

WESTERN AUSTRALIA

**ACTS AMENDMENT
(PUBLIC SECTOR MANAGEMENT)
ACT 1994**

No. 32 of 1994

AN ACT to amend various Acts as a consequence of the repeal of the *Public Service Act 1978* and the enactment of the *Public Sector Management Act 1994*.

[Assented to 29 June 1994.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Public Sector Management) Act 1994*.

Commencement

2. The provisions of this Act come into operation on such day as is, or days as are respectively, fixed by proclamation.

**PART 2 — AMENDMENTS RELATING TO THE PUBLIC
SERVICE ACT 1904 AND THE PUBLIC SERVICE ACT 1978**

***“Public Service Act 1904” and “Public Service Act 1978”
replaced by “Part 3 of the Public Sector Management Act
1994” in various Acts***

3. (1) The Acts in Column 1 of Schedule 1 are amended in the provision or provisions listed opposite them in Column 2 by deleting “the *Public Service Act 1904*” or “The *Public Service Act 1904*”, as the case requires, and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”.

(2) The Acts in Column 1 of Schedule 2 are amended in the provision or provisions listed opposite them in Column 2 by deleting “the *Public Service Act 1978*” or “The *Public Service Act 1978*”, as the case requires, and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”.

**PART 3 — AMENDMENTS RELATING TO PUBLIC
SERVICE BOARD**

**Amendments to various Acts to delete references to
“Public Service Board”**

4. The Acts in Column 1 of Schedule 3 are amended in the provisions opposite them in Column 2 by deleting “Chairman of the Public Service Board” and substituting the following —

“ Minister for Public Sector Management ”.

PART 4 — AMENDMENTS TO SPECIFIED ACTS

***Agricultural Products Act 1929* amended**

5. The *Agricultural Products Act 1929** is amended —

- (a) in section 2 (1) by deleting “*Public Service Act 1978*” in the definition of “Director General” and substituting the following —

“

Part 3 of the *Public Sector Management Act 1994*

”;

- (b) in section 2A (1) by deleting “, under and in accordance with the provisions of the *Public Service Act 1904*,”; and

- (c) by inserting after section 2A (1) the following subsection —

“

(1a) Inspectors and other officers appointed under subsection (1) hold office under and subject to Part 3 of the *Public Sector Management Act 1994*.

”.

[* *Reprinted as at 14 January 1970.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 6.]

***Censorship of Films Act 1947* amended**

6. Section 7 of the *Censorship of Films Act 1947** is amended —

- (a) in subsection (1) by deleting “, subject to the provisions of the *Public Service Act 1904-47*,”; and

- (b) by inserting after subsection (1) the following subsection —

“

(1a) Persons appointed under subsection (1) hold office under and subject to Part 3 of the *Public Sector Management Act 1994*.

”.

[* Reprinted as at 14 December 1978.

*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, p. 27.]*

Coal Mines Regulation Act 1946 amended

7. The *Coal Mines Regulation Act 1946** is amended —

- (a) by repealing section 5A (2) and substituting the following subsection —

“

(2) A person appointed under subsection (1) holds office under and subject to Part 3 of the *Public Sector Management Act 1994*.

”;

and

- (b) by repealing section 9 and substituting the following section —

“

Conditions of appointment

9. (1) Departmental inspectors are appointed under and subject to Part 3 of the *Public Sector Management Act 1994*.

(2) Special and workmen's inspectors are not by reason of their appointment as

such subject to the provisions of Part 3 of the *Public Sector Management Act 1994*.

(3) No departmental, special or workmen's inspector shall hold any interest in any coal mine in the State, without the permission in writing of the Minister.

[* *Reprinted as at 2 September 1980.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 33.]

***Coal Mining Industry Long Service Leave Act 1950
amended***

8. Section 5 of the *Coal Mining Industry Long Service Leave Act 1950** is repealed and the following section is substituted —

“

Administrator and staff

5. (1) There shall be an Administrator of the Fund who shall be appointed by the Governor.

(2) The Administrator shall exercise and discharge the functions conferred upon him or her under this Act.

(3) The Governor may appoint such officers and employees as are necessary for the administration of this Act.

(4) The Administrator and officers and employees appointed under this section hold office under and subject to Part 3 of the *Public Sector Management Act 1994*.

[* *Reprinted as at 7 April 1971.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 34.]

Constitution Acts Amendment Act 1899 amended

9. Schedule V to the *Constitution Acts Amendment Act 1899** is amended —

- (a) in Part 1 by repealing Divisions 2 and 3 and substituting the following Division —

“

Division 2

Auditor General appointed under the *Financial Administration and Audit Act 1985*.

Agent General appointed under the *Agent General Act 1895*.

Chief executive officer of an agency within the meaning of the *Public Sector Management Act 1994*.

Clerk of the Legislative Assembly.

Clerk of the Legislative Council.

Commissioner for Public Sector Standards appointed under the *Public Sector Management Act 1994*.

Commissioner of Police appointed under the *Police Act 1892*.

Commissioner of Workplace Agreements appointed under the *Workplace Agreements Act 1993*.

Director of Public Prosecutions and Deputy Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1991*.

Electoral Commissioner or Deputy
Electoral Commissioner appointed
under the *Electoral Act 1907*.

Information Commissioner appointed under
the *Freedom of Information Act 1992*.

Parliamentary Commissioner for
Administrative Investigations
appointed under the *Parliamentary
Commissioner Act 1971*.

Senior executive officer within the meaning
of the *Public Sector Management
Act 1994*.

Solicitor-General appointed under the
Solicitor-General Act 1969.

A prescribed office within the meaning of
the *Salaries and Allowances Act 1975*.

”;

and

- (b) in Part 2 by repealing Division 2 and substituting the
following Division —

“

Division 2

The office or place of —

Any person employed in a department or
SES organization within the meaning
of the *Public Sector Management Act
1994*, that is to say —

- (a) any person employed in —
(i) that department who is a
public service officer; or

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Management) Act 1994*

(ii) that SES organization who is a member of the Senior Executive Service,

within the meaning of that Act;

(b) any person appointed or employed by the Governor under any Act administered in that department or SES organization;

(c) any person —

(i) who is appointed or employed under any enactment; or

(ii) whose remuneration as such is defrayed in whole or in part out of moneys provided by Parliament,

being a person appointed or employed by —

(iii) the Minister of the Crown administering that department or SES organization;

(iv) the chief executive officer or chief employee, within the meaning of the *Public Sector Management Act 1994*, of that department or SES organization; or

(v) a person in that department or SES

organization in whom the power to make minor appointments is vested in accordance with the proviso to section 74 of the *Constitution Act 1889*.

