

YUULU?IL?ATH GOVERNMENT

GOVERNMENT PERSONNEL ACT

YFNS 5/2011



OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2026

This is a certified true copy of the consolidated Government Personnel Act, YFNS 5/2011, current to April 15, 2026

Date: April 15, 2026

Signed: *Hamilton*
Law Clerk

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PREAMBLE

Through the act of governing and as a treaty first nation, the Yuulu?il?ath First Nation assumes the responsibility of providing responsible, efficient and effective government, blending hereditary and modern-day governing institutions. In doing so, our governing structures honour our past and embrace the future ensuring the continued existence of the Yuulu?il?ath First Nation as a strong political, social and cultural community that aspires to grow as an organized, determined, successful and self-reliant peoples.

As such, the Yuulu?il?ath Government requires a Yuulu?il?ath administration that is responsive to the changing requirements of our nation. It is important that we recruit and develop well qualified, efficient and effective personnel to be part of a Yuulu?il?ath administration that encourages creativity and initiative. In doing so, the Yuulu?il?ath Government needs to facilitate the long-term employment of Indigenous individuals, foster long-term career development and promote harmonious relations between the Yuulu?il?ath Government and its personnel. The public must have trust and confidence in the integrity of the Yuulu?il?ath administration and the Yuulu?il?ath Government.

To assist with realizing these goals, the Yuulu?il?ath Government desires to establish rules and procedures concerning the recruitment, selection, management, discipline, suspension and dismissal of Yuulu?il?ath Government employees. The values of the Yuulu?il?ath Government require a hiring process that is consistent, fair and based on merit, but which allows priority to be given to Indigenous individuals. These values also require rules and procedures that promote the fair and consistent handling of all employment matters and provide for the review of employment decisions.

The Yuulu?il?ath Government adopts this Act based on these values.

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Government Personnel Act (Yuulu?il?ath Government).

Executive oversight

1.2 The President is responsible for the executive oversight of this Act.

Application

- 1.3 (a) This Act is enacted under
- (i) 13.11.1c. of Chapter 13 Governance of the Maa-nulth Treaty, and
 - (ii) sections 3.2(b) and (gg) of the Constitution.
- (b) This Act applies to
- (i) the structure of the Yuulu?il?ath administration, and
 - (ii) the employment and management of personnel.

Definitions

1.4 In this Act,

“nepotism” means, for certainty, showing preference or favour to family members or friends because of the relationship with the family member or friend, without regard to merit;

“personnel” means a person employed by the Yuulu?il?ath Government, a Yuulu?il?ath public institution or a Yuulu?il?ath public corporation, regardless of the method of employment, but does not include

- (a) the chief administrative officer, or
- (b) personnel of a for-profit Yuulu?il?ath corporation unless designated by the Executive by regulation as personnel for the purpose of this definition;

“Review Board” means the Administrative Decisions Review Board.

Executive as employer

1.5 (a) The Executive, on behalf of the Yuulu?il?ath Government, is the employer for the purposes of this Act.

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- (b) For purposes of this Act, the term “Yuulu?il?ath? Government” is deemed to include Yuulu?il?ath? public institutions and Yuulu?il?ath? public corporations.

PART 2 - EMPLOYMENT PRINCIPLES

Purposes of Act

2.1 The purposes of this Act are to

- (a) facilitate the provision of service to Yuulu?il?ath citizens and persons ordinarily resident on Yuulu?il?ath lands in a manner that is responsive to the changing requirements of the Yuulu?il?ath Government,
- (b) by means of internal advancement and external recruitment of personnel, recruit and develop well qualified, efficient and effective personnel that are representative of Indigenous individuals,
- (c) facilitate the long-term employment of Indigenous individuals,
- (d) encourage the training and development of personnel to foster long term career development and advancement of personnel,
- (e) encourage creativity and initiative among personnel,
- (f) promote harmonious relations between the Yuulu?il?ath Government and its personnel, and
- (g) provide for the establishment of departments and offices responsible for the oversight of those departments.

