



New South Wales

Government Sector Employment Legislation Amendment Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to align employment arrangements for senior executives in the NSW Health Service, the NSW Police Force and the Transport Service of NSW (and for certain statutory officers currently employed under senior executive service arrangements) with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*,
- (b) to align employment arrangements for employees of the NSW Police Force who are not police officers with the new employment arrangements for non-executive employees of the Public Service under that Act,
- (c) to amend that Act to make further provision with respect to misconduct and other matters,
- (d) to make amendments to other Acts consequent on the enactment of that Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of commencement of the *Government Sector Employment Act 2013*.

Schedule 1 Amendment of Government Sector Employment Act 2013 No 40

The Schedule makes a number of miscellaneous amendments to the *Government Sector Employment Act 2013*. They include:

- (a) enabling the assignment of Public Service senior executives to the NSW Health Service, to the Police Force (other than as police officers) or to the Transport Service (other amendments made by the proposed Act provide for the assignment of senior executives from those other services to the Public Service), and
- (b) clarifying provisions relating to the transfer or temporary secondment of government sector employees between agencies and to other bodies, and
- (c) extending the misconduct provisions of the Act to findings of guilt for offences in addition to convictions and to interstate offences, and
- (d) expressly excluding statutory Crown law officers from provisions of the Act that enable the summary removal of those statutory officers from office (instead of relying on the operation of the *Interpretation Act 1987* to preserve existing exclusions from any such removal from office), and
- (e) other minor amendments.

Schedule 2 Amendment of Health Services Act 1997 No 154

The Schedule amends the *Health Services Act 1997* to align employment arrangements for senior executives in the NSW Health Service with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule transfers employment functions for chief executives of local health districts and specialty network governed health corporations from the Secretary of the Ministry of Health to the board of those districts and specialty networks and transfers the employment functions for senior executives in those districts and specialty networks from that Secretary to the chief executives of those districts and specialty networks.

Schedule 3 Amendment of Police Act 1990 No 47

The Schedule amends the *Police Act 1990* to align employment arrangements for the Commissioner of Police and senior police and administrative executives in the NSW Police Force with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule aligns employment arrangements for employees of the NSW Police Force who are not police officers with the new employment arrangements for non-executive employees of the Public Service under that Act.

Schedule 4 Amendment of Transport Administration Act 1988 No 109

The Schedule amends the *Transport Administration Act 1988* to align employment arrangements for senior executives in the Transport Service of New South Wales with the new employment arrangements for senior executives in the Public Service under the *Government Sector Employment Act 2013*. In addition, the Schedule transfers from the Public Service to the Transport Service the staff of the State Transit Authority and Roads and Maritime Services.

Schedule 5 Amendment of other Acts

The Schedule amends various Acts to update provisions consequent on the enactment of the *Government Sector Employment Act 2013* and the enactment of the proposed Act. A number of the amendments align employment arrangements for certain statutory officers currently employed under senior executive service arrangements with the new employment arrangements for senior

executives in the Public Service under the *Government Sector Employment Act 2013*. Other amendments update terminology with respect to Public Service agencies, heads of agencies and employees.



New South Wales

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New South Wales

Government Sector Employment Legislation Amendment Bill 2013

No. , 2013

A Bill for

An Act to amend the *Government Sector Employment Act 2013*, the *Health Services Act 1997*, the *Police Act 1990*, the *Transport Administration Act 1988* and other Acts in relation to senior executive and other employment in the government sector.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Government Sector Employment Legislation Amendment Act 2013</i> .	3
2 Commencement	4
This Act commences on the date of commencement of the <i>Government Sector Employment Act 2013</i> .	5
	6

Schedule 1	Amendment of Government Sector Employment Act 2013 No 40	1
		2
[1] Section 5 Persons to whom Act does not apply		3
	Omit “, or of the Inspector of the Independent Commission Against Corruption,” from section 5 (1) (d).	4 5
[2] Section 35 Minister may determine bands in which senior executives to be employed		6
	Insert at the end of the section:	7
	Note. The senior executive bands determination also applies under relevant legislation relating to the employment of Transport Service senior executives, Police Force senior executives and Health Service senior executives.	8 9 10
[3] Section 36 Government sector employment rules relating to senior executives		11
	Insert at the end of the section:	12
	Note. The government sector employment rules relating to Public Service senior executives also apply under relevant legislation relating to the employment of Transport Service senior executives, Police Force senior executives and Health Service senior executives.	13 14 15 16
[4] Section 38 Assignment of senior executives to roles in bands across government sector (other than heads of agencies)		17 18
	Insert “in any Public Service agency” after “assigned to a role” in section 38 (3).	19
[5] Section 38 (3A)		20
	Insert after section 38 (3):	21
	(3A) A Public Service senior executive may:	22
	(a) be transferred by the employer of the executive to the Transport Service of New South Wales (with the agreement of the Secretary of the Department of Transport) and assigned a role by that Secretary in the band in which the executive is employed, or	23 24 25 26
	(b) be transferred by the employer of the executive to the NSW Police Force (with the agreement of the Commissioner of Police) and assigned a role (other than as a police officer) by the Commissioner in the band in which the executive is employed, or	27 28 29 30
	(c) be transferred by the employer of the executive to the NSW Health Service (with the agreement of the Secretary of the Department of Health) and assigned a role by that Secretary in the band in which the executive is employed.	31 32 33 34
[6] Section 38 (4)		35
	Omit “within the Public Service”.	36
[7] Section 39 Contract of employment of senior executives		37
	Omit section 39 (4) (b).	38
[8] Section 39 (5)		39
	Omit the subsection. Insert instead:	40
	(5) The contract of employment of a Public Service senior executive does not limit, and is not terminated or otherwise affected by:	41 42

	(a) the transfer of the executive to the Transport Service of New South Wales, the NSW Police Force or the NSW Health Service, or	1 2
	(b) the assignment of the executive to a different role or any other change to the title, place of work or duties of the executive.	3 4
[9]	Section 39 (6)	5
	Omit “varied at any time by further agreement”.	6
	Insert instead “varied at any time in accordance with the contract or by further agreement”.	7
[10]	Section 39 (7)	8
	Insert after section 39 (6):	9
	(7) The regulations may make provision with respect to the compensation to which a Public Service senior executive whose employment is terminated is entitled under his or her contract of employment.	10 11 12
[11]	Section 40 Remuneration, benefits and allowances for senior executives	13
	Omit section 40 (2). Insert instead:	14
	(2) The kinds and value of employment benefits and the allowances for a Public Service senior executive are to be determined in accordance with the regulations or (subject to the regulations) by the Commissioner.	15 16 17
[12]	Section 41 Termination of employment of senior executives	18
	Omit “the compensation” from section 41 (1). Insert instead “any compensation”.	19
[13]	Section 41 (4A)	20
	Insert after section 41 (4):	21
	(4A) A Public Service senior executive whose employment is terminated under the provisions of or made under Part 5 relating to unsatisfactory performance or misconduct is not entitled to compensation under this section. Those provisions do not apply to a termination of employment under this section.	22 23 24 25
[14]	Section 44 Conditions of engagement	26
	Omit the section.	27
[15]	Section 47 Termination of employment	28
	Omit “condition of engagement as an employee imposed under section 44” from section 47 (1) (a).	29 30
	Insert instead “condition of engagement as an employee under section 54”.	31
[16]	Section 47 (1) (i)	32
	Omit the paragraph.	33
[17]	Section 54	34
	Renumber section 54 as section 54A and insert before that renumbered section:	35
	54 Conditions of engagement	36
	(1) The engagement of a Public Service employee may be made subject to conditions notified to the employee on his or her engagement.	37 38

(2)	The conditions may include (without limitation) conditions dealing with any of the following matters:	1
	(a) probation,	2
	(b) citizenship or residency requirements,	3
	(c) formal qualifications,	4
	(d) security and other clearances,	5
	(e) health clearances.	6
(3)	The imposition of conditions of engagement is subject to the government sector employment rules.	7
(4)	The contract of employment of a Public Service senior executive may include conditions of engagement.	8
[18]	Section 59 How references to employees etc of statutory bodies or officers to be construed in other Acts, instruments and contracts	9
	Insert “or statutory officer” after “statutory body” wherever occurring.	10
[19]	Section 59 (1)	11
	Omit “its functions” wherever occurring. Insert instead “functions”.	12
[20]	Section 59 (1) (b)	13
	Omit “its capacity”. Insert instead “the capacity”.	14
[21]	Section 64 Employee transfers and temporary secondments between government sector agencies	15
	Omit section 64 (1), but not the note to that subsection. Insert instead:	16
	(1) The government sector employment rules may deal with:	17
	(a) the transfer of employees between government sector agencies, or	18
	(b) the temporary secondment of employees between government sector agencies,	19
	whether or not at the request of the employees.	20
[22]	Section 64 (2) and (4)	21
	Insert “or temporary secondment” after “transfer” wherever occurring.	22
[23]	Section 64 (3)	23
	Insert “or temporarily seconded” after “transferred”.	24
[24]	Section 64 (4A) and (4B)	25
	Insert after section 64 (4):	26
	(4A) The government sector employment rules may make provision with respect to the recognition of service for the accrual of leave and to other matters consequent on the transfer or temporary secondment of employees between government sector agencies.	27
	(4B) This section does not apply to the transfer or temporary secondment of an employee to or from that part of the NSW Police Force comprising police officers.	28

[25] Section 64 (5) (b)	1
Insert “or temporary secondments” after “transfers”.	2
[26] Section 66 Temporary secondments of staff between government sector agencies and other relevant bodies	3
Omit “assigned”, “assignment” and “assignments” wherever occurring.	4
Insert instead “seconded”, “secondment” and “secondments” respectively.	5
[27] Section 66 (1) (a)	6
Omit the paragraph.	7
[28] Section 66 (2)	8
Omit “between the heads of the government sector agencies or”.	9
[29] Section 66 (6)	10
Omit paragraph (e) of the definition of <i>non-government sector body</i> .	11
[30] Section 68 Unsatisfactory performance of government sector employees	12
Insert after section 68 (2):	13
(3) This section does not apply to that part of the NSW Police Force comprising police officers or to any employees of a government sector agency excluded from this section by the regulations.	14
[31] Section 69 Misconduct—Public Service and other prescribed government sector employees	15
Insert after paragraph (a) of the definition of <i>government sector agency</i> in section 69 (1):	16
(a1) that part of the NSW Police Force comprising administrative employees under the <i>Police Act 1990</i> , and	17
[32] Section 69 (1), definition of “misconduct”	18
Insert after paragraph (c) of the definition:	19
(d) a conviction or finding of guilt for a serious offence.	20
[33] Section 69 (1), definition of “serious offence”	21
Omit the definition. Insert instead:	22
<i>serious offence</i> means an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside New South Wales that would be an offence so punishable if committed in New South Wales).	23
[34] Section 69 (2)	24
Omit “(or any conviction for a serious offence by any such employee)”.	25
[35] Section 69 (3) (a)	26
Omit “or the conviction of any such employees for a serious offence”.	27
[36] Section 69 (4)	28
Omit “or any such employee is found to have been convicted of a serious offence”.	29

[37] Section 69 (6)	1
Omit the subsection. Insert instead:	2
(6) This section does not apply to that part of the NSW Police Force comprising police officers or to any employees of a government sector agency excluded from this section by the regulations.	3 4 5
[38] Section 70 Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct	6 7
Insert after paragraph (a) of the definition of <i>government sector agency</i> in section 70 (1):	8
(a1) that part of the NSW Police Force comprising administrative employees under the <i>Police Act 1990</i> , and	9 10
[39] Section 76 Statutory officers to whom Part does not apply	11
Omit section 76 (h). Insert instead:	12
(h) the Solicitor General, the Crown Advocate, the Director of Public Prosecutions, a Deputy Director of Public Prosecutions, the Solicitor for Public Prosecutions, the Senior Public Defender, a Deputy Senior Public Defender, a Public Defender, the Senior Crown Prosecutor, a Deputy Senior Crown Prosecutor or a Crown Prosecutor, or	13 14 15 16 17
[40] Section 88 Regulations	18
Insert “, allowances” after “leave” in section 88 (2) (a).	19
[41] Section 88 (3A)	20
Insert after section 88 (3):	21
(3A) The regulations may make provision relating to the calculation of the proportionate amount of a payment to be refunded under subsection (3) or under section 41 (3) or 78 (7).	22 23 24
[42] Schedule 4 Savings, transitional and other provisions	25
Insert at the end of the Schedule:	26
 Part 3 Provisions consequent on enactment of Government Sector Employment Legislation Amendment Act 2013	 27 28 29
14 Continuation in office of statutory and other officers	30
The appointment and term of office of a person holding office as a statutory or other officer under an Act amended by Schedule 5 to the <i>Government Sector Employment Legislation Amendment Act 2013</i> on the commencement of the amendments made to that Act by Schedule 5 are not affected by Schedule 5.	31 32 33 34
15 Savings and transitional regulations	35
A regulation that may be made under clause 2 of this Schedule consequent on an amendment to an Act made by Schedule 5 to the <i>Government Sector Employment Legislation Amendment Act 2013</i> may be made instead under the Act so amended.	36 37 38 39

[43] Schedule 6.6 Police Act 1990 No 47	1
Insert at the end of the heading to item [1] “(as in force before its substitution by the Government Sector Employment Legislation Amendment Act 2013)”.	2 3
[44] Schedule 6.6	4
Omit items [2] and [3].	5

Schedule 2	Amendment of Health Services Act 1997 No 154	1
[1]	The whole Act (except Schedules 6A and 7 and where otherwise amended by this Act)	2
	Omit “Director-General” and “Director-General’s” wherever occurring.	3
	Insert instead “Health Secretary” and “Health Secretary’s” respectively.	4
[2]	Section 23	5
	Omit the section. Insert instead:	6
	23 Appointment of chief executive	7
	(1) A chief executive is to be appointed for each local health district by the local health district board with the concurrence of the Health Secretary.	8
	(2) Any such chief executive is employed in the NSW Health Service and is a NSW Health Service senior executive.	9
[3]	Section 28 Functions of local health district boards	10
	Omit section 28 (e). Insert instead:	11
	(e) to appoint, and exercise employer functions in relation to, the chief executive of the local health district,	12
[4]	Section 51 Appointment of chief executive of board governed health corporation	13
	Omit section 51 (1), (2) and (3). Insert instead:	14
	(1) A chief executive is to be appointed for each board governed health corporation by the Health Secretary.	15
	(2) Any such chief executive is employed in the NSW Health Service.	16
[5]	Section 52 Removal of members and appointment of administrator	17
	Omit section 52 (6). Insert instead:	18
	(6) If the chief executive of a board governed health corporation is a NSW Health Service senior executive, the removal of the chief executive from office under this section is taken to be a termination of employment under section 121H.	19
[6]	Section 52A	20
	Omit the section. Insert instead:	21
	52A Appointment of chief executive of chief executive governed health corporation	22
	(1) A chief executive is to be appointed for each chief executive governed health corporation by the Health Secretary.	23
	(2) Any such chief executive is employed in the NSW Health Service.	24
	(3) If any such chief executive is not a NSW Health Service senior executive, the provisions of Part 3 of Chapter 9 relating to the termination of employment of senior executives extend to the chief executive.	25
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[7] Section 52G Appointment of chief executive of specialty network governed health corporations	1 2
Omit section 52G (1). Insert instead:	3
(1) A chief executive is to be appointed for each specialty network governed health corporation by the board for the specialty network with the concurrence of the Health Secretary.	4 5 6
(1A) Any such chief executive is employed in the NSW Health Service and is a NSW Health Service senior executive.	7 8
[8] Section 67A Ambulance Service of NSW	9
Omit section 67A (2) and (3). Insert instead:	10
(2) A chief executive of the Ambulance Service of NSW may be appointed by the Health Secretary.	11 12
(3) Any such chief executive is employed in the NSW Health Service and is a NSW Health Service senior executive.	13 14
[9] Section 115 The NSW Health Service	15
Insert after section 115 (1):	16
(1A) Those persons are not employed in the Public Service of New South Wales.	17
[10] Section 115, note	18
Omit the note. Insert instead:	19
Note. Other ways in which persons are employed in the service of the Crown include employment in the Public Service, the Teaching Service or the Transport Service.	20 21
[11] Section 116 Employment of staff generally	22
Omit section 116 (3) (but not the note to that subsection). Insert instead:	23
(3) The Health Secretary may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the staff employed in the NSW Health Service (except as otherwise provided by subsections (3A)–(3D)).	24 25 26 27
(3A) A local health district board may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the chief executive of the local health district.	28 29 30 31
(3B) The chief executive of a local health district may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the other NSW Health Service senior executives employed to enable the local health district to exercise its functions.	32 33 34 35 36
(3C) The board of a specialty network governed health corporation may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the chief executive of the health corporation.	37 38 39 40
(3D) The chief executive of a specialty network governed health corporation may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the other NSW Health Service senior executives employed to enable the health corporation to exercise its functions.	41 42 43 44 45

