

### 1. I am a Public Service senior executive (PSSE) or a Health Service senior executive (HSSE). If I am terminated can I apply for compensation from the Tribunal?

No. For both PSSEs and HSSEs compensation for termination of employment is provided for in the contract of employment (s. 41 *Government Sector Employment Act 2013* (GSE Act) or s121H *Health Services Act 1997*). The contract of employment is to provide for the payment of compensation in accordance with clauses 39 (PSSEs) or 41 (HSSEs) of the *GSE Regulation 2014*.

### 2. What compensation does the Tribunal determine?

The Tribunal determines compensation in accordance with relevant legislation. The amount of compensation (if any) is up to a maximum of 38 weeks.

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| <b>Repealed Public Service Employment and Management Act (former PSEMA)</b> | Transitional senior executives (SES) terminated under <a href="#">section 41</a> of the GSE Act and entitled to the compensation provided under <a href="#">section 78</a> of the former PSEMA. Those transitional arrangements are provided for in clauses 6, 7, 8 and 8A of Schedule 4 of the GSE Act. |
| <b>Police Act 1990</b>  | Police Force Senior Executives (PFSE) removed under <a href="#">section 51</a> of the <i>Police Act 1990</i> are entitled to compensation provided under <a href="#">section 53</a> of the Police Act.   |

### 3. How do I apply for compensation?

Download the form on the NSW Remuneration Tribunals website. Enter the information electronically using the built in drop down menus and text fields. If you are unable to use the form your application should address the items as set out in the form.

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| <b>Personal details</b>     | Name, age, contact telephone number, mailing address and email (for correspondence) and qualifications.  |
| <b>Contract details</b>     | Department or agency, role summary (title, primary purpose, key accountabilities and challenges and role specialisation), contract term, SES/PFSE Level, and current remuneration (including recruitment allowance if applicable).       |
| <b>Termination details</b>  | Date notified of termination and the last day of duty. The circumstances of the termination, eg restructure, GSE implementation or other reasons.  |
| <b>Work history</b>         | The length of employment in the public service at SES/PFSE level and Non SES/PFSE level (if applicable). Summary of roles held and Curriculum Vitae.   |
| <b>Optional information</b> | Record of performance eg last annual performance review outcome and/or performance history.<br>Superannuation arrangements eg fund and any impact the termination will have on superannuation.<br>Any other matters considered relevant. |

### 4. How is my application treated if I chose not to apply for roles in the new executive structure?

Transitional senior executives who chose not to apply for new roles, and transitional senior executives who applied for new roles and were unsuccessful in attaining a role, are treated in the same manner.

### 5. When can I make an application?

An application can be made when you have received advice in writing from either your Secretary or Agency Head that your employment is to be terminated on a nominated date. An application can be lodged with the Tribunal either before or after the last day of duty.

### 6. Who do I send my application to when it is completed?

Send your completed application to your former Secretary or Agency Head. Your former Department or Agency will prepare a covering letter to the Tribunal confirming your contract of employment details and providing any comments considered appropriate. The Department or Agency's letter will be made available to you on request.

### 7. Where does the Secretary or Agency Head send my application to?

Your Department or Agency should send your application and their covering letter to the Tribunal Secretariat via email.

### 8. What happens after the NSW Remuneration Tribunals Secretariat receives my application?

Following receipt of all information, the Secretariat will send your application to the Tribunal who will make its determination based on your individual circumstances as detailed in the information you provided. Subject to the Tribunal's availability, a determination will usually be made within five working days of receipt of your application.

### 9. Who can I contact about compensation applications?

| NSW Remuneration Tribunals Secretariat  |   |
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| Sarah Bradshaw<br>Principal Advisor<br>Phone: (02) 9272 6006<br>Email: <a href="mailto:sarah.bradshaw@psc.nsw.gov.au">sarah.bradshaw@psc.nsw.gov.au</a> | Catherine Power<br>Senior Advisor<br>Phone: (02) 9272 6051<br>Email: <a href="mailto:catherine.power@psc.nsw.gov.au">catherine.power@psc.nsw.gov.au</a> |
| <b>Public Service Commission, Level 14, Bligh House<br/>4-6 Bligh Street, SYDNEY NSW 2000</b>   |   |

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