Hiring of personnel

- 2.2
- (a) Subject to section 2.3 and 2.4, hiring personnel under this Act must
 - (i) be based on the principle of merit, and
 - (ii) be the result of a process designed to assess the knowledge, skills and abilities of eligible applicants.
 - (b) The matters to be considered in determining merit must, having regard to the nature of the duties to be performed and the powers to be exercised, include the applicant's education, skills, knowledge, experience, past work performance and personal suitability.
 - (c) Subject to section 2.3, all regulations, standards, policies and procedures respecting recruitment, appointment, transfer and promotion of personnel must be consistent with the principle of merit set out in subsection (a) and must facilitate the purposes of this Act set out in section 2.1.
 - (d) Hiring personnel under this Act must not be based on

- (i) personal favouritism,
- (ii) political considerations,
- (iii) nepotism, or
- (iv) any other consideration that is made in bad faith.

Priorities and limitations in relation to hiring

- 2.3** (a) Applicants for a vacant position are to be given priority or limited, as the case may be, in a manner described in paragraphs (i), (ii) or (iii) or in any combination of any of those paragraphs as follows:
- (i) giving first priority to Indigenous individuals;
 - (ii) encouraging the career development and advancement of personnel; or
 - (iii) limiting the appointment to personnel of a stated occupational group, position level or organizational unit.
- (b) A vacant position may be filled by means of
- (i) a lateral transfer,
 - (ii) a promotion of current personnel, or
 - (iii) recruitment.
- (c) In determining merit under section 2.2(b), consideration of an Indigenous individual's skills as required by that section may include consideration of that Indigenous individual's ability to develop the skills necessary for the position in circumstances where that Indigenous individual does not at that time possess the requisite skills but education and training are readily available for that Indigenous individual to develop the requisite skills for the position.

Exceptions to section 2.2

- 2.4** Subject to any regulations,
- (a) section 2.2(a) does not apply to an appointment that is a lateral transfer or a demotion, and
 - (b) despite section 2.2(a)(ii), the chief administrative officer may directly appoint personnel in the following circumstances:
 - (i) a temporary appointment of not more than twelve months in duration;

- (ii) filling a vacancy in unusual or exceptional circumstances; or
- (iii) a transfer or promotion of personnel.

Probation

- 2.5** (a) If an individual who is not a member of the Yuulu?il?ath administration is appointed to a position and becomes personnel, the individual is on probation until that individual has worked the equivalent of,
- (i) in the case of the chief administrative officer or a Yuulu?il?ath director, six months' full time employment, and
 - (ii) in the case of all other personnel, four months' full time employment.
- (b) If an appointment is made from within the Yuulu?il?ath administration, a probation period in the new position not exceeding the equivalent of three months' full-time employment may be imposed by the chief administrative officer.
- (c) The chief administrative officer may extend the probation period in subsections (a) or (b) for up to an additional three months if the individual's performance is not, in the opinion of the chief administrative officer, satisfactory.
- (d) Where an individual's performance during the period of the individual's probation is not satisfactory, the chief administrative officer may terminate that individual's employment by the Yuulu?il?ath Government.

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PART 3 - CHIEF ADMINISTRATIVE OFFICER

Office of taataapathsi?aaala (always thinking and making decisions) – chief administrative officer

- 3.1**
- (a) The office of taataapathsi?aaala (always thinking and making decisions) – chief administrative officer is established.
 - (b) The Executive must appoint an individual to hold the office of taataapathsi?aaala (always thinking and making decisions) – chief administrative officer and determine the terms and conditions of the appointment.
 - (c) The chief administrative officer reports and is responsible to the Executive.

Policy leadership

- 3.2** The chief administrative officer is responsible for providing policy leadership and overall policy direction to personnel.

