

Compensation Applications

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Determinations of Compensation

Senior Executives - Public Service

Public Service senior executives are employed under the provisions of Division 4 of the Government Sector Employment Act 2013 (GSE Act).

The Tribunal has no role in determining compensation for termination of employment for senior executives in the Public Service. Provision is made for compensation for termination of employment in the senior executive's contract of employment in accordance with section 41 of the GSE Act. The contract provides for the payment of compensation in accordance with clause 39 of the Government Sector Employment Regulation 2014.

For a limited period of time the Tribunal will continue to determine compensation, if any, payable for the termination of employment for specified transitional former senior executives in accordance with the repealed Public Sector Employment and Management Act 2002. Those transitional arrangements are provided for in clauses 6, 7, 8 and 8A of Schedule 4 of the GSE Act.

Senior Executives - NSW Police Force

Currently the Tribunal determines compensation, if any, for former Police Force senior executives who are removed from office in accordance with section 51 of the Police Act 1990 (Police Act). The Tribunal's authority to do so is provided in section 53 of the Police Act.

On commencement of Schedule 3 to the Government Sector Employment (Legislative Amendment) Act 2016 (GSELA), the Police Act, as amended, will provide transitional arrangements for existing Police senior executives and administrative senior executives. Arrangements for the determination of compensation are expected to be impacted as follows:

- The GSELA Act inserts clause 91 into Schedule 4 of the Police Act. Clause 91 applies to existing Police senior executives. Clause 91(1)(e) provides for compensation if the executive's employment is terminated before the implementation date that has been set for the executive under clause 90. In

such a circumstance the executive is entitled to the compensation, if any, as provided for under the former executive provisions. Those provisions are, as noted above, in section 53 of the Police Act which provides for the compensation to be determined by the Tribunal.

- The GSELA Act inserts clause 92 into Schedule 4 to the Police Act. Clause 92 applies to existing administrative senior executives. Clause 92 provides for compensation if the executive's employment is terminated either prior to the implementation date that has been set for the executive under clause 90 (clause 92(1)(e)) or on the implementation date (clause 92(4)(c)) in accordance with the former executive provisions. Those provisions are, as noted above, in section 53 of the Police Act which provides for the compensation to be determined by the Tribunal.

Once an existing Police senior executive's implementation date has passed, the Tribunal will have no role in relation to any compensation payable to the executive for termination of their employment. The compensation payable will be as provided by section 41 of the Police Act as amended.

Statutory Officers

SOORT may determine compensation (if any) for Statutory officers (to whom Part 6 of the GSE Act applies) following removal from office, as provided for under section 78 of the GSE Act.

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Information for applicants and agencies is contained in the documents below.

[FAQ - Compensation Applications to SOORT](#)

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[Compensation Application Form to SOORT](#)

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