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Acts Amendment (Public Service) Act 1987

PROCLAMATION

WESTERN AUSTRALIA GORDON REID, Governor. [L.S.]	}	By His Excellency Professor Gordon Reid, Companion of the Order of Australia, Governor of the State of Western Australia.
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UNDER section 2 of the Acts Amendment (Public Service) Act 1987, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix 16 March 1988 as the day on which the Acts Amendment (Public Service) Act 1987 shall come into operation.

Given under my hand and the Seal of the State on 15 March 1988.

By His Excellency's Command,

PETER DOWDING,
Minister for Public Sector Management.

GOD SAVE THE QUEEN !

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PUBLIC SERVICE ACT 1978

INTERPRETATION ACT 1984

PUBLIC SERVICE REGULATIONS 1988

MADE by His Excellency the Governor in Executive Council on the recommendation of the Public Service Commissioner.

Citation

1. These regulations may be cited as the *Public Service Regulations 1988*.

Commencement

2. These regulations shall come into operation on 16 March 1988.

Prescribed salary level

3. The salary level prescribed for the purposes of section 35 (1) of the Act is the salary exceeding the maximum salary payable in relation to a Level 8 office under the Public Service Salaries Agreement No. 2 of 1985 registered under the *Industrial Relations Act 1979*.

Divisions of the Public Service

4. (1) Every office created and every officer employed in a department, sub-department or organization (in so far as a position in, or a person employed in, an organization belongs to the Senior Executive Service) shall be included in one of the 2 divisions as follows—

- (a) the Special Division;
- (b) the Occupational Division.

- (2) The Special Division shall include such offices and officers as the Governor on the recommendation of the Commissioner determines.

- (3) The Occupational Division shall include such officers and offices as the Commissioner determines.

Lump sum payments

5. (1) On application to the Chief Executive Officer, a lump sum payment for the money equivalent of any—

- (a) long service leave entitlement for continuous service as prescribed by section 59 of the Act and accrued annual leave as prescribed by section 59 of the Act shall be made to an officer who resigns, retires, is retired or is dismissed or in respect of an officer who dies;
- (b) *pro rata* annual leave shall be made to an officer who resigns, retires, is retired or in respect of an officer who dies, but not to an officer who is dismissed; and
- (c) *pro rata* long service leave based on continuous service of a lesser period than that prescribed by section 59 of the Act for a long service entitlement shall be made—
 - (i) to an officer who retires at or over the age of 55 years or who is retired on the grounds of ill health, if the officer has completed not less than 12 months continuous service before the date of retirement;

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- (ii) to an officer who, not having resigned, is retired by the Commissioner for any other cause, if the officer has completed not less than 3 years continuous service before the date of retirement;
- (iii) in respect of an officer who dies, if the officer has completed not less than 12 months continuous service before the date of death.

(2) In the case of a deceased officer, payment shall be made to the estate of the officer unless the officer is survived by a legal dependant approved by the Treasurer, in which case payment shall be made to the legal dependant.

Sick leave

6. (1) The Chief Executive Officer shall credit each permanent officer with the following sick leave credits, which shall be cumulative—

	Leave on Full Pay (Hours)	Leave on Half Pay (Hours)
On the day of permanent appointment.....	37½	15
On completion of 6 months continuous service	37½	22½
On completion of 12 months continuous service and on completion of each further period of 12 months continuous service	75	37½

(2) The Chief Executive Officer shall credit each temporary officer with the following sick leave credits, which shall be cumulative—

	Leave on Full Pay (Hours)	Leave on Half Pay (Hours)
On the day of commencement of employment.....	37½	
On completion of 6 months continuous service	37½	
On completion of 12 months continuous service and on completion of each further period of 12 months continuous service	75	37½

(3) Where a temporary officer is appointed as a permanent officer any sick leave credits held by that temporary officer immediately prior to appointment shall remain to that officer's credit on that appointment.

(4) Where an officer is absent on account of illness and that officer's entitlement to sick leave on full pay is exhausted, the officer may elect to convert any part of the entitlement to sick leave on half pay to sick leave on full pay, but so that the sick leave entitlement on half pay is reduced by 2 hours for each hour of sick leave on full pay that the officer receives by the conversion.

Short leave

7. (1) A Chief Executive Officer may, upon sufficient cause being shown, grant an officer short leave on full pay not exceeding 15 consecutive working hours, but any leave granted under the provisions of this subregulation shall not exceed, in the aggregate, 22½ hours in any one calendar year.

(2) An officer who desires short leave shall make written application in a form approved by the Commissioner for the purpose.

(3) The provisions of this regulation also apply to any temporary officer who has completed at least 12 months of continuous service in the Public Service in a temporary capacity.

Public Service holidays

7. Pursuant to section 59 of the Act, the following days shall be Public Service Holidays—

- (a) the first day following New Years Day except when New Years Day falls on a—
 - (i) Friday, in which case the next following Monday;
 - (ii) Saturday or Sunday, in which case the next following Tuesday; or
 - (iii) Tuesday, in which case the Monday preceding New Years Day;
- (b) Easter Eve (Easter Saturday); and
- (c) Easter Tuesday;
- (d) the Monday preceding Christmas Day when Christmas Day falls on a Tuesday or the Friday following Christmas Day when Christmas Day falls on a Wednesday.

Public comment

8. An officer shall not—

- (a) publicly comment, either orally or in writing, on any administrative action, or upon the administration of any Department or organization; or
- (b) use for any purpose, other than for the discharge of official duties as an officer, information gained by or conveyed to that officer through employment in the Public Service.

Further offences for the purposes of section 52 of the Act

9. Where an officer is convicted—

- (a) of an offence involving—
 - (i) fraud or dishonesty;
 - (ii) wilful damage to, or destruction of, the property of another; or
 - (iii) offences against the person of another;
- (b) of an offence which on conviction is punishable by imprisonment for 2 years or more,

the Commissioner may take action against that officer under the provisions of section 52 of the Act.

Retirement

10. (1) Every officer who has attained the age of 55 years shall be entitled to retire from the Public Service, but may continue in the Public Service until attaining the age of 65 years.

(2) The Commissioner may by written notice call upon any officer who has attained the age of 55 years to retire.

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(3) An officer called upon to retire in accordance with subregulation (2) shall retire accordingly and where the officer does not comply with the notice the officer shall be deemed to have retired from the Public Service as from the date of the notice.

(4) Subject to subregulation (5) every officer who attains the age of 65 years shall retire immediately on attaining that age.

(5) Where the Commissioner certifies that in the interests of the Public Service it is desirable that an officer should continue in office in the Public Service after attaining the age of 65 years and the officer is able and willing to do so, the Governor may approve of that officer continuing in the Public Service for such time as the Governor directs and the officer may continue in office accordingly.

Public Service List

11. The Commissioner shall keep a record of all offices and the name, date of birth, and date of appointment of each officer and the title and classification of the office held by each officer.

Repeal

12. The *Public Service Regulations 1978* are repealed.

Recommended.

F. J. CAMPBELL,
Public Service Commissioner.

By His Excellency's Command,
G. PEARCE,
Clerk of the Council.