Personnel responsibilities

- 3.3**
- (a) The chief administrative officer is responsible for all matters relating to personnel recruitment, hiring, promotion, training, discipline, suspension, termination and overall personnel management matters.
 - (b) The general authority in subsection (a) includes
 - (i) advising the Yuulu?il?ath Government respecting regulations, standards, policies and procedures relating to personnel,
 - (ii) developing and implementing personnel standards, policies and procedures,
 - (iii) providing direction, advice or assistance to Yuulu?il?ath directors in the carrying out of regulations, standards, policies and procedures relating to personnel,
 - (iv) recruiting, selecting and appointing, or providing for the recruitment, selection and appointment, of personnel to or within the Yuulu?il?ath Government subject to the annual budget,
 - (v) developing, providing, assisting in or coordinating personnel training, educational and career development programs,
 - (vi) developing, establishing and maintaining job evaluation and classification plans,

- (vii) developing, establishing and maintaining occupational health and safety programs,
- (viii) developing and implementing employment equity policies and programs,
- (ix) conducting studies and investigations respecting personnel utilization,
- (x) developing and reviewing compensation policies and standards,
- (xi) developing and reviewing working condition policies and standards,
- (xii) developing and implementing processes to ensure effective human resource planning and organizational structures,
- (xiii) administering personnel discipline and termination matters,
- (xiv) developing, implementing and maintaining a process to monitor, audit and evaluate delegations under section 3.5 to ensure compliance with this Act,
- (xv) developing, implementing and maintaining personnel succession plans,
- (xvi) establishing and maintaining a personnel management information system, and
- (xvii) performing any other duties and exercising any other powers assigned by the Executive respecting personnel consistent with this Act.

Administrative responsibilities

- 3.4** (a) Without limiting section 3.3, the chief administrative officer is also responsible for the general management and administration of the Yuulu?il?ath Government.
- (b) The general authority under subsection (a) includes
- (i) exercising control and management of the administrative business and affairs of Yuulu?il?ath Government in accordance with Yuulu?il?ath law,
 - (ii) ensuring the efficient and effective operation of the Yuulu?il?ath Government,
 - (iii) establishing and overseeing administrative policies, practices and procedures necessary to effectively implement Yuulu?il?ath laws and the policies and programs of the Yuulu?il?ath Government, including preparing and maintaining a current organizational chart and making it available to the public,
 - (iv) advising the President and the Executive,

- (v) ensuring that decisions of the Executive are implemented,
- (vi) ensuring that the annual budget is prepared and implemented,
- (vii) safeguarding the financial integrity of the Yuulu?il?ath Government by identifying, assessing, monitoring and reporting on financial risks, fraud risks and mitigating measures,
- (viii) ensuring the accountability of the operations of the Yuulu?il?ath Government, including the activities of management,
- (ix) directing persons who are retained to provide services for the Yuulu?il?ath Government,
- (x) developing, overseeing and administering contracts and agreements entered into on behalf of the Yuulu?il?ath Government,
- (xi) performing any other duties and exercising any other powers given, delegated or assigned under Yuulu?il?ath law or by the Executive, and
- (xii) reviewing and making recommendations on the Yuulu?il?ath administration structure and organization.

Delegation authority

- 3.5** (a) Upon the approval of the Executive, the chief administrative officer may delegate, in writing, the performance of any of the chief administrative officer's duties or the exercise of any of the chief administrative officer's powers to
- (i) a Yuulu?il?ath director,
 - (ii) a Yuulu?il?ath Government employee, or
 - (iii) an independent contractor of the Yuulu?il?ath Government.
- (b) Despite the delegation of any duties or powers under subsection (a), the chief administrative officer remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

Human resources policy

- 3.6** (a) The Executive is responsible for maintaining the human resources policy.
- (b) The chief administrative officer is responsible for:
- (i) implementing the human resources policy, and

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- (ii) making the human resources policy available to Yuulu?il?ath Government representatives and all personnel.
- (c) If any part of the human resources policy is relevant to the services being provided by a contractor or agent of the Yuulu?il?ath Government, that part of the policy must be made available to that contractor or agent.

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PART 4 - [REPEALED]

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PART 5 - GOVERNMENT PERSONNEL

Hiring of government personnel

- 5.1 (a) Subject to subsection (b) and sections 2.2, 2.3 and 2.4, the chief administrative officer is responsible for the recruitment, hiring, promotion, transfer and training of all personnel.
- (b) Subject to Yuulu?il?ath legislation providing otherwise, the Executive must appoint an individual to hold the office of a Yuulu?il?ath director, and determine the terms and conditions of the appointment, after considering the recommendation of the chief administrative officer and the personnel committee on the appointment.