[12] Section 116A Salary, conditions etc of staff employed in the NSW Health Service (other than senior executives)	1 2
Omit section 116A (5). Insert instead:	3
(5) This section does not apply to the conditions of employment of NSW Health Service senior executives under Part 3. This subsection does not prevent particular conditions of employment under this section from being adopted by reference in the contract of employment of the executives.	4 5 6 7
[13] Section 116C Transfer of staff within the NSW Health Service (other than senior executives)	8 9
Insert at the end of the section:	10
(6) This section does not apply to NSW Health Service senior executives under Part 3.	11 12
[14] Section 116D	13
Omit “any Division of the Government Service”.	14
Insert instead “any Public Service agency”.	15
[15] Section 118 (6)	16
Insert “, or assigning the member of staff to another role,” after “position” in the definition of <i>disciplinary action</i> .	17 18
[16] Section 120A, note to subsection (1)	19
Omit the note.	20
[17] Chapter 9 The NSW Health Service	21
Omit Part 3. Insert instead:	22
 Part 3 NSW Health Service senior executives	 23
121A NSW Health Service senior executives	24
(1) Persons who are employed in the NSW Health Service in a Public Service senior executive band are <i>NSW Health Service senior executives</i> . For that purpose, the Public Service senior executive bands under the <i>Government Sector Employment Act 2013</i> apply to employment in the NSW Health Service.	25 26 27 28 29
(2) The following chief executives are to be employed as NSW Health Service senior executives:	30
(a) chief executives of local health districts,	31 32
(b) chief executives of specialty network governed health corporations,	33
(c) the chief executive of the Ambulance Service of NSW.	34
The chief executives of other statutory health corporations may, but need not, be employed as NSW Health Service senior executives.	35 36
121B Employer of senior executives	37
For the purposes of this Part, the person who is authorised to exercise the employer functions of the Government of New South Wales in relation to a	38 39

NSW Health Service senior executive is referred to in this Part as the <i>employer</i> of the executive.	1 2
Note. The Health Secretary is the employer of senior executives, except that:	3
(a) the employer of the chief executive of a local health district or of a specialty network governed health corporation is the board of the district or corporation, and	4 5 6
(b) the employer of the other senior executives of any such district or corporation is the chief executive of the district or corporation.	7 8
121C Kinds of employment	9
(1) Employment as a NSW Health Service senior executive may be any one of the following kinds of employment:	10 11
(a) ongoing employment,	12
(b) term employment.	13
(2) Ongoing employment is employment that continues until the executive resigns or his or her employment is terminated.	14 15
(3) Term employment is employment for a specified period or for the duration of a specified task (unless the executive sooner resigns or his or her employment is terminated).	16 17 18
121D Employment in bands and assignment to roles	19
(1) A NSW Health Service senior executive is to be employed in the Public Service senior executive band that the employer of the executive considers appropriate for the role of the executive.	20 21 22
(2) In determining the number of NSW Health Service senior executives and the appropriate band in which they are employed, the employer is to apply the applicable work level standards and have regard to any guidance provided by the Public Service Commissioner.	23 24 25 26
(3) In the case of a local health district or specialty network governed health corporation, the number of NSW Health Service senior executives, the bands in which they are employed and the roles they perform are required to be approved by the Health Secretary.	27 28 29 30
(4) A NSW Health Service senior executive may, from time to time, be assigned to a role in any division of the NSW Health Service in the band in which the executive is employed.	31 32 33
(5) A NSW Health Service senior executive may be assigned to a role by the employer of the executive within the relevant division of the NSW Health Service for which the employer exercises employer functions.	34 35 36
(6) A NSW Health Service senior executive employed in a division of the NSW Health Service may be assigned to a role by the Health Secretary in another division of the NSW Health Service. If an executive is assigned a role in or from a division of the NSW Health Service for which the Health Secretary does not exercise employer functions, the Health Secretary is to consult the person or body that exercises or will exercise employer functions in relation to the executive.	37 38 39 40 41 42 43
(7) A NSW Health Service senior executive may:	44
(a) be transferred by the Health Secretary to the Public Service of New South Wales and assigned a role in any Public Service agency in the band in which the executive is employed (with the agreement of the head of that agency), or	45 46 47 48

(b)	be transferred by the Health Secretary to the NSW Police Force and assigned a role (other than as a police officer) in the band in which the executive is employed (with the agreement of the Commissioner of Police), or	1 2 3 4
(c)	be transferred by the Health Secretary to the Transport Service of New South Wales and assigned a role in the band in which the executive is employed (with the agreement of the Secretary of the Department of Transport).	5 6 7 8
(8)	If, under subsection (7) or under a corresponding provision of the <i>Government Sector Employment Act 2013</i> or other Act, an executive is transferred to or from a division of the NSW Health Service for which the Health Secretary does not exercise employer functions, the Health Secretary is to consult the person or body that exercises or will exercise employer functions in relation to the executive.	9 10 11 12 13 14
(9)	NSW Health Service senior executives may be assigned to roles under this section to enable the flexible deployment of staff resources and to develop the capabilities of staff.	15 16 17
(10)	A NSW Health Service senior executive is not to be assigned to a different role under this section unless the executive has been consulted. The remuneration payable to the executive is not to be reduced because of the assignment to the different role without the consent of the executive.	18 19 20 21
(11)	In this section: <i>assign</i> to a role includes assign to a different role.	22 23
121E	Government sector employment rules and employment directions	24
(1)	The government sector employment rules under section 36 of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to NSW Health Service senior executives. Those rules may make specific provision relating to their application to NSW Health Service senior executives.	25 26 27 28 29
(2)	This section does not limit any direction that the Health Secretary is otherwise authorised to give in relation to the employment of all or any NSW Health Service senior executives. However, if any such direction is inconsistent with the applicable government sector employment rules:	30 31 32 33
(a)	the direction does not have any effect unless the Public Service Commissioner has agreed to the inconsistency (unless it is a direction referred to in paragraph (b)), or	34 35 36
(b)	if the direction relates to the health or safety of any person or persons or the provision of essential health services—the Health Secretary is to consult the Public Service Commissioner about the inconsistency (whether before or after the direction is given).	37 38 39 40
121F	Contract of employment	41
(1)	A NSW Health Service senior executive is to be employed under a written contract of employment signed by the executive and by the employer of the executive on behalf of the Government.	42 43 44
(2)	The government sector employment rules may prescribe model contracts of employment for NSW Health Service senior executives and may specify any model provisions that are mandatory and that prevail in the event of any inconsistency with the provisions of a contract of employment.	45 46 47 48

- (3) Subject to this Part, the government sector employment rules and any direction issued by the Public Service Commissioner under the *Government Sector Employment Act 2013*, a contract of employment of a NSW Health Service senior executive is to deal with the following matters:
- (a) the band in which the executive is employed,
 - (b) the duration of the contract if the executive is not employed in ongoing employment,
 - (c) the total remuneration package of the executive (comprising monetary remuneration and employment benefits) and any allowances,
 - (d) performance obligations, and reviews of performance, of the executive,
 - (e) progression in the total remuneration package of the executive based on performance,
 - (f) leave and other conditions of employment of the executive,
 - (g) the compensation for any termination of employment of the executive by the Health Secretary or other employer of the executive (including the period to which the compensation relates),
 - (h) any other matter prescribed by the regulations.
- (4) The contract of employment of a NSW Health Service senior executive does not limit, and is not terminated or otherwise affected by:
- (a) the transfer of the executive to the Public Service of New South Wales, the NSW Police Force or the Transport Service of New South Wales, or
 - (b) the assignment of the executive to a different role or any other change to the title, place of work or duties of the executive.
- (5) A contract of employment of a NSW Health Service senior executive may, subject to this section, be varied at any time in accordance with the contract or by further agreement.
- (6) The regulations under the *Government Sector Employment Act 2013* may make provision with respect to the compensation to which a NSW Health Service senior executive whose employment is terminated is entitled under his or her contract of employment.
- 121G Remuneration, benefits and allowances**
- (1) The remuneration package of a NSW Health Service senior executive must be within the range determined under the *Statutory and Other Offices Remuneration Act 1975* for the band in which the executive is employed, except as provided by subsection (2).
- (2) The remuneration package of a NSW Health Service senior executive may be increased by an amount determined by the Health Secretary for the executive or for executives of the class to which the executive belongs. An increased amount may be determined only if the Public Service Commissioner and the Health Secretary have agreed on parameters in respect of additional remuneration for those executives and the determination is made in accordance with those parameters.
- (3) The kinds and value of employment benefits and the allowances for a NSW Health Service senior executive are to be determined by the Health Secretary. In making any such determination, the Health Secretary is to have regard to any similar determinations that apply to Public Service senior executives.

- (4) A NSW Health Service senior executive is only entitled to the remuneration, employment benefits or allowances provided in the executive's contract of employment. 1
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- (5) For the purposes of this section, employment benefits for a NSW Health Service senior executive are: 4
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- (a) contributions by the executive's employer to a superannuation scheme or fund of the executive, and 6
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- (b) other benefits provided to the executive at the cost of the executive's employer that are of a private nature. 8
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- 121H Termination of employment** 10
- (1) The employer of a NSW Health Service senior executive may terminate the employment of the executive at any time, for any or no stated reason and without notice. The Health Secretary, if not the employer, may also so terminate the employment of the executive. 11
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- (2) A NSW Health Service senior executive whose employment is so terminated is entitled to any compensation provided in the contract of employment of the executive (and to no other compensation or entitlement for the termination of employment). 15
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- (3) A NSW Health Service senior executive whose employment is so terminated is not to be employed in the public sector during the period specified in the contract of employment to which the compensation relates, unless arrangements have been made for a refund of the proportionate amount of the compensation. 19
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- (4) The regulations under the *Government Sector Employment Act 2013* may make provision relating to the calculation of the proportionate amount of a repayment to be refunded under subsection (3). 24
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- (5) A NSW Health Service senior executive whose employment is terminated under other statutory provisions relating to the termination of the employment of persons employed in the NSW Health Service in connection with disciplinary or other proceedings is not entitled to compensation under this section. Those provisions do not apply to a termination of employment under this section. 27
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- (6) The employment of the chief executive of a local health district or of a specialty network governed health corporation cannot be terminated without the concurrence of the Health Secretary. 33
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- (7) For the purposes of this section, *employment* of a former executive in the public sector and *public sector* have the same meanings they have in section 41 of the *Government Sector Employment Act 2013*. 36
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- 121I Acting in executive roles** 39
- (1) A NSW Health Service senior executive or other employee of the NSW Health Service may be assigned to act in the role of a NSW Health Service senior executive if: 40
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- (a) the person who is usually assigned to that other role is unavailable for any reason, or 43
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- (b) there is no person performing duties in that other role for the time being. 45

(2)	An assignment to act in the role of a NSW Health Service senior executive under this section may be made:	1
	(a) in any case—by the Health Secretary, or	2
	(b) in the case of a NSW Health Service senior executive being assigned to act in the role of another such executive—by the employer of the executive assigned to act (but only if the employer is also the employer of the other executive).	3
	If the Health Secretary assigns an executive to act in the role of an executive for whom the Health Secretary is not the employer, the Health Secretary is to consult the employer of that executive.	4
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(3)	While assigned to act in the role of a NSW Health Service senior executive the person has all the functions of the executive, but does not thereby become a NSW Health Service senior executive if not already such an executive.	11
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(4)	An assignment to act in the role of a NSW Health Service senior executive under this section may be terminated at any time by a person authorised to make the assignment.	14
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(5)	This Part does not prevent the payment of an applicable allowance to a person when assigned to act in the role of a NSW Health Service senior executive under this section.	17
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121J	Industrial or legal proceedings excluded	20
(1)	The employment of a NSW Health Service senior executive, or any matter, question or dispute relating to any such employment, is not an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	21
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(2)	Parts 6, 7 and 9 of Chapter 2 of the <i>Industrial Relations Act 1996</i> do not apply to or in respect of the employment of a NSW Health Service senior executive.	24
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(3)	Any State industrial instrument (whether made before or after the commencement of this section) does not have effect in so far as it relates to the employment of NSW Health Service senior executives. This subsection does not prevent the provisions of any such industrial instrument being adopted by reference in the conditions of employment of any such executive.	26
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(4)	No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, lie in respect of a matter that is declared by this section not to be an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	31
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(5)	In this section, a reference to the employment of a NSW Health Service senior executive is a reference to:	35
	(a) the engagement of, or failure to engage, a person as such an executive, or	36
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	(b) the assignment or re-assignment of the executive to a role in a band, or	39
	(c) the removal, retirement, termination of employment or other cessation of employment of the executive, or	40
		41
	(d) any disciplinary proceedings or action taken against the executive, or	42
	(e) the remuneration or other conditions of employment of the executive.	43

121K	Delegation of employment functions by boards	1
	If the employer of a NSW Health Service senior executive is a board, the employment functions of the board under this Chapter in relation to the executive may be delegated by the board to the chairperson of the board or another person (other than the function of employing or terminating the employment of the executive).	2 3 4 5 6
[18]	Section 122 Functions of the Health Secretary	7
	Insert “, including (subject to section 121E (2)) directions relating to the employment of NSW Health Service senior executives” after “directions to statutory health organisations” in section 122 (f1).	8 9 10
[19]	Schedule 4, clause 4 (5)	11
	Omit “or Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> ”.	12
	Insert instead “or Part 4 of the <i>Government Sector Employment Act 2013</i> ”.	13
[20]	Schedule 6A	14
	Omit “Director-General of the Ministry of Health” wherever occurring.	15
	Insert instead “Health Secretary”.	16
[21]	Schedule 7 Savings, transitional and other provisions	17
	Insert at the end of the Schedule with appropriate Part and clause numbering:	18
Part	Provisions consequent on the enactment of Government Sector Employment Legislation Amendment Act 2013	19 20 21
	Definition	22
	In this Part:	23
	<i>amending Act</i> means the <i>Government Sector Employment Legislation Amendment Act 2013</i> .	24 25
	Chief executives	26
	The appointment and term of office of a person holding office as a chief executive under this Act on the commencement of the amendments made to sections 23, 51, 52A, 52G and 67A of this Act by the amending Act are not affected by the amending Act.	27 28 29 30
	Staged implementation of new senior executive employment arrangements	31
	(1) In this clause:	32
	<i>former senior executive provisions</i> mean the provisions of Part 3 of Chapter 9 of this Act (and any other provisions of this Act that relate to the operation of that Part), as in force immediately before the amendment of that Chapter by the amending Act.	33 34 35 36
	<i>new senior executive provisions</i> mean the provisions of Part 3 of Chapter 9 of this Act (and any other provisions of this Act that relate to the operation of that Part), as amended by the amending Act, and the provisions of Part 3B of the <i>Statutory and Other Offices Remuneration Act 1975</i> .	37 38 39 40
	<i>senior executive implementation date</i> for the NSW Health Service or any division or part of that Service—see subclause (4).	41 42

(2)	The Public Service Commissioner, on the recommendation of the Health Secretary, is to prepare an implementation schedule for the staged implementation of the provisions of this Act relating to NSW Health Service senior executives.	1 2 3 4
(3)	The implementation schedule is to set out the date on which the new senior executive provisions will apply to the NSW Health Service.	5 6
(4)	Different dates may be set for different divisions of the NSW Health Service or for different parts of any such division. The date so set is the <i>senior executive implementation date</i> for the division or part of the division.	7 8 9
(5)	The senior executive implementation date for a division or part of a division may be changed by the Public Service Commissioner on the recommendation of the Health Secretary.	10 11 12
(6)	Until the senior executive implementation date for a division or part of a division, the former senior executive provisions continue to apply, and the new senior executive provisions do not apply, to that division or part of the division.	13 14 15 16
(7)	A person who was an executive officer under the former senior executive provisions immediately before the senior executive implementation date for the division or part of the division concerned and who does not become a NSW Health Service senior executive on that date is taken to be removed from his or her executive position under section 121N of the this Act (as in force before the repeal of that section by the amending Act) and the former senior executive provisions apply to that removal. With the approval of the Public Service Commissioner in a special case, the officer may be declared under that section to be an unattached officer for a period not exceeding 12 months and that section continues to apply accordingly.	17 18 19 20 21 22 23 24 25 26
	Savings and transitional regulations	27
	The provisions of this Part are subject to the provisions of any regulations made under Part 1 of this Schedule consequent on the enactment of the amending Act.	28 29 30
[22]	Dictionary	31
	Omit the definitions of <i>Director-General</i> and <i>Health Executive Service</i> .	32
[23]	Dictionary	33
	Insert in alphabetical order:	34
	<i>Health Secretary</i> means the Secretary of the Department of Health.	35

Schedule 3	Amendment of Police Act 1990 No 47	1
[1]	Section 3 (1), definitions of “administrative officer” and “non-executive administrative officer”	2
	Omit the definitions.	3
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[2]	Section 3 (1), definitions of “Assistant Commissioner” and “Deputy Commissioner”	5
	Omit “Division 2 of Part 5” wherever occurring. Insert instead “Part 5”.	6
[3]	Section 3 (1), definition of “NSW Police Force Senior Executive Service”	7
	Omit the definition.	8
[4]	Section 3 (1)	9
	Insert in alphabetical order:	10
	<i>administrative employee</i> means a member of the NSW Police Force, other than a police officer.	11
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	<i>non-executive administrative employee</i> means a member of the NSW Police Force, other than a police officer or a NSW Police Force senior executive.	13
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	<i>NSW Police Force senior executive</i> —see section 32.	15
	<i>position</i> , in relation to NSW Police Force senior executives or non-executive administrative employees, includes role.	16
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	<i>role</i> of a NSW Police Force senior executive or a non-executive administrative employee, means the duties and responsibilities of any such executive or employee.	18
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[5]	Section 3 (1), definition of “temporary employee”	21
	Omit the definition.	22
[6]	Section 5 Composition of NSW Police Force	23
	Omit section 5 (b)–(d). Insert instead:	24
	(b) NSW Police Force senior executives,	25
	(c) all other police officers or non-executive administrative employees who are employed under this Act.	26
		27
[7]	Section 10 Positions in the NSW Police Force	28
	Omit section 10 (5).	29
[8]	Section 10 (6)	30
	Omit “(other than the NSW Police Force Senior Executive Service)”.	31
[9]	Section 11 Designation of police officers	32
	Omit “administrative officer” from section 11 (3).	33
	Insert instead “administrative employee”.	34
[10]	Section 11 (5)	35
	Omit the subsection.	36