Any person appointed or employed by the holder of an office mentioned in Division 2 of Part 1.

Any person appointed or employed by a body mentioned in Part 3 or by an instrumentality of which such a body is the governing authority or by the Western Australian Museum constituted under the *Museum Act 1969*, the Library Board of Western Australia constituted under the *Library Board of Western Australia Act 1951*, or the Western Australian Alcohol and Drug Authority established under the *Alcohol and Drug Authority Act 1974*.

Any person who is an employee within the meaning of the *Public Sector Management Act 1994* not referred to in a preceding item of this Division.

Any person who is a member of the Police Force appointed under the *Police Act 1892*.

Any person who is a member of the teaching staff appointed under the *Education Act 1928*.

Any person appointed pursuant to section 74 of the *Constitution Act 1889* other than a member of the Executive Council who holds any of the principal executive offices of the Government liable to be vacated on political grounds that are referred to in section 43.

Any person who is a member of a department of the staff of Parliament referred to in, or an electorate officer within the meaning of, the *Parliamentary and Electorate Staff (Employment) Act 1992*.

[* *Reprinted as at 6 April 1993.*

For subsequent amendments see Acts Nos. 2, 10, 13, 26 and 36 of 1993.]

The Criminal Code amended

10. Section 1 (1) of *The Criminal Code** is amended by deleting paragraph (c) of the interpretation of "public officer" and substituting the following paragraph —

- "
- (c) a public service officer within the meaning of the *Public Sector Management Act 1994*;
- "

[* *Reprinted as at 31 May 1991 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Compilation Act 1913.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 52 and Acts Nos. 53 of 1992 and 31 of 1993.]

Electoral Act 1907 amended

11. The *Electoral Act 1907 is amended —**

- (a) by repealing section 5E (1) and substituting the following subsection —

“

(1) The *Public Sector Management Act 1994* does not apply to or in relation to the appointment of the Electoral Commissioner and the Electoral Commissioner is not, except as provided in section 4 of that Act, subject to the provisions of that Act.

”;

- (b) in section 5E (5) by deleting “the *Public Service Act 1978*” in both places where it occurs and substituting in each case the following —

“

Part 3 of the *Public Sector Management Act 1994*

”;

- (c) in section 5E (6) by deleting “The *Public Service Act 1978*” and substituting the following —

“

Part 3 of the *Public Sector Management Act 1994*

”;

and

- (d) in section 15 (2) by deleting “The *Public Service Act 1978*” and substituting the following —

“

Part 3 of the *Public Sector Management Act 1994*

”.

[* Reprinted as at 1 January 1989.

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 65 and Acts Nos. 6 and 31 of 1993.]

Financial Administration and Audit Act 1985 amended

12. The *Financial Administration and Audit Act 1985** is amended —

(a) in section 3 (1) by deleting the definition of “chief executive officer”;

(b) by deleting section 71 (2) and (3) and substituting the following subsection —

“

(2) The *Public Sector Management Act 1994* does not apply to or in relation to the appointment of the Auditor General and the Auditor General is not, except as provided in section 4 of that Act, subject to the provisions of that Act.

”;

(c) in section 72 (2) by deleting “officers appointed under the *Public Service Act 1978*” and substituting the following —

“

public service officers within the meaning of the *Public Sector Management Act 1994*

”;

and

(d) in Part II of Schedule 1A by deleting “chief executive officer of the Office of Auditor General” in section 52 (2) in column 2 and substituting the following —

“ Auditor General ”.

[* Reprinted as at 1 July 1991.

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 74 and Acts Nos. 59, 60 and 76 of 1992 and 2, 6, 13 and 36 of 1993.]

***Government Employees Superannuation Act 1987 amended
and saving***

13. (1) The *Government Employees Superannuation Act 1987
is amended —**

- (a) in section 3 (1) by deleting subparagraph (i) of paragraph (a) (i) in the definition of “employee” and substituting the following subparagraph —

“

(i) section 64 (1) or 100 (2) of the *Public Sector Management Act 1994*;

”;

- (b) in section 3 (7) by inserting after “established” the following —

“ or continued ”;

- (c) in section 8 (1) by deleting “the *Public Service Act 1978*” and substituting the following —

“

Part 3 of the *Public Sector Management Act 1994*

”;

- (d) in section 8 (2) by deleting “the *Public Service Act 1978*” and substituting the following —

“

Part 3 of the *Public Sector Management Act 1994*

”;

and

- (e) in Part A of the List of Employers in Schedule 1 by deleting “All public service departments established

under the *Public Service Act 1978*” and substituting the following —

“ All public service departments established or continued under the *Public Sector Management Act 1994* ”.

(2) The amendment made by subsection (1) (a) does not prevent a person who was, immediately before the commencement of this section, an employee from continuing to be an employee for the purposes of the *Government Employees Superannuation Act 1987* for so long as the person would have been an employee if the amendment had not been made.

[* Reprinted as at 15 November 1991.

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 88 and Acts Nos. 76 of 1992 and 6, 8, 13, 36 and 47 of 1993.]

Industrial Relations Act 1979 amended

14. The *Industrial Relations Act 1979** is amended —

(a) in section 7 (1) by deleting the definition of “public servant” and substituting the following definition —

“ **“public service officer”** means a public service officer within the meaning of the *Public Sector Management Act 1994*; ”;

(b) in section 73A (1) —

(i) in the definition of “teacher”, by deleting “public servant” and substituting the following —

“ public service officer ”;

and

- (ii) in the definition of “teaching staff of the Department”, by deleting “public servants” and substituting the following —

“ public service officers ”;

- (c) in section 80C (1) —

- (i) by deleting paragraph (a) of the definition of “employer” and substituting the following paragraph —

“
(a) in relation to a Government officer who is a public service officer, means the employing authority of that public service officer; ”;

- (ii) by inserting after the definition of “employer” the following definition —

“
“**employing authority**” means employing authority within the meaning of the *Public Sector Management Act 1994*; ”;

and

- (iii) in the definition of “Government officer”, by deleting paragraph (a) and substituting the following paragraph —

“ (a) every public service officer; ”;

- (d) in section 80H (4) by deleting “(d), (e) or (f)” and substituting the following —

“ (d) or (e) ”;

(e) in section 80I —

(i) by repealing subsection (1) and substituting the following subsection —

“

(1) Subject to section 52 of the *Public Sector Management Act 1994*, a Board has jurisdiction to hear and determine —

