations apply to the following senior executives, collectively referred to as 'Government Sector Senior Executives' or GSSEs:

- Secretaries of Departments
- other heads of Public Service agencies who are Public Service employees
- other Public Service employees employed in the 2 most senior executive bands (i.e. bands 3 and 4, including any intra-bands)
- other government sector senior executives employed in the 2 most senior executive bands determined under the senior executive bands determination for:
 - the NSW Health Service
 - the NSW Police Force
 - the Transport Service of New South Wales.

Seeking guidance from the Commissioner

To seek the Commissioner's guidance, GSSEs (Band 3 or 4 senior executives) should complete the questionnaire below.

GSSEs wishing to request an initial discussion should contact us to schedule a convenient time.

Written guidance will be provided as soon as possible following receipt of a completed questionnaire.

Questionnaire for GSSEs

Access the questionnaire to provide relevant information to the Commissioner.

[Questionnaire for GSSEs](#) →

Information sheet

Read this factsheet for key information on the requirement to seek guidance when leaving the public sector.

[Information Sheet](#) →

Contact the PSC

Contact us to discuss Section 83B requirements.

[Contact the Commissioner](#) →

Information management

All personal information will be managed in accordance with the [**Privacy and Personal Information Protection Act 1998**](#).

The Commissioner's guidance is subject to the requirements of the [**State Records Act 1998**](#) and [**Government Information \(Public Access\) Act 2009**](#). The questionnaire, any correspondence, as well as the guidance may be the subject of an access application under that Act to the PSC, or the subject of a production request by Parliament, and may be used and disclosed to meet legal responsibilities or as otherwise required or authorised by law.

If the private sector employment is accepted, and the Commissioner considers it to be in the public interest, the Commissioner may provide a copy of the guidance to the person exercising employer functions for their awareness to best manage any conflicts of interest or other identified issues. The Commissioner will request consent from the GSSE before providing a copy of the guidance to the employer. If a copy is provided to the employer, the guidance may be the subject of an access application to the employing agency or be the subject of an order by Parliament to the employing agency for production.

Statistical information of a general, de-identified nature in relation to guidance provided by the Commissioner under section 83B may be publicly disclosed by the PSC.

Government Sector Employment Act 2013

Access the full Act at NSW Legislation

[Access the Act](#) →