[11] Section 12 Ranks and grades of police officers	1
Omit section 12 (1) (b) and (c). Insert instead:	2
(b) NSW Police Force senior executive.	3
(c) Superintendent.	4
[12] Section 12 (2)	5
Omit “within the NSW Police Force Senior Executive Service”.	6
Insert instead “who are NSW Police Force senior executives”.	7
[13] Section 27 Employment and remuneration of Commissioner	8
Omit section 27 (2). Insert instead:	9
(2) The provisions of sections 36 (1), 38, 39 and 41 apply to the Commissioner in the same way as they apply to a NSW Police Force senior executive (subject to a reference in those provisions to the Commissioner being construed as a reference to the Minister).	10 11 12 13
[14] Section 28 Removal of Commissioner	14
Omit “no reason” from section 28 (1). Insert instead “no stated reason”.	15
[15] Section 28 (1A)–(1C)	16
Insert after section 28 (1):	17
(1A) A Commissioner who is removed from office is entitled to the compensation provided in the contract of employment of the Commissioner (and to no other compensation or entitlement for the removal from office).	18 19 20
(1B) A Commissioner who is removed from office is not to be employed in the public sector during the period specified in the contract of employment to which the compensation relates, unless arrangements have been made for a refund of the proportionate amount of the compensation.	21 22 23 24
(1C) For the purposes of this section, <i>employment</i> of a former Commissioner in the public sector and <i>public sector</i> have the same meanings they have in section 41 of the <i>Government Sector Employment Act 2013</i> .	25 26 27
[16] Section 28 (2), (4), (5), (6) and (7)	28
Omit the subsections.	29
[17] Part 5	30
Omit the Part. Insert instead:	31
Part 5 NSW Police Force senior executives	32
32 NSW Police Force senior executives	33
(1) Persons who are employed in the NSW Police Force in a Public Service senior executive band are <i>NSW Police Force senior executives</i> . For that purpose, the Public Service senior executive bands under the <i>Government Sector Employment Act 2013</i> apply to employment in the NSW Police Force.	34 35 36 37
(2) The Commissioner is not a NSW Police Force senior executive.	38
(3) Deputy Commissioners and Assistant Commissioners are to be employed as NSW Police Force senior executives.	39 40

- (4) A police officer is not to be employed as a NSW Police Force senior executive unless the police officer is above the rank of superintendent. 1
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- 33 Employment of senior executives** 3
- (1) Deputy Commissioners and Assistant Commissioners are to be appointed by the Governor. The persons appointed are to be persons recommended to the Minister by the Commissioner and approved by the Minister. 4
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- (2) Other NSW Police Force senior executives are to be appointed by the Commissioner. 7
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- (3) It does not matter whether a person appointed under this section is or is not already a member of the NSW Police Force, and it does not matter that a person appointed to a position designated as a position to be held by a police officer is not a police officer at the time of appointment. 9
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- (4) The Commissioner may, subject to this and any other Act or law, exercise employer functions in relation to persons employed as NSW Police Force senior executives. 13
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- (5) The Commissioner may appoint a member of the NSW Police Force to act as a Deputy Commissioner, Assistant Commissioner or other NSW Police Force senior executive if the executive is suspended, sick or absent or has vacated office, and may terminate the appointment at any time. 16
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- (6) A person, while so acting as a NSW Police Force senior executive, has all the functions of the executive, but does not thereby become a NSW Police Force senior executive if not already such an executive. 20
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- 34 Integrity matters** 23
- (1) It is the duty of the Commissioner, before recommending the appointment of, or appointing, a person as a NSW Police Force senior executive: 24
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- (a) to make inquiries (from the Police Integrity Commission, and the Commander, Professional Standards Command, and from any other person or body the Commissioner considers appropriate) as to the person's integrity, and 26
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- (b) to have regard to any information that comes to the Commissioner's attention (whether as a result of inquiries under paragraph (a) or otherwise) as to the person's integrity. 30
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- (2) The Police Integrity Commission, subject to the *Police Integrity Commission Act 1996*, and the Commander, Professional Standards Command, are required to furnish a report to the Commissioner (on the basis of the information available to the Commission or the Commander and without the need for any special investigation or inquiry) on the person the subject of an inquiry by the Commissioner. 33
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- (3) As soon as practicable after a person is appointed as a NSW Police Force senior executive, the Commissioner is required to notify the Police Integrity Commission of the identity of the person so appointed. 39
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- (4) The Commissioner must, before recommending the appointment of, or appointing, a person as a NSW Police Force senior executive: 42
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- (a) require the person to provide a statutory declaration, in such form (if any) as may be prescribed by the regulations, that the person has not knowingly engaged in specified misconduct or any other misconduct, and 44
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(b)	have regard to the statutory declaration so provided.	1
	This subsection does not apply to a person who is not, and has never been, a police officer (whether a member of the NSW Police Force, or the Police Force, by whatever name described, of another State or Territory, or of another country).	2 3 4 5
(5)	A person who does not provide a statutory declaration in accordance with such a requirement is ineligible for appointment.	6 7
(6)	The fact that a person does not provide a statutory declaration in accordance with such a requirement is not to be taken into consideration for a purpose other than the assessment of the person's eligibility to be appointed as a NSW Police Force senior executive.	8 9 10 11
(7)	In the case of the appointment of a person as the Commander, Professional Standards Command, the functions of that Commander under this section are to be exercised by a Deputy Commissioner nominated by the Commissioner.	12 13 14
35	Kinds of employment	15
(1)	Employment as a NSW Police Force senior executive may be any one of the following kinds of employment:	16 17
(a)	ongoing employment,	18
(b)	term employment.	19
(2)	Ongoing employment is employment that continues until the executive resigns or his or her employment is terminated.	20 21
(3)	Term employment is employment for a specified period or for the duration of a specified task (unless the executive sooner resigns or his or her employment is terminated).	22 23 24
36	Employment in bands and assignment to roles	25
(1)	A NSW Police Force senior executive is to be employed in the Public Service senior executive band that the Commissioner considers appropriate for the role of the executive.	26 27 28
(2)	In determining the number of NSW Police Force senior executives and the appropriate band in which they are employed, the Commissioner is to apply the applicable work level standards and have regard to any guidance provided by the Public Service Commissioner.	29 30 31 32
(3)	A NSW Police Force senior executive may, from time to time, be assigned to a role in any part of the NSW Police Force in the band in which the executive is employed.	33 34 35
(4)	A NSW Police Force senior executive may be assigned to a role by the Commissioner.	36 37
(5)	A NSW Police Force senior executive (other than a police officer) may:	38
(a)	be transferred by the Commissioner to the Public Service of New South Wales and assigned a role in any Public Service agency in the band in which the executive is employed (with the agreement of the head of that agency), or	39 40 41 42
(b)	be transferred by the Commissioner to the NSW Health Service and assigned a role in the band in which the executive is employed (with the agreement of the Secretary of the Department of Health), or	43 44 45

(c)	be transferred by the Commissioner to the Transport Service of New South Wales and assigned a role in the band in which the executive is employed (with the agreement of the Secretary of the Department of Transport).	1 2 3 4
	Note. Section 95A enables a police officer to be seconded to other government agencies. While seconded, the police officer retains his or her rank, seniority and remuneration and may continue to act as a police officer of that rank.	5 6 7
(6)	NSW Police Force senior executives may be assigned to roles under this section to enable the flexible deployment of staff resources and to develop the capabilities of staff.	8 9 10
(7)	A NSW Police Force senior executive is not to be assigned to a different role under this section unless the executive has been consulted. The remuneration payable to the executive is not to be reduced because of the assignment to the different role without the consent of the executive.	11 12 13 14
(8)	In this section: <i>assign</i> to a role includes assign to a different role.	15 16
37	Government sector employment rules and employment directions	17
(1)	The government sector employment rules under section 36 of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to NSW Police Force senior executives. Those rules may make specific provision relating to their application to NSW Police Force senior executives.	18 19 20 21 22
(2)	This section does not limit any direction that the Commissioner is otherwise authorised to give in relation to the management or control of the NSW Police Force (including employment arrangements). The Commissioner is to consult with the Public Service Commissioner on any inconsistency between directions given and applicable government sector employment rules.	23 24 25 26 27
38	Contract of employment	28
(1)	A NSW Police Force senior executive is to be employed under a written contract of employment signed by the executive and by the Commissioner on behalf of the Government.	29 30 31
(2)	The government sector employment rules may prescribe model contracts of employment for NSW Police Force senior executives and may specify any model provisions that are mandatory and that prevail in the event of any inconsistency with the provisions of a contract of employment.	32 33 34 35
(3)	Subject to this Part, the government sector employment rules and any direction issued by the Public Service Commissioner under the <i>Government Sector Employment Act 2013</i> , a contract of employment of a NSW Police Force senior executive is to deal with the following matters:	36 37 38 39
(a)	the band in which the executive is employed,	40
(b)	the duration of the contract if the executive is not employed in ongoing employment,	41 42
(c)	the total remuneration package of the executive (comprising monetary remuneration and employment benefits) and any allowances,	43 44
(d)	performance obligations, and reviews of performance, of the executive,	45
(e)	progression in the total remuneration package of the executive based on performance,	46 47
(f)	leave and other conditions of employment of the executive,	48

- (g) the compensation for any termination of employment of the executive by the Commissioner (including the period to which the compensation relates), 1
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- (h) any other matter prescribed by the regulations. 4
- (4) The contract of employment of a NSW Police Force senior executive does not limit, and is not terminated or otherwise affected by: 5
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- (a) the transfer of the executive to the Public Service of New South Wales, the NSW Health Service or the Transport Service of New South Wales, or 7
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- (b) the assignment of the executive to a different role or any other change to the title, place of work or duties of the executive. 10
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- (5) A contract of employment of a NSW Police Force senior executive may, subject to this section, be varied at any time in accordance with the contract or by further agreement. 12
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- (6) The regulations under the *Government Sector Employment Act 2013* may make provision with respect to the compensation to which a NSW Police Force senior executive whose employment is terminated is entitled under his or her contract of employment. 15
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- 39 Remuneration, benefits and allowances** 19
- (1) The remuneration package of a NSW Police Force senior executive must be within the range determined under the *Statutory and Other Offices Remuneration Act 1975* for the band in which the executive is employed. 20
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- (2) The kinds and value of employment benefits and the allowances for a NSW Police Force senior executive are to be determined by the Commissioner in accordance with the regulations. 23
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- (3) A NSW Police Force senior executive is only entitled to the remuneration, employment benefits or allowances provided in the executive's contract of employment. 26
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- (4) For the purposes of this section, employment benefits for a NSW Police Force senior executive are: 29
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- (a) contributions by the executive's employer to a superannuation scheme or fund of the executive, and 31
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- (b) other benefits provided to the executive at the cost of the executive's employer that are of a private nature. 33
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- 40 Termination of employment** 35
- (1) The Governor may terminate the employment of a Deputy Commissioner or Assistant Commissioner at any time, for any or no stated reason and without notice. The Governor is not to do so unless the termination is recommended to the Minister by the Commissioner and the Minister approves the recommendation. 36
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- (2) The Commissioner may terminate the employment of any other NSW Police Force senior executive at any time, for any or no stated reason and without notice. 41
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- (3) A NSW Police Force senior executive whose employment is so terminated is entitled to any compensation provided in the contract of employment of the executive (and to no other compensation or entitlement for the termination of employment). 44
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(4)	A NSW Police Force senior executive whose employment is so terminated is not to be employed in the public sector during the period specified in the contract of employment to which the compensation relates, unless arrangements have been made for a refund of the proportionate amount of the compensation.	1 2 3 4 5
(5)	The regulations under the <i>Government Sector Employment Act 2013</i> may make provision relating to the calculation of the proportionate amount of a repayment to be refunded under subsection (4).	6 7 8
(6)	A NSW Police Force senior executive whose employment is terminated under other provisions of or made under this Act relating to the termination of the employment of persons employed in the NSW Police Force is not entitled to compensation under this section. Those provisions do not apply to a termination of employment under this section.	9 10 11 12 13
(7)	For the purposes of this section, <i>employment</i> of a former executive in the public sector and <i>public sector</i> have the same meaning they have in section 41 of the <i>Government Sector Employment Act 2013</i> .	14 15 16
41	Industrial or legal proceedings excluded	17
(1)	The employment of a NSW Police Force senior executive, or any matter, question or dispute relating to any such employment, is not an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	18 19 20
(2)	Parts 6, 7 and 9 of Chapter 2 of the <i>Industrial Relations Act 1996</i> do not apply to or in respect of the employment of a NSW Police Force senior executive.	21 22
(3)	Any State industrial instrument (whether made before or after the commencement of this section) does not have effect in so far as it relates to the employment of NSW Police Force senior executives. This subsection does not prevent the provisions of any such industrial instrument being adopted by reference in the conditions of employment of any such executive.	23 24 25 26 27
(4)	No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, lie in respect of a matter that is declared by this section not to be an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	28 29 30 31
(5)	In this section, a reference to the <i>employment</i> of a NSW Police Force senior executive is a reference to:	32 33
(a)	the engagement of, or failure to engage, a person as such an executive, or	34 35
(b)	the assignment or re-assignment of the executive to a role in a band, or	36
(c)	the removal, retirement, termination of employment or other cessation of employment of the executive, or	37 38
(d)	any disciplinary proceedings or action taken against the executive, or	39
(e)	the remuneration or other conditions of employment of the executive.	40
[18]	Section 62 Officers to whom Part applies	41
	Omit “members of the NSW Police Force Senior Executive Service”.	42
	Insert instead “NSW Police Force senior executives”.	43

[19] Section 65 Filling non-executive positions by either police officers or non-executive administrative employees	1 2
Omit section 65 (1). Insert instead:	3
(1) If the Commissioner is satisfied that a position is suitable for either a police officer or a non-executive administrative employee, the position may, for the purpose of the selection process, be designated as a position available to both police officers and non-executive administrative employees.	4 5 6 7
[20] Section 65 (2)	8
Omit “an administrative officer”.	9
Insert instead “a non-executive administrative employee”.	10
[21] Section 67 Temporary appointments	11
Omit “without limiting section 90, the” from section 67 (2). Insert instead “The”.	12
[22] Section 67 (4)	13
Omit “administrative officer”. Insert instead “administrative employee”.	14
[23] Section 69 Transfer of non-executive police officers	15
Omit “non-executive administrative officer” in section 69 (1) and (5) wherever occurring.	16
Insert instead “non-executive administrative employee”.	17
[24] Section 72 Vacation of non-executive police officer positions	18
Omit section 72 (2).	19
[25] Section 72A Incapable non-executive police officer may be retired	20
Omit the section.	21
[26] Section 73 Approval to engage in other paid employment	22
Omit the section.	23
[27] Section 78 (3)	24
Omit “re-appointed under section 103 (Re-appointment of employees resigning to contest Commonwealth elections) of the <i>Public Sector Employment and Management Act 2002</i> ”.	25
Insert instead “re-appointed under section 72 (Re-employment of employees resigning to contest Commonwealth elections) of the <i>Government Sector Employment Act 2013</i> ”.	26 27 28
[28] Part 6A	29
Omit the Part. Insert instead:	30
Part 6A Non-executive administrative employees	31
81 Application of Part	32
This Part applies to non-executive administrative employees.	33
81A Kinds of employment	34
(1) Employment in the NSW Police Force as a non-executive administrative employee may be any one of the following kinds of employment:	35
(a) ongoing employment,	36 37

	(b) temporary employment,	1
	(c) casual employment.	2
(2)	Ongoing employment is employment that continues until the employee resigns or his or her employment is terminated.	3 4
(3)	Temporary employment is employment for a temporary purpose.	5
(4)	Casual employment is employment to carry out irregular, intermittent, short-term, urgent or other work as and when required.	6 7
81B	Integrity matters	8
(1)	It is the duty of the Commissioner before employing a non-executive administrative employee, to make inquiries (from any person or body the Commissioner thinks appropriate), as to the person's integrity.	9 10 11
(2)	It is the duty of the Commissioner to have regard to any information that comes to the Commissioner's attention (whether as a result of inquiries under subsection (1) or otherwise) as to the integrity of a person referred to in that subsection.	12 13 14 15
(3)	The Police Integrity Commission is authorised (but not required) to furnish a report to the Commissioner on any person the subject of an inquiry under this section.	16 17 18
(4)	The Commissioner is required to notify the Police Integrity Commission of the identity of each person employed as a non-executive employee as soon as practicable after the person is so employed.	19 20 21
81C	Employment in classifications of work	22
(1)	Non-executive administrative employees are to be employed in a classification of work determined by the Commissioner in which the person is employed in accordance with this and any other Act or law.	23 24 25
(2)	A classification of work extends to any kind of work and any grade of that work.	26 27
81D	Assignment of roles in work classifications	28
(1)	In this section: <i>assign</i> to a role includes assign to a different role.	29 30
(2)	The Commissioner may from time to time assign non-executive administrative employees to roles in the NSW Police Force in the classification of work in which the employees are employed.	31 32 33
(3)	Non-executive administrative employees may be assigned to roles to enable the flexible deployment of staff resources within the NSW Police Force and to develop the capabilities of staff.	34 35 36
(4)	A non-executive administrative employee is not to be assigned to a different role unless the employee has been consulted. The remuneration payable to the employee is not to be reduced because of the assignment to the different role without the consent of the employee.	37 38 39 40
(5)	The Commissioner may also transfer under section 69 (1) a non-executive administrative employee to a non-executive police officer position.	41 42

