

Queensland



Public Service Management and Employment Act 1988

PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT REGULATION 1988

**Reprinted as in force on 15 August 1997
(includes amendments up to SL No. 203 of 1997)**

Reprint No. 4C

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Information about this reprint

This regulation is reprinted as at 15 August 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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**PUBLIC SERVICE MANAGEMENT AND
EMPLOYMENT REGULATION 1988**

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PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT REGULATION 1988

[as amended by all amendments that commenced on or before 15 August 1997]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Public Service Management and Employment Regulation 1988*.

Commencement

2. This regulation shall commence on the day appointed by proclamation under section 1A(2) of the Act.

Definitions

3. In this regulation—

“**award**” has the meaning given in the *Industrial Relations Act 1990*.

“**chief executive**” means—

- (a) with reference to a department—the chief executive of that department; and
- (b) with reference to an officer—the chief executive of the department to which that officer is appointed; and
- (c) with reference to an office—the chief executive of the department in which that office is located.

“**daily hours or notional daily hours**”, in relation to an officer, means—

- (a) if the number of hours for the officer’s ordinary working day are specified in an award, industrial agreement, contract or determination of the Governor in Council—the number of hours

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for the officer's ordinary working day so specified; or

- (b) in any other case—the number of hours that is ascertainable from the relevant award, industrial agreement, contract or determination of the Governor in Council as the average number of hours per working day of the officer during a pay period or other period reasonable in the circumstances.

“**industrial agreement**” has the meaning given in the *Industrial Relations Act 1990*.

“**teacher**” means an officer determined by the chief executive to be a teacher for the purposes of this regulation.

Application of these regulations

4. Except where the contrary intention appears, this regulation shall apply to all officers of the public service.

PART 3—TERMS AND CONDITIONS OF EMPLOYMENT (ATTENDANCE, HOURS OF DUTY, CREDIT FOR SERVICE, LEAVE, COURT ATTENDANCE, JURY SERVICE, EXPENSES AND ALLOWANCES)

Division 1—Attendance

Attendance records to be kept

18.(1) A system for recording—

- (a) starting and ceasing times; and
- (b) meal breaks taken; and
- (c) absences from duty;

shall be established and maintained in each department in respect of all

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officers other than those who have been, or those of a class of office which has been, specifically exempted by the chief executive.

(2) Records may be destroyed after a period of 3 years.

Reporting absences from duty

19.(1) Where an officer is prevented for any reason from attendance at work or performing duties, the officer, as soon as practicable, shall report the fact to the officer's immediate supervisor.

(2) If an officer is absent without authority, that officer's immediate supervisor shall report the fact to the chief executive.

Division 2—Hours of duty

Hours of duty

20.(1) The ordinary hours of work of an officer whose ordinary hours of work are not specified in a relevant industrial award or industrial agreement shall be such hours as are determined by the Governor in Council but, in the absence of any such determination, shall be the hours which were previously determined to apply to or were worked by that officer immediately before the commencement of this regulation.

(2) Where an officer referred to in subsection (1) is required to work for any period which is additional to the officer's ordinary hours of work, and—

- (a) the approval of the chief executive was obtained before the officer's working the additional period; or
- (b) in the absence of prior approval, the chief executive is subsequently satisfied that it was essential for the proper conduct of public business that the officer work for the additional period and that the work could not reasonably have been performed within the officer's ordinary hours of work;

the officer shall, subject to the operation of any applicable industrial award or industrial agreement, be compensated in respect of the additional period

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worked to the extent provided for in determinations or rulings made by the Governor in Council.

Duty outside ordinary hours

- 21.** An officer required to work overtime shall, as far as practicable—
- (a) be given reasonable notice of such requirement; and
 - (b) not be required to work overtime for more than—
 - (i) a reasonable length of time on any 1 occasion; or
 - (ii) a reasonable number of times in any period.

Division 3—Credit for service

Recognition of previous service

22.(1) The previous service as an officer in the public service of a person whose employment was terminated other than by way of disciplinary action and who commenced duty as an officer within a period of 12 months afterwards shall be counted for the purposes of calculating any—

- (a) sick leave accumulation; and
- (b) long service leave entitlement; and
- (c) salary payable.

(2) Previous employment of a person (other than any person to whom subsection (1) applies) who is appointed as an officer shall be counted for the purposes of calculating any—

- (a) sick leave accumulation; and
- (b) long service leave entitlement; and
- (c) salary payable;

only to the extent provided for in determinations or rulings made by the Governor in Council.

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Leave credited as service

23. Leave without salary granted to an officer shall be credited for leave and salary purposes as provided for in determinations or rulings made by the Governor in Council.

Division 4—Leave

Timing of certain leave

24.(1) Even though an officer has an entitlement to any type of leave, that leave shall, subject always to the exigencies of any particular situation, be taken at departmental convenience.

