



New South Wales

Government Sector Employment Amendment (NSW Police Force Senior Executives) Regulation 2017

under the

Government Sector Employment Act 2013

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Government Sector Employment Act 2013*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to amend the *Government Sector Employment Regulation 2014* as a consequence of the amendments made by the *Government Sector Employment Legislation Amendment Act 2016* to the *Police Act 1990* that align the employment arrangements for NSW Police Force senior executives with those that apply to Public Service senior executives.

This Regulation is made under the *Government Sector Employment Act 2013*, including section 39 (4) (i) (as applied by section 38 (3) (h) of the *Police Act 1990*), section 39 (7) (as applied by section 38 (7) of the *Police Act 1990*) and section 88 (3A) (as applied by section 41 (3) of the *Police Act 1990*).

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1 Name of Regulation

This Regulation is the *Government Sector Employment Amendment (NSW Police Force Senior Executives) Regulation 2017*.

2 Commencement

This Regulation commences on 31 October 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Government Sector Employment Regulation 2014

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

NSW Police Force senior executive means a person employed in the NSW Police Force as a NSW Police Force senior executive.

[2] Clause 6 Application of certain provisions of Act to administrative employees of NSW Police Force

Omit “administrative officers”. Insert instead “administrative employees”.

[3] Clause 24 Repayment of severance or redundancy payments for non-executives on re-employment in public sector: section 88 (3) of Act

Insert after clause 24 (4) (c):

(d) NSW Police Force senior executives.

[4] Clause 24 (4), note

Insert at the end of the note:

In the case of NSW Police Force senior executives, see section 41 (2) of the *Police Act 1990* and clause 46 of this Regulation.

[5] Part 7

Insert after Part 6:

Part 7 Additional provisions relating to NSW Police Force senior executives

45 Contract of employment—additional matters to be dealt with in contract

The following matters are, for the purposes of section 38 (3) (h) of the *Police Act 1990*, prescribed under section 39 (4) (i) of the Act in relation to NSW Police Force senior executives:

- (a) matters relating to confidentiality and intellectual property,
- (b) capability-based assessments,
- (c) matters of an administrative or ancillary nature that, in the opinion of the Commissioner of Police, are necessary or convenient to be dealt with in the contract of employment.

46 Compensation for termination of employment and calculation of proportionate amount to be refunded on re-employment in public sector

- (1) The contract of employment of a NSW Police Force senior executive is to provide for the payment of the following compensation to the executive on the termination of the executive’s employment:
 - (a) if the employment is terminated under section 40 of the *Police Act 1990* during or at the end of any period of probation imposed as a condition of the executive’s engagement—an amount equal to the executive’s remuneration package for a period of 4 weeks,
 - (b) if the employment is otherwise terminated under section 40 of the *Police Act 1990*—an amount equal to the executive’s remuneration

package for a period of 38 weeks or for the period remaining on the term of the contract (whichever is the lesser),

- (c) if the employment is terminated under section 68 of the Act for unsatisfactory performance—an amount equal to the executive's remuneration package for a period of 13 weeks.

Note. Section 68 of the Act does not apply to police officers.

- (2) No compensation is payable if the NSW Police Force senior executive's employment is terminated for misconduct.
- (3) The proportionate amount of a payment to be refunded under section 41 (2) of the *Police Act 1990* is to be calculated on the basis of the number of weeks (if any) that remain as part of the period to which the payment relates.
- (4) The amount of compensation payable in accordance with this clause to a NSW Police Force senior executive on the termination of the executive's employment is, in the case of an executive who is employed part-time, to be calculated on a pro-rata basis.