

PUBLIC SECTOR MANAGEMENT BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Miscellaneous Acts (Public Sector Management) Amendment Bill 1988 is cognate with this Bill.

The objects of this Bill are—

- (a) to repeal the Public Service Act 1979 and to abolish the Public Service Board;
- (b) to transfer to Department Heads many of the day-to-day management functions formerly exercised by the Public Service Board;
- (c) to transfer to the Minister administering the proposed Act the functions formerly exercised by the Public Service Board relating to the overall efficiency and management of the Public Service;
- (d) to transfer to a body constituted by the Secretary of the Department of Industrial Relations and Employment (and called the Public Employment Industrial Relations Authority) the functions formerly exercised by the Public Service Board relating to industrial matters;
- (e) to revise the provisions of the repealed Act relating to the structure, administration and management of the Public Service and to the application of some of those provisions to other authorities in the public sector;
- (f) to provide for the removal from office of term appointees to various statutory offices and for the compensation payable to or rights to re-employment of statutory officers removed or retired from office; and
- (g) for related purposes.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

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Clause 3 defines certain expressions used in the proposed Act. The definitions are broadly similar to those contained in section 4 of the 1979 Act, except that a definition of "Industrial Authority" (the Public Employment Industrial Relations Authority) is introduced and the definition of "Public Service Board" disappears.

Clause 4 excludes from the application of the proposed Act certain persons, such as judges and police, and persons (other than Department Heads) whose remuneration is fixed under the Statutory and Other Offices Remuneration Act 1975. The exclusion does not affect certain provisions, including Part 8, of the proposed Act.

PART 2—PUBLIC SERVICE OF NEW SOUTH WALES**Division 1—Structure**

Clause 5 provides for the Public Service of New South Wales to consist of persons for the time being employed under Part 2 of the proposed Act.

Clause 6 provides for the division of the Public Service into the Special Division and such other divisions (if any) as may be prescribed by regulations under the proposed Act. The Special Division will include all officers who are Department Heads occupying positions referred to in proposed section 9. At present, the Public Service consists of the Special Division, the Professional Division, the Administrative and Clerical Division, the Educational Division and the General Division.

Clause 7 will enable the Treasurer to determine the maximum number of staff to be employed in a Department from time to time.

Clause 8 provides that the staff positions in a Department will consist of the Department Head's position and such other positions as the Department Head determines. A Department Head will be empowered to create, abolish and otherwise deal with those other positions. A Department Head will also be required to classify and grade each position in the Department, but the approval of the Industrial Authority to the classification and grade selected will be required.

Division 2—Department Heads

Clause 9 provides that the positions specified in Schedule 1 are to be taken to be created by virtue of the proposed Act. The positions concerned are those of Department Heads of Departments that are not Administrative Offices.

Clause 10 provides that the person holding a position specified in Schedule 1 is a Department Head, and that the person holding a position specified in Schedule 2 (comprising Departments which are Administrative Offices) has the functions of a Department Head.

Clause 11 provides that a Department Head is responsible to his or her Minister for the general conduct and the effective, efficient, and economical management of the functions and activities of the Department.

Clause 12 authorises a Department Head to delegate his or her functions to an officer or temporary employee of the Department concerned. Subject to the instrument of delegation, a delegation of functions will be capable of being sub-delegated.

Division 3—Special division officers

Clause 13 provides that a vacant special division position may be filled by an officer of the Public Service or by a person who is not already an officer of the Public Service.

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Clause 14 requires all appointments to the Special Division to be made by the Governor-in-Council.

Clause 15 provides that a person who is not already an officer in the Public Service and who is appointed to a special division position is to be appointed for a maximum term of 5 years, subject to re-appointment. Such an officer is referred to in the proposed Act as a "term officer".

Clause 16 authorises the Governor-in-Council to remove an officer from a special division position. The Governor-in-Council will be empowered to direct that such an officer be treated as an unattached officer in the Special Division, in which case the officer will continue to receive his or her current salary. If an officer is not, or ceases to be, subject to such a direction, the officer will cease to be a special division officer. Unless the officer is a term officer, the officer will be entitled to be appointed to a position in the Public Service. A term officer who ceases to be a special division officer will cease to be an officer of the Public Service, unless appointed to another position in the Public Service in accordance with the proposed Act.

Clause 17 makes it clear that nothing in the Division will affect the application of the provisions of Part 8 of the proposed Act to term officers who are removed from office under proposed section 16 or who are retired from office under proposed section 19 before reaching 65 years of age. Those provisions include provision for the payment to such officers of limited amounts of compensation for loss of office.