(a) an appeal by any public service officer against any decision of an employing authority in relation to an interpretation of any provision of the *Public Sector Management Act 1994*, and any provision of the regulations made under that Act, concerning the conditions of service (other than salaries and allowances) of public service officers;

(b) an appeal by a public service officer, who is the holder of an office included in the Special Division of the Public Service for the purposes of section 6 (1) of the *Salaries and Allowances Act 1975*, under section 78 of the *Public Sector Management Act 1994* against a decision referred to in subsection (1) (b) of that section;

- (c) an appeal, other than an appeal under section 78 (1) of the *Public Sector Management Act 1994*, by any Government officer who occupies a position that carries a salary not lower than the prescribed salary from a decision, determination or recommendation of the employer of that Government officer that the Government officer be dismissed;
- (d) an appeal by a public service officer, other than a person referred to in paragraph (b), under section 78 of the *Public Sector Management Act 1994* against a decision referred to in subsection (1) (b) of that section;
- (e) an appeal, other than an appeal under section 78 (1) of the *Public Sector Management Act 1994*, by any Government officer who occupies a position that carries a salary lower than the prescribed salary from a decision, determination or recommendation of the employer of that Government officer that

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Management) Act 1994*

the Government officer be
dismissed,

and to adjust all such matters as are
referred to in paragraphs (a), (b), (c),
(d) and (e).

”;

and

- (ii) in subsection (2) by inserting after “Public Service” the following —

“
for the purposes of section 6 (1) of
the *Salaries and Allowances Act 1975*

”;

- (f) in section 80J (b) by deleting “public servant” and substituting the following —

“ public service officer ”;

- (g) in section 80X —

- (i) in the definition of “office” in subsection (1) by deleting “office under the *Public Service Act 1978*” and substituting the following —

“
office under Part 3 of the *Public
Sector Management Act 1994*

”;

- (ii) in the definition of “promotion” in subsection (1) by inserting after “reclassification of an office” the following —

“
or redeployment under regulations
referred to in section 94 of the *Public
Sector Management Act 1994*

”;

and

(iii) in subsection (2) (a) by deleting “public servant” and substituting the following —

“ public service officer ”;

(h) in section 85 (7) by deleting “the *Public Service Act 1978*” and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”;

(i) in section 93 —

(i) in subsection (1) by deleting “the *Public Service Act 1978*” and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”;

and

(ii) in subsection (1a) by deleting “the *Public Service Act 1978*” and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”;

and

(j) in section 98 (1) by deleting “the *Public Service Act 1978*” and substituting the following —

“ Part 3 of the *Public Sector Management Act 1994* ”.

[* *Reprinted as at 12 June 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 101 and Acts Nos. 6 and 15 of 1993.]

Interpretation Act 1984 amended

15. The *Interpretation Act 1984** is amended in section 5 —

- (a) by deleting the definition of “chief executive officer” and substituting the following definition —

“**“chief executive officer”** has the meaning given by the *Public Sector Management Act 1994* and —

- (a) when used in relation to —

(i) an agency within the meaning of that Act; or

(ii) an office or employee in, or anything else connected with, an agency within the meaning of that Act,

means the chief executive officer of the agency; and

- (b) when used in an enactment otherwise than in the circumstances referred to in paragraph (a), means the chief executive officer of the agency principally assisting the Minister administering the enactment in its administration;

”;

- (b) by inserting after the definition of “Minister” the following definition —

“**“Minister for Public Sector Management”** means the Minister of the Crown to whom the

administration of the *Public Sector
Management Act 1994* is for the time
being committed by the Governor;

”;

- (c) by inserting after the definition of “proclamation” the following definition —

“

“**Public Service**” has the meaning given
by the *Public Sector Management Act
1994*;

”;

and

- (d) by deleting the definitions of “the Public Service” and “the Public Service Commissioner”.

[* *Reprinted as at 4 November 1992.*

For subsequent amendments see Act No. 6 of 1993.]

Superannuation and Family Benefits Act 1938 amended

16. Section 6 (1) of the *Superannuation and Family Benefits Act 1938** is amended in the definition of “employee” by inserting after paragraph (a) the following paragraph —

“

- (aa) a person who is an executive officer within the meaning of the *Public Sector Management Act 1994* shall be deemed to be employed in a permanent capacity;

”.

[* *Reprinted as at 9 August 1989.*

*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, pp. 204-5
and Acts Nos. 6 and 8 of 1993.]*

(e) in section 5 (2) by deleting “and the provisions of paragraphs (b), (c), (d) and (f) of section 21 or of sections 23, 27, 28 or 29 of the Public Service Act shall not apply in relation to the appointment”;

(f) in section 6 (1) by deleting “Commissioner” in both places where it occurs and substituting in each case the following —

“ chief executive officer ”;

(g) in section 6 (2) by deleting “The provisions of section 31 of the Public Service Act, other than subsections (1) and (2) of that section,” and substituting the following —

“ The provisions of the *Public Sector
Management Act 1994* ”;

(h) in section 7 (1) —

(i) by deleting “sections 10, 37, 42, 44, 49 and 50 of the Public Service Act” and substituting the following —

“ Parts 5 and 6 of the *Public Sector
Management Act 1994* ”;

and

(ii) by deleting “Commissioner” and substituting the following —

“ chief executive officer ”;

(i) in section 7 (2) by deleting “Commissioner” and substituting the following —

“ chief executive officer ”;

Transfer of Land Act 1893 amended

18. The *Transfer of Land Act 1893** is amended by repealing section 6 (1) and substituting the following subsections —

“

(1) Subject to subsection (2), the Governor may appoint a person to be Deputy Commissioner of Titles.

(1a) A person appointed under subsection (1) holds office under and subject to Part 3 of the *Public Sector Management Act 1994*.

”

[* *Reprinted as at 7 July 1975.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 214-5 and Act No. 6 of 1993.]

Amendments to various Acts

19. The Acts in Column 1 of Schedule 4 are amended in the provision or provisions opposite them in Column 2 in the manner specified in Column 3.

