When in Committee on the *Public and Health Sector Legislation Amendment (Right of Return) Bill 2018*:

Clause 8

Leader of the House representing the Minister for Public Sector Management — To move:

Page 9, line 1 to page 13, line 12 — To delete the lines and insert:

2. **Right of return for executive officers on existing contracts**

   (1) This clause applies to an executive officer if —
      
      (a) the executive officer’s existing contract contains an election made by the executive officer under old section 58(1) to retain a right of return; and
    
      (b) immediately before commencement day, the election has not been revoked by the executive officer as referred to in old section 58(2)(c).

   (2) An executive officer to whom this clause applies is entitled to employment in accordance with new section 58(3) and (4) to (7) as if —

      (a) a reference to an executive officer in those provisions were a reference to an executive officer to whom this clause applies; and
    
      (b) the words “Subject to subsection (3A),” at the beginning of new section 58(3) were omitted.

   (3) For the purposes of new section 59(1)(b), an executive officer who has an entitlement to employment under subclause (2) is taken to be a person who has a right of return as defined in new section 58(7).

3. **Executive officers may elect to take compensation**

   (1) An executive officer who has an entitlement to employment by reason of clause 2(2) may elect in writing given to the Commissioner to take compensation under new section 59 instead of exercising the entitlement to employment.

   (2) On an election under subclause (1) taking effect, the executive officer concerned —

      (a) ceases to have the entitlement to employment; and
    
      (b) becomes entitled to compensation under new section 59.
4. No other right of return under s. 58 for executive officers on existing contracts

(1) No executive officer employed under an existing contract has a right of return under old section 58.

(2) Except as provided by clause 2, no executive officer employed under an existing contract has a right of return under new section 58.

(3) An executive officer employed under an existing contract cannot, in any subsequent contract of employment for the same or another office in the Senior Executive Service, elect to retain a right of return.

[Clerks: 
Clause 8, Page 13, line 13 — Rellumber inserted Schedule 9 clause 7 to clause 5.]

Clause 13

Leader of the House representing the Minister for Public Sector Management — To move:

Page 19, line 15 to page 23, line 31 — To delete the lines and insert:

258B. Right of return for executives on existing contracts

(1) This section applies to an executive if —

(a) the executive's existing contract contains an election made by the executive under old section 132(2) to retain a right of return; and

(b) immediately before commencement day, the election has not been revoked by the executive as referred to in old section 132(3)(c).

(2) An executive to whom this section applies is entitled to employment in accordance with new section 132(1), (4) and (5) to (8) as if —

(a) a reference to an executive in those provisions were a reference to an executive to whom this section applies; and

(b) the words “Subject to subsection (4A),” at the beginning of new section 132(4) were omitted.

(3) For the purposes of new section 133(1)(b), an executive who has an entitlement to employment under subsection (2) is taken to be a person who has a right of return as defined in new section 132(1).

258C. Executives may elect to take compensation

(1) An executive who has an entitlement to employment by reason of section 258B(2) may elect in writing given to the Department CEO to take compensation under new section 133 instead of exercising the entitlement to employment.
On an election under subsection (1) taking effect, the executive concerned—
(a) ceases to have the entitlement to employment; and
(b) becomes entitled to compensation under new section 133.

258D. No other right of return under s. 132 for executives on existing contracts

(1) No executive employed under an existing contract has a right of return under old section 132.

(2) Except as provided by section 258B, no executive employed under an existing contract has a right of return under new section 132.

(3) An executive employed under an existing contract cannot, in any subsequent contract of employment for the same or another office in the Health Executive Service, elect to retain a right of return.

[Clerks:
Clause 13, Page 24, line 1 — Renumber inserted section 258G to section 258E.]

To: Clerk of the Legislative Council
I wish to move the above amendments to this Bill. Please include them on the Legislative Council’s notice paper. Parliamentary Counsel’s Office will provide a Microsoft Word version when requested to do so.

Leader of the House representing the Minister for Public Sector Management
**Public and Health Sector Legislation Amendment (Right of Return) Bill 2018**

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<td>Counsel:</td>
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**INSTRUCTING DETAILS**

Minister: Leader of the House representing the Minister for Public Sector Management