(2) A chief executive may, if departmental circumstances so require—

- (a) direct an officer to take recreation leave upon that officer having accrued the maximum accumulation permitted under this regulation; or
- (b) recall an officer from recreation, long service or special leave; or
- (c) cancel the approval or granting of any recreation, long service or special leave or defer the taking of that leave.

(3) An officer shall be allowed to take any recreation or long service leave from which the officer is recalled or which is cancelled or deferred at the earliest opportunity mutually convenient to the officer and the chief executive.

Record of leave

25. A system for recording full particulars of leave granted to officers shall be established and maintained in each department.

Leave entitlement in hours

26.(1) If an officer's leave entitlement—

- (a) in a section of this regulation; or

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(b) in a determination, or ruling, made by the Governor in Council; is expressed in working days, this section applies.

(2) The officer's leave entitlement may be read as if it were expressed in working hours using the following formula—

$$\mathbf{LE = WD \times DH.}$$

(3) In subsection (2)—

“**DH**” (daily hours) means the officer's daily hours or notional daily hours.

“**LE**” (leave entitlement) means the amount of leave entitlement expressed in working hours to which the officer is entitled.

“**WD**” (working days) means the number of working days set out in the regulation, determination or ruling.

Variation of ordinary working hours

27.(1) This section applies if a department's system for recording particulars of leave granted to an officer in the department is based on working hours and the daily hours or notional daily hours of an officer change.

(2) The leave entitlements accumulated by the officer must be converted in accordance with the following formula—

$$\mathbf{LAC = LBC \times \frac{HAC}{HBC}.}$$

(3) In subsection (2)—

“**HAC**” (daily hours after change) means the officer's daily hours or notional daily hours after the change.

“**HBC**” (daily hours before change) means the officer's daily hours or notional daily hours before the change.

“**LAC**” (leave entitlement after change) means the hours of leave to which the officer is entitled after the change.

“**LBC**” (leave entitlement before change) means the leave entitlement of the officer expressed in hours before the change.

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Leave to be granted on an hourly basis

28. If an officer applies for leave on a basis other than an hourly basis, the leave may be granted on an hourly basis.

Leave based on number of hours that officer would have worked

29.(1) If an officer is rostered to work a specific number of hours on a day and the officer is absent from duty on that day or for part of it, the officer's leave account is to be reduced by the number of hours that the officer was rostered to work on that day but did not work.

(2) Subsection (1) applies even though the officer's leave account is debited by a different number of hours than the officer's daily hours or notional daily hours.

Holidays

30. A chief executive may require the whole or part of a department to remain open in the public interest for the whole or portion of a public holiday to be observed or a special holiday appointed under the *Holidays Act 1983* and may require the attendance of any officer for this purpose.

Recreation leave

31.(1) Entitlement Subject to subsections (3) and (4), an officer is entitled to recreation leave on full salary in accordance with the following—

- (a) if the officer's headquarters are in the southern and eastern region—20 working days for each year of service and proportionate amount for an incomplete year of service but so as not to accumulate more than 40 working days of recreation leave;
- (b) if the officer's headquarters are in the northern and western region—25 working days for each year of service and a proportionate amount for an incomplete year of service but so as not to accumulate more than 50 working days of recreation leave.

(2) For the purposes of this section—

- (a) the southern and eastern region consists of any part of the State

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which is both—

- (i) to the south of the 22nd parallel of south latitude; and
- (ii) to the east of 147° east longitude;

but excluding the township of Moranbah; and

- (b) the northern and western region consists of any part of the State not contained within the southern and eastern region.

(3) An officer who does not work a regular 5 day week shall be entitled to such additional recreation leave and, shall be subject to such maximum accumulation limitation, as the Governor in Council may determine having regard to the nature of the work undertaken by that officer.

(4) However, in the absence of a determination by the Governor in Council, the entitlement to recreation leave of that officer and the maximum accumulation limitation shall be those which were applicable to the officer immediately before the commencement of this regulation.

(5) **Conditions** The following provisions shall apply in respect of recreation leave—

- (a) applications for leave shall be made in writing in a form determined by the chief executive;
- (b) timely notice of the date from which leave is to take effect shall be given by the officer;
- (c) the officer shall be given timely advice of whether or not leave is approved;
- (d) where leave is not approved—the officer shall be advised of the anticipated date from which leave may be taken;
- (e) leave approved to be taken at any 1 time shall not exceed the maximum accumulation;
- (f) however, leave previously deferred may be taken either immediately before or after the taking of the maximum accumulation;
- (g) leave shall be taken in whole working days up to the total amount of leave accrued;
- (h) the balance of leave not availed of shall be taken into account

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when determining an officer's next leave entitlement;

- (i) where an officer makes application for leave and leave is deferred for departmental reasons—the deferred leave shall be taken not later than such date as the chief executive shall determine, even though an opportunity mutually convenient to both the officer and the chief executive is not available;
- (j) the leave of an officer undergoing retraining or awaiting redeployment shall be deferred to the extent necessary to ensure that the officer's maximum accumulation is not exceeded;
- (k) however, any leave so deferred shall be taken within 12 months of its deferral;
- (l) leave accumulated immediately before the commencement of this regulation shall be added to any leave accumulated under this regulation for the purpose of determining, at any time, the total leave accrued;
- (m) leave accrued in excess of an officer's maximum accumulation, or deferred leave not taken in accordance with the requirements of paragraphs (i) or (j) and (k), shall be transferred to undrawn recreation leave and be made available for the purpose of sick leave or for such other purpose other than recreation leave as the chief executive may determine.