SCHEDULE 1

[section 3 (1)]

**DELETION OF "THE PUBLIC SERVICE ACT 1904" AND
SUBSTITUTION OF "PART 3 OF THE PUBLIC SECTOR
MANAGEMENT ACT 1994"**

Column 1 <i>Short title of Act</i>	Column 2 <i>Provision amended</i>
<i>Abattoirs Act 1909</i>	s.35
<i>Aboriginal Heritage Act 1972</i>	s.35
<i>Agriculture and Related Resources Protection Act 1976</i>	s.9 (5)
<i>Argentine Ant Act 1968</i>	s.6 (1) (b)
<i>Chicken Meat Industry Act 1977</i>	s.13 (1)
<i>Control of Vehicles (Off-road areas) Act 1978</i>	s.21 (11) s.25 (1)
<i>Dental Act 1939</i>	s.12A
<i>Finance Brokers Control Act 1975</i>	s.12 (2)
<i>Industrial Training Act 1975</i>	s.17 (2) (b) s.17 (4) s.19 (1)
<i>Inventions Act 1975</i>	s.14 (2)
<i>Land Valuation Tribunals Act 1978</i>	s.6 (2) s.15 (2)
<i>Land Valuers Licensing Act 1978</i>	s.11 (2)
<i>Psychologists Registration Act 1976</i>	s.9 (4) s.11 (2)

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<i>Radiation Safety Act 1975</i>	s.14 (3) s.20
<i>Registration of Births, Deaths and Marriages Act 1961</i>	s.6 (3)
<i>Timber Industry Regulation Act 1926</i>	s.6
<i>Veterinary Preparations and Animal Feeding Stuffs Act 1976</i>	s.17 (8)

SCHEDULE 2

[section 3 (2)]

**DELETION OF "THE PUBLIC SERVICE ACT 1978" AND
SUBSTITUTION OF "PART 3 OF THE PUBLIC SECTOR
MANAGEMENT ACT 1994"**

Column 1 <i>Short title of Act</i>	Column 2 <i>Provision amended</i>
<i>Aboriginal Affairs Planning Authority Act 1972</i>	s.10 (1) s.10 (3) s.15 (1)
<i>Agricultural Produce (Chemical Residues) Act 1983</i>	s.4 (1) (definition of "officer")
<i>Animal Resources Authority Act 1981</i>	s.5 (3) s.13 (twice)
<i>Betting Control Act 1954</i>	s.7
<i>Boxing Control Act 1987</i>	s.11
<i>Bread Act 1982</i>	s.5 (1)
<i>Builders' Registration Act 1939</i>	s.5AA (2) (3 times)
<i>Building and Construction Industry Training Fund and Levy Collection Act 1990</i>	s.12 (a) s.16 (4)
<i>Building Societies Act 1976</i>	s.6 (1) s.6 (2)
<i>Casino Control Act 1984</i>	s.9 (1)
<i>Coal Miners' Welfare Act 1947</i>	s.15 (2)
<i>Commercial Tribunal Act 1984</i>	s.9 (2) (3 times) s.11 (2)

<i>Community Services Act 1972</i>	s.7 (1) s.8 (1) s.8 (3)
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	s.9 (2)
<i>Consumer Affairs Act 1971</i>	s.15 (1) s.15 (1a)
<i>Criminal Injuries Compensation Act 1985</i>	s.6
<i>Dairy Industry Act 1973</i>	s.32 (5)
<i>Dental Act 1939</i>	s.12A s.51A (5)
<i>District Court of Western Australia Act 1969</i>	s.25 (1)
<i>Employment Agents Act 1976</i>	s.11A
<i>Explosives and Dangerous Goods Act 1961</i>	s.9
<i>Fair Trading Act 1987</i>	s.5 (1) (definition of "officer")
<i>Family Court Act 1975</i>	s.22 (2) (b) s.22 (4) (a) s.23 (2)
<i>Fire Brigades Act 1942</i>	s.8A (7)
<i>Gold Corporation Act 1987</i>	Schedule 2, clause 3 (2) (c) Schedule 2, clause 3 (4) (a) Schedule 2, clause 4 (first place where the term occurs)

<i>Guardianship and Administration Act 1990</i>	s.10 (2) (a) s.94 s.96
<i>Health Act 1911</i>	s.202 (6) s.246B (7) s.246H (6) s.247G (4) s.337A (3)
<i>Health Legislation Administration Act 1984</i>	s.6 (1)
<i>Legal Practitioners Act 1893</i>	s.580
<i>Liquor Licensing Act 1988</i>	s.12 (1) s.13 (1) s.14 (2)
<i>Local Government Grants Act 1978</i>	s.6 (3) s.7 (2)
<i>Lotteries Commission Act 1990</i>	s.9 (5) (a) Schedule 1, clause 4 (a)
<i>Marketing of Meat Act 1971</i>	s.14 (4)
<i>Marketing of Potatoes Act 1946</i>	s.18 (1) (b)
<i>Misuse of Drugs Act 1981</i>	s.3 (1) (definition of "botanist")
<i>Multicultural and Ethnic Affairs Commission Act 1983</i>	s.10 s.17
<i>Occupational Therapists Registration Act 1980</i>	Schedule, clause 6 (2)
<i>Offenders Community Corrections Act 1963</i>	s.5C s.5D (1)
<i>Official Corruption Commission Act 1988</i>	s.6 (3)

<i>Petroleum Products Pricing Act 1983</i>	s.5 (2) (b)
<i>Plant Diseases Act 1914</i>	s.7 (1) s.7B (a)
<i>Poisons Act 1964</i>	s.15 s.18 (2)
<i>Prisons Act 1981</i>	s.3 (definition of "prison medical officer") s.6 (1) s.6 (3)
<i>Public Trustee Act 1941</i>	s.4 (1) s.6
<i>Racecourse Development Act 1976</i>	s.8 s.8A (2) (a)
<i>Real Estate and Business Agents Act 1978</i>	s.12 (2)
<i>Referendums Act 1983</i>	s.50 (2)
<i>Regional Development Commissions Act 1993</i>	s.27 (1)
<i>Registration of Births, Deaths and Marriages Act 1961</i>	s.4 (1)
<i>Retail Trading Hours Act 1987</i>	s.6
<i>Rottnest Island Authority Act 1987</i>	s.6 (4) s.25 (1) s.26 (1) s.26 (2) s.27 (2) (a)
<i>Settlement Agents Act 1981</i>	s.12 (2)
<i>Soil and Land Conservation Act 1945</i>	s.7 (1) s.7A (1) s.8 (1)

<i>State Employment and Skills Development Authority Act 1990</i>	s.19 (4)
<i>Supreme Court Act 1935</i>	s.155 (1) s.155 (4)
<i>Town Planning and Development Act 1928</i>	s.42 (2) s.43 (2)
<i>Video Tapes Classification and Control Act 1987</i>	s.6 (1)
<i>Western Australian Greyhound Racing Association Act 1981</i>	s.15 (4) Schedule 1, clause 4 (2)
<i>Western Australian Water Resources Council Act 1982</i>	s.12 (1)