Clause 18 specifies the cases in which the position of a special division officer becomes vacant.

Clause 19 provides for the retirement of special division officers.

Clause 20 authorises the retirement of a special division officer who is found unfit to discharge, or incapable of discharging, the officer's duties on a permanent basis.

Clause 21 states that special division officers are entitled to remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975.

Division 4—Officers (other than special division officers)

Clause 22 provides that the Division is not to apply to special division positions.

Clause 23 requires the Minister to publish periodically lists of administrative units for promotion purposes.

Clause 24 provides that, where a vacancy exists in a Department, the Department Head will be empowered to fill the vacancy. The vacancy will be capable of being filled either by an officer or by a person who is not an officer, subject to and in accordance with this Division.

Clause 25 provides that, except where otherwise stated, appointments to positions are to be made by the Governor on the recommendation of the Department Head concerned.

Clause 26 provides the machinery for the appointment of a person to a position in the Public Service. Merit (which is to be determined by reference to abilities, qualifications, experience, standard of work performance and personal qualities) is to be the only criterion for any such appointment. The proposed section will not affect the current arrangements under which persons who, having successfully passed prescribed examinations for entry into the Public Service, may be appointed to certain base grade positions.

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Clause 27 provides that no legal proceedings may be brought in respect of an appointment or failure to appoint to a position in the Public Service. However, nothing in the clause affects rights of appeal by existing officers under the Government and Related Employees Appeal Tribunal Act 1980.

Clause 28 requires persons admitted to the Public Service as officers to be appointed in the first instance on probation.

Clause 29 provides for the confirmation or annulment of appointments on probation.

Clause 30 provides for the re-appointment of officers who have been retired from the Public Service or whose services have been dispensed with.

Clause 31 provides that, except with the approval of the Minister, a Department Head is required to advertise every vacant position in respect of which it is proposed to make an appointment.

Clause 32 requires information as to recommendations for appointment of existing officers to be published in the Public Service Notices. An officer who will be outside New South Wales or on leave for more than 6 months will be entitled to copies of Public Service Notices published during the officer's absence.

Clause 33 authorises the temporary appointment of officers to positions that are vacant or while the holder of such a position is suspended, sick or absent.

Clause 34 limits temporary appointments to a period of 6 months unless certain conditions are satisfied.

Clause 35 provides for the retirement of officers. The normal retirement age for an officer is 60 years of age, but in certain circumstances an officer will be able to continue in Public Service employment after that age.

Clause 36 authorises the retirement of an officer who is found unfit to discharge, or is incapable of discharging, his or her duties on a permanent basis.

Clause 37 specifies the circumstances in which an officer's position becomes vacant.

Division 5—Temporary employees

Clause 38 provides for the appointment of temporary employees for periods of 4 months at a time. Employment is effected by the Department Head, but employment for periods longer than 12 months requires the approval of the Industrial Authority. A Department Head will be able to dismiss a temporary employee at any time, except where the employee has been employed for more than 1 year, in which case the approval of the Industrial Authority will be required.

Division 6—Miscellaneous matters

Clause 39 deals with the requirements as to citizenship. The clause requires that to be eligible for appointment to a position in the Public Service a person must be an Australian citizen or be entitled to reside in Australia permanently.

Clause 40 requires notices of all appointments, promotions, retirements and similar matters to be published in a special Gazette.

Clause 41 enables a Department Head to make use of the services of a person employed under the Education Commission Act 1980 subject to certain conditions.

Clause 42 enables an officer to decline an offer of promotion or appointment without prejudice to the officer's future prospects for promotion or appointment.

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PART 3—ADMINISTRATION AND MANAGEMENT OF THE PUBLIC SERVICE**Division 1—Functions of the Minister**

Clause 43 specifies the Minister's functions under the proposed Act. Among those functions is that of securing the overall effectiveness and efficiency of the Public Service.

Clause 44 empowers the Minister to delegate certain of the Minister's functions under the proposed Act.

Clause 45 empowers an officer authorised by or a delegate of the Minister, to enter the premises of a Department to carry out an investigation in connection with the exercise of the Minister's functions under the proposed Act.

Clause 46 empowers the Minister to provide a Department with such assistance and advice as will foster improvements in the efficiency or management practices of the Department.

Clause 47 enables the Minister to require the provision of reports relating to personnel policies and practices of Departments.

Division 2—Management reviews

Clause 48 empowers the Minister to conduct management reviews of the functions and activities of Departments. A management review will involve an examination of any functions and activities of a Department for the purpose of assessing the extent to which they are being carried out in an effective, efficient and economical manner.