(6) Payment upon departure from the service A person who ceases to be an officer shall be paid, instead of recreation leave accrued, an amount equal to salary at the rate the officer was receiving at the date of cessation, for the period of leave accrued.

(7) Additionally, the person shall be paid in respect of any public holiday to be observed or special holiday appointed under the *Holidays Act 1983* to which the person would have been entitled had the person still been an officer and actually taken the leave.

(8) Non-application to teachers For the purposes of this regulation—
“**officer**” does not include a teacher.

(9) Transitional arrangements The maximum accumulation mentioned in subsection (1) does not apply to an officer who was employed on a contract basis on 3 July 1991 or at any time after that day.

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(10) Subsection (9) and this subsection cease to have effect on 1 July 1995.

(11) An officer who—

- (a) is entitled to recreation leave accrued during a period of full-time employment; and
- (b) is presently employed under a part-time work agreement under section 59;

must take the leave as if the officer were a full-time officer.

(12) Subject to subsection (13), an officer who—

- (a) is entitled to recreation leave accrued under a part-time work agreement under section 59; and
- (b) is presently employed on a full-time basis;

must take the leave as if the officer were still employed under the agreement.

(13) The chief executive may allow an officer mentioned in subsection (12) to convert recreation leave accrued under a part-time work agreement to the equivalent amount of full-time leave.

Sick leave

32.(1) Entitlement An officer working a 5 day week shall accumulate an entitlement to leave of absence on account of illness (sick leave) on full salary to the extent of 10 working days in respect of each year of service and a proportionate amount for an incomplete year of service.

(2) Conditions The following provisions shall apply in respect of sick leave—

- (a) a written application by or on behalf of an officer and supported by a certificate from a medical practitioner stating—
 - (i) the nature of the illness; and
 - (ii) the period or approximate period for which sick leave is necessary;

shall be submitted for every absence for which sick leave is

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sought;

- (b) a chief executive may dispense with the medical certificate where the absence is not longer than 3 consecutive working days;
- (c) a dental certificate may be accepted instead of a medical certificate, but maximum leave which may be granted on production of a dental certificate is 5 consecutive working days;
- (d) sick leave for any period of absence may be granted upon 1 or more applications covering the period of absence;
- (e) sick leave granted to an officer shall be deducted from the officer's accumulated entitlement;
- (f) undrawn recreation leave, available for the purposes of sick leave under this regulation shall be used as sick leave only when the officer's entitlement to sick leave on full salary has been exhausted;
- (g) sick leave without salary may be granted where all sick leave on full salary, and all undrawn recreation leave to which an officer is entitled, have been exhausted;
- (h) an officer who—
 - (i) is pregnant; and
 - (ii) is not on maternity leave;may be granted sick leave for illness related to the pregnancy;
- (i) an officer on maternity leave may be granted sick leave for illness not related to the pregnancy;
- (j) sick leave may be granted instead of recreation leave or long service leave already approved where—
 - (i) an officer becomes ill before the start of the recreation leave or long service leave and submits a written application supported by a medical certificate to the chief executive before starting that leave; or
 - (ii) an officer becomes ill after starting the recreation leave or long service leave and submits a written application supported by a medical certificate to the chief executive

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and—

- (A) in the case of recreation leave—the period of illness is in excess of 3 working days; or
 - (B) in the case of long service leave—the period of illness is at least 1 week;
- (k) subject to paragraph (l), a teacher who is absent on sick leave immediately before the start of a school vacation shall not be taken to be on sick leave during that vacation;
 - (l) a teacher absent on sick leave immediately before the start of a school vacation shall be taken to be on sick leave during that vacation if the teacher—
 - (i) was, immediately before the start of the corresponding vacation in the previous year, absent on sick leave; and
 - (ii) has, since the end of that corresponding vacation, been absent on sick leave on every day that the teacher would otherwise have been required to be on duty.

(3) Special sick leave in certain circumstances Where an officer—

- (a) is injured in the course of performing official duties; or
- (b) becomes ill because of performing official duties;

the chief executive may grant that officer such special sick leave, being leave on full salary not charged against the officer's entitlement to sick leave on full salary, as the chief executive determines to be warranted in the circumstances.

(4) Ill health resulting from misconduct Sick leave shall not be granted with salary if the sickness or ill health has been caused by the misconduct of the officer.

(5) The chief executive may arrange for a medical practitioner to examine the officer and shall request the practitioner to provide a report of the examination.

(6) Sick leave shall not be granted to any officer who, when required by the chief executive, fails to submit for medical examination by a medical practitioner.

