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Secondment to a non-government sector body

Key information on staff secondments to a non-government sector body

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A secondment under section 66 of the GSE Act is a temporary movement of an employee between a NSW government sector agency and a non-government sector body.

Section 66 of the GSE Act defines non-government sector body as meaning any of the following:

- a local council,
- a State owned corporation,
- a private sector entity (including a not-for-profit sector entity),
- a public authority or government agency of the Commonwealth or of another State or Territory,
- a university.

Secondments under section 66 to a government sector agency can be for up to 2 years.

As temporary and term employment is for a temporary purpose, or for a specified period or task, temporary and term government sector employees should not be seconded.

For information on probity and screening checks prior to a secondment, see the probity screening section of these guidelines.

Service and salary

During a secondment, the employee will keep their existing conditions of employment and receive their existing level of salary/remuneration. A section 66 secondment counts as service for government sector employees.

The host organisation must provide the secondee with a safe work environment and appropriate furniture and other equipment to meet the organisation's obligations under all applicable work, health and safety legislation.

The employing organisation and the host organisation are to consult with each other as to how they will discharge their respective duties with respect to the employee.

A government sector employee's employment in a government sector agency (including the continuity of that employment) is not affected by the secondment.

Note: an employee taking leave without pay and applying for secondary employment in order to work in another organisation is not considered to be a section 66 secondment. In this circumstance the employee will be engaged as an employee of the host organisation and will be subject to the host organisation conditions of employment and salary/remuneration. See section 1.3 of the guidelines for information on when a movement to a non-NSW government sector agency might arise from leave without pay and secondary employment.

Section 66 secondment arrangements

A secondment under section 66 is made by arrangement between the government sector agency head and the non-government sector body representative. The arrangement should be recorded in writing and a copy should be given to the employee concerned. A template secondment agreement is provided at Appendix 2.

The template agreement may be modified to suit particular circumstances.

The secondment agreement should set out the:

- period of the secondment;
- employer responsibilities during the period of secondment, including which party is responsible for work health and safety matters;
- project or work to be undertaken during the secondment;
- financial responsibilities including remuneration and other arrangements in relation to employee entitlements, conditions and day-to-day management;
- obligations of the parties including with respect to confidentiality, conflicts of interest, copyright and intellectual property;
- procedures to be followed on completion of the secondment; and

- circumstances in which a secondment can be terminated before the end of the secondment period, including the form of notice of termination to be given.

Return to employing organisation following secondment under GSE Act s66

Prior to the end of a secondment, the organisations involved should discuss arrangements for the employee's return to the employing organisation. Where the employing organisation is a government sector agency, the manager in the employing organisation should consider suitable roles or positions for the employee to return to at the conclusion of the secondment and discuss this with the employee ahead of the return. Among other factors, in determining suitable roles for the employee, it is appropriate to consider the capabilities required of different roles, the employees capabilities, the career preferences of the employee, and the staffing needs of the agency.