5.2 [Repealed]

Personnel integrity

- 5.3 For certainty, all personnel are subject to the provisions of the Code of Conduct and Conflict of Interest Act (Yuulu?il?ath Government) applicable to personnel.

Discipline, suspension and dismissal of personnel

- 5.4 (a) The chief administrative officer may
- (i) discipline personnel for just cause,
 - (ii) suspend personnel from the performance of their duties or the exercise of their powers for just cause,
 - (iii) dismiss personnel for just cause, or
 - (iv) dismiss personnel without just cause on the provision of notice, or wages in lieu of notice, in the following circumstances:
 - (A) personnel with less than 12 consecutive months of continuous employment; or
 - (B) lay off because of lack of work or because of the discontinuance of a function.
- (b) The chief administrative officer may delegate, in writing, any of the powers in section 5.4.
- (c) For certainty, a Yuulu?il?ath Government representative must not discipline, suspend or dismiss any personnel.

Political activity of personnel

- 5.5** (a) Personnel must not be required to participate in partisan political activity, including actively supporting a candidate for elected office.
- (b) Personnel must not be prohibited from participating in partisan political activity by actively supporting a candidate for elected office.
- (c) Despite subsection (a) and (b), personnel owe a duty of honesty, loyalty and good faith to the Yuulu?il?ath Government, Yuulu?il?ath Government representatives, the chief administrative officer and Yuulu?il?ath directors.

Personnel and elections

- 5.6** (a) If an individual who is employed by the Yuulu?il?ath Government assumes the office of, or is appointed as, a member of the Legislature, that employee must resign from employment with the Yuulu?il?ath Government within 30 days after election or appointment to that office.
- (b) In an election, an individual who is personnel must not use that individual's employment or office to acquire or access information that is in the custody or under the control of the Yuulu?il?ath First Nation or the Yuulu?il?ath Government that is not generally available to all candidates in that election to promote a particular candidate or for purposes of campaigning in that election.

PART 6 - [REPEALED]

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PART 7 - [REPEALED]

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PART 8 - [REPEALED]

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PART 9 - GENERAL PROVISIONS

Reporting

- 9.1 The chief administrative officer must on request from the Executive report on personnel-related matters.

Regulations

- 9.2 (a) The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.
- (b) Without limiting subsection (a), the Executive may make regulations
- (i) respecting all or any of the following:
 - (A) classifications of positions;
 - (B) remuneration of personnel;
 - (C) applications and selection of personnel;
 - (D) appointment of personnel;
 - (E) internal advancement of personnel;
 - (F) the giving of first priority to Indigenous individuals;
 - (G) lateral transfers of personnel;
 - (H) short term or casual appointments;
 - (I) benefits;
 - (J) terms of employment;
 - (K) review and evaluation of performance;
 - (L) leaves of absence;
 - (M) competitions and exclusions from competitions;
 - (N) position titles and job descriptions;
 - (O) promotions;
 - (P) disciplinary action; and

- (Q) training and human resource development;
 - (ii) establishing departments and offices to oversee those departments,
 - (iii) defining words and expressions that are used but not defined in this Act,
and
 - (iv) generally for the purpose of giving effect to this Act.
- (c) The Executive may make regulations amending a Yuulu?il?ath enactment for the purpose of changing a reference to
- (i) a specific executive portfolio,
 - (ii) a specific department, or
 - (iii) a specific Yuulu?il?ath director,
- to
- (iv) the executive portfolio,
 - (v) the department, or
 - (vi) the Yuulu?il?ath director,
- as applicable, currently assigned responsibility in relation to the matter.
- (d) All Yuulu?il?ath enactments shall be deemed to be amended to the extent required to align with any regulation made by the Executive under this section.