81E Termination of employment	1
(1) The Commissioner may, by instrument in writing, terminate the employment of a non-executive administrative employee on any of the following grounds if the employment is ongoing employment:	2
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(a) the employee has failed to meet a condition of engagement as an employee imposed under Part 8,	5
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(b) the employee lacks, or has lost, an essential qualification for performing the duties of the role assigned to the employee,	7
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(c) the performance of the employee is determined under section 68 of the <i>Government Sector Employment Act 2013</i> to be unsatisfactory,	9
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(d) the employee is unable to perform the duties of the role assigned to the employee because of physical or mental incapacity,	11
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(e) the employee is retired on medical grounds under section 94B,	13
(f) the employee has refused to perform duties to which the employee has been duly assigned,	14
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(g) the employee has abandoned his or her employment,	16
(h) a finding of misconduct has been made against the employee under section 69 of the <i>Government Sector Employment Act 2013</i> ,	17
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(i) the employee is determined in accordance with the regulations and the government sector employment rules under the <i>Government Sector Employment Act 2013</i> to be excess to the requirements of the NSW Police Force,	19
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(j) on any other ground prescribed by the regulations under this Act or by the regulations under section 47 (1) (k) of the <i>Government Sector Employment Act 2013</i> .	23
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The instrument is to set out the ground or grounds on which the employment is terminated.	26
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(2) The Commissioner may, by instrument in writing, terminate the employment of a non-executive administrative employee at any time if the employment is not ongoing employment.	28
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81F Extension of government sector employment rules to non-executive administrative employees	31
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(1) The government sector employment rules under section 48 of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service non-executives employees apply to NSW Police Force non-executive administrative employees. Those rules may make specific provision relating to their application to NSW Police Force non-executive administrative employees.	33
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(2) The government sector employment rules made under this section do not limit any direction that the Commissioner is otherwise authorised to give in relation to the management or control of the NSW Police Force (including employment arrangements). The Commissioner is to consult with the Public Service Commissioner on any inconsistency between directions given and applicable government sector employment rules.	39
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81G Employment of special constables	45
(1) The Commissioner may employ a person under this Part as a non-executive administrative employee (special constable). A person so employed is a <i>special constable</i> .	46
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(2)	Employment as a non-executive administrative employee (special constable) may be made subject to such conditions as the Commissioner determines, including (but not limited to) conditions as to the kinds of functions conferred or imposed and the purposes for and circumstances in which such functions may be exercised.	1 2 3 4 5
(3)	Without limiting the generality of subsection (2), the Commissioner may confer or impose on a special constable any of the functions of a police officer of the rank of constable, including any of the functions of a police officer that are specified in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> . Note. Accordingly, section 13 of this Act, for example, would apply to any such special constable.	6 7 8 9 10 11
(4)	Sections 207A and 211A–211AB apply to a special constable who is authorised to exercise functions of a police officer in the same way as those sections apply to a police officer.	12 13 14
(5)	Section 201 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> (Supplying police officer’s details and giving warnings) applies to a special constable who is authorised to exercise functions of a police officer in the same way as that section applies to a police officer.	15 16 17 18
(6)	Part 4 of the <i>Law Reform (Vicarious Liability) Act 1983</i> applies to a special constable who is authorised to exercise functions of a police officer in the same way as that Part applies to a police officer.	19 20 21
[29]	Section 84 Application of Part	22
	Omit “, members of the NSW Police Force Senior Executive Service and temporary employees” from section 84 (1).	23 24
	Insert instead “or NSW Police Force senior executives”.	25
[30]	Section 88	26
	Omit the section. Insert instead:	27
	88 Industrial or legal proceedings excluded	28
(1)	The engagement of, or the failure to engage, a person as a non-executive officer, or any matter, question or dispute relating to any such engagement (or failure to engage), is not an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	29 30 31 32
(2)	No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, lie in respect of a matter that is declared by this section not to be an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	33 34 35 36
(3)	The failure of a non-executive commissioned police officer to be appointed for a further term of office as provided by section 75 is, for the purposes of this section, taken to be a failure to engage the person as a non-executive officer.	37 38 39
(4)	Nothing in this section prevents any of the following proceedings from being brought by a member of the NSW Police Force in relation to the employment of another member of the NSW Police Force:	40 41 42
(a)	proceedings under Part 9 of the <i>Anti-Discrimination Act 1977</i> in relation to a complaint under that Part,	43 44
(b)	proceedings under section 213 of the <i>Industrial Relations Act 1996</i> to enforce the provisions of section 210 (Freedom from victimisation) of that Act.	45 46 47

[31] Part 7 Temporary employees of NSW Police Force	1
Omit the Part.	2
[32] Part 8, note	3
Omit the note. Insert instead:	4
Note. Other provisions relating to members of the NSW Police Force are to be found in Part 5 of the <i>Government Sector Employment Act 2013</i> .	5 6
[33] Section 93A	7
Insert before section 94:	8
93A Conditions of engagement of administrative employees	9
(1) The engagement of an administrative employee may be made subject to conditions notified to the employee on his or her engagement.	10 11
(2) The conditions may include (without limitation) conditions dealing with any of the following matters:	12 13
(a) probation,	14
(b) citizenship or residency requirements,	15
(c) formal qualifications,	16
(d) security and other clearances,	17
(e) health clearances.	18
(3) The imposition of conditions is subject to the government sector employment rules under the <i>Government Sector Employment Act 2013</i> and the regulations under this Act.	19 20 21
[34] Section 94 Requirements as to citizenship	22
Omit section 94 (4).	23
[35] Sections 94B–94D	24
Insert after section 94:	25
94B Retirement on medical grounds	26
The Commissioner may retire a member of the NSW Police Force if:	27
(a) the person is found to be unfit to perform or incapable of performing the duties of the person’s employment, and	28 29
(b) the person’s unfitness or incapacity:	30
(i) appears likely to be of a permanent nature, and	31
(ii) has not arisen from actual misconduct on the part of the person, or from causes within the person’s control.	32 33
94C Resignation or retirement	34
(1) A member of the NSW Police Force may resign from the NSW Police Force by written notice to the Commissioner.	35 36
(2) The resignation of a member of the NSW Police Force does not take effect until:	37 38
(a) the Commissioner accepts the resignation, or	39

(b)	the member has given the Commissioner at least 4 weeks' notice in writing of the day on which the member intends to resign and the member is not under suspension from duty on that day.	1 2 3
(3)	In this section, <i>resignation</i> includes retirement and <i>member of the NSW Police Force</i> does not include the Commissioner.	4 5
94D	Approval to engage in other paid employment	6
	A member of the NSW Police Force (other than the Commissioner) must not engage in any paid employment outside his or her duties as such a member without the approval of the Commissioner.	7 8 9
[36]	Section 184 Conduct and performance of administrative officers	10
	Omit the section.	11
[37]	Section 185 Disciplinary appeals to Industrial Relations Commission by non-executive administrative employees	12 13
	Omit "administrative officers (not being members of the NSW Police Force Senior Executive Service) as if those officers".	14 15
	Insert instead "non-executive administrative employees as if those employees".	16
[38]	Section 218 Industrial Relations Act 1996 not affected	17
	Omit "section 44 or 89" from section 218 (2). Insert instead "section 41 or 88".	18
[39]	Schedule 4 Savings, transitional and other provisions	19
	Insert at the end of the Schedule with appropriate Part and clause numbering:	20
Part	Provisions consequent on the enactment of Government Sector Employment Legislation Amendment Act 2013	21 22 23
	Definition	24
	In this Part:	25
	<i>amending Act</i> means the <i>Government Sector Employment Legislation Amendment Act 2013</i> .	26 27
	Police Commissioner	28
(1)	The appointment and term of office of the person holding office as Commissioner on the commencement of the amendment made to section 27 of this Act by the amending Act are not affected by the amending Act.	29 30 31
(2)	The Commissioner is taken to be employed in accordance with this Act (as amended by the amending Act) and a contract of employment entered into under this Act (as so amended), and any contract applying to the Commissioner before the commencement of the amendment to section 27 of this Act by the amending Act ceases to apply. However, this subclause does not affect the continuity of service of the Commissioner and any accrued rights to leave or the accrual of rights to leave under the Commissioner's contract of employment.	32 33 34 35 36 37 38 39

Staged implementation of new senior executive employment arrangements	1
(1) In this clause:	2
<i>former senior executive provisions</i> mean the provisions of Part 5 of this Act (and any other provisions of this Act that relate to the operation of that Part), as in force immediately before the substitution of that Part by the amending Act.	3 4 5 6
<i>new senior executive provisions</i> mean the provisions of Part 5 of this Act (and any other provisions of this Act that relate to the operation of that Part), as amended by the amending Act, and the provisions of Part 3B of the <i>Statutory and Other Offices Remuneration Act 1975</i> .	7 8 9 10
<i>senior executive implementation date</i> for the NSW Police Force or any part of the NSW Police Force—see subclause (4).	11 12
(2) The Public Service Commissioner, on the recommendation of the Commissioner, is to prepare an implementation schedule for the staged implementation of the provisions of this Act relating to NSW Police Force senior executives.	13 14 15 16
(3) The implementation schedule is to set out the date on which the new senior executive provisions will apply to the NSW Police Force.	17 18
(4) Different dates may be set for different parts of the NSW Police Force. The date so set is the <i>senior executive implementation date</i> for the part concerned.	19 20
(5) The senior executive implementation date for a part of the NSW Police Force may be changed by the Public Service Commissioner on the recommendation of the Commissioner.	21 22 23
(6) Until the senior executive implementation date for a part of the NSW Police Force, the former senior executive provisions continue to apply, and the new senior executive provisions do not apply, to that part of the NSW Police Force.	24 25 26
(7) A person who was an executive officer under the former senior executive provisions immediately before the senior executive implementation date for the part of the NSW Police Force concerned and who does not become a NSW Police Force senior executive on that date is taken to be removed from his or her executive position under Part 5 of this Act (as in force before the substitution of that Part by the amending Act) and the former senior executive provisions apply to that removal.	27 28 29 30 31 32 33
Existing non-executive administrative officers of NSW Police Force become non-executive administrative employees	34 35
(1) A person who was employed in the NSW Police Force as a non-executive administrative officer immediately before the substitution of Part 6A of this Act by the amending Act is, on that substitution, taken to be employed in ongoing employment as a non-executive administrative employee under that Part.	36 37 38 39 40
(2) The application of the provisions of this Act, the regulations and the government sector employment rules to any such person is subject to the provisions of this Schedule.	41 42 43
(3) The substitution of Part 6A of this Act does not affect the continuity of service of a person taken to be employed under this clause, any accrued rights to leave under the former Part 6A or any accrual of rights to leave under this Act.	44 45 46
(4) A person who is taken to be employed under this clause is taken to be employed in a role or classification of work that corresponds to the kind and grade of work of the person's position or work on the substitution of Part 6A.	47 48 49

- (5) The continued employment of a person taken to be employed under this clause who held a senior officer position (or equivalent position) under the former Part 6A is subject to review by the Commissioner in connection with the staged implementation of NSW Police Force senior executive employment. 1
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- (6) Section 41 of this Act applies to the termination of the position and employment of a person referred to in subclause (5) as a result of the review in the same way as it applies to the termination of the employment of an executive employee. 5
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Existing temporary employees of NSW Police Force become non-executive administrative employees 9
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- (1) A person who was employed in the NSW Police Force as a temporary employee immediately before the repeal of Part 7 of this Act by the amending Act is, on that substitution, taken to be employed in temporary employment as a non-executive administrative employee under Part 6A of this Act. 11
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- (2) The application of the provisions of this Act, the regulations and the government sector employment rules to any such person is subject to the provisions of this Schedule. 15
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- (3) The repeal of Part 7 of this Act does not affect the continuity of service of a person taken to be employed under this clause, any accrued rights to leave under Part 7 or any accrual of rights to leave under this Act. 18
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- (4) A person who is taken to be employed under this clause is taken to be employed in a role or classification of work that corresponds to the kind and grade of the person's work on the repeal of Part 7. 21
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Special constables—Police Legislation Amendment (Special Constables) Act 2013 No 56 (uncommenced) 24
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- (1) This subclause has effect if the *Police Legislation Amendment (Special Constables) Act 2013* commences before this clause commences. 26
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- (a) Section 203 (1) of this Act is amended by omitting “a special constable appointed under section 82L” and by inserting instead “a special constable employed under section 81G”. 28
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- (b) In any other Act, in any statutory or other instrument, or in any contract or agreement, a reference to a special constable within the meaning of section 82L of the *Police Act 1990* is to be construed as a reference to a special constable within the meaning of section 81G of the *Police Act 1990*. 31
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- (2) This subclause has effect if the *Police Legislation Amendment (Special Constables) Act 2013* commences on or after this clause commences. 36
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- (a) Section 81G of this Act (as inserted by the amending Act) does not have any effect until that Act commences. 38
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- (b) Schedule 1 [1] to that Act is repealed. 40
- (c) Schedule 1 [6] to that Act is amended as follows: 41
- (i) Clauses 83 and 84 are amended by omitting “appointed by the Commissioner under section 82L as a non-executive administrative officer (special constable)” wherever occurring and by inserting instead “employed by the Commissioner under section 81G as a non-executive administrative employee (special constable)”. 42
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- (ii) Clause 85 is amended by omitting “appointed by the Commissioner as a non-executive administrative officer under section 82A” and by inserting instead “employed by the Commissioner as a non-executive administrative employee”. 1
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- (d) Schedules 3.1, 3.2 and 3.10 to that Act are amended by omitting “special constable within the meaning of section 82L” wherever occurring and by inserting instead “special constable within the meaning of section 81G”. 5
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Savings and transitional regulations 9

The provisions of this Part are subject to the provisions of any regulations made under Part 1 of this Schedule consequent on the enactment of the amending Act. 10
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Schedule 4	Amendment of Transport Administration Act 1988 No 109	1
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[1]	Sections 2B (2), 3B, 3C, 3E, 15, 27, 35J, 43, 47, 50, 94, 101 and 112, Schedule 2 and clause 13A of Schedule 6A	3
	Omit “Director-General” and “Director-General’s” wherever occurring.	4
	Insert instead “Transport Secretary” and Transport Secretary’s”.	5
[2]	Section 3 Definitions	6
	Omit the definition of <i>Director-General</i> from section 3 (1). Insert in alphabetical order: <i>Transport Secretary</i> means the Secretary of the Department of Transport.	7
[3]	Section 20 Constitution of STA	8
	Omit section 20 (3) (including the note).	9
[4]	Section 42B Constitution of Independent Transport Safety Regulator	10
	Omit section 42B (3) (including the note). Insert instead:	11
	(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the ITSR to exercise its functions.	12
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the ITSR makes use of) may be referred to as officers or employees, or members of staff, of the ITSR. Section 47A of the <i>Constitution Act 1902</i> precludes the ITSR from employing staff.	13
[5]	Section 42M Chief Executive of ITSR	14
	Omit section 42M (3), (4) and (5). Insert instead:	15
	(3) Schedule 2A contains provisions relating to the Chief Executive.	16
[6]	Section 45 Chief Investigator	17
	Omit section 45 (2) and (3). Insert instead:	18
	(2) Schedule 2A contains provisions relating to the Chief Investigator.	19
[7]	Section 49A General functions of RMS	20
	Omit section 49A (2) (including the note).	21
[8]	Part 7, Division 1 Regulations relating to staff employed in connection with certain authorities	22
	Omit the Division.	23
[9]	Section 58C Regulations relating to RailCorp staff	24
	Omit section 58C (2) (c) and (d) and omit “and” at the end of section 58C (2) (b).	25
[10]	Section 58C (3)	26
	Omit the subsection. Insert instead:	27
	(3) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to the employment of staff under this Division.	28
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[11] Section 59 Employment of staff	1
Insert after section 59 (2):	2
(2A) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to the employment of those members of staff.	3 4 5
[12] Section 61 Regulations relating to staff of Chief Investigator	6
Omit “and” at the end of section 61 (2) (b) and omit section 61 (2) (c).	7
[13] Section 64 Regulations relating to Sydney Ferries staff	8
Omit section 64 (2) (c) and (d). Insert instead:	9
(c) may provide for appeals by members of staff in connection with their employment.	10 11
[14] Section 64 (3)	12
Omit the subsection. Insert instead:	13
(3) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to the employment of staff under this Division.	14 15 16
[15] Part 7A	17
Omit the Part. Insert instead:	18
Part 7A The Transport Service	19
68B The Transport Service	20
(1) The Transport Service of New South Wales consists of those persons who are employed under this Part by the Government of New South Wales in the service of the Crown.	21 22 23
(2) Those persons are not employed in the Public Service of New South Wales.	24
68C Employment in the Transport Service	25
(1) The Government of New South Wales may employ persons in the Transport Service to enable the following bodies (and their public subsidiary corporations) to exercise their functions:	26 27 28
(a) TfNSW,	29
(b) State Transit Authority,	30
(c) RMS.	31
(2) The Government of New South Wales may also employ persons in the Transport Service as Transport Service senior executives to enable RailCorp (or a public subsidiary corporation of RailCorp) to exercise its functions.	32 33 34
(3) The Transport Secretary may, subject to this and any other Act or law, exercise on behalf of the Government of New South Wales the employer functions of the Government in relation to the persons employed in the Transport Service.	35 36 37
(4) The employer functions of the Government are all the functions of an employer in respect of employees, including (without limitation) the power to employ persons, to assign them to roles and to terminate their employment.	38 39 40