SCHEDULE 3

[section 4]

**DELETION OF "CHAIRMAN OF THE PUBLIC SERVICE
BOARD" AND SUBSTITUTION OF "MINISTER FOR PUBLIC
SECTOR MANAGEMENT"**

Column 1 <i>Short title of Act</i>	Column 2 <i>Provision amended</i>
<i>Local Government Grants Act 1978</i>	s.7 (2)
<i>Psychologists Registration Act 1976</i>	s.11 (2)
<i>Radiation Safety Act 1975</i>	s.20

SCHEDULE 4

[section 19]

AMENDMENTS TO VARIOUS PROVISIONS IN VARIOUS ACTS

<i>Column 1 Short title of Act</i>	<i>Column 2 Provision amended</i>	<i>Column 3 Amendment</i>
<i>Agriculture Act 1988</i>	s.5	delete "under section 21 of the <i>Public Service Act 1978</i> " and substitute "under section 35 of the <i>Public Sector Management Act 1994</i> "
	s.7 (2), s.11 (1), s.11 (2)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.10 (4)	delete "section 42B (1) of the <i>Public Service Act 1978</i> " and substitute "section 51 of the <i>Public Sector Management Act 1994</i> "
<i>Agriculture Protection Board Act 1950</i>	s.3	delete definition of "Public Service Board"
	s.5 (12)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.8 (1) (1)	delete "with the approval of the Public Service Board,"
	s.8A	delete "the <i>Public Service Act 1904</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "

*Acts Amendment (Public Sector
Management) Act 1994*

[No. 32

*Alcohol
and Drug
Authority
Act 1974*

- s.4 delete the definition of "Public Service Board"
- s.21 (1) (a),
s.24 (1) delete ", with the approval of the Public Service Board,"
- s.21 (4),
s.24 (2),
s.35 (2) delete "the *Public Service Act 1904*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.23 (1) delete "with the approval of the Public Service Board"
- s.24 (2) delete "and the Public Service Board approves"

*Art Gallery
Act 1959*

- s.14 delete "public servant" in the 3 places where it occurs and substitute in each case "public service officer"
- s.16 (3) delete "pursuant to the provisions of the *Public Service Act 1978*" and substitute "under Part 3 of the *Public Sector Management Act 1994*"
- delete "the first-mentioned Act" and substitute "that Part"

*Bush Fires
Act 1954*

- s.8 (8),
s.8 (9) delete "the *Public Service Act 1904*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.15 delete "the *Public Service Act 1978*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.16 delete "as are mutually arranged by it with that Minister and with the Public Service Commissioner" and substitute "as are arranged by it with that Minister"

*Acts Amendment (Public Sector
Management) Act 1994*

<i>Coal Industry Superannuation Act 1989</i>	s.21 (3)	delete " <i>The Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
	s.22	delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "
<i>Coal Industry Tribunal of Western Australia Act 1992</i>	s.21 (1), s.28 (a)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
	s.21 (3)	delete "after consultation with the Public Service Commissioner"
<i>Companies (Administration) Act 1982</i>	s.4 (1), s.4 (2)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
	s.4 (6)	delete "as if he were a temporary officer within the meaning of that Act"
	s.28 (a), s.36 (1), s.42, s.43 (1), s.43 (2), s.47 (a)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
<i>Conservation and Land Management Act 1984</i>	s.43 (2)	delete ", on the recommendation of the Public Service Commissioner"
	s.4 (2)	delete "On the recommendation of the Public Service Board of the State, the" and substitute "The"
<i>Coroners Act 1920</i>	s.4 (2)	delete "On the recommendation of the Public Service Board of the State, the" and substitute "The"
<i>Corporations (Western Australia) Act 1990</i>	s.82 (1)	delete "an officer within the meaning of the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "

*Country High
School Hostels
Authority
Act 1960*

s.4 (3) delete “an officer of the Public Service” within the meaning of that expression in the *Public Service Act 1978* and substitute “a public service officer within the meaning of the *Public Sector Management Act 1994*”

s.10 (3) delete “Public Service Board” and substitute “employing authority, within the meaning of the *Public Sector Management Act 1994*, of that officer”

delete “any officer within the meaning of the *Public Service Act 1978*” and substitute “any public service officer”

*Dampier Port
Authority
Act 1985*

s.12 (2) delete “the *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.17 (4) delete “The *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.17 Insert after subsection (5) the following subsection —

“ (6) Notwithstanding anything in this section, if there is, in the case of a person referred to in subsection (1) who is a member of the Senior Executive Service (within the meaning of the *Public Sector Management Act 1994*) an inconsistency between this Act and that Act, that Act prevails. ”

*Acts Amendment (Public Sector
Management) Act 1994*

<i>Director of Public Prosecutions Act 1991</i>	s.3	delete "section 20 of the <i>Public Service Act 1978</i> " and substitute "section 34 of the <i>Public Sector Management Act 1994</i> "
	s.30	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Disability Services Act 1993</i>	s.3 (definition of "public authority")	delete "the Schedule to the <i>Public Service Act 1978</i> " and substitute "Schedule 2 of the <i>Public Sector Management Act 1994</i> "
	s.8 (1), s.9 (1), s.9 (2)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.10 (2)	delete "Public Service Commissioner" and substitute "relevant employing authority"
<i>East Perth Redevelopment Act 1991</i>	s.17	delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "
<i>Education Act 1928</i>	s.3 (1)	in the definition of "teacher" delete "an officer within the meaning of the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "
		in the definition of "teaching staff" delete "officers within the meaning of the <i>Public Service Act 1978</i> " and substitute "public service officers within the meaning of the <i>Public Sector Management Act 1994</i> "

- s.7 (1) delete "the *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"
- s.7 (4) delete "The *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"
- Environmental
Protection
Act 1986* s.7 (5), delete "the *Public Service Act 1978*"
s.7 (7) (b), and substitute "Part 3 of the *Public
Sector Management Act 1994*"
s.22 (1),
s.22 (2),
s.23 (2) (a),
s.87 (4) (a),
s.88 (5) (a),
s.94 (2) (a)
- s.24 delete "Public Service Board" and
substitute "relevant employing
authority within the meaning of
the *Public Sector Management Act
1994*"
- s.108 (2) delete "the *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"
- delete "the person for the time being
holding or acting in the office of
Chairman of the Public Service
Board" and substitute "Minister for
Public Sector Management"
- Equal
Opportunity
Act 1984* s.77, delete "the *Public Service Act 1978*"
s.79, and substitute "Part 3 of the *Public
Sector Management Act 1994*"
s.106 (2)
- s.103 delete "The *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"