Clause 49 deals with the provision of reports on the conduct, findings and recommendations of a management review.

Division 3—Miscellaneous matters relating to administration and management

Clause 50 authorises the transfer of officers at an equivalent salary within a Department or between Departments.

Clause 51 deals with cases where excess staff are employed in a Department. If the Minister is satisfied that there is a number of persons employed in the Department in excess of what is necessary for efficiency, then the Department Head, as directed by the Minister, will be able to arrange the transfers of these persons to other Departments at their existing salaries. If an excess person cannot be usefully employed in any other Department, the Governor will be able to dispense with the person's services.

Clause 52 deals with cases where an officer is in receipt of a greater salary than the maximum fairly appropriate to his or her work. If an officer is receiving a salary more than is justified by the work that he or she is required to do, the appropriate Department Head will be required to take steps to find the officer work appropriate to that salary. If that is not possible, the Department Head will be required to reduce the officer's salary to a level appropriate to the work that the officer does.

Clause 53 deals with cases where an officer refuses a transfer. If an officer refuses a transfer, it will be possible to dismiss the officer if the Department Head concerned certifies that the officer does not have a valid reason for refusing the transfer.

Clause 54 preserves the right of the Crown to dispense with the services of any person employed in the Public Service. This right is not intended to be affected by any other provision of the proposed Act.

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Clause 55 provides that, except as expressly provided by any Act, compensation will not be payable only because the salary of an officer is reduced or because an officer's services are being dispensed with.

PART 4—INDUSTRIAL MATTERS

Division 1—Public Employment Industrial Relations Authority

Clause 56 provides for a corporation to be constituted as the Public Employment Industrial Relations Authority.

Clause 57 provides for the Secretary of the Department of Industrial Relations and Employment to manage the affairs of the Industrial Authority.

Clause 58 provides for the Industrial Authority to be subject to the control and direction of the Minister for Industrial Relations and Employment, except as regards matters involving the determination of salaries and conditions of employment in the Public Service and disputes relating to industrial matters.

Clause 59 prescribes the functions of the Industrial Authority. The principal functions of that Authority will be to fix salaries for persons employed in the Public Service and to represent the Crown, as employer, in industrial proceedings which involve persons employed in the Public Service. The clause also deals with the annual report of the Industrial Authority.

Clause 60 empowers the Industrial Authority to delegate its functions, except its functions in relation to awards, industrial agreements or salary determinations.

Clause 61 empowers the making of regulations relating to the Industrial Authority's functions.

Division 2—Responsibilities of the Industrial Authority with respect to industrial matters

Clause 62 provides for the Industrial Authority to be treated as the employer of staff of the Public Service for the purposes of industrial proceedings.

Clause 63 empowers the Industrial Authority to determine the remuneration of officers and temporary employees.

Clause 64 enables the Industrial Authority to enter into agreements as to industrial matters with organisations or associations representing officers or temporary employees.

Clause 65 empowers the Industrial Authority to enter the premises of any Department for the purpose of carrying out an investigation in connection with the exercise of its functions under the proposed Act.

PART 5—DISCIPLINE AND CONDUCT OF OFFICERS OF THE PUBLIC SERVICE

Division 1—Interpretation

Clause 66 specifies the circumstances in which an officer is to be regarded as having committed a breach of discipline.

Division 2—Special division officers

Clause 67 provides for the Minister to direct that a special inquiry be conducted into an alleged breach of discipline by a special division officer.

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Clause 68 prescribes the punishments that may be imposed on special division officers. Punishments include a caution, a reprimand, a fine, demotion and dismissal.

Clause 69 authorises the punishment of special division officers convicted of serious offences.

Clause 70 provides for the suspension of a special division officer by the officer's Minister on disciplinary grounds.

Clause 71 provides that no compensation is to be payable to a term officer if the officer is dismissed from the Public Service under the Division.

Clause 72 makes it clear that the Governor will not be precluded from exercising powers conferred on the Governor under provisions not included in the Division.

Division 3—Officers (other than special division officers)

Clause 73 excludes special division officers from the application of Division 3.

Clause 74 authorises the appropriate Department Head in accordance with the regulations to deal with breaches of discipline alleged to have been committed by officers employed in the Department.

Clause 75 empowers a Department Head to impose punishments in respect of breaches of discipline, subject to appeal to the Government and Related Employees Appeal Tribunal. Punishments include a caution, a reprimand, a fine, reduction of salary, demotion and dismissal.

Clause 76 authorises the appropriate Department Head to impose punishments on officers convicted of serious offences.

Clause 77 provides for the suspension of officers on disciplinary grounds.

