

3. Interpretation

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

“agency” means —

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

“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 organisation;
- (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 organisation”** 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 organisation; or
 - (d) an entity specified in column 2 of Schedule 1;
- “organisation”** means non-SES organisation or SES organisation;
- “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 organisations;
- “public sector body”** means agency, ministerial office or non-SES organisation;
- “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 organisation, means —
- (a) board, committee or other body for the time being administering the department or organisation; 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 organisation,
- or, when used otherwise than in relation to a department or organisation, means responsible authority of any department or organisation;
- “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 organisation”** 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 organisation; 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 organisation 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.