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Long service leave

33.(1) Entitlement An officer who completes 10 years continuous service shall be entitled to long service leave at the rate of 1.3 weeks on full salary for each year of continuous service and a proportionate amount for an incomplete year of service.

(2) Conditions The following provisions shall apply in respect of long service leave—

- (a) an application for leave shall be made in writing, in a form determined by the chief executive;
- (b) timely notice of the desire for leave shall be given by the officer;
- (c) the officer shall be given timely advice of whether or not leave is approved;
- (d) leave may be taken up to the total amount of leave due as at the date of the start of the leave, calculated by—
 - (i) determining the total period of the officer's continuous service having regard to the provisions of this regulation in respect of leave credited for service; and
 - (ii) determining the total long service leave entitlement appropriate to that period of continuous service; and
 - (iii) deducting from the total entitlement, long service leave previously taken and any entitlement forfeited because of disciplinary action;
- (e) the minimum period of long service leave which may be taken at any one time shall be 2 weeks;
- (f) where an officer becomes ill and is granted sick leave instead of long service leave approved, the period of long service leave actually taken shall not be subject to the minimum period requirement set out in paragraph (e);
- (g) where an officer is recalled from long service leave, the taking of the balance of the leave originally approved shall not be subject to the minimum period requirement set out in paragraph (e);
- (h) a vacation to which a teacher is entitled shall not be counted as

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forming part of any period of long service leave taken by that teacher.

(3) Payment instead of long service leave not taken A person who ceases to be an officer and who at the date of ceasing to be an officer has an entitlement to long service leave as determined under subsections (1) and (2)(d) subject to any variation provided for by this subsection, shall receive a payment instead of long service leave not taken.

(4) The calculation of the amount of the payment shall be based on—

- (a) that entitlement; and
- (b) the rate of salary which the person was receiving at the date of ceasing to be an officer.

(5) For the purposes of subsection (4), the following provisions apply to the calculation of a person's entitlement to long service leave—

Upon retrenchment

- (a) where an officer's services are terminated under section 28 of the Act—the number of years of continuous service required to have been completed by that officer before being entitled to long service leave shall be 1 year;

Upon cessation under section 26 of the Act

- (b) where an officer retires or is dismissed under section 26 of the Act—the number of years of continuous service required to have been completed by that officer before being entitled to long service leave shall be 5 years;

Upon cessation for marriage

- (c) paragraph (d) applies only to a person who immediately before the commencement of this regulation was an officer for the purposes of the *Public Service Act 1922*;
- (d) where a female officer resigns to be married, the number of years of continuous service required to be completed by that officer before being entitled to long service leave shall be 5 years, but the payment shall be made only if—
 - (i) a certified copy or certified extract of the certificate of

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marriage or a statutory declaration by both parties to the marriage giving the place and date of marriage, is produced to the chief executive; and

- (ii) the marriage happens within 3 months of the date of resignation.

(6) Payment following an officer's death Where an officer dies, the amount which would have been payable to that officer under subsection (3) had that officer retired or been dismissed under section 26 of the Act on the date on which the officer actually died shall be paid to the officer's dependants (if any) or, if there be no dependant, to the officer's personal representative.

(7) For the purposes of subsection (6)—

“dependant” means, in relation to a deceased officer, any person who, in the opinion of the chief executive, was being wholly or substantially maintained or supported (otherwise than for full valuable consideration) by the deceased officer at the date of the officer's death.

Leave for study and examination purposes

34. An officer may be granted leave—

- (a) to undertake study or research (study leave); or
- (b) to attend examinations (examination leave);

in accordance with determinations or rulings made by the Governor in Council in respect of the granting of such leave.

Bereavement leave

35.(1) In the event of death within Australia of a person who bears to an officer 1 of the relationships set out below and provided that satisfactory proof is furnished, the officer shall be granted bereavement leave on full salary for the purpose of attending the funeral of the deceased person for the whole or part of the 2 day period constituted by the following—

- (a) the day of the funeral;
- (b) either—

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- (i) the day before the funeral; or
- (ii) where necessary because of travel arrangements, the day after the funeral.

RELATIONSHIPS

wife or husband (including a person who lives with the officer as a de facto wife or husband)

father	step-brother
mother	step-sister
father-in-law	brother-in-law
mother-in-law	sister-in-law
brother	son-in-law
sister	daughter-in-law
child or step-child	grandfather
step-father	grandmother
step-mother	grandson
half-brother	grand daughter
half-sister	

(2) In the event of the death outside Australia of a person who bears to an officer 1 of the relationships specified in subsection (1), and provided that satisfactory proof is furnished, the officer shall be granted bereavement leave on full salary for the purpose of attending the funeral of the deceased person for a period not longer than 2 working days.

Division 6—Court attendance (fees and allowances)

61.(1) An officer subpoenaed or called as a witness to give evidence in the officer's official capacity—

- (a) shall pay any allowance received in respect of the officer's attendance as a witness to the chief executive for payment into departmental funds; and
- (b) shall be entitled to be paid the travelling allowance provided for in section 66.