Clause 78 provides for the service of notices relating to disciplinary proceedings if the address of an officer is unknown.

Division 4—Miscellaneous matters relating to conduct of officers

Clause 79 requires an officer who becomes bankrupt or makes any composition, arrangement or assignment for the benefit of creditors to notify the appropriate Department Head of that fact and to provide particulars concerning the matter. If the officer is a Department Head, the officer will be required to report the matter to the Minister.

Clause 80 regulates the engagement of officers in outside employment. An officer is not to engage in any such employment without the approval of the appropriate Department Head. If the officer is a Department Head, the approval of the appropriate Minister will be required.

Clause 81 provides that an officer who retires or resigns while disciplinary proceedings are pending will be capable of being dealt with and punished as if the person were still an officer.

PART 6—SPECIAL INQUIRIES

Clause 82 authorises the Minister to direct a special inquiry to be conducted in relation to any matter connected with a Department (including a breach of discipline alleged to have been committed by a special division officer).

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Clause 83 authorises the person conducting a special inquiry to enter the premises of any Department for the purposes of the inquiry and confers on that person certain powers under the Royal Commissions Act 1923.

Clause 84 permits a person appearing before a special inquiry to be represented by a barrister, solicitor or agent if the person conducting the inquiry agrees. The clause will allow the person conducting a special inquiry to determine the procedure to be followed at the inquiry and provides that that person will not be bound by the rules of evidence.

Clause 85 requires the person conducting a special inquiry to prepare a report on the conduct, findings and recommendations of that special inquiry within such period as the Minister requires and to provide interested Ministers with copies of the report.

PART 7—APPLICATION OF PROVISIONS TO DECLARED AUTHORITIES

Clause 86 enables the Governor to amend Schedule 3 by inserting, omitting or amending the name of any authority specified in that Schedule.

Clause 87 provides that certain provisions apply to a declared authority specified in Schedule 3 in the same way as they apply to Departments. The specified provisions are Division 2 of Part 3 (management reviews), Part 6 (special inquiries) and clauses 45–47.

Clause 88 requires a declared authority to provide information to the Industrial Authority and to comply with any direction of that Authority relating to an industrial matter. Any such direction must be sanctioned by the Minister.

PART 8—REMOVAL AND RETIREMENT OF CERTAIN STATUTORY OFFICE HOLDERS

Clause 89 defines certain expressions for the purposes of Part 8. For the purposes of the Part, a term appointee is defined as a person appointed to an office under an Act where the Act provides that the holder of the office is to hold it for a specified term. The clause also defines “office holder”.

Clause 90 empowers the Governor-in-Council to remove a term appointee from office at any time. The clause applies whether the term appointee holds office on a full-time or part-time basis. However, the clause will not apply to an officer of the Special Division of the Public Service who may be removed under proposed section 16, an officer who can be removed from office only on a resolution passed by both Houses of Parliament, the Crown Advocate or an officer of the Independent Commission Against Corruption.

Clause 91 confers on a person (including a special division officer) a right to be re-appointed to a position in the public sector if the person was a term appointee who was removed from office under this Act before reaching 60 years of age.

Clause 92 limits the amount of compensation that is payable for loss of office to—

- (a) a term appointee who is removed from office under proposed section 90 and is not entitled to be re-appointed to a position in the public sector;
- (b) a special division term officer who is removed from office under proposed section 16 and is not entitled to re-appointment to a position in the public sector; and
- (c) an office holder who is retired from office after reaching 60 years of age but before reaching 65 years of age.

The maximum compensation payable under the clause will be an amount equivalent to the person's gross remuneration for 1 year.

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Clause 93 provides that, if a person elects to take the compensation provided under proposed section 92, that person will no longer be entitled to be re-appointed to a public sector position under proposed section 91.

Clause 94 makes it clear that Part 8 will prevail over inconsistent provisions of any other law or the terms of a person's appointment to a public office or a person's contract of employment in the public sector. The clause also makes it clear that the provisions of the Part will apply to persons holding office when the Part comes into operation. The Part will not apply to certain public positions such as those of the Governor, a Minister, a Member of Parliament or a judge.

PART 9—SUPPLEMENTARY PROVISIONS

Clause 95 provides that the proposed Act will not affect anything contained in the Superannuation Act 1916, the Industrial Arbitration Act 1940, the State Public Service Superannuation Act 1985 or the State Authorities Superannuation Act 1987.

Clause 96 will preserve the ordinary and necessary departmental authorities of a Minister.

Clause 97 makes provision for the construction of references in other Acts and instruments to certain matters, including references to public servants and Department Heads.

