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CDP

LEGISLATIVE COUNCIL

Government Sector Employment Legislation Amendment Bill 2016

First print

Proposed amendments

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- No. 1 **Public Service senior executives—application of mandatory provisions of model contract of employment**  
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 **Public Service senior executives—application of regulations relating to compensation for termination of employment**  
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 **NSW Health Service senior executives—application of mandatory provisions of model contract of employment**  
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 **NSW Health Service senior executives—application of regulations relating to compensation for termination of employment**  
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 **Removal of Police Commissioner from office—superannuation entitlements not affected**  
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 **Removal of Police Commissioner from office—declaration as “unattached” officer**  
Page 27, Schedule 3. Insert after line 30:

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**[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 **NSW Police Force senior executives—application of mandatory provisions of model contract of employment**

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 **NSW Police Force senior executives—application of regulations relating to compensation for termination of employment**

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 **Termination of employment of NSW Police Force senior executives—entitlements to employment benefits while declared “unattached”**

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 **Termination of employment of NSW Police Force senior executives—other removal provisions not effected**

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

No. 11 **Termination of employment of NSW Police Force senior executives—superannuation entitlements not effected**

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.”.

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No. 12     **Existing eligibility lists for Police senior executive positions**

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. 13     **Transport Service senior executives—application of mandatory provisions of model contract of employment**

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

No. 14     **Transport Service senior executives—application of regulations relating to compensation for termination of employment**

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.”.