*Acts Amendment (Public Sector
Management) Act 1994*

- | | | |
|--|--------------------------------------|---|
| | s.163 (1) | delete "Permanent Head, within the meaning of that Act," and substitute "chief executive officer" |
| | | delete "done by the Permanent Head" and substitute "done by the chief executive officer" |
| <i>Fisheries
Act 1905</i> | s.5 (1),
s.5 (1c),
s.5 (1e) | delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.5 (1e) | delete ", with the approval of the Public Service Board," |
| | s.5 (1f) | delete ", with the approval of the Public Service Board," |
| | s.5G | delete "Public Service Board" and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of that officer" |
| <i>Freedom of
Information
Act 1992</i> | s.61 (3) | delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.61 (4) | delete "Public Service Commissioner" and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of the officer or employee" |
| | Schedule 2,
glossary,
clause 1 | in paragraph (a) of the definition of "principal officer" delete "the Schedule to the <i>Public Service Act 1978</i> " and substitute "Schedule 2 to the <i>Public Sector Management Act 1994</i> " |

in paragraph (b) of the definition of “public body or office” delete “the Schedule to the *Public Service Act 1978*” and substitute “Schedule 2 to the *Public Sector Management Act 1994*”

*Gaming
Commission
Act 1987*

s.13 (3),
s.72 (1)

delete “the *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.18 (2)

delete “Subject, where the officer is a member of the Public Service, to the concurrence of the Public Service Board, the” and substitute “The”

s.19 (2)

delete “and after consultation with the Public Service Board”

*Government
Employees’
Housing
Act 1964*

s.10

delete “senior officers of the Public Service of the State” and substitute “senior executive officers within the meaning of the *Public Sector Management Act 1994*”

s.15 (1)

delete “the *Public Service Act 1904*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.15 (3)

delete the subsection and substitute the following subsection —

“ (3) By agreement with the employing authority, within the meaning of the *Public Sector Management Act 1994*, of the public service officer, the Authority may for the purposes of this Act co-opt the services of any public service officer, as secretary or as an officer of the Authority. ”

*Acts Amendment (Public Sector
Management) Act 1994*

- | | | |
|--|----------|---|
| | a.15 (4) | delete "an officer within the meaning of the <i>Public Service Act 1904</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Government
Railways
Act 1904</i> | s.11 (1) | delete "the <i>Public Service Act 1904-1948</i> , the <i>Superannuation Act 1871</i> ," and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| <i>Governor's
Establishment
Act 1992</i> | s.6 (2) | delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> " |
| | s.7 | delete "an officer under the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Herd
Improvement
Service Act 1984</i> | s.5 (5) | delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.12 (3) | delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.13 (1) | delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> " |
| | s.14 | delete "the <i>Public Service Act 1978</i> " in both places where it occurs and substitute in each case "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | | in paragraph (a) delete "that Act" and substitute "that Part" |

	s.27 (1)	in the definition of "Department" delete "established under the <i>Public Service Act 1978</i> " and substitute "continued under the <i>Public Sector Management Act 1994</i> "
<i>Heritage of Western Australia Act 1990</i>	s.27 (1), s.27 (2), s.28 (3), s.71 (5) (a)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.27 (3) (a)	delete "Public Service Commissioner" and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of that officer"
<i>Hire-Purchase Act 1959</i>	s.23W (1) (b)	delete "established under the <i>Public Service Act 1978</i> " and substitute "continued under the <i>Public Sector Management Act 1994</i> "
<i>Housing Act 1980</i>	s.9 (3), s.9 (5)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.17	delete "the <i>Public Service Act 1978</i> " in paragraphs (a) and (b) and substitute in each case "Part 3 of the <i>Public Sector Management Act 1994</i> "
		delete ", in consultation with the Public Service Board constituted under that Act,"
	s.18 (2)	delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Human Reproductive Technology Act 1991</i>	s.8 (4), s.59 (1)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "

*Acts Amendment (Public Sector
Management) Act 1994*

- s.58 (1) delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the *Public Sector Management Act 1994*"
- Industrial and Commercial Employees' Housing Act 1973*
- s.10 (1) delete "senior officers of the Public Service of the State" and substitute "senior executive officers within the meaning of the *Public Sector Management Act 1994*"
- s.15 (1) delete "*Public Service Act 1904*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.15 (3) delete the subsection and substitute the following subsection —
- " (3) By agreement with the employing authority, within the meaning of the *Public Sector Management Act 1994*, of the public service officer, the Authority may for the purposes of this Act co-opt the services of any public service officer as secretary or as an officer of the Authority. "
- s.15 (4) delete "an officer within the meaning of the *Public Service Act 1904*" and substitute "a public service officer within the meaning of the *Public Sector Management Act 1994*"
- Law Reform Commission Act 1972*
- s.9 (2) delete "the *Public Service Act 1904*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- delete "Chairman of the Public Service Board" and substitute "Minister for Public Sector Management"

- s.9 (4) (a),
s.14 (1) delete “the *Public Service Act 1904*”
and substitute “Part 3 of the *Public Sector Management Act 1994*”
- s.9 (5) delete “the *Public Service Act 1904*”
and substitute “Part 3 of the *Public Sector Management Act 1994*”
- in paragraph (a) delete “that Act”
and substitute “that Part”
- in paragraph (b) delete “an officer
under the *Public Service Act 1904*”
and substitute “a public service
officer within the meaning of the
Public Sector Management Act 1994”
- Legal Aid
Commission
Act 1976* s.4 (1) delete definition of “Public Service
Board”
- s.21 (2) delete “The *Public Service Act 1978*”
and substitute “Part 3 of the *Public Sector Management Act 1994*”
- s.22A repeal the section
- Library Board
of Western
Australia
Act 1951* s.5 (9) (aa) delete “senior officer” and substitute
“senior executive officer”
- s.5 (14) delete “the *Public Service Act 1904-1950*, the
Superannuation Act 1871-1947,” and substitute “Part 3 of
the *Public Sector Management Act 1994*”
- s.6 (2) delete “pursuant to the provisions of
the *Public Service Act 1904-1950*”
and substitute “under Part 3 of
the *Public Sector Management Act 1994*”
- delete “the first-mentioned Act” and
substitute “that Part”

