



New South Wales

Police Amendment (Senior Executive Transfers) Act 2004 No 76

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New South Wales

Police Amendment (Senior Executive Transfers) Act 2004 No 76

Act No 76, 2004

An Act to amend the *Police Act 1990* with respect to the transfer of executive officers from and within NSW Police; and for other purposes. [Assented to 28 September 2004]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Police Amendment (Senior Executive Transfers) Act 2004*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Police Act 1990 No 47

The *Police Act 1990* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 51 Removal of executive officers from office

Insert at the end of section 51 (3) (b):

, and

- (c) is, for the purposes of section 87 of the *Public Sector Employment and Management Act 2002*, to be regarded as holding an equivalent (though notional) executive position in NSW Police.

[2] Section 53 Compensation where executive officer has no right to return to public sector

Insert after section 53 (1):

- (1A) This section does not apply to an executive officer who consents to a transfer under Part 3.2 of the *Public Sector Employment and Management Act 2002* at a lower level of remuneration.

[3] Section 60

Omit the section. Insert instead:

60 Executive officer mobility

- (1) Division 3 does not apply to the transfer of an executive officer to a vacant executive position under Part 3.2 of the *Public Sector Employment and Management Act 2002*.
- (2) For the purposes of the application of Division 1 of Part 3.2 of the *Public Sector Employment and Management Act 2002* to an executive officer, a reference in section 89 (Variations in remuneration on transfer) of that Act:
 - (a) to an officer is to be read as a reference to an executive officer, and
 - (b) to a remuneration package is to be read as a reference to a remuneration package within the meaning of this Part.

Note. Section 87 of the *Public Sector Employment and Management Act 2002* enables the Commissioner of Police to transfer an executive officer to another position or other employment in NSW Police or to the service of another public sector agency with the approval of the head of the other agency and of the Public Employment Office and following consultation with the officer. A transfer is to be made at the executive

officer's existing level of remuneration unless the executive officer consents to the transfer at a lower level of remuneration. Section 89 of that Act defines existing level of remuneration and what is meant by transfer to a level of remuneration that is lower than an officer's existing level of remuneration.

[4] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

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[5] Schedule 4

Insert after Part 20:

**Part 21 Provisions consequent on enactment of
Police Amendment (Senior Executive
Transfers) Act 2004**

67 Transfers to vacant positions

The amendments made by the *Police Amendment (Senior Executive Transfers) Act 2004* extend to a position that is vacant at the commencement of the amendments.

[Second reading speech made in—

Legislative Assembly on 3 June 2004

Legislative Council on 21 September 2004]

BY AUTHORITY