Commencement

9.3 This Act comes into force on the Maa-nulth Treaty effective date.

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LEGISLATIVE HISTORY

Government Personnel Act, YFNS 5/2011, enacted April 1, 2011

Amendments

Section	Amendment	In Force
6.2(b)	YFNS 44/2015, s.4.5(a)	April 14, 2015
6.2(c)(ii) and 6.3	YFNS 44/2015, s.4.5(b)	April 14, 2015
7.2(b)(iv), 7.4(b)(iii)(B), 8.2(b)(vi) and 8.4(b)(iii)(B)	YFNS 44/2015, s.4.5(c)	April 14, 2015
Preamble, 2.1(a), 2.5(d), 3.4(b)(x), 3.5(a)(iii), 3.6(b), 4.2(a), 4.2(b), 4.4(d), 4.4(g), 4.5(a), 4.5(c), 7.5(a)(iii), 8.2(b)(i), 8.2(b)(iv)(C), 8.5(a)(iii)	YFNS 61/2019, s.2.1(a)	January 23, 2019
Preamble	YFNS 61/2019, s.2.1(b)	January 23, 2019
Preamble, 2.1(c), 2.3(a) and 9.2(b)(i)(F)	YFNS 61/2019, s.2.1(c)	January 23, 2019
1.3	YFNS 61/2019, s.2.1(d)	January 23, 2019
2.1(b)	YFNS 61/2019, s.2.1(e)	January 23, 2019
2.3(c)	YFNS 61/2019, s.2.1(f)	January 23, 2019
2.4(b)	YFNS 61/2019, s.2.1(g)	January 23, 2019
2.5(a)	YFNS 61/2019, s.2.1(h)	January 23, 2019
2.5(e)	YFNS 61/2019, s.2.1(i)	January 23, 2019
2.5(c)	YFNS 61/2019, s.2.1(j)	January 23, 2019
3.1(b)	YFNS 61/2019, s.2.1(k)	January 23, 2019
3.1(c)	YFNS 61/2019, s.2.1(l)	January 23, 2019
3.3(b)(xvii)	YFNS 61/2019, s.2.1(m)	January 23, 2019
4.2(b)(iii)	YFNS 61/2019, s.2.1(n)	January 23, 2019
4.4(c)	YFNS 61/2019, s.2.1(o)	January 23, 2019
4.4(g)	YFNS 61/2019, s.2.1(p)	January 23, 2019
4.4(h)	YFNS 61/2019, s.2.1(q)	January 23, 2019
4.4(i)	YFNS 61/2019, s.2.1(r)	January 23, 2019
4.4(j)	YFNS 61/2019, s.2.1(s)	January 23, 2019
4.4(d)	YFNS 61/2019, s.2.1(t)	January 23, 2019
5.4(b)	YFNS 61/2019, s.2.1(u)	January 23, 2019
5.4(c)	YFNS 61/2019, s.2.1(v)	January 23, 2019
5.5(b)	YFNS 61/2019, s.2.1(w)	January 23, 2019
6.2	YFNS 61/2019, s.2.1(x)	January 23, 2019