*Acts Amendment (Public Sector
Management) Act 1994*

<i>Licensed Surveyors Act 1909</i>	s.18	delete "or sub-department"
<i>Litter Act 1979</i>	s.12	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.15 (3)	delete "Public Service Board of the State" and substitute "Minister for Public Sector Management"
	s.15 (4)	delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Local Courts Act 1904</i>	s.13 (2)	delete "the <i>Public Service Act 1904-1950</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Marine and Harbours Act 1981</i>	s.4 (4)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.4 (5)	delete ", on the recommendation of the Public Service Board,"
<i>Metropolitan (Perth) Passenger Transport Trust Act 1957</i>	s.13 (3)	delete "an officer within the meaning of the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "
<i>Minerals and Energy Research Act 1987</i>	s.31	in subsection (4), delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "

insert after subsection (4) the following subsection —

“ (5) Notwithstanding anything in this section, if there is in the case of a person referred to in subsection (1) who is a member of the Senior Executive Service (within the meaning of the *Public Sector Management Act 1994*) an inconsistency between this Act and that Act, that Act prevails. ”

*Mines
Regulation
Act 1946*

s.5A (1),
s.23H (5)

delete “the *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.9

delete “the *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

delete “the said Act” and substitute “that Part”

Mining Act 1978

s.11,
s.13 (4)

delete “the *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

s.13 (3)

delete “The *Public Service Act 1978*” and substitute “Part 3 of the *Public Sector Management Act 1994*”

in paragraph (b) delete “an officer under that Act” and substitute “a public service officer under that Part”

*Motor Vehicle
Dealers Act 1973*

s.13 (1)

delete “Public Service Board” and substitute “employing authority, within the meaning of the *Public Sector Management Act 1994*, of that person”

*Acts Amendment (Public Sector
Management) Act 1994*

	s.13 (4)	delete "Public Service Board" and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of that person"
<i>Museum Act 1969</i>	s.21	delete "public servant" in the 3 places where it occurs and substitute in each case "public service officer"
<i>Occupational Health, Safety and Welfare Act 1984</i>	s.9 (5)	delete "an officer within the meaning of the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "
	s.9 (7)	repeal the subsection
	s.17, s.18 (2)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Parliamentary Commissioner Act 1971</i>	s.10 (1)	delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.10 (5) (twice)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	Schedule	delete "The Public Service Commissioner appointed under the <i>Public Service Act 1978</i> ." and substitute "Commissioner for Public Sector Standards appointed under the <i>Public Sector Management Act 1994</i> ."
<i>Parole Orders (Transfer) Act 1984</i>	s.12 (1)	delete "an officer within the meaning of the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "

<i>Pay-roll Tax Assessment Act 1971</i>	Schedule 2	delete item 30
<i>Perth Theatre Trust Act 1979</i>	s.9 (2), s.17 (4) (twice)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.17 (1)	delete "on the recommendation of the Public Service Board"
<i>Petroleum (Submerged Lands) Act 1982</i>	s.14	delete "an officer, within the meaning of that term in the <i>Public Service Act 1978</i> ," and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "
	s.125 (1)	delete "an officer, within the meaning of the <i>Public Service Act 1978</i> ," and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> "
<i>Public Works Act 1902</i>	s.5A (f)	delete "established under section 21 of the <i>Public Service Act 1978</i> " and substitute "continued under the <i>Public Sector Management Act 1994</i> "
	s.9D (a)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
<i>Racing Penalties (Appeals) Act 1990</i>	s.4 (3)	delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "
	s.8 (1), Schedule, clause 1 (2)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "

*Acts Amendment (Public Sector
Management) Act 1994*

<i>R&I Bank Act 1990</i>	s.18 (3)	delete “, if appropriate, with the Public Service Commissioner” and substitute “with the chief executive officer of the Treasury Department”
<i>Retirement Villages Act 1992</i>	s.25 (1) (c)	delete “an officer employed under the <i>Public Service Act 1978</i> ” and substitute “a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> ”
	s.32 (a), s.36 (3) (a)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
<i>Rural Adjustment and Finance Corporation Act 1993</i>	s.11 (6)	delete “Public Service Commissioner” and substitute “relevant employing authority”
	s.51 (2) (b)	delete the “ <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
<i>Salaries and Allowances Act 1975</i>	s.10 (4)(b)	delete “Public Service Commissioner” and substitute “chief executive officer of the department principally assisting the Minister in the administration of the <i>Public Sector Management Act 1994</i> ”
<i>Secondary Education Authority Act 1984</i>	s.6 (5), s.17 (3)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
	s.17 (2)	delete “after consultation with the Public Service Board and”
	s.18	delete “mutually arranged by it with that Minister and if appropriate with the Public Service Board” and substitute “arranged by it with that Minister”

- s.20 delete "office under the *Public Service Act 1978*" and substitute "office under Part 3 of the *Public Sector Management Act 1994*"
- delete "an officer under the *Public Service Act 1978*" and substitute "a public service officer within the meaning of the *Public Sector Management Act 1994*"
- Seeds Act 1981* s.3 (1) delete the definition of "officer" and substitute the following definition —
- " "officer" means a public service officer employed in the Department under the *Public Sector Management Act 1994*; "
- Small Business Development Corporation Act 1983* s.7 (2) delete "the *Public Service Act 1978*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.15 (4) delete "The *Public Service Act 1978*" and substitute "Part 3 of the *Public Sector Management Act 1994*"
- s.17 delete "Public Service Board" and substitute "relevant employing authority within the meaning of the *Public Sector Management Act 1994*"
- Small Claims Tribunals Act 1974* s.4 (1) delete the definition of "Public Service Board"
- s.8 (1) (c) delete "an officer in the Public Service of the State in Professional Division thereof" and substitute "a public service officer within the meaning of the *Public Sector Management Act 1994*"

*Acts Amendment (Public Sector
Management) Act 1994*

	s.15 (2) (a)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
<i>State Government Insurance Commission Act 1986</i>	s.13 (1), s.38 (1)	delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "
<i>State Planning Commission Act 1985</i>	s.9 (a), s.27 (a), s.38 (2), s.39 (1), s.40 (1), s.40 (2), s.41 (2) (a)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
	s.42	delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "
	s.60	in the definition of "Department" delete "established under the <i>Public Service Act 1978</i> " and substitute "continued under the <i>Public Sector Management Act 1994</i> "
<i>State Supply Commission Act 1991</i>	s.13 (a), s.16 (1)	delete " <i>the Public Service Act 1978</i> " and substitute " <i>Part 3 of the Public Sector Management Act 1994</i> "
	s.16 (2)	delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "

