

Barton Deakin Brief: Strengthened NSW Government Sector Employment rules

16 August 2022

Overview

On 16 August 2022, Premier of New South Wales, Hon. Dominic Perrottet MP proposed amendments to the Government Sector Employment (GSE) Act and GSE regulations, reflecting the recommendations made by Mr Graeme Head, former Commissioner of the NSW Public Service Commission.

The independent inquiry was in response to the controversy that followed the appointment of former Deputy Premier John Barilaro MP to the Senior Trade and Investment Commissioner (STIC) Americas role in June 2022.

The Government has committed to implementing 12 of the 13 recommendations made by Mr Head in the report.

The NSW Government has also committed to ensuring all STIC roles be appointed through the GSE Act.

Key recommendations made by Mr Head

- An amendment to the GSE Act to make clear that a Minister cannot direct a Secretary in the exercise of their employment functions;
- An amendment to the GSE Regulations so that the full GSE Rules-based merit process applies to the future selection of STICs;
- Amendments to the GSE Act to legislate a Code of Ethics and Conduct for the public sector;
- A new Parliamentary Joint Committee to monitor and review the exercise of the Public Service Commissioner and the Commissioners' functions under the GSE Act; and
- Codification of the roles and responsibilities of Secretaries.

Further transparency measures

Despite not being a recommendation made by Mr Head, the Government will boost transparency by amending the Ministerial Code of Conduct to prevent any former Minister



for a period of 18 months from accepting any offer of employment within a public sector agency that reported to them within the last two years they held Ministerial office.

The Government will also make changes to rules around senior public servants leaving their employment to work in the private sector, who will now be required to seek ethics advice if their new role relates to their previous role.

Recommendation not adopted

The Government chose not to support Recommendation 3 made by Mr Head, which proposed changes to the Ministerial Code of Conduct with respect to preventing Ministers from seeking to influence Departmental Secretaries as the employer. It was not supported as the Code of Conduct already stipulates that a Minister must not knowingly breach the law or issue a directive that would require a public servant to do so.

Additional information

For the Premier's media release, click [here](#).

For the full report by Mr Head, click [here](#).

2

For more information, contact [Andrew Humpherson](#) on +61 419 241 587, [Anthony Bensch](#) on +61 438 439 431, or [Matthew Harte](#) on +61 431 326 411

To stay up to date with the affairs of Coalition Governments and Oppositions around Australia, you can follow Barton Deakin on [Twitter](#) and [LinkedIn](#). For more information on Barton Deakin please visit our [website](#).