(5)	The Transport Secretary may create divisions (however described) of employees in the Transport Service.	1 2
(6)	In this or any other Act, or in any instrument made under this or any other Act or in any other instrument of any kind, a reference to an officer or employee, or a member of staff, of:	3 4 5
(a)	TfNSW (or a public subsidiary corporation of TfNSW) is to be read as a reference to a person employed in the Transport Service to enable TfNSW (or the corporation) to exercise its functions, or	6 7 8
(b)	the State Transit Authority (or a public subsidiary corporation of the Authority) is to be read as a reference to a person employed in the Transport Service to enable the Authority (or the corporation) to exercise its functions, or	9 10 11 12
(c)	RMS (or a public subsidiary corporation of RMS) is to be read as a reference to a person employed in the Transport Service to enable RMS (or the corporation) to exercise its functions, or	13 14 15
(d)	RailCorp (or a public subsidiary corporation of RailCorp) is to be read as including a reference to a person employed in the Transport Service as a Transport Service senior executive to enable RailCorp (or the corporation) to exercise its functions.	16 17 18 19
68D	Transport Service senior executives and non-executive employees	20
(1)	Persons who are employed in the Transport Service in a Public Service senior executive band are <i>Transport Service senior executives</i> . For that purpose, the Public Service senior executive bands under the <i>Government Sector Employment Act 2013</i> apply to employment in the Transport Service.	21 22 23 24
(2)	All other persons employed in the Transport Service are <i>Transport Service non-executive employees</i> .	25 26
68E	Kinds of employment in Transport Service	27
(1)	Employment in the Transport Service may be any one of the following kinds of employment:	28 29
(a)	ongoing employment,	30
(b)	term employment (in the case of Transport Service senior executives),	31
(c)	temporary employment (in the case of Transport Service non-executive employees),	32 33
(d)	casual employment (in the case of Transport Service non-executive employees).	34 35
(2)	Ongoing employment is employment that continues until the employee resigns or his or her employment is terminated.	36 37
(3)	Term employment is employment for a specified period or for the duration of a specified task (unless the employee sooner resigns or his or her employment is terminated).	38 39 40
(4)	Temporary employment is employment for a temporary purpose.	41
(5)	Casual employment is employment to carry out irregular, intermittent, short-term, urgent or other work as and when required.	42 43

68F	Senior executives—employment in bands and assignment to roles	1
(1)	A Transport Service senior executive is to be employed in the Public Service senior executive band that the Transport Secretary considers appropriate for the role of the executive.	2 3 4
(2)	In determining the number of Transport Service senior executives and the appropriate band in which they are employed, the Transport Secretary is to apply the applicable work level standards and have regard to any guidance provided by the Public Service Commissioner.	5 6 7 8
(3)	A Transport Service senior executive may, from time to time, be assigned by the Transport Secretary to a role in any part of the Transport Service in the band in which the executive is employed.	9 10 11
(4)	A Transport Service senior executive may:	12
(a)	be transferred by the Transport Secretary to the Public Service of New South Wales and assigned a role in any Public Service agency in the band in which the executive is employed (with the agreement of the head of that agency), or	13 14 15 16
(b)	be transferred by the Transport Secretary to the NSW Police Force and assigned a role (other than as a police officer) in the band in which the executive is employed (with the agreement of the Commissioner of Police), or	17 18 19 20
(c)	be transferred by the Transport Secretary to the NSW Health Service and assigned a role in the band in which the executive is employed (with the agreement of the Secretary of the Department of Health).	21 22 23
(5)	Transport Service senior executives may be assigned to roles under this section to enable the flexible deployment of staff resources and to develop the capabilities of staff.	24 25 26
(6)	A Transport Service senior executive is not to be assigned to a different role under this section unless the executive has been consulted. The remuneration payable to the executive is not to be reduced because of the assignment to the different role without the consent of the executive.	27 28 29 30
(7)	In this section:	31
	<i>assign</i> to a role includes assign to a different role.	32
	<i>role</i> of a Transport Service senior executive, means the duties and responsibilities of the executive.	33 34
68G	Senior executives—government sector employment rules and employment directions	35 36
	The government sector employment rules under section 36 of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to Transport Service senior executives. Those rules may make specific provision relating to their application to Transport Service senior executives.	37 38 39 40 41
68H	Senior executives—contract of employment	42
(1)	A Transport Service senior executive is to be employed under a written contract of employment signed by the executive and by the Transport Secretary on behalf of the Government.	43 44 45

- (2) The government sector employment rules may prescribe model contracts of employment for Transport Service senior executives and may specify any model provisions that are mandatory and that prevail in the event of any inconsistency with the provisions of a contract of employment. 1
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- (3) Subject to this Part, the government sector employment rules and any direction issued by the Public Service Commissioner under the *Government Sector Employment Act 2013*, a contract of employment of a Transport Service senior executive is to deal with the following matters: 5
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- (a) the band in which the executive is employed, 9
 - (b) the duration of the contract if the executive is not employed in ongoing employment, 10
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 - (c) the total remuneration package of the executive (comprising monetary remuneration and employment benefits) and any allowances, 12
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 - (d) performance obligations, and reviews of performance, of the executive, 14
 - (e) progression in the total remuneration package of the executive based on performance, 15
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 - (f) leave and other conditions of employment of the executive, 17
 - (g) the compensation for any termination of employment of the executive by the Transport Secretary (including the period to which the compensation relates), 18
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 - (h) any other matter prescribed by the regulations. 21
- (4) The contract of employment of a Transport Service senior executive does not limit, and is not terminated or otherwise affected by: 22
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- (a) the transfer of the executive to the Public Service of New South Wales, the NSW Police Force or the NSW Health Service, or 24
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 - (b) the assignment of the executive to a different role or any other change to the title, place of work or duties of the executive. 26
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- (5) A contract of employment of a Transport Service senior executive may, subject to this section, be varied at any time in accordance with the contract or by further agreement. 28
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- (6) The regulations under the *Government Sector Employment Act 2013* may make provision with respect to the compensation to which a Transport Service senior executive whose employment is terminated is entitled under his or her contract of employment. 31
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- 68I Senior executives—remuneration, benefits and allowances 35**
- (1) The remuneration package of a Transport Service senior executive must be within the range determined under the *Statutory and Other Offices Remuneration Act 1975* for the band in which the executive is employed (except as provided by subsection (2)). 36
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- (2) The remuneration package of a Transport Service senior executive may be increased by an amount determined by the Transport Secretary for the executive or for executives of the class to which the executive belongs. An increased amount may be determined only if the Public Service Commissioner and the Transport Secretary have agreed on parameters in respect of additional remuneration for those executives and the determination is made in accordance with those parameters. 40
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- (3) The kinds and value of employment benefits and the allowances for a Transport Service senior executive are to be determined by the Transport Secretary. In making any such determination, the Transport Secretary is to have regard to any similar determinations that apply to Public Service senior executives. 1
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- (4) A Transport Service senior executive is only entitled to the remuneration, employment benefits or allowances provided in the executive's contract of employment. 6
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- (5) For the purposes of this section, employment benefits for a Transport Service senior executive are: 9
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- (a) contributions by the executive's employer to a superannuation scheme or fund of the executive, and 11
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- (b) other benefits provided to the executive at the cost of the executive's employer that are of a private nature. 13
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- 68J Senior executives—termination of employment** 15
- (1) The Transport Secretary may terminate the employment of a Transport Service senior executive at any time, for any or no stated reason and without notice. 16
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- (2) A Transport Service senior executive whose employment is so terminated is entitled to any compensation provided in the contract of employment of the executive (and to no other compensation or entitlement for the termination of employment). 19
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- (3) A Transport Service senior executive whose employment is so terminated is not to be employed in the public sector during the period specified in the contract of employment to which the compensation relates, unless arrangements have been made for a refund of the proportionate amount of the compensation. 23
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- (4) The regulations under the *Government Sector Employment Act 2013* may make provision relating to the calculation of the proportionate amount of a payment to be refunded under subsection (3). 28
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- (5) A Transport Service senior executive whose employment is terminated under the provisions of the regulations under this Part (or other statutory provisions) relating to the termination of the employment of persons employed in the Transport Service in connection with disciplinary action is not entitled to compensation under this section. Those provisions do not apply to a termination of employment under this section. 31
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- (6) For the purposes of this section, *employment* of a former executive in the public sector and *public sector* have the same meanings they have in section 41 of the *Government Sector Employment Act 2013*. 37
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- 68K Non-executive employees—conditions of employment** 40
- (1) This section does not apply to the conditions of employment of Transport Service senior executives. This subsection does not prevent particular conditions of employment under this section from being adopted by reference in the conditions of employment of the executives. 41
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- (2) The Transport Secretary may fix the conditions of employment of persons employed in the Transport Service (or any group of them) in so far as they are not fixed by or under any other law. 45
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(3)	The Transport Secretary may enter into an agreement with any association or organisation representing persons employed in the Transport Service (or any group of them) with respect to the conditions of employment of those employees (or group) in so far as they are not fixed by or under any other law.	1 2 3 4
(4)	The Transport Secretary is, for the purposes of any proceedings relating to persons employed in the Transport Service held before a competent tribunal having jurisdiction to deal with industrial matters, taken to be the employer of those employees.	5 6 7 8
(5)	In this section: <i>conditions of employment</i> has the same meaning as it has in the <i>Industrial Relations Act 1996</i> .	9 10 11
68L	Non-executive employees—assignment to different role within Transport Service	12 13
(1)	The Transport Secretary may, subject to this section, assign a Transport Service non-executive employee to another role within the Transport Service following consultation with the employee.	14 15 16
(2)	The following provisions apply to the assignment of a person under this section:	17 18
(a)	the assignment is to be made at the person’s existing level of remuneration, unless the person consents to the assignment at a lower level of remuneration,	19 20 21
(b)	the Transport Secretary must be satisfied that the person possesses the essential qualifications specified for the other role and the work assigned to the other role is appropriate to the skills and qualifications of the person,	22 23 24 25
(c)	the person is entitled, on the assignment date, to any conditions of employment applicable to that person under section 67 immediately before the assignment, until such time as further provision is made under this Act or any other law.	26 27 28 29
68M	Regulations relating to employees in the Transport Service	30
(1)	The regulations may make provision for or with respect to the employment of persons in the Transport Service, including conditions of employment and disciplinary matters.	31 32 33
(2)	Any such regulations have effect:	34
(a)	despite any determination of the Transport Secretary under this Part, and	35 36
(b)	except in the case of Transport Service senior executives—subject to any relevant award made by a competent industrial tribunal and to any industrial agreement to which the Transport Secretary is a party.	37 38 39
68N	Senior executives—industrial or legal proceedings excluded	40
(1)	The employment of a Transport Service senior executive, or any matter, question or dispute relating to any such employment, is not an industrial matter for the purposes of the <i>Industrial Relations Act 1996</i> .	41 42 43
(2)	Parts 6, 7 and 9 of Chapter 2 of the <i>Industrial Relations Act 1996</i> do not apply to or in respect of the employment of a Transport Service senior executive.	44 45

- (3) Any State industrial instrument (whether made before or after the commencement of this section) does not have effect in so far as it relates to the employment of Transport Service senior executives. This subsection does not prevent the provisions of any such industrial instrument being adopted by reference in the conditions of employment of any such executive. 1
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- (4) No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, lie in respect of a matter that is declared by this section not to be an industrial matter for the purposes of the *Industrial Relations Act 1996*. 6
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- (5) In this section, a reference to the *employment* of a Transport Service senior executive is a reference to: 10
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- (a) the engagement of, or failure to engage, a person as such an executive, or 12
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- (b) the assignment or re-assignment of the executive to a role in a band, or 14
- (c) the removal, retirement, termination of employment or other cessation of employment of the executive, or 15
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- (d) any disciplinary proceedings or action taken against the executive, or 17
- (e) the remuneration or other conditions of employment of the executive. 18
- 680 Miscellaneous provisions relating to Transport Service** 19
- (1) Persons employed in the Transport Service have the same entitlements to extended leave as Public Service employees under the *Government Sector Employment Act 2013*. 20
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- (2) The Transport Secretary may retire a person employed in the Transport Service if: 23
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- (a) the employee is found to be unfit to perform or incapable of performing the duties of the person's employment, and 25
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- (b) the employee's unfitness or incapacity: 27
- (i) appears likely to be of a permanent nature, and 28
- (ii) has not arisen from actual misconduct on the part of the employee, or from causes within the employee's control. 29
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- (3) A person employed in the Transport Service may resign his or her employment by written notice to the Transport Secretary. 31
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- (4) If: 33
- (a) a person is employed in the Transport Service, and 34
- (b) the Government of New South Wales is, as the person's employer, proceeded against for any negligence or other tort of the person (whether the damages are recoverable in an action for tort or breach of contract or in any other action), and 35
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- (c) TfNSW, the State Transit Authority or RMS is entitled under a policy of insurance or indemnity to be indemnified in respect of liability that it may incur in respect of that negligence or other tort, 39
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- the Government is subrogated to the rights of TfNSW, the State Transit Authority or RMS under that policy in respect of the liability incurred by the Government arising from that negligence or other tort. 42
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- (5) The persons employed in the Transport Service to enable TfNSW, the State Transit Authority or RMS to exercise its functions are, for the purposes of the *Privacy and Personal Information Protection Act 1998* and the *Health* 45
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	<i>Records and Information Privacy Act 2002</i> , taken to be part of TfNSW, the State Transit Authority or RMS, as the case requires.	1 2
(6)	The Transport Secretary may delegate any of the Transport Secretary's functions under this Part (other than this power of delegation) to a person employed in the Transport Service or to a person employed in the Department of Transport.	3 4 5 6
(7)	The power of the Transport Secretary under section 27 of the <i>Government Sector Employment Act 2013</i> to delegate a function referred to in that section extends to a delegation of the function to a person employed in the Transport Service.	7 8 9 10
(8)	A person employed in the Transport Service may also be appointed to act as the Transport Secretary under section 24 of the <i>Government Sector Employment Act 2013</i> .	11 12 13
[16]	Schedule 2A	14
	Insert after Schedule 2:	15
	Schedule 2A Chief Executive of the ITSr and Chief Investigator of Office of Transport Safety Investigations	16 17 18
	(Sections 42M (3) and 45 (2))	19
1	Definition	20
	In this Schedule:	21
	Chief Executive means the Chief Executive of the ITSr or the Chief Investigator of the Office of Transport Safety Investigations.	22 23
2	Term of office	24
(1)	A Chief Executive holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	25 26 27
(2)	A person is not eligible to be appointed for more than 2 terms of office as Chief Executive of the ITSr (whether or not consecutive terms).	28 29
3	Full-time office	30
	The office of Chief Executive is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	31 32 33
4	Employment and remuneration	34
(1)	The employment of a Chief Executive is (subject to this Part) to be governed by a contract of employment between the Chief Executive and the Minister.	35 36
(2)	The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to a Chief Executive (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	37 38 39 40 41
(a)	provisions relating to the band in which an executive is to be employed,	42
(b)	provisions relating to the contract of employment of an executive,	43

(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	1 2
5 Vacancy in office	3
(1) The office of Chief Executive becomes vacant if the holder:	4
(a) dies, or	5
(b) completes a term of office and is not re-appointed, or	6
(c) resigns the office by instrument in writing addressed to the Minister, or	7
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	8 9 10
(e) becomes a mentally incapacitated person, or	11
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	12 13 14 15
(g) is removed from office under clause 6.	16
(2) If the office of the Chief Executive becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	17 18
6 Removal from office	19
The Governor may remove the Chief Executive from office, but only for incompetence, incapacity or misbehaviour.	20 21
7 Chief Executive not Public Service employee	22
The office of Chief Executive is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 4).	23 24 25 26
[17] Schedule 3, clause 7 (1) (d)	27
Omit the paragraph. Insert instead:	28
(d) is removed from office by the Minister under this clause, or	29
[18] Schedule 3, clause 9 (1)	30
Omit the subclause. Insert instead:	31
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	32 33 34
[19] Schedule 5 Extended leave for certain staff	35
Omit paragraphs (b), (c) and (g) of the definition of <i>Authority</i> in clause 2.	36
[20] Schedule 5, clause 3 (2) (c)	37
Insert “the regulations under the <i>Government Sector Employment Act 2013</i> corresponding to” before “Schedule 3A”.	38 39

[21] Schedule 5, clause 3 (3)	1
Insert “the provisions of the regulations under the <i>Government Sector Employment Act 2013</i> corresponding to” before “clause 7”.	2 3
[22] Schedule 7 Savings, transitional and other provisions	4
Insert at the end of the Schedule with appropriate Part and clause numbering:	5
Part Provisions consequent on enactment of Government Sector Employment Legislation Amendment Act 2013	6 7 8
Definition	9
In this Part:	10
<i>amending Act</i> means the <i>Government Sector Employment Legislation Amendment Act 2013</i> .	11 12
Continuation of public transport chief executives	13
The appointment and term of office of a person holding office as a Chief Executive to whom Schedule 2 applies, the Chief Executive of the ITSr or the Chief Investigator of the Office of Transport Safety Investigations on the commencement of the amendments made to this Act by the amending Act are not affected by the amending Act.	14 15 16 17 18
Staged implementation of new senior executive employment arrangements	19
(1) In this clause:	20
<i>former senior executive provisions</i> mean the provisions of section 68G of this Act (and any other provisions of this Act that relate to the operation of that section), as in force immediately before the amendment of that Chapter by the amending Act.	21 22 23 24
<i>new senior executive provisions</i> mean the provisions of Part 7A of this Act (and any other provisions of this Act that relate to the operation of that Part), as amended by the amending Act, and the provisions of Part 3B of the <i>Statutory and Other Offices Remuneration Act 1975</i> .	25 26 27 28
<i>senior executive implementation date</i> for the Transport Service or any division or part of that Service—see subclause (4).	29 30
(2) The Public Service Commissioner, on the recommendation of the Transport Secretary, is to prepare an implementation schedule for the staged implementation of the provisions of this Act relating to Transport Service senior executives.	31 32 33 34
(3) The implementation schedule is to set out the date on which the new senior executive provisions will apply to the Transport Service.	35 36
(4) Different dates may be set for different divisions or parts of the Transport Service. The date so set is the <i>senior executive implementation date</i> for the division or part concerned.	37 38 39
(5) The senior executive implementation date for a part of the Transport Service may be changed by the Public Service Commissioner, on the recommendation of the Transport Secretary.	40 41 42