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(2) An officer subpoenaed or called as a witness by the State or the Commonwealth to give evidence other than in the officer's official capacity—

- (a) shall be regarded as being on official duty; and
- (b) shall pay any allowance received in respect of the officer's attendance as a witness, other than any amount paid in respect of travelling or accommodation, to the chief executive for payment into departmental funds.

(3) An officer subpoenaed as a witness other than in the circumstances set out in subsection (1) or (2)—

- (a) shall be entitled to retain any allowance received in respect of the officer's attendance as a witness; and
- (b) shall be granted, at the officer's option, either special leave without salary or recreation leave.

Division 7—Jury service (leave and fees)

Jury service

62.(1) An officer required to undertake service as a juror shall be granted special leave on full salary for that purpose.

(2) All fees, other than expenses for travel or accommodation, paid to an officer in respect of service as a juror during the period for which leave is granted under this section shall be paid to the officer's chief executive for payment to departmental funds.

(3) However, where on any day during the period for which leave is granted the salary of the officer is less than the fee payable for that day, the officer shall be entitled to retain the difference between the salary and the fee.

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PART 8—MISCELLANEOUS

Temporary employees

104. The employment of a person in a position in a full-time capacity under section 34(1)(b) of the Act, who is not covered by any industrial award or industrial agreement, shall be subject to the terms and conditions of employment prescribed in Part 3 as would apply to that position if occupied by an officer.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 15 August 1997. Future amendments of the Public Service Management and Employment Regulation 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 318 of 1992	1 December 1992
2	to SL No. 157 of 1993	25 June 1993
3	to SL No. 88 of 1994	28 July 1994
4	to SL No. 406 of 1994	24 February 1995
4A	to SL No. 193 of 1996	27 August 1996
4B	to SL No. 413 of 1996	23 January 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Renumbered provisions	1, 2, 4,

6 List of legislation

Public Service Management and Employment Regulation 1988

pubd gaz 16 July 1988 pp 2833–60
commenced 18 July 1988 (see s 2)

as amended by—

regulations published gazette—

22 April 1989 p 2425
commenced on date of publication

2 December 1989 p 2441
commenced on date of publication

Public Service Management and Employment (Amendment) Regulation 1990

pubd gaz 3 November 1990 p 1144
commenced on date of publication

Public Service Management and Employment (Amendment) Regulation 1991

pubd gaz 30 March 1991 p 1894
commenced on date of publication

Public Service Management and Employment Amendment Regulation 1991

pubd gaz 29 June 1991 pp 1252–5
commenced 1 July 1991 (see s 2)

Public Service Management and Employment Amendment Regulation (No. 2) 1991 SL No. 2

pubd gaz 4 July 1991 pp 1315–16F
commenced 4 July 1991 (see s 2)

Public Service Management and Employment Amendment Regulation (No. 3) 1991 SL No. 36

pubd gaz 27 July 1991 p 1828
commenced on date of publication

Public Service Management and Employment Amendment Regulation (No. 4) 1991 SL No. 90

pubd gaz 28 September 1991 pp 391–2
commenced on date of publication

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**Public Service Management and Employment Amendment Regulation (No. 5)
1991 SL No. 95**

pubd gaz 12 October 1991 pp 568–70
commenced on date of publication

Public Sector (Appeals) Regulation 1991 SL No. 131 s 2 sch pt B

pubd gaz 16 November 1991 pp 1212–26
commenced on date of publication

**Public Service Management and Employment Amendment Regulation (No. 6)
1991 SL No. 179**

pubd gaz 21 December 1991 pp 2564–77
commenced 1 January 1992 (see s 2)

**Public Service Management and Employment Amendment Regulation 1992 SL
No. 24**

pubd gaz 29 February 1992 pp 1262–3
commenced on date of publication

**Public Service Management and Employment Amendment Regulation (No. 2)
1992 SL No. 93**

pubd gaz 15 May 1992 pp 487–8
commenced on date of publication

**Public Service Management and Employment Amendment Regulation (No. 3)
1992 SL No. 222**

notfd gaz 17 July 1992 pp 2431–2
commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 4)
1992 SL No. 318**

notfd gaz 23 October 1992 pp 1066–8
commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 1)
1993 SL No. 142 (as amd 1993 SL No. 157)**

notfd gaz 14 May 1993 pp 471–2
ss 1–7 commenced 30 April 1993 (see s 1A)
remaining provisions commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 3)
1993 SL No. 301**

notfd gaz 13 August 1993 pp 1777–9
commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 1)
1994 SL No. 88**

notfd gaz 18 March 1994 pp 1051–2
commenced on date of notification

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**Public Service Management and Employment Amendment Regulation (No. 2)
1994 SL No. 406**

notfd gaz 25 November 1994 pp 1357–8
ss 4–7, 12–16, 18 commenced 1 September 1994 (see s 2)
remaining provisions commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 1)
1995 SL No. 96**

