



New South Wales

Health Services Further 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 transitional arrangements relating to existing Health Service senior executives whose employment will, as a consequence of the amendments made by the *Government Sector Employment Legislation Amendment Act 2016*, be aligned to the employment arrangements relating to 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 Further 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.

3 Amendment of Health Services Act 1997 No 154

Schedule 7 Savings, transitional and other provisions

Insert after 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*”, with appropriate clause numbering:

Termination of employment

Section 121H extends to conduct occurring before 1 January 2017.

Dealing with misconduct and unsatisfactory performance

- (1) Any matter relating to the conduct or performance of an existing Health Service senior executive that was being dealt with under this Act before 1 January 2017 is to continue to be dealt with as if this Act had not been amended by the amending Act.
- (2) If the employer of a NSW Health Service senior executive takes any action under section 68 (2) of the *Government Sector Employment Act 2013* on or after 1 January 2017 in relation to the executive, anything done before that date by an employer of the executive in dealing with the executive’s unsatisfactory performance in accordance with the rules made under that Act is taken to have been done by the employer who is taking the action (whether or not the same person).