- (6) Until the senior executive implementation date for a division or part of the Transport Service, the former senior executive provisions continue to apply, and the new senior executive provisions do not apply, to that division or part of the Transport Service. 1
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- (7) A person who was an executive officer under the former senior executive provisions immediately before the senior executive implementation date for the division or part of the Transport Service concerned and who does not become a Transport Service senior executive on that date is taken to be removed from his or her executive position under Part 7A of this Act (as in force before the substitution of that Part by the amending Act) and the former senior executive provisions apply to that removal. 5
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- Transfer of RMS and STA Government Service Divisions to Transport Service** 12
- (1) The persons employed in the Roads and Maritime Services Division or the State Transit Authority Division of the Government Service, immediately before the abolition of the Government Service by the *Government Sector Employment Act 2013*, are transferred to the Transport Service. 13
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- (2) Division 4 of Part 7 of this Act applies to any such transferred staff as if they had been transferred by an order under that Division. 17
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- Savings and transitional regulations** 19
- The provisions of this Part are subject to the provisions of any regulations made under Part 1 of this Schedule consequent on the enactment of the amending Act. 20
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Schedule 5	Amendment of other Acts	1
5.1	Annual Reports (Departments) Act 1985 No 156	2
	Section 6 Inclusion of other reports in annual reports	3
	Insert after section 6 (2):	4
	(3) The annual report of a Public Service agency that is related to a Department under the <i>Government Sector Employment Act 2013</i> may be included in the annual report of that Department.	5 6 7
5.2	Children and Young Persons (Care and Protection) Act 1998 No 157	8
[1]	Section 178 Children’s Guardian	9
	Omit section 178 (2), (3) and (4).	10
[2]	Sections 178A–178F	11
	Insert after section 178:	12
178A	Term of office	13
	(1) The Children’s Guardian holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	14 15 16
	(2) A person is not eligible to be appointed for more than 2 terms of office as Children’s Guardian (whether or not consecutive terms).	17 18
178B	Full-time office	19
	The office of Children’s Guardian is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	20 21 22
178C	Employment and remuneration	23
	(1) The employment of the Children’s Guardian is (subject to this Part) to be governed by a contract of employment between the Children’s Guardian and the Minister.	24 25 26
	(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Children’s Guardian (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	27 28 29 30 31
	(a) provisions relating to the band in which an executive is to be employed,	32
	(b) provisions relating to the contract of employment of an executive,	33
	(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	34 35
178D	Vacancy in office	36
	(1) The office of Children’s Guardian becomes vacant if the holder:	37
	(a) dies, or	38
	(b) completes a term of office and is not re-appointed, or	39
	(c) resigns the office by instrument in writing addressed to the Minister, or	40

	(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	1 2 3
	(e) becomes a mentally incapacitated person, or	4
	(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	5 6 7 8
	(g) is removed from office under section 178E.	9
	(2) If the office of Children’s Guardian becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	10 11
178E	Removal from office	12
	(1) The Governor may remove the Children’s Guardian from office, but only for incompetence, incapacity or misbehaviour.	13 14
	(2) The Children’s Guardian cannot be removed from office under Part 6 of the <i>Government Sector Employment Act 2013</i> .	15 16
178F	Children’s Guardian not Public Service employee	17
	The office of Children’s Guardian is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by section 178C).	18 19 20 21
5.3	Commission for Children and Young People Act 1998 No 146	22
[1]	Section 4 Commission	23
	Omit section 4 (4) including the note. Insert instead:	24
	(4) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commission to exercise its functions.	25 26
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the <i>Constitution Act 1902</i> precludes the Commission from employing staff.	27 28 29 30 31
[2]	Section 5 (2), (3) and (4)	32
	Omit the subsections.	33
[3]	Sections 5A–5F	34
	Insert after section 5:	35
5A	Term of office of Commissioner	36
	(1) The Commissioner holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	37 38 39
	(2) A person is not eligible to be appointed for more than 2 terms of office as Commissioner (whether or not consecutive terms).	40 41

5B	Full-time office of Commissioner	1
	The office of Commissioner is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	2 3
5C	Employment and remuneration	4
(1)	The employment of the Commissioner is (subject to this Part) to be governed by a contract of employment between the Commissioner and the Minister.	5 6
(2)	The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Commissioner (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	7 8 9 10 11
(a)	provisions relating to the band in which an executive is to be employed,	12
(b)	provisions relating to the contract of employment of an executive,	13
(c)	provisions relating to the remuneration, employment benefits and allowances of an executive.	14 15
5D	Vacancy in office of Commissioner	16
(1)	The office of Commissioner becomes vacant if the holder:	17
(a)	dies, or	18
(b)	completes a term of office and is not re-appointed, or	19
(c)	resigns the office by instrument in writing addressed to the Minister, or	20
(d)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	21 22 23
(e)	becomes a mentally incapacitated person, or	24
(f)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	25 26 27 28
(g)	is removed from office under section 5E.	29
(2)	If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	30 31
5E	Removal from office of Commissioner	32
	The Governor may remove the Commissioner from office, but only for incompetence, incapacity or misbehaviour.	33 34
5F	Commissioner not Public Service employee	35
	The office of Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by section 5C).	36 37 38 39
5.4	Community Housing Providers (Adoption of National Law) Act 2012 No 59	40 41
[1]	Section 4 (2), definition of “Director-General”	42
	Omit the definition of <i>Director-General</i> .	43

[2] Section 4 (2)	1
Insert in alphabetical order:	2
<i>Housing Secretary</i> means the Secretary of the Department of Family and Community Services.	3 4
[3] Sections 4 (2) (definition of “Housing Agency”), 8,15 (4), 16 (2) (a) and 23	5
Omit “Director-General” wherever occurring. Insert instead “Housing Secretary”.	6
[4] Section 10	7
Omit the section. Insert instead:	8
10 Registrar	9
For the purposes of the <i>Community Housing Providers National Law (NSW)</i> , the Registrar is declared to be the individual who is employed in the Public Service as the Registrar for the purposes of that Law.	10 11 12
[5] Section 11 Delegation of Registrar’s functions	13
Omit section 11 (1) (a). Insert instead:	14
(a) a Public Service employee, or	15
[6] Section 11 (2)	16
Omit “who holds a position in the Department of Family and Community Services the duties of which”.	17 18
Insert instead “who is employed in the Department of Family and Community Services and whose duties”.	19 20
5.5 Constitution Act 1902 No 32	21
[1] Section 50D (as inserted by Act No 40 of 2013)	22
Insert at the end of the section:	23
(3) If the Governor abolishes a Public Service agency under this section, the Public Service agency to which the Governor transfers all parts of the abolished agency (or all parts other than specified parts) is taken for all purposes to be the successor of the abolished agency.	24 25 26 27
[2] Section 50G (as inserted by Act No 40 of 2013)	28
Insert at the end of the section:	29
(5) If any question arises as to the employees included in any part of a Public Service agency who are transferred by an administrative arrangements order to another Public Service agency, the question may be referred to and determined by the Public Service Commissioner.	30 31 32 33
5.6 Crime Commission Act 2012 No 66	34
Section 66 Staff of Inspector	35
Omit section 66 (1). Insert instead:	36
(1) Persons employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Inspector to exercise his or her functions are subject to the control and direction of the Inspector.	37 38 39

(1A)	Subsection (1) does not affect the exercise of the functions under the <i>Government Sector Employment Act 2013</i> of the head of the Public Service agency in which those persons are employed. The head of that agency may delegate those functions under that Act to the Inspector.	1 2 3 4
(1B)	The staff of the Inspector comprises the persons so employed and the persons referred to in subsection (2).	5 6
5.7	Destination NSW Act 2011 No 21	7
[1]	Section 9 Chief Executive Officer	8
	Omit section 9 (1) and (2). Insert instead:	9
(1)	The Chief Executive Officer of Destination NSW is the person employed in the Public Service as the Chief Executive Officer.	10 11
[2]	Section 11	12
	Omit the section. Insert instead:	13
11	Staff of Destination NSW	14
	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable Destination NSW to exercise its functions.	15 16
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services Destination NSW makes use of) may be referred to as officers or employees, or members of staff, of Destination NSW. Section 47A of the <i>Constitution Act 1902</i> precludes Destination NSW from employing staff.	17 18 19 20 21
[3]	Schedule 1, clause 6 (1)	22
	Omit the subclause. Insert instead:	23
(1)	The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	24 25 26
5.8	Education Act 1990 No 8	27
[1]	Section 3 Definitions	28
	Omit the definition of <i>Board inspector</i> . Insert instead:	29
	<i>Board inspector</i> means a Public Service employee of the Board who is employed as a Board inspector or whose services the Board makes use of as a Board inspector.	30 31 32
[2]	Section 99 The Board of Studies	33
	Omit section 99 (3) including the note. Insert instead:	34
(3)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Board to exercise its functions.	35 36
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Board makes use of) may be referred to as officers or employees, or members of staff, of the Board. Section 47A of the <i>Constitution Act 1902</i> precludes the Board from employing staff.	37 38 39 40

[3] Section 101 President of the Board	1
Omit section 101 (2) and (3). Insert instead:	2
(2) Schedule 1B contains provisions relating to the President of the Board.	3
[4] Section 104 Board inspectors	4
Omit the section.	5
[5] Schedule 1, clause 9 (1) (d)	6
Omit “or by the Governor under Part 8 of the <i>Public Sector Management Act 1988</i> ”.	7
[6] Schedule 1, clause 11 (1)	8
Omit the subclause. Insert instead:	9
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	10 11 12
[7] Schedule 1A Board inspectors	13
Omit the Schedule.	14
[8] Schedule 1B	15
Insert after Schedule 1A:	16
Schedule 1B Provisions relating to President of the Board	17
	(Section 101 (2)) 18
1 Definition of “President”	19
In this Schedule, <i>President</i> means the President of the Board.	20
2 Term of office	21
The President holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	22 23 24
3 Full-time office	25
The office of President is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	26 27
4 Employment and remuneration	28
(1) The employment of the President is (subject to this Schedule) to be governed by a contract of employment between the President and the Minister.	29 30
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the President (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	31 32 33 34 35
(a) provisions relating to the band in which an executive is to be employed,	36
(b) provisions relating to the contract of employment of an executive,	37
(c) provisions relating to the remuneration, employment benefits and allowances of an executive,	38 39

(d) provisions relating to the termination of employment of an executive.	1
5 Vacancy in office	2
(1) The office of President becomes vacant if the holder:	3
(a) dies, or	4
(b) completes a term of office and is not re-appointed, or	5
(c) resigns the office by instrument in writing addressed to the Minister, or	6
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	7 8 9
(e) becomes a mentally incapacitated person, or	10
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	11 12 13 14
(g) is removed from office under clause 4.	15
(2) If the office of President becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	16 17
6 President not Public Service employee	18
The office of President is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 4).	19 20 21 22
5.9 Fire Brigades Act 1989 No 192	23
[1] Section 3 (1), definition of “Commissioner”	24
Omit the definition. Insert instead:	25
<i>Commissioner</i> means the person employed in the Public Service as the Commissioner of Fire and Rescue NSW.	26 27
[2] Section 3 (1), definition of “Department”	28
Omit the definition.	29
[3] Sections 35, 44 (definition of “fire brigades expenditure”), 46, 64A and 64B	30
Omit “the Department” wherever occurring. Insert instead “Fire and Rescue NSW”.	31
[4] Part 6, Division 1, heading	32
Omit “ The Department ”. Insert instead “ Fire and Rescue NSW ”.	33

[5] Section 66	1
Omit the section. Insert instead:	2
66 Staff of Fire and Rescue NSW	3
(1) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise his or her functions.	4 5 6
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commissioner makes use of) may be referred to as officers or employees, or members of staff, of the Commissioner. Section 47A of the <i>Constitution Act 1902</i> precludes the Commissioner from employing staff unless authorised by legislation to do so (Section 69 of this Act authorises the Commissioner to employ members of permanent fire brigades).	7 8 9 10 11 12
(2) This section does not apply to the members of permanent fire brigades.	13
[6] Section 68 Definition	14
Omit the definition of <i>Director-General</i> . Insert instead:	15
<i>Industrial Relations Secretary</i> means the Industrial Relations Secretary under the <i>Government Sector Employment Act 2013</i> .	16 17
[7] Sections 70, 71, 72 and 74	18
Omit “Director-General” wherever occurring.	19
Insert instead “Industrial Relations Secretary”.	20
[8] Schedule 2, clause 5 (1) (d)	21
Omit the paragraph. Insert instead:	22
(d) is removed from office under this clause, or	23
[9] Schedule 2, clause 7 (1)	24
Omit the subclause. Insert instead:	25
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	26 27 28
5.10 Government Information (Information Commissioner) Act 2009 No 53	29
[1] Section 10	30
Omit the section. Insert instead:	31
10 Commissioner not Public Service employee	32
The office of Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	33 34 35

[2] Section 12	1
Omit the section. Insert instead:	2
12 Staff of Commissioner	3
Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise his or her functions.	4 5 6
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commissioner makes use of) may be referred to as officers or employees, or members of staff, of the Commissioner. Section 47A of the <i>Constitution Act 1902</i> precludes the Commissioner from employing staff.	7 8 9 10 11
[3] Section 24 Report on compliance with Information Act	12
Omit section 24 (1) (c). Insert instead:	13
(c) where the conduct concerns the conduct of a Public Service employee, to the Secretary of the Department of Premier and Cabinet.	14 15
5.11 Government Information (Public Access) Act 2009 No 52	16
[1] Section 4 Interpretation	17
Omit “Government Department” wherever occurring in the definition of <i>agency</i> in section 4 (1), including in the note to that definition.	18 19
Insert instead “Public Service agency”.	20
[2] Schedule 4 Interpretative provisions	21
Omit the definition of <i>Government Department</i> from clause 1. Insert in alphabetical order: <i>Public Service agency</i> means a Public Service agency under the <i>Government Sector Employment Act 2013</i> .	22 23 24
5.12 Government Telecommunications Act 1991 No 77	25
[1] Section 34	26
Omit the section. Insert instead:	27
34 Managing Director	28
The Managing Director of the Authority is the person employed in the Public Service as the Managing Director.	29 30
[2] Section 37 (3)	31
Omit the subsection including the note. Insert instead:	32
(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise its functions.	33 34
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Authority makes use of) may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	35 36 37 38

[3] Section 38 (2)	1
Omit the subsection.	2
[4] Schedule 1, clause 8 (1)	3
Omit the subclause. Insert instead:	4
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	5 6 7
5.13 Growth Centres (Development Corporations) Act 1974 No 49	8
[1] Section 3 (1), definition of “Director-General”	9
Omit the definition.	10
[2] Section 6A Development corporation boards	11
Omit section 6A (3) (c). Insert instead:	12
(c) the head of the Public Service agency to which the administration of the <i>Environmental Planning and Assessment Act 1979</i> is assigned (or a person nominated by the head of that agency).	13 14 15
[3] Section 6B Chief executives of development corporations	16
Omit section 6B (1) and (2). Insert instead:	17
(1) The chief executive of a development corporation is the person employed in the Public Service as the chief executive of that development corporation.	18 19
[4] Section 32A	20
Omit the section. Insert instead:	21
32A Staff of development corporations	22
Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable a corporation to exercise its functions.	23 24
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services a corporation makes use of) may be referred to as officers or employees, or members of staff, of the corporation. Section 47A of the <i>Constitution Act 1902</i> precludes a corporation from employing staff.	25 26 27 28
[5] Schedule 2, clause 5 (1)	29
Omit the subclause. Insert instead:	30
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	31 32
5.14 Health Care Complaints Act 1993 No 105	33
[1] Section 4, definition of “Director-General”	34
Omit the definition.	35
[2] Section 4	36
Insert in alphabetical order:	37
<i>Health Secretary</i> means the Secretary of the Department of Health.	38

