

GOVERNMENT SECTOR EMPLOYMENT LEGISLATION
AMENDMENT BILL 2016

Schedule of the amendments referred to in the Legislative Council's message of 24 February 2016.

- No. 1 **CDP No. 1 [c2016-010B]**
Page 5, Schedule 1. Insert after line 13:
- [17] Section 39 Contract of employment of senior executives**
- Insert "entered into after the commencement of those mandatory provisions" after "a contract of employment" in section 39 (3).
- No. 2 **CDP No. 2 [c2016-010B]**
Page 5, Schedule 1 [20], proposed section 39 (7), line 32. Insert "Any such regulation cannot reduce the amount of compensation to which a Public Service senior executive is entitled under a contract of employment entered into before the commencement of the regulation." after "employment."
- No. 3 **CDP No. 3 [c2016-010B]**
Page 20, Schedule 2 [20], proposed section 121F (2), line 32. Insert "entered into after the commencement of those mandatory provisions" after "employment".
- No. 4 **CDP No. 4 [c2016-010B]**
Page 21, Schedule 2 [20], proposed section 121F (7), line 18. Insert "Any such regulation cannot reduce the amount of compensation to which a NSW Health Service senior executive is entitled under a contract of employment entered into before the commencement of the regulation." after "employment."
- No. 5 **CDP No. 5 [c2016-010B]**
Page 27, Schedule 3 [15], proposed section 28 (1A), line 21. Insert "This subsection does not affect the operation of the *Police Regulation (Superannuation) Act 1906* or the *State Authorities Superannuation Act 1987* or prevent the payment of any other benefit provided under a superannuation scheme." after "office).".
- No. 6 **CDP No. 6 [c2016-010B]**
Page 27, Schedule 3. Insert after line 30:
- [17] Section 28A**
- Insert after section 28:
- 28A Declaration as "unattached" officer**
- (1) This section applies in relation to a person who is removed from office as Commissioner under section 28.
 - (2) The Governor, on the recommendation of the Minister:
 - (a) may declare the person so removed to be an unattached officer in the service of the Crown, and
 - (b) may revoke any such declaration.
 - (3) While such a declaration remains in force, the person concerned is entitled to monetary remuneration and employment benefits (including any benefits that may be provided under a superannuation scheme) as if the person had not been removed from office.
 - (4) If:
 - (a) the Commissioner is removed from office and such

a declaration is not made, or
(b) a declaration that is made is revoked,
the person concerned ceases to be employed in the service of
the Crown, unless appointed to another position in the
service of the Crown.

(5) A declaration under this section, unless sooner revoked, is
revoked on the date on which the term of office of the
person as Commissioner would have expired.

No. 7 **CDP No. 7 [c2016-010B]**

Page 30, Schedule 3 [17], proposed section 38 (2), line 49. Insert “entered into after the commencement of those mandatory provisions” after “employment”.

No. 8 **CDP No. 8 [c2016-010B]**

Page 31, Schedule 3 [17], proposed section 38 (7), line 34. Insert “Any such regulation cannot reduce the amount of compensation to which a NSW Police Force senior executive is entitled under a contract of employment entered into before the commencement of the regulation.” after “employment.”.

No. 9 **CDP No. 9 [c2016-010B]**

Page 32, Schedule 3 [17], proposed section 40 (4), line 32. Insert “(including any benefits that may be provided under a superannuation scheme)” after “employment benefits”.

No. 10 **CDP No. 1 [c2016-013A]**

Page 32, Schedule 3 [17], proposed section 40 (5), line 39. Insert “after consultation with the person” after “police officer”.

No. 11 **CDP No. 2 [c2016-013A]**

Page 32, Schedule 3 [17], proposed section 40. Insert after line 39:

(6) Without limiting subsection (5), a person whose appointment as Deputy Commissioner or Assistant Commissioner is terminated under this section and who is the subject of an unattached declaration may be appointed by the Commissioner to a position in the NSW Police Force as a non-executive police officer after consultation with the person.

No. 12 **CDP No. 10 [c2016-010B]**

Page 32, Schedule 3 [17], proposed section 40 (6) (a), line 42. Omit “under section 181D”. Insert instead “apart from under this section”.

No. 13 **CDP No. 11 [c2016-010B]**

Page 33, Schedule 3 [17], proposed section 41 (1), line 5. Insert “This subsection does not affect the operation of the *Police Regulation (Superannuation) Act 1906* or the *State Authorities Superannuation Act 1987* or prevent the payment of any other benefit provided under a superannuation scheme.” after “employment”).”.

No. 14 **CDP No. 12 [c2016-010B]**

Page 46, Schedule 3 [38]. Insert after line 14:

96 Continuation of eligibility lists for senior executive positions

An eligibility list that was current under section 39A (as in force immediately before its repeal by the amending Act) may continue to be used in relation to a position in respect of which the list was applicable under that section, but only until such time as the list would otherwise cease to have effect under that section.

No. 15

CDP No. 3 [c2016-013A]

Page 46, Schedule 3 [38]. Insert after line 14:

96 Preservation of status as police officer for purposes of applying for benefits under Police Regulation (Superannuation) Act 1906

A person who is removed from office as Commissioner under section 28 or whose appointment as Deputy Commissioner or Assistant Commissioner is terminated under section 40 is, on that removal or termination, taken to be a police officer for the purposes only of enabling the person to make an application for benefits under the *Police Regulation (Superannuation) Act 1906* as a police officer and enabling matters in connection with that application to be dealt with.

No. 16

CDP No. 4 [c2016-013A]

Page 46, Schedule 3 [38]. Insert after line 14:

96 Continuation of merit appointment and eligibility lists for senior executive positions

The provisions of section 39 (1)–(2A) and (6) and section 39A (as in force immediately before their repeal by the amending Act) continue to apply in relation to the appointment of a person to a position as a NSW Police Force senior executive until such time as government sector employment rules are made under section 12 of the *Government Sector Employment Act 2013* that relate to the employment of NSW Police Force senior executives.

No. 17

CDP No. 1 [c2016-011A]

Page 46, Schedule 3 [38]. Insert after line 27:

98 Review of certain amendments made by amending Act

- (1) The Minister is to review the following provisions of this Act to determine whether the policy objectives of the provision remain valid and whether the terms of the provision remain appropriate for securing those objectives:
 - (a) section 28 (as amended by the amending Act),
 - (b) sections 28A, 33 (3), 40 and 41 (as inserted by the amending Act).
- (2) The review is to be undertaken as soon as possible after the end of the period of 2 years following the commencement of this clause.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament as soon as practicable after the review is completed.

No. 18

CDP No. 13 [c2016-010B]

Page 49, Schedule 4 [1], proposed section 68H (2), line 27. Insert “entered into after the commencement of those mandatory provisions” after “employment”.

No. 19

CDP No. 14 [c2016-010B]

Page 50, Schedule 4 [1], proposed section 68H (7), line 14. Insert “Any such regulation cannot reduce the amount of compensation to which a Transport Service senior executive is entitled under a contract of employment entered into before the commencement of the regulation.” after “employment.”.