notfd gaz 21 April 1995 pp 1718–21
commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 2)
1995 SL No. 394**

notfd gaz 22 December 1995 pp 1672–6
commenced on date of notification

**Public Service Management and Employment Amendment Regulation (No. 1)
1996 SL No. 192**

notfd gaz 12 July 1996 pp 1365–6
commenced on date of notification

**Regional Health Authorities (Consequential Amendments) Regulation 1996
SL No. 413 pts 1, 9**

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Public Service Regulation 1997 SL No. 203 ss 1–2, 31 sch 4

notfd gaz 4 July 1997 pp 1143–4
ss 1–2 commenced on date of notification
remaining provisions commenced 5 July 1997 (see s 2)

7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in
endnote 8

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s 1 sub 1991 SL No. 90 s 4

Repeal

s 1A ins reg pubd gaz 22 April 1989 p 2425
om R1 (see RA s 40)

Arrangement

s 3 om reg pubd gaz 29 June 1991 pp 1252–5

Definitions

prov hdg sub 1994 SL No. 406 s 4(1)
s 3 def “**adoption agency**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4

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- def “**adoption leave**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**adoption order**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**award**” ins 1992 SL No. 222 s 3
- def “**child**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**commissioner**” om R3 (see RA s 39)
- def “**consequential vacancy**” om reg pubd gaz 29 June 1991 pp 1252–5
- def “**daily hours or notional daily hours**” ins 1992 SL No. 222 s 3
- def “**former position**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**industrial agreement**” ins 1992 SL No. 222 s 3
- def “**maternity leave**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**parental leave**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**paternity leave**” om 1997 SL No. 203 s 31 sch 4
- def “**primary care giver**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4
- def “**senior executive**” ins 1994 SL No. 406 s 4(2)
om 1997 SL No. 203 s 31 sch 4
- def “**spouse**” ins 1993 SL No. 142 s 3
om 1997 SL No. 203 s 31 sch 4

Officers to be familiar with the Act, regulation and code of conduct
s 5 om 1997 SL No. 203 s 31 sch 4

Officers to report breach of the regulation
s 6 om 1997 SL No. 203 s 31 sch 4

Prescribed day

s 7 ins 1991 SL No. 90 s 5
sub 1992 SL No. 24 s 3; 1992 SL No. 93 s 3; 1992 SL No. 318 s 3; 1993
SL No. 301 s 3; 1994 SL No. 88 s 3
om 1997 SL No. 203 s 31 sch 4

**PART 2—APPOINTMENT OF OFFICERS (QUALIFICATIONS,
ADVERTISING, SELECTION, POST APPOINTMENT,
MAINTENANCE OF RECORDS)**

pt hdg om 1997 SL No. 203 s 31 sch 4

Division 1—Qualifications

div hdg om 1997 SL No. 203 s 31 sch 4

Qualifications to be met

s 8 amd reg pubd gaz 29 June 1991 pp 1252–5
om 1997 SL No. 203 s 31 sch 4

Position description

s 9 amd reg pubd gaz 29 June 1992 pp 1252–5
om 1997 SL No. 203 s 31 sch 4

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Division 2—Advertising

div hdg om 1997 SL No. 203 s 31 sch 4

Advertising of vacancies

s 10 amd reg pubd gaz 30 March 1991 p 1894; 29 June 1991 pp 1252–5;
1991 SL No. 2 s 4; 1991 SL No. 36 s 3; 1991 SL No. 95 s 3; 1992 SL
No. 24 s 4; 1996 SL No. 192 s 3; 1996 SL No. 413 s 7
om 1997 SL No. 203 s 31 sch 4

Notification of appointments

s 11 om 1997 SL No. 203 s 31 sch 4

Division 3—Selection

div hdg om 1997 SL No. 203 s 31 sch 4

Basis of assessment for selection

s 12 om 1997 SL No. 203 s 31 sch 4

Division 4—Post appointment

div hdg om 1997 SL No. 203 s 31 sch 4

Information must be given on appointment to public service

s 13 sub reg pubd gaz 29 June 1991 pp 1252–5
om 1997 SL No. 203 s 31 sch 4

Probationary period

s 14 om 1997 SL No. 203 s 31 sch 4

Retention following termination of contract

s 15 sub reg pubd gaz 2 December 1989 p 2441 (om reg pubd gaz
3 November 1990 p 1144); 3 November 1990 p 1144
amd 1991 SL No. 2 s 5
om 1997 SL No. 203 s 31 sch 4