[3] Section 4, definition of “officer of the Commission”	1
Omit the definition.	2
[4] The whole Act (except Schedule 4 and where otherwise amended by this subschedule)	3
Omit “Director-General” and “Director-General’s” wherever occurring.	4
Insert instead “Health Secretary” and “Health Secretary’s”, respectively.	5
[5] Section 76 Appointment of Commissioner	6
Insert after section 76 (2):	7
(3) Schedule 1A contains provisions concerning the Commissioner.	8
[6] Section 77 The Commissioner	9
Omit the section.	10
[7] Section 80 (5)	11
Omit the subsection including the note. Insert instead:	12
(5) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commission to exercise its functions.	13
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission.	14
Section 47A of the <i>Constitution Act 1902</i> precludes the Commission from employing staff.	15
[8] Schedule 1A	16
Insert after Schedule 1:	17
Schedule 1A Provisions concerning Commissioner	18
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provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	1 2
(a) provisions relating to the band in which an executive is to be employed,	3
(b) provisions relating to the contract of employment of an executive,	4
(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	5 6
4 Vacancy in office	7
(1) The office of Commissioner becomes vacant if the holder:	8
(a) dies, or	9
(b) completes a term of office and is not re-appointed, or	10
(c) resigns the office by instrument in writing addressed to the Minister, or	11
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	12 13 14
(e) becomes a mentally incapacitated person, or	15
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	16 17 18 19
(g) is removed from office under clause 5.	20
(2) If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	21 22
5 Removal from office	23
(1) The Governor may remove the Commissioner from office, but only for incompetence, incapacity or misbehaviour.	24 25
(2) The Commissioner cannot be removed from office under Part 6 of the <i>Government Sector Employment Act 2013</i> .	26 27
6 Commissioner not Public Service employee	28
The office of Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	29 30 31 32
[9] Schedule 2, clause 4 (1)	33
Omit the subclause. Insert instead:	34
(1) The office of a conciliator is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	35 36 37
5.15 Independent Commission Against Corruption Act 1988 No 35	38
[1] Section 3 (1), definition of “public authority”	39
Omit paragraphs (a) and (c) of the definition. Insert instead:	40
(a) a Public Service agency or any other government sector agency within the meaning of the <i>Government Sector Employment Act 2013</i> ,	41 42

[2] Section 3 (1), definition of “public official”	1
Omit paragraph (g) of the definition. Insert instead:	2
(g) a person employed in a Public Service agency or any other government sector agency within the meaning of the <i>Government Sector Employment Act 2013</i> ,	3 4 5
[3] Section 57E Staff of Inspector	6
Omit section 57E (1) and (2). Insert instead:	7
(1) Persons employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Inspector to exercise his or her functions are subject to the control and direction of the Inspector.	8 9 10
(2) Subsection (1) does not affect the exercise of the functions under the <i>Government Sector Employment Act 2013</i> of the head of the Public Service agency in which those persons are employed. The head of that agency may delegate those functions under that Act to the Inspector.	11 12 13 14
[4] Section 57E (4A) and (6)	15
Omit the subsections.	16
[5] Section 104 Appointment of staff	17
Omit section 104 (4). Insert as a note to the section:	18
Note. Section 5 of the <i>Government Sector Employment Act 2013</i> excludes the application of that Act to the staff of the Commission.	19 20
[6] Section 104A Arrangements for use of services of other staff	21
Omit section 104A (3). Insert instead:	22
Note. Section 5 of the <i>Government Sector Employment Act 2013</i> excludes the application of that Act to the staff of the Commission.	23 24
[7] Schedule 1, clause 8	25
Omit the clause. Insert instead:	26
8 Public Service employment provisions excluded	27
The offices of Commissioner and Assistant Commissioner are statutory offices and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to those offices.	28 29 30 31
[8] Schedule 1A, clause 9 (1)	32
Omit the subclause. Insert instead:	33
(1) The office of Inspector is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	34 35 36

5.16 Internal Audit Bureau Act 1992 No 20	1
[1] Section 5 Functions of the Bureau	2
Omit section 5 (3) including the note. Insert instead:	3
(3) The Bureau may employ staff. The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to staff employed by the Bureau.	4 5 6
[2] Section 6 Establishment of the Board	7
Omit section 6 (2) (b1). Insert instead:	8
(b1) the Secretary of the Department of Finance and Services or an employee of that Department nominated by the Secretary of that Department, and	9 10
[3] Section 8 Chief Executive	11
Omit section 8 (2)–(5). Insert instead:	12
(2) Schedule 1A contains provisions relating to the Chief Executive.	13
[4] Schedule 1, clause 8 (1)	14
Omit the subclause. Insert instead:	15
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	16 17 18
[5] Schedule 1A	19
Insert after Schedule 1:	20
Schedule 1A Provisions relating to Chief Executive	21
	(Section 8 (2)) 22
1 Acting Chief Executive	23
(1) The Minister may, from time to time, appoint a person to act in the office of Chief Executive during the illness or absence of the Chief Executive or during a vacancy in the office of Chief Executive. The person, while so acting, has all the functions of the Chief Executive and is taken to be the Chief Executive.	24 25 26 27
(2) The Minister may, at any time, remove a person from office as acting Chief Executive.	28 29
(3) An acting Chief Executive is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.	30 31 32
2 Term of office	33
Subject to this Schedule, a person appointed as Chief Executive holds office for such period (not exceeding 5 years) as may be specified in the person's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	34 35 36 37

3	Approval required to undertake other paid work	1
	The Chief Executive is not to undertake any paid work outside the duties of Chief Executive without the consent of the Minister or the Chairperson of the Board of the Bureau.	2 3 4
4	Remuneration	5
	The Chief Executive is entitled to be paid such remuneration as the Board of the Bureau may, with the concurrence of the Minister, determine.	6 7
5	Vacancy in office	8
(1)	The office of a person appointed as Chief Executive becomes vacant if the person:	9 10
(a)	dies, or	11
(b)	completes a term of office and is not re-appointed, or	12
(c)	resigns the office by instrument in writing addressed to the Minister, or	13
(d)	is removed from office by the Governor under this clause, or	14
(e)	is absent from duty for 14 days (whether or not wholly or partly consecutive) in any period of 12 months, except on leave granted by the Chairperson of the Board of the Bureau or unless the absence is occasioned by illness or other unavoidable cause, or	15 16 17 18
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	19 20 21
(g)	becomes a mentally incapacitated person, or	22
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	23 24 25 26
(i)	engages in any paid employment outside the duties of the office of Chief Executive, except with the consent of the Minister or the Chairperson of the Board of the Bureau.	27 28 29
(2)	The Governor may remove the Chief Executive from office for incompetence, incapacity or misbehaviour.	30 31
6	Filling of vacancy in office	32
	If the office of Chief Executive becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	33 34
7	Chief Executive a statutory officer and not Public Service employee	35
	The office of Chief Executive is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	36 37 38

5.17 Legal Aid Commission Act 1979 No 78	1
[1] Section 10 (5)	2
Omit the subsection including the note. Insert instead:	3
(5) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commission to exercise its functions.	4
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission.	6
Section 47A of the <i>Constitution Act 1902</i> precludes the Commission from employing staff.	7
	8
	9
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[2] Section 16 Chief Executive Officer of the Commission	11
Omit section 16 (3). Insert instead:	12
(3) Schedule 3A contains provisions relating to the Chief Executive Officer of the Commission.	13
	14
[3] Schedule 2, clause 9 (1)	15
Omit the subclause. Insert instead:	16
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member of the Board.	17
	18
	19
[4] Schedule 3A	20
Insert after Schedule 3:	21
Schedule 3A Provisions relating to Chief Executive Officer of Commission	22
	23
	(Section 16 (3)) 24
1 Term of office	25
The Chief Executive Officer holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	26
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2 Full-time office	29
The office of Chief Executive Officer is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	30
	31
	32
3 Employment and remuneration	33
(1) The employment of the Chief Executive Officer is (subject to this Schedule) to be governed by a contract of employment between the Chief Executive Officer and the Minister.	34
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	36
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Chief Executive Officer (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	37
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	41
(a) provisions relating to the band in which an executive is to be employed,	42

(b)	provisions relating to the contract of employment of an executive,	1
(c)	provisions relating to the remuneration, employment benefits and allowances of an executive,	2 3
(d)	provisions relating to the termination of employment of an executive.	4
4	Vacancy in office	5
(1)	The office of Chief Executive Officer becomes vacant if the holder:	6
(a)	dies, or	7
(b)	completes a term of office and is not re-appointed, or	8
(c)	resigns the office by instrument in writing addressed to the Minister, or	9
(d)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	10 11 12
(e)	becomes a mentally incapacitated person, or	13
(f)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	14 15 16 17
(g)	is removed from office under clause 3.	18
(2)	If the office of Chief Executive Officer becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	19 20
5	Chief Executive Officer not Public Service employee	21
	The office of Chief Executive Officer is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	22 23 24 25
5.18	Legal Profession Act 2004 No 112	26
[1]	Section 686 Appointment of Commissioner	27
	Omit section 686 (3)–(5). Insert instead:	28
(3)	Schedule 2A contains provisions relating to the Legal Services Commissioner.	29
[2]	Section 692 (1) and (2)	30
	Omit the subsections. Insert instead:	31
(1)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise his or her functions.	32 33 34
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commissioner makes use of) may be referred to as officers or employees, or members of staff, of the Commissioner. Section 47A of the <i>Constitution Act 1902</i> precludes the Commissioner from employing staff.	35 36 37 38 39

[3] Schedule 2A	1
Insert after Schedule 2:	2
Schedule 2A Provisions relating to Legal Services Commissioner	3
	4
(Section 686 (3))	5
1 Term of office	6
The Commissioner holds office for such term, not exceeding 7 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	7 8 9
2 Full-time office	10
The office of Commissioner is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	11 12
3 Employment and remuneration	13
(1) The employment of the Commissioner is (subject to this Schedule) to be governed by a contract of employment between the Commissioner and the Minister.	14 15 16
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Commissioner (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	17 18 19 20 21
(a) provisions relating to the band in which an executive is to be employed,	22
(b) provisions relating to the contract of employment of an executive,	23
(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	24 25
4 Vacancy in office	26
(1) The office of Commissioner becomes vacant if the holder:	27
(a) dies, or	28
(b) completes a term of office and is not re-appointed, or	29
(c) resigns the office by instrument in writing addressed to the Minister, or	30
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	31 32 33
(e) becomes a mentally incapacitated person, or	34
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	35 36 37 38
(g) is removed from office under clause 5.	39
(2) If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	40 41

5	Removal from office	1
	The Governor may remove the Commissioner from office, but only for incompetence, incapacity or misbehaviour.	2 3
6	Commissioner not Public Service employee	4
	The office of Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	5 6 7 8
[4]	Schedule 4, clause 9 (1)	9
	Omit the subclause. Insert instead:	10
	(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a Trustee.	11 12
[5]	Schedule 5, clause 5 (1)	13
	Omit the subclause. Insert instead:	14
	(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a costs assessor.	15 16
5.19	Lobbying of Government Officials Act 2011 No 5	17
	Section 3, definition of “Government official”	18
	Omit paragraphs (c), (d) and (e) of the definition. Insert instead:	19
	(c) the head of a Public Service agency,	20
	(d) a person employed in the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown,	21 22 23
	(e) an individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown,	24 25 26
5.20	Local Government Act 1993 No 30	27
[1]	Section 247 Assistance for the Remuneration Tribunal	28
	Omit “such persons employed under Part 2 of the <i>Public Sector Management Act 1988</i> ”.	29
	Insert instead “such Public Service employees”.	30
[2]	Section 347 References	31
	Insert at the end of the section:	32
	(3) A reference in this section to a provision of Part 9A of the <i>Anti-Discrimination Act 1977</i> is a reference to that provision as in force immediately before the repeal of that Part of that Act by the <i>Government Sector Employment Act 2013</i> .	33 34 35
[3]	Schedule 1, clause 5 (1)	36
	Omit the subclause. Insert instead:	37
	(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a person appointed as the Remuneration Tribunal.	38 39 40

[4] Schedule 2, clause 4 (1)	1
Omit the subclause. Insert instead:	2
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a commissioner or acting commissioner.	3 4 5
[5] Schedule 1 (clause 6 (1) (g)), Schedule 2 (clause 5 (1) (h)), Schedule 4 (clause 5 (1) (e)) and Schedule 5 (clause 5 (1) (g))	6 7
Omit “or under Part 8 of the <i>Public Sector Management Act 1988</i> ” wherever occurring.	8
[6] Schedule 3, clause 7 (1)	9
Omit the subclause. Insert instead:	10
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	11 12 13
[7] Schedule 4, clause 7 (1)	14
Omit the subclause. Insert instead:	15
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to the member.	16 17
[8] Schedule 5, clause 4 (1)	18
Omit the subclause. Insert instead:	19
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a commissioner or acting commissioner.	20 21 22
5.21 Major Events Act 2009 No 73	23
[1] Section 4, definition of “government agency”.	24
Omit paragraph (c) of the definition. Insert instead:	25
(c) a Public Service agency, or	26
[2] Section 11 Chief executives of major event authorities	27
Omit section 11 (1) and (5). Insert instead:	28
(1) The chief executive of a major event authority is the person employed in the Public Service as the chief executive of that authority.	29 30
[3] Schedule 1, clause 9 (1)	31
Omit the subclause. Insert instead:	32
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	33 34
[4] Schedule 2, clause 3 (5)	35
Omit “under Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> ”.	36
Insert instead “under the <i>Government Sector Employment Act 2013</i> ”.	37

5.22 NSW Trustee and Guardian Act 2009 No 49	1
[1] Section 7 Chief Executive Officer	2
Omit section 7 (2), (3) and (4). Insert instead:	3
(2) Schedule 3 contains provisions relating to the Chief Executive Officer.	4
[2] Section 9 (4) (a)	5
Omit the paragraph. Insert instead:	6
(a) a member of staff of the NSW Trustee, or	7
[3] Section 10 (3)	8
Omit the subsection including the note. Insert instead:	9
(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the NSW Trustee to exercise its functions.	10
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the NSW Trustee makes use of) may be referred to as officers or employees, or members of staff, of the NSW Trustee. Section 47A of the <i>Constitution Act 1902</i> precludes the NSW Trustee from employing staff.	11
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[4] Schedule 3	17
Insert after Schedule 2:	18
Schedule 3 Provisions relating to Chief Executive Officer	19
	(Section 7 (2)) 20
1 Term of office	21
The Chief Executive Officer holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	22
	23
	24
2 Full-time office	25
The office of Chief Executive Officer is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	26
	27
	28
3 Employment and remuneration	29
(1) The employment of the Chief Executive Officer is (subject to this Schedule) to be governed by a contract of employment between the Commissioner and the Minister.	30
	31
	32
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Chief Executive Officer (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	33
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	37
(a) provisions relating to the band in which an executive is to be employed,	38
(b) provisions relating to the contract of employment of an executive,	39
(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	40
	41

4 Vacancy in office	1
(1) The office of Chief Executive Officer becomes vacant if the holder:	2
(a) dies, or	3
(b) completes a term of office and is not re-appointed, or	4
(c) resigns the office by instrument in writing addressed to the Minister, or	5
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	6 7 8
(e) becomes a mentally incapacitated person, or	9
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	10 11 12 13
(g) is removed from office under clause 5.	14
(2) If the office of Chief Executive Officer becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	15 16
5 Removal from office	17
(1) The Governor may remove the Chief Executive Officer from office, but only for incompetence, incapacity or misbehaviour.	18 19
(2) The Chief Executive Officer cannot be removed from office under Part 6 of the <i>Government Sector Employment Act 2013</i> .	20 21
6 Chief Executive Officer not Public Service employee	22
The office of Chief Executive Officer is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	23 24 25 26
5.23 Ombudsman Act 1974 No 68	27
[1] Section 5 (1), definitions of “Department” and “Department Head”	28
Omit the definitions.	29
[2] Section 5 (1), definition of “head”	30
Omit paragraph (a) of the definition. Insert instead:	31
(a) in relation to a public authority that is a Public Service agency or a person employed in a Public Service agency—the head of the agency, and	32 33 34
[3] Section 5 (1), definition of “public authority”	35
Omit paragraph (c) of the definition. Insert instead:	36
(c) any Public Service agency or any person employed in a Public Service agency,	37 38
[4] Section 5 (1), definition of “responsible Minister”	39
Omit paragraph (a) of the definition. Insert instead:	40
(a) in relation to a public authority that is a Public Service agency or a person employed in a Public Service agency—the Minister responsible	41 42

	for that agency or, in the case where more than one Minister is responsible for that agency, the Minister who, in the opinion of the Ombudsman, is most nearly connected with the conduct of that agency, and	1 2 3 4
[5] Section 6 (6)		5
	Omit the subsection. Insert instead:	6
	(6) The office of Ombudsman is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	7 8 9
[6] Section 8 Deputy Ombudsman and Assistant Ombudsman		10
	Omit section 8 (3) and (4). Insert instead:	11
	(3) The offices of Deputy Ombudsman and Assistant Ombudsman are statutory offices and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to those offices (except as provided by subsection (4B)).	12 13 14 15
	(4) A Deputy Ombudsman and an Assistant Ombudsman hold office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but are eligible (if otherwise qualified) for re-appointment.	16 17 18
	(4A) The employment of a Deputy Ombudsman and an Assistant Ombudsman is (subject to this section) to be governed by a contract of employment between the Deputy Ombudsman or Assistant Ombudsman and the Ombudsman.	19 20 21
	(4B) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to a Deputy Ombudsman and an Assistant Ombudsman (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Ombudsman):	22 23 24 25 26
	(a) provisions relating to the band in which an executive is to be employed,	27
	(b) provisions relating to the contract of employment of an executive,	28
	(c) provisions relating to the remuneration, employment benefits and allowances of an executive,	29 30
	(d) provisions relating to the termination of employment of an executive.	31
	(4C) The office of a Deputy Ombudsman or an Assistant Ombudsman becomes vacant if the holder:	32 33
	(a) dies, or	34
	(b) completes a term of office and is not re-appointed, or	35
	(c) resigns the office by instrument in writing addressed to the Minister, or	36
	(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	37 38 39
	(e) becomes a mentally incapacitated person, or	40
	(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	41 42 43 44
	(g) is removed from office under subsection (4B).	45

