

1995—No. 652

ELECTRICITY ACT 1946—REGULATION

(Electricity (Senior Staff Positions) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 135 of 3 November 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

Michael Egan MLC
Minister for Energy.

Citation

1. This Regulation may be cited as the Electricity (Senior Staff Positions) Regulation 1995.

Commencement

2. This Regulation commences on 3 November 1995.

Definition

3. In this Regulation:

“**the Act**” means the Electricity Act 1945.

Organisation structure: minimum remuneration level

4. For the purposes of clause 5 (2) (b) of Schedule 10 to the Act, the prescribed amount of remuneration below which a position may not be determined to be a senior staff position is the amount equivalent to the minimum remuneration package (within the meaning of Part 3A of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executive office holders whose positions are graded Level 1 (General Management).

Senior staff positions falling below minimum remuneration level

5. (1) A position ceases to be a senior staff position by operation of this clause:

- (a) if, when the current senior staff contract expires, the remuneration of the position is less than the minimum remuneration level for a senior staff position; or
- (b) if the holder of the position elects to terminate the contract under subclause (2).

(2) The holder of a senior staff position may elect to terminate the current senior staff contract at any time while the contract is in force if the remuneration of the position at that time is less than the minimum remuneration level for a senior staff position.

(3) Except as provided by subclause (4), the holder of a position that ceases to be a senior staff position by operation of this clause:

- (a) becomes subject to the conditions of employment (whether under an industrial award or agreement or otherwise) that are relevant to that position otherwise than under a senior staff contract; and
- (b) ceases to have any rights under the former senior staff contract (including any right to compensation for failure to be reappointed to a senior staff position); and
- (c) is taken to have been duly appointed to the position otherwise than under a senior staff contract.

(4) The holder of a position that ceases to be a senior staff position by operation of this clause may elect to be employed under a contract on the same, or substantially the same, conditions as those of his or her former senior staff contract and, in that event, is entitled to be employed under such a contract instead of being employed as referred to in subclause (3).

(5) In this clause:

“minimum remuneration level” means the level of remuneration prescribed by clause 4;

“senior staff contract” means a contract of employment relating to a senior staff position.

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EXPLANATORY NOTE

The object of this Regulation is to fix the level of remuneration below which a staff position within the organisation structure of an electricity distributor may not be determined to be a senior staff position. The Regulation also provides for the transfer, from senior staff contracts to non-senior staff conditions of employment, of persons whose positions cease to be senior staff positions by operation of the Regulation.

This Regulation is made under the Electricity Act 1945, including section 37 (the general regulation making power) and clauses 2 and 5 of Schedule 10.

This Regulation relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.