Appointment to an office outside the public service

s 16 om 1997 SL No. 203 s 31 sch 4

Division 5—Maintenance of records

div hdg om 1997 SL No. 203 s 31 sch 4

Records to be maintained

s 17 amd reg pubd gaz 29 June 1991 pp 1252–5

Leave entitlement in hours

s 26 ins 1992 SL No. 222 s 4

Variation of ordinary working hours

s 27 ins 1992 SL No. 222 s 4

Leave to be granted on an hourly basis

s 28 ins 1992 SL No. 222 s 4

Leave based on number of hours that officer would have worked

s 29 ins 1992 SL No. 222 s 4

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Recreation leave

s 31 amd 1991 SL No. 2 s 6; 1992 SL No. 222 s 5; 1993 SL No. 142 s 4

Sick leave

s 32 amd 1993 SL No. 142 s 5

Maternity leave

s 29 om 1993 SL No. 142 s 6

Short leave of absence

s 36 om 1997 SL No. 203 s 31 sch 4

Leave in other cases

s 37 om 1997 SL No. 203 s 31 sch 4

Division 5—Parental leave

div hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Subdivision 1—General provisions

sdiv hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Meaning of parental leave

s 38 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Application for parental leave not to be unreasonably refused

s 39 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Period of parental leave

s 40 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Parental leave may be taken by only 1 parent at a time

s 41 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Parental leave is generally unpaid leave

s 42 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Variation of period of parental leave

s 43 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Cancellation of parental leave

s 44 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Resumption of duty

s 45 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

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Grant of parental leave not to affect continuity of service

s 46 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Subdivision 2—Maternity leave

sdiv hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Entitlement to maternity leave

s 47 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Application for maternity leave

s 48 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Minimum period of maternity leave

s 49 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Transfer to safe duties

s 50 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Subdivision 3—Paternity leave

sdiv hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Entitlement to paternity leave

s 51 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Application for paternity leave

s 52 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Subdivision 4—Adoption leave

sdiv hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Entitlement to adoption leave

s 53 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Officer to give notice of intention to adopt

s 54 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Application for adoption leave

s 55 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

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Special adoption leave

s 56 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Subdivision 5—Part-time work

sdiv hdg ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Application for part-time work

s 57 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Approved part-time work

s 58 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Part-time work agreement

s 59 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Regulation to prevail

s 60 ins 1993 SL No. 142 s 7
om 1997 SL No. 203 s 31 sch 4

Division 8—Expenses and allowances

div hdg om 1997 SL No. 203 s 31 sch 4

Time limit for claims

s 63 om 1997 SL No. 203 s 31 sch 4

Appointment and transfer expenses

s 64 om 1997 SL No. 203 s 31 sch 4

Meal allowance when overtime worked

s 65 om 1997 SL No. 203 s 31 sch 4

Allowances for travelling or relieving

s 66 om 1997 SL No. 203 s 31 sch 4

Locality allowance

s 67 om 1997 SL No. 203 s 31 sch 4

Motor vehicle allowance

s 68 om 1997 SL No. 203 s 31 sch 4

Higher duties allowance

s 69 amd reg pubd gaz 29 June 1991 pp 1252–5; 1991 SL No. 179 s 4; 1994
SL No. 406 s 5
om 1997 SL No. 203 s 31 sch 4

PART 4—TERMS AND CONDITIONS OF SENIOR EXECUTIVES WHO ARE OFFICERS

pt hdg ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

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Division 1—Interpretation

div hdg ins 1994 SL No. 406 s 6
om 1997 SL No. 203 s 31 sch 4

Definitions for Part

s 70 ins 1994 SL No. 406 s 6
om 1997 SL No. 203 s 31 sch 4

Division 2—Terms and conditions

div hdg ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Application of Part

s 71 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

General rule

s 72 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Entitlement to salary and remuneration benefits

s 73 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Other terms and conditions

s 74 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Division 3—Salary and remuneration benefits

div hdg ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

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s 43E ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
om 1994 SL No. 406 s 7

Entitlement to salary and remuneration benefits

s 75 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
amd 1994 SL No. 406 s 8
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Making and variation of agreements for senior executives

prov hdg sub 1994 SL No. 406 s 9
s 76 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5
amd 1994 SL No. 406 s 9
om 1997 SL No. 203 s 31 sch 4

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2.5% salary increase

s 43GA ins 1991 SL No. 95 s 4
om 1991 SL No. 179 s 5

Making and variation of agreements for chief executives

s 77 ins 1994 SL No. 406 s 10
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s 78 ins 1991 SL No. 2 s 7
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amd 1994 SL No. 406 s 11
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Remuneration package amount

s 79 ins 1991 SL No. 2 s 7
sub 1991 SL No. 179 s 5; 1994 SL No. 406 s 12
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om 1997 SL No. 203 s 31 sch 4

Variation of remuneration package amount under enterprise bargaining

s 80 ins 1994 SL No. 406 s 12
amd 1995 SL No. 394 s 4
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s 81 ins 1991 SL No. 2 s 7
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s 82 ins 1991 SL No. 2 s 7
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prov hdg sub 1994 SL No. 406 s 13
s 83 ins 1991 SL No. 2 s 7
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s 84 ins 1994 SL No. 406 s 14
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Remuneration package maintenance

s 85 ins 1991 SL No. 2 s 7
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amd 1994 SL No. 406 s 15
om 1997 SL No. 203 s 31 sch 4