[7] Section 25A	1
Omit paragraph (a1) of the definition of <i>designated government agency</i> . Insert instead:	2
(a1) a Public Service agency (or a part of such an agency) prescribed by the regulations for the purposes of this definition,	3 4
[8] Sections 26 (3) and 28 (c)	5
Omit “employed under the <i>Public Sector Management Act 1988</i> , to the Premier’s Department” wherever occurring.	6 7
Insert instead “a Public Service employee, to the Department of Premier and Cabinet”.	8
[9] Section 32 (1)	9
Omit the subsection. Insert instead:	10
(1) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Ombudsman to exercise his or her functions.	11 12 13
5.24 Police Integrity Commission Act 1996 No 28	14
Section 92 Staff of Inspector	15
Omit section 92 (1) and (2). Insert instead:	16
(1) Persons employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Inspector to exercise his or her functions are subject to the control and direction of the Inspector.	17 18 19
(2) Subsection (1) does not affect the exercise of the functions under the <i>Government Sector Employment Act 2013</i> of the head of the Public Service agency in which those persons are employed. The head of that agency may delegate those functions under that Act to the Inspector.	20 21 22 23
5.25 Privacy and Personal Information Protection Act 1998 No 133	24
[1] Section 3 (1), definition of “public sector agency”	25
Omit “government department” from paragraph (a). Insert instead “Public Service agency”.	26
[2] Section 3 (1), definition of “public sector agency”	27
Omit paragraph (e1).	28
[3] Section 3 (1), definition of “public sector official”	29
Omit “the Government Service” from paragraph (c).	30
Insert instead “the Public Service, the Transport Service of New South Wales”.	31
[4] Section 35E	32
Omit the section. Insert instead:	33
35E Privacy Commissioner a statutory officer and not Public Service employee	34
The office of Privacy Commissioner is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	35 36 37

[5] Section 35G Staff of Privacy Commissioner	1
Omit the section.	2
[6] Schedule 2, clause 7 (1)	3
Omit the subclause. Insert instead:	4
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	5 6
5.26 Protection of the Environment Administration Act 1991 No 60	7
[1] Section 7 General functions of Authority	8
Omit section 7 (3) including the note. Insert instead:	9
(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise its functions.	10 11
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Authority makes use of) may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	12 13 14 15
[2] Section 18 Chairperson of the Authority	16
Omit section 18 (4) and (5). Insert instead:	17
(4) Schedule 2A contains provisions relating to the Chairperson.	18
[3] Schedule 1, clause 6 (1) (d)	19
Omit the paragraph. Insert instead:	20
(d) is removed from office by the Governor under this clause or by the Governor under Part 6 of the <i>Government Sector Employment Act 2013</i> , or	21 22 23
[4] Schedule 1, clause 9 (1)	24
Omit the subclause. Insert instead:	25
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	26 27 28
[5] Schedule 2, clause 8 (1)	29
Omit the subclause. Insert instead:	30
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	31 32

[6] Schedule 2A	1
Insert after Schedule 2:	2
Schedule 2A Provisions relating to Chairperson of Authority	3 4
(Section 18 (4))	5
1 Term of office	6
The Chairperson holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	7 8 9
2 Employment and remuneration	10
(1) The employment of the Chairperson is (subject to this Schedule) to be governed by a contract of employment between the Chairperson and the Minister.	11 12 13
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Chairperson (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	14 15 16 17 18
(a) provisions relating to the band in which an executive is to be employed,	19
(b) provisions relating to the contract of employment of an executive,	20
(c) provisions relating to the remuneration, employment benefits and allowances of an executive.	21 22
3 Vacancy in office	23
(1) The office of Chairperson becomes vacant if the holder:	24
(a) dies, or	25
(b) completes a term of office and is not re-appointed, or	26
(c) resigns the office by instrument in writing addressed to the Minister, or	27
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	28 29 30
(e) becomes a mentally incapacitated person, or	31
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	32 33 34 35
(g) is removed from office under clause 4.	36
(2) If the office of Chairperson becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	37 38
4 Removal from office	39
(1) The Governor may remove the Chairperson from office, but only for incompetence, incapacity or misbehaviour.	40 41
(2) The Chairperson cannot be removed from office under Part 6 of the <i>Government Sector Employment Act 2013</i> .	42 43

5 Chairperson not Public Service employee	1
The office of Chairperson is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 2).	2 3 4 5
5.27 Public Finance and Audit Act 1983 No 152	6
[1] Section 4 (1), definition of “authority”	7
Omit paragraph (a). Insert instead:	8
(a) a Public Service agency under the <i>Government Sector Employment Act 2013</i> ,	9 10
[2] Section 4 (1), definition of “Head of an authority”	11
Omit paragraph (a). Insert instead:	12
(a) in relation to a Public Service agency under the <i>Government Sector Employment Act 2013</i> —the head of the agency under that Act,	13 14
[3] Section 4 (1), definition of “Head of an authority”	15
Omit “the Director-General of the Department of Education and Training” from paragraph (b).	16 17
Insert instead “the Secretary of the Department of Education and Communities”.	18
[4] Section 4 (1), definition of “officer of an authority”	19
Omit paragraph (a). Insert instead:	20
(a) in relation to a Public Service agency under the <i>Government Sector Employment Act 2013</i> —a Public Service employee under that Act,	21 22
[5] Section 33B Staff of Audit Office	23
Omit section 33B (4). Insert instead:	24
(4) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member of staff of the Audit Office.	25 26 27
[6] Schedule 1, clause 4	28
Omit the clause. Insert instead:	29
4 Auditor-General a statutory officer and not Public Service employee	30
The office of Auditor-General is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	31 32 33
5.28 Public Interest Disclosures Act 1994 No 92	34
[1] Section 4 Definitions	35
Omit paragraph (a) of the definition of <i>public authority</i> . Insert instead:	36
(a) a Public Service agency,	37

[2] Section 4A Public officials	1
Omit section 4A (1) (a) (i). Insert instead:	2
(i) a Public Service employee,	3
[3] Section 6E Responsibility of head of public authority	4
Omit paragraph (e) of the definition of <i>head of a public authority</i> in section 6E (2).	5
Insert instead:	6
(e) for a Public Service agency—the head of the agency under the <i>Government Sector Employment Act 2013</i> , or	7
	8
5.29 Rural Assistance Act 1989 No 97	9
[1] Section 8 (3)	10
Omit the subsection including the note. Insert instead:	11
(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise its functions.	12
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Authority makes use of) may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	13
	14
	15
	16
	17
[2] Section 11	18
Omit the section. Insert instead:	19
11 Chief Executive of the Authority	20
The Chief Executive of the Authority is the person employed in the Public Service as the Chief Executive of the Authority.	21
	22
[3] Schedule 1, clause 6 (1) (d)	23
Omit the paragraph. Insert instead:	24
(d) is removed from office by the Minister under this clause, or	25
[4] Schedule 1, clause 9 (1)	26
Omit the subclause. Insert instead:	27
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	28
	29
	30
[5] Schedule 2 Provisions relating to Chief Executive	31
Omit the Schedule.	32
5.30 Soil Conservation Act 1938 No 10	33
[1] Section 3 (1), definition of “Commissioner”	34
Omit the definition. Insert instead:	35
Commissioner means the person employed in the Public Service as the Soil Conservation Commissioner.	36
	37

[2] Section 3 (1), definition of “Deputy Commissioner”	1
Omit the definition. Insert instead:	2
<i>Deputy Commissioner</i> means the person employed in the Public Service as the Deputy Soil Conservation Commissioner.	3 4
[3] Section 4 Soil Conservation Commissioner	5
Omit “The Governor may from time to time appoint a Commissioner of the Soil Conservation Service of New South Wales who” from section 4 (1).	6 7
Insert instead “The Commissioner”.	8
[4] Section 4 (1A)	9
Omit the subsection.	10
[5] Section 5	11
Omit the section. Insert instead:	12
5 Staff of Commissioner	13
Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise his or her functions.	14 15 16
[6] Fifth Schedule, clause 5 (1)	17
Omit the subclause. Insert instead:	18
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member of a committee.	19 20 21
5.31 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	22
[1] Section 24A, definition of “chief executive office holder”	23
Omit “or the Commissioner of Police”.	24
[2] Section 24A, definition of “remuneration package”	25
Omit “or section 46 of the <i>Police Act 1990</i> ”.	26
[3] Section 24A, definition of “senior executive office holder”	27
Omit “or the holder of a position determined as an executive position under Division 2 of Part 5 of the <i>Police Act 1990</i> ”.	28 29
[4] Part 3B (as inserted by Act No 40 of 2013)	30
Insert “and other” after “Public Service” in the heading to the Part.	31
[5] Section 24M Definitions (as inserted by Act No 40 of 2013)	32
Insert in alphabetical order:	33
<i>government sector senior executive employment legislation</i> means any of the following:	34 35
(a) Division 4 of Part 4 of the <i>Government Sector Employment Act 2013</i> ,	36
(b) Part 5 of the <i>Police Act 1990</i> ,	37
(c) Part 3 of Chapter 9 of the <i>Health Services Act 1997</i> ,	38

(d) Part 7A of the <i>Transport Administration Act 1988</i> .	1
[6] Section 24M, definition of “remuneration package”	2
Omit “under the <i>Government Sector Employment Act 2013</i> ”.	3
Insert instead “under the government sector senior executive employment legislation”.	4
[7] Section 24M, definition of “senior executive”	5
Omit the definition. Insert instead:	6
<i>senior executive</i> means:	7
(a) the Secretary of a Department of the Public Service or any other Public Service senior executive to whom Division 4 of Part 4 of the <i>Government Sector Employment Act 2013</i> applies, or	8 9 10
(b) the Commissioner of Police or any NSW Police Force senior executive to whom Part 5 of the <i>Police Act 1990</i> applies, or	11 12
(c) any NSW Health Service senior executive to whom Part 3 of Chapter 9 of the <i>Health Services Act 1997</i> applies, or	13 14
(d) any Transport Service senior executive to whom Part 7A of the <i>Transport Administration Act 1988</i> applies.	15 16
[8] Section 24N Initial determinations (as inserted by Act No 40 of 2013)	17
Omit “under the <i>Government Sector Employment Act 2013</i> ”.	18
Insert instead “under the government sector senior executive employment legislation”.	19
5.32 Sydney Water Catchment Management Act 1998 No 171	20
[1] Section 9	21
Omit the section. Insert instead:	22
9 Chief Executive	23
The Chief Executive of the SCA is the person employed in the Public Service as the Chief Executive.	24 25
[2] Section 15 (3)	26
Omit the subsection including the note. Insert instead:	27
(3) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the SCA to exercise its functions.	28 29
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the SCA makes use of) may be referred to as officers or employees, or members of staff, of the SCA. Section 47A of the <i>Constitution Act 1902</i> precludes the SCA from employing staff.	30 31 32 33
[3] Schedule 1, clause 6 (1) (d)	34
Omit “Part 8 of the <i>Public Sector Management Act 1988</i> ”.	35
Insert instead “Part 6 of the <i>Government Sector Employment Act 2013</i> ”.	36

[4] Schedule 1, clause 9 (1)	1
Omit the subclause. Insert instead:	2
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	3 4 5
[5] Schedule 2 Provisions relating to Chief Executive	6
Omit the Schedule.	7
5.33 Technical and Further Education Commission Act 1990 No 118	8
[1] Section 13 Managing Director	9
Omit section 13 (2). Insert instead:	10
(2) Schedule 1A contains provisions relating to the Managing Director.	11
[2] Section 22 Extended or long service leave	12
Omit section 22 (2) and (3). Insert instead:	13
(2) The staff to whom this section applies are entitled to extended leave at the same rate as Public Service employees under the <i>Government Sector Employment Act 2013</i> .	14 15 16
[3] Schedule 1, clause 6 (1) (d)	17
Omit the paragraph. Insert instead:	18
(d) is removed from office by the Minister under this clause, or	19
[4] Schedule 1, clause 9 (1)	20
Omit the subclause. Insert instead:	21
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	22 23 24
[5] Schedule 1A	25
Insert after Schedule 1:	26
Schedule 1A Provisions relating to Managing Director	27
	(Section 13 (2)) 28
1 Term of office	29
The Managing Director holds office for such term, not exceeding 5 years, as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	30 31 32
2 Full-time office	33
The office of Managing Director is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.	34 35 36

3 Employment and remuneration	1
(1) The employment of the Managing Director is (subject to this Schedule) to be governed by a contract of employment between the Managing Director and the Minister.	2 3 4
(2) The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the Managing Director (but in the application of those provisions a reference to the employer of any such executive is to be read as a reference to the Minister):	5 6 7 8 9
(a) provisions relating to the band in which an executive is to be employed,	10
(b) provisions relating to the contract of employment of an executive,	11
(c) provisions relating to the remuneration, employment benefits and allowances of an executive,	12 13
(d) provisions relating to the termination of employment of an executive.	14
4 Vacancy in office	15
(1) The office of Managing Director becomes vacant if the holder:	16
(a) dies, or	17
(b) completes a term of office and is not re-appointed, or	18
(c) resigns the office by instrument in writing addressed to the Minister, or	19
(d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	20 21 22
(e) becomes a mentally incapacitated person, or	23
(f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	24 25 26 27
(g) is removed from office under clause 3.	28
(2) If the office of Managing Director becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	29 30
5 Managing Director not Public Service employee	31
The office of Managing Director is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office (except as provided by clause 3).	32 33 34 35
5.34 Transport Administration Act 1988 No 109	36
Section 68C (as in force before the substitution of Part 7A by Schedule 4 to this Act)	37
Insert after section 68C (2):	38
(3) The Director-General may create divisions (however described) of staff employed in the Transport Service.	39 40

5.35 Treasury Corporation Act 1983 No 75	1
[1] Section 4 (10)	2
Omit the subsection including the note. Insert instead:	3
(10) The Corporation may employ staff. The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to the staff employed by the Corporation.	4 5 6
[2] Schedule 1, clause 8	7
Omit the clause. Insert instead:	8
8 Chief Executive a statutory officer and not Public Service employee	9
The office of Chief Executive is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	10 11 12
[3] Schedule 3, clause 9 (1)	13
Omit the subclause. Insert instead:	14
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	15 16 17
5.36 Workers Compensation Act 1987 No 70	18
Section 279A Workers compensation liability with respect to staff of statutory bodies (as inserted by Act No 40 of 2013)	19 20
Insert in alphabetical order in section 279A (4):	21
<i>Public Service</i> includes the Transport Service of New South Wales.	22
5.37 Workplace Injury Management and Workers Compensation Act 1998 No 86	23 24
[1] Section 4 (1), definition of “Chief Executive Officer”	25
Omit the definition. Insert instead:	26
<i>Chief Executive Officer</i> means the person employed in the Public Service as the Chief Executive Officer of Safety, Return to Work and Support.	27 28
[2] Section 22 (4)	29
Omit the subsection including the note. Insert instead:	30
(4) Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise its functions.	31 32
Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Authority makes use of) may be referred to as officers or employees, or members of staff, of the Authority. Section 47A of the <i>Constitution Act 1902</i> precludes the Authority from employing staff.	33 34 35 36
[3] Section 24 Appointment of Independent Review Officer	37
Omit section 24 (5) and (6). Insert instead:	38
(5) The office of Independent Review Officer is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	39 40 41

(6)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Independent Review Officer to exercise his or her functions.	1 2 3
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Independent Review Officer makes use of) may be referred to as officers or employees, or members of staff, of that Officer. Section 47A of the <i>Constitution Act 1902</i> precludes that Officer from employing staff.	4 5 6 7
[4]	Section 25 Vacancy in office of Independent Review Officer	8
	Insert after section 25 (2):	9
(2A)	The Independent Review Officer cannot be removed from office under Part 6 of the <i>Government Sector Employment Act 2013</i> .	10 11
[5]	Section 374 Staff and facilities of Commission	12
	Omit section 374 (1)–(3). Insert instead:	13
(1)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commission to exercise its functions.	14 15
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the <i>Constitution Act 1902</i> precludes the Commission from employing staff.	16 17 18 19 20
(2)	The persons so employed are, in the exercise of their functions, subject to the general control and direction of the Registrar.	21 22
(3)	This section does not affect the exercise of the functions under the <i>Government Sector Employment Act 2013</i> of the head of the Public Service agency in which those persons are employed.	23 24 25
[6]	Section 374 (5)	26
	Omit the subsection.	27
[7]	Section 374 (6)	28
	Omit “Department”. Insert instead “Public Service agency”.	29
[8]	Schedule 5, clause 11 (1)	30
	Omit the subclause. Insert instead:	31
(1)	The office of a member of the Commission is a statutory office and the provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to that office.	32 33 34
5.38	Zoological Parks Board Act 1973 No 34	35
[1]	Section 5 Constitution of Board	36
	Omit section 5 (3) including the note. Insert instead:	37
(3)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Board to exercise its functions.	38 39
	Note. Section 59 of the <i>Government Sector Employment Act 2013</i> provides that the persons so employed (or whose services the Board makes use of) may be referred to as officers or employees, or members of staff, of the Board. Section 47A of the <i>Constitution Act 1902</i> precludes the Board from employing staff.	40 41 42 43

[2] Section 9 (4)	1
Omit the subsection. Insert instead:	2
(4) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	3 4
[3] Section 12	5
Omit the section. Insert instead:	6
12 Director of Zoological Parks Board	7
(1) The Director of the Zoological Parks Board is the person employed in the Public Service as the Director.	8 9
(2) The Board is to be consulted on any proposed appointment of a Director of the Zoological Parks Board.	10 11