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5.6	YFNS 61/2019, s.2.1(y)	January 23, 2019
1.4	YFNS 82/2023, s.7.1(a)	May 10, 2023
Part 4	YFNS 82/2023, s.7.1(b)	May 10, 2023
5.1(b)	YFNS 82/2023, s.7.1(c)	May 10, 2023
6.2(a)(ii)	YFNS 82/2023, s.7.1(d)	May 10, 2023
7.4(b)(i)(B)	YFNS 82/2023, s.7.1(e)	May 10, 2023
7.4(b)(ii)	YFNS 82/2023, s.7.1(f)	May 10, 2023
7.5(a)	YFNS 82/2023, s.7.1(g)	May 10, 2023
1.4, 2.4(b), 2.5(b), 2.5(c), 2.5(d), Part 3, 3.1, 3.1(a), 3.1(b), 3.1(c), 3.2, 3.3(a), 3.4(a), 3.5(a), 3.5(b), 5.1(a), 5.1(b), 5.4(a), 5.5(c)	YFNS 87/2025, s.16.1(a)	March 24, 2025
2.5(a)(i), 3.3(b)(iii), 3.5(a)(i), 5.1(b), 5.5(c)	YFNS 87/2025, s.16.1(b)	March 24, 2025
Preamble, 2.1(b), 2.1(c), 2.3(a)(i), 2.3(c), 9.2(b)(i)(F)	YFNS 87/2025, s.16.1(c)	March 24, 2025
1.1	YFNS 87/2025, s.16.1(d)	March 24, 2025
1.2	YFNS 87/2025, s.16.1(e)	March 24, 2025
1.3(b)	YFNS 87/2025, s.16.1(f)	March 24, 2025
1.4	YFNS 87/2025, s.16.1(g)	March 24, 2025
2.1(c)	YFNS 87/2025, s.16.1(h)	March 24, 2025
2.1(e)	YFNS 87/2025, s.16.1(i)	March 24, 2025
2.1(f)	YFNS 87/2025, s.16.1(j)	March 24, 2025
2.1	YFNS 87/2025, s.16.1(k)	March 24, 2025
2.2(a)	YFNS 87/2025, s.16.1(l)	March 24, 2025
2.3(b)(iii)	YFNS 87/2025, s.16.1(m)	March 24, 2025
2.4	YFNS 87/2025, s.16.1(n)	March 24, 2025
2.5(a)	YFNS 87/2025, s.16.1(o)	March 24, 2025
2.5(b)	YFNS 87/2025, s.16.1(p)	March 24, 2025
2.5(d)	YFNS 87/2025, s.16.1(q)	March 24, 2025
3.2	YFNS 87/2025, s.16.1(r)	March 24, 2025
3.3	YFNS 87/2025, s.16.1(s)	March 24, 2025
3.6	YFNS 87/2025, s.16.1(t)	March 24, 2025
5.1(c), 5.1(d)	YFNS 87/2025, s.16.1(u)	March 24, 2025
5.2	YFNS 87/2025, s.16.1(v)	March 24, 2025
5.3	YFNS 87/2025, s.16.1(w)	March 24, 2025
5.4	YFNS 87/2025, s.16.1(x)	March 24, 2025
5.6(a)	YFNS 87/2025, s.16.1(y)	March 24, 2025
5.6(b)	YFNS 87/2025, s.16.1(z)	March 24, 2025
Part 6, Part 7, Part 8	YFNS 87/2025, s.16.1(aa)	March 24, 2025

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9.1	YFNS 87/2025, s.16.1(bb)	March 24, 2025
9.2(b)(i)(P)	YFNS 87/2025, s.16.1(cc)	March 24, 2025
9.2(b)	YFNS 87/2025, s.16.1(dd)	March 24, 2025
9.2	YFNS 87/2025, s.16.1(ee)	March 24, 2025
2.5(a)(i)	YFNS 90/2026, s.9.1(a)	February 9, 2026
3.1	YFNS 90/2026, s.9.1(b)	February 9, 2026
5.1(b)	YFNS 90/2026, s.9.1(c)	February 9, 2026
Preamble, 1.4, 1.5(a)-(b), 2.1(a), 2.1(f), 2.5(d), 3.3(b)(i), 3.3.(b)(iv), 3.4(a), 3.4(b)(i)-(iii), 3.4(b)(vii)-(x), 3.5(a)(ii)- (iii), 3.6(b)(ii), 3.6(c), 5.4(c), 5.5(c), 5.6(a)-(b)	YFNO 63/2026, s.19(a)	April 15, 2026
1.1	YFNO 63/2026, s.19(b)	April 15, 2026
5.3	YFNO 63/2026, s.19(c)	April 15, 2026

Amending Acts:

YFNS 44/2015 Enforcement Framework Amendment Act No. 2 enacted April 14, 2015
YFNS 61/2019 Government Personnel Act Amendment Act No. 1 enacted January 23, 2019
YFNS 82/2023 Committee Structure Amendment Act enacted March 13, 2023
YFNS 87/2025 Administration Structure Amendment Act enacted March 24, 2025
YFNS 90/2026 Miscellaneous Amendments Act No. 3 enacted February 9, 2026

Regulations:

Orders:

YFNO 63/2026 Law Clerk Order enacted April 15, 2026