Clause 98 provides for the admissibility in evidence of a document purporting to be an issue of the Public Service Notices.

Clause 99 provides that, where a public servant is allowed to use for residential purposes premises belonging to the Crown, amounts as rent or board may be deducted by the Industrial Authority from the public servant's salary or wages.

Clause 100 gives effect to Schedule 5, which provides for the entitlements of officers and temporary employees to extended leave.

Clause 101 gives effect to Schedule 6, which will enable the salaries or wages of officers and temporary employees to be attached in certain cases.

Clause 102 empowers the Governor-in-Council to make regulations for the purposes of the proposed Act.

Clauses 103 and 104 enable Schedules 1 and 2 to be amended in appropriate cases.

Clause 105 repeals the Public Service Act 1979.

Clause 106 gives effect to Schedule 7, which contains savings, transitional and other provisions.

SCHEDULES

Schedule 1 specifies Departments for the purposes of the proposed Act.

Schedule 2 prescribes Administrative Offices for the purposes of the proposed Act.

Schedule 3 lists declared authorities for the purposes of the proposed Act. These authorities are dealt with in Part 7 of the proposed Act.

Schedule 4 specifies the rights that will be conferred on term officers if they cease to hold office.

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Schedule 5 re-enacts in substance the provisions of Part 5 of the Public Service Act 1979, relating to extended leave of officers of the Public Service. Clause 1 of the Schedule confers on an officer an entitlement to 2 months' leave (full pay) or 4 months' leave (half pay) after 10 years' service. Thereafter, an officer accumulates an entitlement to leave at the rate of 15 days a year (full pay) or 30 days a year (half pay). Clause 2 of the Schedule confers on an officer an entitlement to be paid a gratuity instead of extended leave in certain cases. Clause 3 of the Schedule provides for a payment instead of leave to be made to a dependent relative where an officer has died before taking leave that is due to the officer. Clause 4 provides that a temporary employee will have a similar entitlement.

Schedule 6 provides for the attachment of wages or salary of officers of the Public Service. Clause 1 of the Schedule defines "judgment" for the purposes of the Schedule and provides that the Schedule will not apply to an officer or temporary employee who is an undischarged bankrupt. Clause 2 of the Schedule provides for the salary or wages of an officer or temporary employee to be attached where a judgment against the officer or employee is served on the appropriate Department Head. Provision is made for appropriate deductions to be made from the salary or wages of the officer or employee. Clause 3 of the Schedule makes it an offence for a person to whom a payment has been made in accordance with clause 2 of the Schedule to fail to notify the making of that payment to the appropriate Department Head. Clause 4 of the Schedule prescribes the method of disposal of deductions made from a salary or wages in accordance with clause 2 of the Schedule.

Schedule 7 provides for various matters in the 1979 Act that are required to be saved and for certain transitional and other matters.

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APPENDIX

TABLE OF CORRESPONDING PROVISIONS

Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 1, Short title	Cl. 1, Short title
Sec. 2, Commencement	Cl. 2, Commencement
Sec. 3, (Repealed)	No corresponding provision
Sec. 4, Interpretation	Cl. 3, Definitions
Sec. 5, Amendment of Schedule 1 (Departments)	Cl. 103, Amendment of Schedule 1 with respect to Departments
Sec. 6, Amendment of Schedule 2 (Administrative Offices)	Cl. 104, Amendment of Schedule 2 with respect to Administrative Offices
Sec. 7, Application of Act to Administrative Offices	No corresponding provision, but see the definition of "Department" in cl. 3 (1) and also see cll. 10, 103 and 104
Sec. 8, Saving of Industrial Arbitration Act	Cl. 95 (Certain other Acts not to be affected)
Sec. 9, Act not to apply to certain positions	Cl. 4, Act not to apply to certain positions
Sec. 10, Interpretation (Part II—The Public Service Board of New South Wales)	No corresponding provision
Sec. 11, Constitution of the Board	No corresponding provision
Sec. 12, Composition of the Board	No corresponding provision
Sec. 13, Application of this Act to members	No corresponding provision
Sec. 14, Age of members	No corresponding provision
Sec. 15, Term of office	No corresponding provision
Sec. 16, Chairman	No corresponding provision
Sec. 17, Remuneration of members	No corresponding provision
Sec. 18, Acting appointments	No corresponding provision
Sec. 19, Vacation of office	No corresponding provision
Sec. 20, Removal from office	No corresponding provision
Sec. 21, Filling of vacancy	No corresponding provision
Sec. 22, Protection from liability	No corresponding provision
Sec. 23, Preservation of rights of members	No corresponding provision
Sec. 24, Member entitled to re-appointment in former employment	No corresponding provision
Sec. 25, Declaration of statutory bodies	No corresponding provision
Sec. 26, Presumptions	No corresponding provision
Sec. 27, Quorum	No corresponding provision
Sec. 28, Presiding member	No corresponding provision
Sec. 29, Meetings	No corresponding provision
Sec. 30, Special powers of Chairman	No corresponding provision

