



New South Wales

Health Services Amendment (Senior Executive Transitional Arrangements) Regulation 2016

under the

Health Services Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Services Act 1997*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to modify certain transitional arrangements in relation to existing Health Service senior executives whose employment will, as a consequence of amendments made by the *Government Sector Employment Legislation Amendment Act 2016*, be aligned to the new employment arrangements for Public Service senior executives.

This Regulation is made under the *Health Services Act 1997* (as amended by the *Government Sector Employment Legislation Amendment Act 2016*), including clause 1 of Schedule 7.

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1 Name of Regulation

This Regulation is the *Health Services Amendment (Senior Executive Transitional Arrangements) Regulation 2016*.

2 Commencement

This Regulation commences on 1 January 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Health Services Act 1997 No 154

[1] Schedule 7 Savings, transitional and other provisions

Omit “employed in” from the definition of *existing Health Service senior executive* in the clause headed “Definitions” in the Part headed “Provisions consequent on enactment of *Government Sector Employment Legislation Amendment Act 2016*”.

Insert instead “holding”.

[2] Schedule 7

Insert after subclause (1) (g) of the clause headed “Application of new senior executive provisions to existing Health Service senior executives” in the Part headed “Provisions consequent on enactment of *Government Sector Employment Legislation Amendment Act 2016*”:

- (h) the executive is entitled to continue, until such time as the employer determines otherwise, to work on a part-time basis if the executive was working part-time immediately before the commencement of the new senior executive provisions.

[3] Schedule 7

Omit subclause (2) of the clause headed “Application of new senior executive provisions to existing Health Service senior executives” in the Part headed “Provisions consequent on enactment of *Government Sector Employment Legislation Amendment Act 2016*”.

Insert instead:

- (2) However, subclause (1) (a)–(c) do not apply to an existing Health Service senior executive holding an executive position under the former senior executive provisions that is designated by the Health Secretary by order in writing before the commencement of this clause (a *designated position*). Such a designation may only be made if the Health Secretary is satisfied that the senior executive was appointed to the executive position:
 - (a) to undertake temporary project work, or
 - (b) on an acting or short-term basis pending the taking of recruitment action to fill a vacancy in the executive position.
- (3) On the commencement of the new senior executive provisions, the following provisions apply in relation to an existing Health Service senior executive holding a designated position:
 - (a) the person is taken to be employed as a Health Service senior executive for the remainder of the term of the person’s appointment under the former senior executive provisions,
 - (b) the person is not required to enter into a contract of employment under the new senior executive provisions and the person’s contract of employment under the former senior executive provisions continues to apply for the remainder of that term.
- (4) Subclause (1) (f) and (g) cease to apply in relation to a Health Service senior executive if the executive is assigned to a role (whether in the NSW Health Service or any other government sector agency) that has a remuneration package exceeding the remuneration package paid to the executive immediately before the assignment to the new role.