	Schedule 1, clause 3	delete paragraph (c) and substitute the following paragraph — “ (c) any public service officer, within the meaning of the <i>Public Sector Management Act 1994</i> , of the Department, ”
<i>Strata Titles Act 1985</i>	s.73 (1) (c)	delete “an officer employed under the <i>Public Service Act 1978</i> ” and substitute “a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> ”
	s.76 (2)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
<i>Swan River Trust Act 1988</i>	s.15 (a), s.31 (4) (a)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
	s.31 (3)	delete “Public Service Commissioner” and substitute “relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> ”
<i>Taxi-car Control Act 1985</i>	s.8 (6)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
	s.17 (1)	delete “after consultation with the Public Service Board”
<i>Technology and Industry Development Act 1983</i>	s.15, s.16 (1), s.16 (2), s.29 (3)	delete “the <i>Public Service Act 1978</i> ” and substitute “Part 3 of the <i>Public Sector Management Act 1994</i> ”
	s.18	delete “the <i>Public Service Act 1978</i> ” in both places where it occurs and

*Acts Amendment (Public Sector
Management) Act 1994*

substitute in each case "*Part 3 of the
Public Sector Management Act 1994*"

in paragraph (a), delete "that Act"
and substitute "that Part"

*Tobacco Control
Act 1990*

s.25 (4)

delete "Public Service Commissioner"
and substitute "relevant employing
authority within the meaning of the
Public Sector Management Act 1994"

s.25 (5) (a)

delete "the *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"

*Totalisator
Agency Board
Betting Act 1960*

s.3

in the definition of "public servant"
delete "an officer under the *Public
Service Act 1978*" and substitute "a
public service officer within the
meaning of the *Public Sector
Management Act 1994*"

*Transport
Co-ordination
Act 1966*

s. 8 (1)

delete "the *Public Service Act 1978*"
and substitute "Part 3 of the *Public
Sector Management Act 1994*"

s.8 (2) (b)

delete "Public Service Board" and
substitute "employing authority,
within the meaning of the *Public
Sector Management Act 1994*, of that
officer"

s.8 (3)

delete "after consultation with the
Public Service Board"

*Unleaded Petrol
Act 1984*

s.12 (1)

delete "persons who are officers
within the meaning given to that
expression by the *Public Service Act
1978*" and substitute "public service
officers within the meaning of the
Public Sector Management Act 1994"

<i>Valuation of Land Act 1978</i>	s.6 (2), s.16 (4)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.15 (2)	delete "section 75 of the <i>Public Service Act 1904</i> " and substitute "section 102 of the <i>Public Sector Management Act 1994</i> "
<i>Water Authority Act 1984</i>	s.16, s.23 (1), s.27 (1)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.28 (2)	delete ", after consultation with the Public Service Board constituted under the <i>Public Service Act 1978</i> ,"
<i>Waterways Conservation Act 1976</i>	s.13 (1) (b), s.18 (2), s.20, s.39 (1), s.39 (7)	delete "the <i>Public Service Act 1904</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.18 (2), s.39 (6)	delete "Chairman of the Public Service Board" and substitute "Minister for Public Sector Management"
	s.39 (3)	delete "Chairman of the Public Service Board" and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of that officer"
<i>Western Australian Development Corporation Act 1983</i>	s.6 (2), s.15 (3)	delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> "
	s.16 (1)	delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> "

*Acts Amendment (Public Sector
Management) Act 1994*

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|---|---------------------------|---|
| | s.17 | delete "an office under the <i>Public Service Act 1978</i> " and substitute "an office under Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | | delete "an officer under the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Western Australian Exim Corporation Act 1986</i> | s.10 (3),
s.15 (5) (b) | delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.17 | delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Western Australian Land Authority Act 1992</i> | s. 13 (2) | delete "Public Service Commissioner" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> " |
| | s.14 | delete "an officer under the <i>Public Service Act 1978</i> " and substitute "a public service officer within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Western Australian Marine Act 1982</i> | s.11 (8) | delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | | delete "that Act" and substitute "that Part" |
| | s.15 (11) | delete "The <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |

delete "that Act" and substitute "that Part"

s.132 (10) delete "an officer or class of officer, as defined by section 5 of the *Public Service Act 1978*" and substitute "a public service officer or class of public service officer, within the meaning of the *Public Sector Management Act 1994*"

*Western
Australian Meat
Industry
Authority
Act 1976*

s.5 in the definition of "officer" delete "an officer" and substitute "a public service officer"

s.15 (1) delete "the *Public Service Act 1904*" and substitute "Part 3 of the *Public Sector Management Act 1994*"

s.15 (2) delete "Public Service Board" and substitute "employing authority, within the meaning of the *Public Sector Management Act 1994*, of that person"

*Western
Australian
Sports Centre
Trust Act 1986*

s.11 (3) delete "Public Service Board" and substitute "relevant employing authority within the meaning of the *Public Sector Management Act 1994*"

*Western
Australian
Tourism
Commission
Act 1983*

s.3 in the definition of "Department" delete "established under the *Public Service Act 1978*" and substitute "continued under the *Public Sector Management Act 1994*"

s.7 (2),
s.12 (5) delete "the *Public Service Act 1978*" and substitute "Part 3 of the *Public Sector Management Act 1994*"

s.17 (6) delete "The *Public Service Act 1978*" and substitute "Part 3 of the *Public Sector Management Act 1994*"

*Acts Amendment (Public Sector
Management) Act 1994*

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|--|-------------------------|---|
| | s.21 | delete "Public Service Board" and substitute "relevant employing authority within the meaning of the <i>Public Sector Management Act 1994</i> " |
| <i>Western Australian Treasury Corporation Act 1986</i> | s.8 | delete "mutually arranged by it with the Treasurer and, if appropriate, with the Public Service Board" and substitute "arranged by it with the Treasurer" |
| <i>Workers' Compensation and Rehabilitation Act 1981</i> | s.95 (2) | delete "public servant" and substitute "public service officer within the meaning of the <i>Public Sector Management Act 1994</i> " |
| | s.114 (1),
s.177 (2) | delete "the <i>Public Service Act 1978</i> " and substitute "Part 3 of the <i>Public Sector Management Act 1994</i> " |
| | s.177 (1) | delete "Public Service Commissioner appointed under the <i>Public Service Act 1978</i> " and substitute "employing authority, within the meaning of the <i>Public Sector Management Act 1994</i> , of the officers and employees" |