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Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 31, Minutes	No corresponding provision
Sec. 32, General procedure	No corresponding provision
Sec. 33, General functions of the Board	No corresponding provision, but see cl. 43 (Functions of the Minister) and cl. 45
Sec. 34, Directions to Board by Governor-in-Council	No corresponding provision
Sec. 35, Delegation by Board	No corresponding provision, but see cl. 44 (Delegation by the Minister)
Sec. 36, The Public Service	Cl. 5, The Public Service
Sec. 37, Maximum number of staff of Department	Cl. 7, Maximum number of staff of a Department
Sec. 38, Staff establishment	Cl. 8, Staff positions in a Department
Sec. 39, Divisions of the Public Service	Cl. 6, Special Division of the Public Service etc.
Sec. 40, Special Division	No corresponding provision, but see cl. 6 (Special Division of the Public Service etc.)
Sec. 41, Professional Division	No corresponding provision, but see cl. 6
Sec. 42, Administrative and Clerical Division	No corresponding provision, but see cl. 6
Sec. 43, Educational Division	No corresponding provision, but see cl. 6
Sec. 44, General Division	No corresponding provision, but see cl. 6
Sec. 45, Creation of Department Head positions	Cl. 9, Creation of Department Head positions
Sec. 46, Department Heads	Cl. 10, Department Heads
Sec. 47, General responsibility of Department Head	Cl. 11, General responsibility of Department Heads
Sec. 48, Delegation by Department Heads	Cl. 12, Delegation by Department Heads
Sec. 49, Filling of vacant Special Division positions	Cl. 13, Filling of vacant special division positions
Sec. 50, Method of appointment	Cl. 14, Method of appointment of special division officers
Sec. 51, Term of office of term officer	Cl. 15, Term of office of term officer
Sec. 52, Removal of Special Division officers	Cl. 16, Removal of special division officers
No corresponding provision	Cl. 17, Compensation etc. to special division officer removed or retired from office
Sec. 53, Vacation of position by Special Division officer	Cl. 18, Vacation of special division positions

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Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 54, Retirement of Special Division officers	Cl. 19, Retirement of special division officers
Sec. 55, Incapable officer may be retired	Cl. 20, Incapable special division officer may be retired
Sec. 56, Remuneration of Special Division officers	Cl. 21, Remuneration of special division officers
Sec. 57, Non-application to Special Division	Cl. 22, Division not to apply to special division officers
Sec. 58, Seniority of officers	No corresponding provision
Sec. 59, Administrative units	Cl. 23, Administrative units
Sec. 60, Filling of vacant positions	Cl. 24, Filling of vacant positions
Sec. 61, Method of appointment	Cl. 25, Method of appointment
Sec. 62, In-service appointments	Cl. 26, Selection for appointment to be on merit
Sec. 63, Outside appointments: Board's certificates	No corresponding provision
Sec. 64, Outside appointments (Professional or Educational Division): special cases	No corresponding provision
Sec. 65, Outside appointments: Education Commission	No corresponding provision
Sec. 65A, Provisions as to appeals, etc.	Cl. 27, (so much as corresponds with sec. 65A (1)–(3), (6)), Legal proceedings not to be brought in respect of appointments etc.
Sec. 66, Medical examination	No corresponding provision, but see cl. 102 (Regulations)
Sec. 67, Educational requirements	No corresponding provision, but see cl. 102
Sec. 68, Appointments on probation	Cl. 28, Appointments on probation
Sec. 69, Confirmation or annulment of appointments on probation	Cl. 29, Confirmation or annulment of appointments on probation
Sec. 70, Appointment of retired officers	Cl. 30, Appointment of retired officers
Sec. 71, Advertising of vacancies	Cl. 31, Advertising vacancies
Sec. 72, Publication of decisions to make recommendations under section 62	Cl. 32, Publication of decisions to make recommendations for in-service appointments
Secs. 73, 74, (Repealed)	No corresponding provisions
Sec. 75, Temporary appointments	Cl. 33, Temporary appointments
Sec. 76, Restriction on temporary appointment	Cl. 34, Restriction on temporary appointment