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Remuneration benefits

s 86 ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Time and circumstances of making salary payments

s 87 ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

No remuneration for work outside ordinary hours

s 88 ins 1991 SL No. 179 s 5
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Annual leave loading

s 89 ins 1991 SL No. 179 s 5
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Remuneration benefits where salary not payable

s 90 ins 1991 SL No. 179 s 5
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Chief executives to comply with Commission guidelines

s 91 ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Division 4—Other terms and conditions

div hdg ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Telephone expense entitlement

s 92 ins 1991 SL No. 179 s 5
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s 93 ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Maintenance of terms and conditions on reduction

s 94 ins 1991 SL No. 179 s 5
om 1997 SL No. 203 s 31 sch 4

Amounts for purposes of certain entitlements

s 95 ins 1991 SL No. 179 s 5
sub 1994 SL No. 406 s 16
amd 1995 SL No. 394 s 6
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Variation of amounts for purposes of certain entitlements under enterprise bargaining

s 96 ins 1994 SL No. 406 s 16
om 1997 SL No. 203 s 31 sch 4

PART 5—DEVELOPMENT OF OFFICERS

pt hdg om 1997 SL No. 203 s 31 sch 4

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Instruction and training of officers

s 97 om 1997 SL No. 203 s 31 sch 4

**PART 6—WORK BEHAVIOUR AND PRODUCTIVITY (MANAGEMENT OF
WORK PERFORMANCE, DISCIPLINE AND SUSPENSION)**

pt hdg om 1997 SL No. 203 s 31 sch 4

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div hdg om 1997 SL No. 203 s 31 sch 4

Regular appraisal and remedial action

s 98 om 1997 SL No. 203 s 31 sch 4

Reports to be noted by officers

s 99 om 1997 SL No. 203 s 31 sch 4

Management of officers with health problems

s 100 om 1997 SL No. 203 s 31 sch 4

Division 2—Discipline and suspension

div hdg om 1997 SL No. 203 s 31 sch 4

Officer charged with offence before court

s 101 om 1997 SL No. 203 s 31 sch 4

PART 6—PROMOTION AND DISCIPLINE APPEALS, GRIEVANCES

pt hdg om 1991 SL No. 131 sch pt B

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div hdg om 1991 SL No. 131 sch pt B

Office of Commissioner for Public Service Appeals

s 49 om 1991 SL No. 131 sch pt B

Role of the commissioner

s 50 om 1991 SL No. 131 sch pt B

Division 2—Responsibility of Appellants and Officers

div hdg om 1991 SL No. 131 sch pt B

Timeframe for submitting an appeal

s 51 om 1991 SL No. 131 sch pt B

Behaviour of officers in relation to appeal matters

s 52 om 1991 SL No. 131 sch pt B

Withdrawal of appeal

s 53 om 1991 SL No. 131 sch pt B

Division 3—Conditions for attendance at appeal

div hdg om 1991 SL No. 131 sch pt B

Time off to attend

s 54 om 1991 SL No. 131 sch pt B

Expenses payable to be determined by the Commissioner

s 55 om 1991 SL No. 131 sch pt B

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Division 4—Promotion appeals

div hdg om 1991 SL No. 131 sch pt B

Application of this Division

s 56 om 1991 SL No. 131 sch pt B

Right of appeal

s 57 amd reg pubd gaz 29 June 1991 pp 1252–5
om 1991 SL No. 131 sch pt B

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s 58 om 1991 SL No. 131 sch pt B

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s 59 om 1991 SL No. 131 sch pt B

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div hdg om 1991 SL No. 131 sch pt B

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s 60 om 1991 SL No. 131 sch pt B

Disciplinary action to be deferred until after the appeal

s 61 om 1991 SL No. 131 sch pt B

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s 62 om 1991 SL No. 131 sch pt B

Division 6—Grievances

div hdg om reg pubd gaz 29 June 1991 pp 1252–5

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s 63 om reg pubd gaz 29 June 1991 pp 1252–5

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s 103 om 1997 SL No. 203 s 31 sch 4

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s 104A ins 1995 SL No. 96 s 3
om 1997 SL No. 203 s 31 sch 4

PART 9—TRANSITIONAL MATTERS

pt hdg ins 1992 SL No. 222 s 6
om 1997 SL No. 203 s 31 sch 4

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s 105 ins 1992 SL No. 222 s 6
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s 106 ins 1994 SL No. 406 s 17
om R4 (see RA s 37)

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AMOUNTS—STAGED INCREASES**

ins 1994 SL No. 406 s 18
om 1997 SL No. 203 s 31 sch 4

**SCHEDULE 2—SENIOR EXECUTIVE REMUNERATION PACKAGE
AMOUNTS FOR CERTAIN ENTITLEMENTS—STAGED INCREASES**

ins 1994 SL No. 406 s 18
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ins 1994 SL No. 406 s 18
amd 1996 SL No. 413 s 38
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