

### 3. Interpretation

(1) In this Act, unless the contrary intention appears —

“**agency**” means —

- (a) department; or
- (b) SES organization;

“**appoint**” includes promote;

“**approved**”, in relation to a procedure or classification system, means for the time being approved under subsection (2);

“**breach of discipline**” means breach of discipline referred to in section 80;

“**chief employee**” means —

- (a) chief employee of a non-SES organization;
- (b) chief employee of an agency who is not a member of the Senior Executive Service; or
- (c) person deemed to be a chief employee under regulations referred to in section 4;

“**chief executive officer**” means —

- (a) person holding office under Division 2 of Part 3 as the chief executive officer of an agency; or
- (b) person deemed to be a chief executive officer under regulations referred to in section 4;

“**classification system**” means system relating either to an office, post or position or to an employee that provides a basis for the remuneration of employees by identifying the level which correctly reflects the functions and responsibilities of the office, post or position or of the employee;

“**code of conduct**” means code of conduct developed under section 21 (1);

“**code of ethics**” means code of ethics established under section 21 (1);

“**Commissioner**” means person for the time being holding the office of Commissioner for Public Sector Standards created by section 16 (1);

“**compensation**”, in relation to an employee, does not include any payment made —

- (a) under section 56 (5) (b) or 72 (2) (b);
- (b) in lieu of notice under regulations referred to in section 94 in respect of an employee who is made redundant; or
- (c) in lieu of an accrued or accruing entitlement to leave;

“**department**” means department established under section 35;

“**document**” includes tape, disc or other device or medium on which information is recorded or stored electronically, mechanically, photographically or otherwise;

“**employee**” means person employed in the Public Sector by or under an employing authority;

“**employing authority**” has the meaning given by section 5;

“**executive officer**” means chief executive officer or senior executive officer;

- “function”** has the meaning given by section 5 of the *Interpretation Act 1984*;
- “Industrial Commission”** has the meaning given to “Commission” by the *Industrial Relations Act 1979*;
- “Minister”** means Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor;
- “ministerial office”** means one or more ministerial officers appointed to assist a particular political office holder;
- “ministerial officer”** means person appointed under section 68 as a ministerial officer;
- “non-SES organization”** means entity which consists of —
- (a) a body, whether corporate or unincorporate, or the holder of an office, post or position, being a body or office, post or position that is established or continued for a public purpose under a written law; and
  - (b) persons employed by or for the purposes of that body or holder under that written law or another written law,
- and which neither is nor includes —
- (c) an SES organization; or
  - (d) an entity specified in column 2 of Schedule 1;
- “organization”** means non-SES organization or SES organization;
- “performance agreement”** means agreement referred to in section 47 (1) or clause 13 (5) of Schedule 5;
- “permanent officer”** means person appointed under section 64 (1) (a) for an indefinite period;
- “political office holder”** means —
- (a) Minister of the Crown;
  - (b) Parliamentary Secretary of the Cabinet;
  - (c) Parliamentary Secretary holding office under section 44A of the *Constitution Acts Amendment Act 1899*;
  - (d) Government Whip;
  - (e) Leader of the Opposition in the Legislative Council;
  - (f) Leader of the Opposition in the Legislative Assembly; or
  - (g) person, if any, who, not being a Minister of the Crown, is the leader of a party in the Legislative Assembly of at least 5 members, other than a party led by the Premier or by the Leader of the Opposition referred to in paragraph (f);
- “Public Sector”** means all —
- (a) the agencies;
  - (b) the ministerial offices; and
  - (c) the non-SES organizations;
- “public sector body”** means agency, ministerial office or non-SES organization;
- “public sector standard”** means public sector standard established under section 21 (1);

**“Public Service”** means Public Service as constituted under section 34;

**“public service notices”** means notices in writing issued by or under the authority of the Minister for the purposes of this Act;

**“public service officer”** means executive officer, permanent officer or term officer employed in the Public Service under Part 3;

**“remuneration”** has the meaning given by the *Salaries and Allowances Act 1975*;

**“repealed Act”** means *Public Service Act 1978*;

**“respondent”** means person —

- (a) suspected within the meaning of section 81 (1) of having committed; or
- (b) found to have committed, a breach of discipline;

**“responsible authority”**, in relation to a department or organization, means —

- (a) board, committee or other body for the time being administering the department or organization; or
- (b) if there is no board, committee or other body referred to in paragraph (a), Minister of the Crown responsible for the department or organization,

or, when used otherwise than in relation to a department or organization, means responsible authority of any department or organization;

**“senior executive officer”** means member of the Senior Executive Service other than a chief executive officer;

**“Senior Executive Service”** means Senior Executive Service as constituted under section 43;

**“SES organization”** means entity which consists of —

- (a) a body, whether corporate or unincorporate, or the holder of an office, post or position, being a body or office, post or position —
  - (i) established or continued for a public purpose under a written law; and
  - (ii) specified in column 2 of Schedule 2;

and

- (b) persons employed by or for the purposes of that body or holder under that written law or another written law;

**“special disciplinary inquiry”** means special disciplinary inquiry directed to be held under section 86;

**“special inquirer”** means person or persons directed under section 11 to hold a special inquiry;

**“special inquiry”** means special inquiry directed to be held under section 11;

**“substandard performance”** means performance which is substandard within the meaning of section 79;

**“term officer”** means person appointed under section 64 (1) (b) for a term not exceeding 5 years;

**“this Act”** includes subsidiary legislation in force under this Act.

- (2) The Minister may in writing —
- (a) approve, subject to such conditions as he or she thinks fit to impose, any procedure or classification system for the purposes of the definition of “**approved**” in subsection (1); and
  - (b) amend or repeal an approval given under this subsection.
- (3) For the purposes of the definition of “**responsible authority**” in subsection (1), a department —
- (a) which is established to support an organization; and
  - (b) which is not prescribed as an independent department for the purposes of this subsection,
- is to be taken to be a part of the organization referred to in paragraph (a).
- (4) A reference in this Act to the Minister of the Crown responsible for a public sector body of a particular kind is a reference to the Minister of the Crown to whom the administration of the public sector body of that kind is for the time being committed by the Governor.
- (5) A reference in this Act —
- (a) to a person being employed by an employing authority; or
  - (b) in relation to a person, to an employing authority as being his or her employing authority,

shall, if the person was appointed under this Act for and on behalf of the Crown, be construed as a reference to the person being so employed for and on behalf of the Crown or as a reference, in relation to the person, to the employing authority as being his or her employing authority for and on behalf of the Crown, as the case requires.