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Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 77, Retirement of officers	Cl. 35, Retirement of officers
Sec. 78, Incapable officer may be retired	Cl. 36, Incapable officer may be retired
Sec. 79, Vacation of position	Cl. 37, Vacation of position
Sec. 80, Temporary employees	Cl. 38, Appointment of temporary employees
No corresponding provision	Cl. 56, Constitution of the Public Employment Industrial Relations Authority
No corresponding provision	Cl. 57, Management of affairs of the Industrial Authority
No corresponding provision	Cl. 58, Industrial Authority to be subject to the control and direction of the Minister
No corresponding provision	Cl. 59, Functions of the Industrial Authority.
No corresponding provision	Cl. 60, Delegation by the Industrial Authority
No corresponding provision	Cl. 61, Regulations relating to functions of the Industrial Authority
Sec. 81, Role of Board in industrial proceedings	Cl. 62, Role of the Industrial Authority in industrial proceedings
Sec. 82, Determinations	Cl. 63, Industrial Authority may determine salaries, wages etc.
Sec. 83, Agreements	Cl. 64, Industrial Authority may enter into agreements
Sec. 84, Powers of Board	Cl. 65, Power of the Industrial Authority to enter Department's premises
Sec. 85, Breaches of discipline	Cl. 66, Breaches of discipline
Sec. 86, Special inquiry	Cl. 67, Special inquiry
Sec. 87, Punishment for breaches of discipline	Cl. 68 (1)–(4), Punishment of special division officers for breaches of discipline
Sec. 88, Punishment where officer guilty of a serious offence	Cl. 69, Punishment where a special division officer is guilty of a serious offence
Sec. 89, Suspension	Cl. 70, Suspension from duty of special division officers
Sec. 90, Term officers	Cl. 71, Dismissal of term officers
Sec. 91, Other powers not affected	Cl. 72, Other powers not affected
Sec. 92, Non-application to Special Division	Cl. 73, Division not to apply to special division officers

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Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 93, Procedure for dealing with breaches of discipline	Cl. 74, Procedure for dealing with breaches of discipline
Sec. 94, Punishment for breaches of discipline	Cl. 75 (1)–(7), Punishment of officers for breaches of discipline
Sec. 95, Punishment where officer guilty of a serious offence	Cl. 76, Punishment where an officer is guilty of a serious offence
Sec. 96, Suspension of officers	Cl. 77, Suspension of officers from duty in certain cases
Sec. 97, Officer whose address is unknown	Cl. 78, Posting of notices to an officer whose address is unknown
Sec. 98, Officers to report bankruptcy, etc.	Cl. 79, Officer to report bankruptcy etc.
Sec. 99, Other employment	Cl. 80, Officer not to engage in other employment without permission
No corresponding provision	Cl. 81, Officers retiring or resigning before breach of discipline dealt with
Sec. 100, Fines to be stopped from salary	Cl. 68 (5), Punishment of special division officers for breaches of discipline Cl. 75 (8), Punishment of officers for breaches of discipline
Sec. 101, Special inquiries	Cl. 82, Minister may direct holding of special inquiry
Sec. 102, Power of Board at special inquiries	Cl. 83, Powers of persons conducting special inquiries
Sec. 103, Procedure at special inquiries	Cl. 84, Procedure and evidence at a special inquiry
Sec. 104, Reports of special inquiries	Cl. 85, Reports of special inquiries
Sec. 105, Efficiency audits	Cl. 48, Power of Minister to carry out management reviews
Sec. 106, Powers of Board at efficiency audits	No corresponding provision, but see cl. 45 (power to enter Department's premises etc.)
Sec. 107, Reports of efficiency audits	Cl. 49, Reports of management reviews
Sec. 108, Management assistance and advice	Cl. 46, Management assistance and advice
Sec. 109, Reports on personnel practices and policies	Cl. 47, Reports on personnel practices and policies
Sec. 110, Special Gazette	Cl. 40, Notification of appointments etc. in special Gazette
Sec. 111, Requirements as to citizenship, etc.	Cl. 39, Requirements as to citizenship etc.
Sec. 112, Transfers within Department or between Departments	Cl. 50, Transfers within Department or between Departments

*Public Sector Management 1988*APPENDIX—*continued*TABLE OF CORRESPONDING PROVISIONS—*continued*

Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Sec. 112A, Arrangements for the use of certain staff	Cl. 41, Arrangements for the use of certain staff
Sec. 113, Excess staff	Cl. 51, Excess staff
Sec. 114, Excessive salaries	Cl. 52, Excessive salaries
Sec. 115, Officer refusing promotion, appointment or transfer	Cl. 42, (so much as corresponds with sec. 115 (1)), Officers refusing promotion or appointment Cl. 53, (so much as corresponds with sec. 115 (2)), Officer refusing transfer
Sec. 116, Appeals to Board	No corresponding provision
Sec. 117, (Repealed)	No corresponding provision
Sec. 118, Right of Crown to dispense with services	Cl. 54, Right of the Crown to dispense with an officer's services not affected by the Act
Sec. 119, No compensation	Cl. 55, No compensation to be paid where officer's services dispensed with or salary reduced
Sec. 120, Leave of absence after years of service	Cl. 100, Extended leave for officers etc., Sch. 5, cl. 1, Officer to be entitled to extended leave after a certain period of service
Sec. 121, Gratuity instead of extended leave	Cl. 100, Extended leave for officers etc., Sch. 5, cl. 2, Certain officers to be entitled to be paid a gratuity instead of extended leave
Sec. 122, Payment of money value of leave not taken or completed	Cl. 100, Extended leave for officers etc., Sch. 5, cl. 3, Payment to be made where an officer entitled to extended leave has died
Sec. 123, Application of this Part (Part 5—Extended Leave) to members of the Board	No corresponding provision
Sec. 124, Amendment of Schedule 3 (Declared Authorities)	Cl. 86, Power to amend Schedule 3 relating to declared authorities
Sec. 125, Application of provisions to declared authorities	Cl. 87, Certain provisions of this Act to apply to declared authorities
No corresponding provision	Cl. 88, Declared authorities to comply with directions of the Industrial Authority on industrial matters
No corresponding provision	Cl. 89, Definitions (Part 8—Removal and retirement of certain statutory office holders)

*Public Sector Management 1988*APPENDIX—*continued*TABLE OF CORRESPONDING PROVISIONS—*continued*

Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
No corresponding provision	Cl. 90, Removal of term appointee from office
No corresponding provision	Cl. 91, Re-appointment to public sector following removal of term appointee
No corresponding provision	Cl. 92, Compensation for office holder following removal or retirement
No corresponding provision	Cl. 93, Election by term officer to take compensation
No corresponding provision	Cl. 94, Operation of this Part (Part 8—Removal and retirement of certain statutory office holders)
Sec. 126, Certain other Acts not affected	Cl. 95, Certain other Acts not to be affected
Sec. 127, Report	No corresponding provision
Sec. 128, Saving as to Ministers	Cl. 96, Minister's powers to control staff and work of Department not affected
Sec. 129, Construction of certain references	Cl. 97, Construction of certain references
Sec. 130, Deduction for residence	Cl. 99, Deductions for rent etc. in certain cases
Sec. 131, Attachment of salary or wages of officers and temporary employees	Cl. 101, Attachment of wages or salary of officers etc.; Sch. 6, cl. 1, (so much as corresponds with sec. 131 (9), (13)), Definition etc.
	Cl. 101, Attachment of wages or salary of officers etc.; Sch. 6, cl. 2, (so much as corresponds with sec. 131 (1)–(6)), Salary or wages of officers and temporary employees may be attached
	Cl. 101; Sch. 6, cl. 3, (so much as corresponds with sec. 131 (7)), Offence for a person to fail to notify certain payments
	Cl. 101, Attachment of wages or salary of officers etc.; Sch. 6, cl. 4, (so much as corresponds with sec. 131 (8), (10)–(12)), How deductions under clause 2 are to be disposed of
Sec. 132, Evidence as to Public Service Notices	Cl. 98, Evidence as to Public Service Notices
Sec. 133, Regulations	Cl. 102, Regulations
Sec. 134, Repeals	Cl. 105, Repeal
Sec. 135, Savings, transitional and other provisions	Cl. 106, Savings, transitional and other provisions

*Public Sector Management 1988*APPENDIX—*continued*TABLE OF CORRESPONDING PROVISIONS—*continued*

Section, Public Service Act 1979	Clause, Public Sector Management Bill 1988
Schedule 1—Departments	Schedule 1—Departments
Schedule 2—Administrative Offices	Schedule 2—Administrative Offices
Schedule 3—Declared Authorities	Schedule 3—Declared Authorities
Schedule 4—Excluded Positions	No corresponding Schedule (See cl. 4)
No corresponding Schedule	Schedule 4—Special provisions relating to Special Division Term Officers
No corresponding Schedule	Schedule 5—Extended leave for officers etc. of Public Service
Schedule 5—Repeals	See cl. 105
No corresponding Schedule	Schedule 6—Attachment of Wages or Salary of Officers etc. of Public Service
Schedule 6—Savings, transitional and other provisions	Schedule 7—Savings, transitional and other provisions