

## Government Sector Employment Act 2013 and Public Sector Employment and Management Act 2002

### Legislation Comparison Table

GSE Act Section No.	Subject	PSEM Act Section No.
<b>Part 1 Preliminary</b>		
Secs 1–4 —	Name of Act , Commencement; Definitions; Objects	Secs 1-3
Sec 5	Persons to whom Act does not apply	Sec 158A
<b>Part 2 Ethical framework for government sector</b>		
Sec 6	Objective of Part	Sec 3A
Sec 7	Government sector core values	Sec 3B
Sec 8	General provisions	Sec 3C
<b>Part 3 Public Service Commissioner and Advisory Board</b>		
Sec 9	Appointment of Commissioner etc	Sec 3D
Sec 10	Principal objectives of Commissioner	Sec 3E
Sec 11	General functions of Commissioner	Sec 3F
Sec 12 —	Government sector employment rules	New to GSE
Sec 13	Directions by Commissioner to a government sector agency	Sec 3J
Sec 14	Commissioner to report to Premier	Sec 3G
Sec 15	Annual reports of the Commissioner	Sec 3H
Sec 16	Provision of reports and information by agencies	Sec 3I
Sec 17	Miscellaneous provisions relating to Commissioner	Secs 3M–3P
Sec 18	Establishment and members of Advisory Board	Sec 3Q
Sec 19	Functions of Advisory Board	Sec 3R
<b>Part 4 The Public Service</b>		
Sec 20	The Public Service	Secs 4A, 6
Sec 21	Employment in the Public Service	Sec 4B
Sec 22	Departments and other Public Service agencies	Sec 4C
Sec 23	Secretaries of Departments	Secs 4D (1), 10, 12
Sec 24	Acting appointments as Secretary of a Department	Sec 13
Sec 25	General responsibility of Secretaries of Departments	Sec 14
Sec 26	Employer functions of Secretaries of Departments	Sec 4D (2), (3)
Sec 27	Delegation by Secretaries of Departments	Sec 4F
Sec 28	Heads of agencies other than Departments	Secs 4D (1), 10, 12
Sec 29	Acting appointments as head of agency (other than Department)	Sec 13
Sec 30	General responsibility of heads of agencies (other than Departments)	Sec 14
Sec 31	Employer functions of heads of agencies (other than Departments)	Sec 4D (2), (3)
Sec 32	Delegation by heads of Public Service agencies (other than Departments)	Sec 4F
Secs 33–38 —	33 Application of Division 34 Kinds of senior executive employment 35 Minister may determine bands in which senior executives to be employed 36 Government sector employment rules relating to senior executives 37 Employment of senior executives in bands 38 Assignment of senior executives to roles in bands across Public Service (other than heads of agencies)	New to GSE



Sec 39	Contract of employment of senior executives	Sec 69
Sec 40	Remuneration, benefits and allowances for senior executives	Sec 74
Sec 41	Termination of employment of senior executives	Secs 51, 77
Sec 42	Application of Division	Sec 16
Sec 43	Kinds of employment	Sec 7
Secs 44–46 —	44 Conditions of engagement 45 Employment in classifications of work 46 Assignment of roles in work classifications	New to GSE
Sec 47	Termination of employment	Secs 25, 26, 30, 39, 56
Secs 48, 49 —	48 Matters that government sector employment rules may deal with 49 Interpretation and application: Division 6	New to GSE
Sec 50	Role of Industrial Relations Secretary in industrial proceedings	Sec 129
Sec 51	Industrial Relations Secretary may enter into agreements	Sec 131
Sec 52	Industrial Relations Secretary may determine employment conditions not otherwise lawfully determined	Secs 4E (1), 130
Sec 53	Industrial relations provisions	Secs 122–125
Secs 54, 55 —	54 Entitlement to extended and other leave 55 Resignation	New to GSE
Sec 56	Retirement on medical grounds	Sec 25
Sec 57	Crown's dispensation with services	Secs 60, 61
Sec 58	Industrial or legal proceedings excluded	Secs 22, 72
Sec 59	How references to employees etc of statutory body to be construed in other Acts, instruments and contracts	Sec 4K
Sec 60	Employer costs for Public Service staff of statutory bodies	Sec 4E (2), (3)
Sec 61	Civil liability with respect to staff of statutory bodies	Sec 4I (4)
Sec 62	Operation of privacy legislation	Sec 4J
<b>Part 5 Government sector employees</b>		
Sec 63 —	Workforce diversity	New to GSE
Sec 64	Employee transfers and secondments	Secs 86, 87, 89
Sec 65	Cross-agency employment	Sec 100
Sec 66	Temporary assignments of staff between government sector agencies and other relevant bodies	Secs 88, 88A
Sec 67	Performance management systems	Sec 101A
Sec 68	Unsatisfactory performance of government sector employees	Secs 40, 47, 50
Sec 69	Misconduct—Public Service and other prescribed government sector employees	Secs 40, 43-46, 45, 50, 52, 53
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Sec 73	Appointment to position in government sector not affected by additional appointment	Sec 102A
Sec 74	Excess employees—jurisdiction of Industrial Relations Commission	Sec 103A
<b>Part 6 Removal of statutory officers</b>		
Sec 75	Statutory officers to whom Part applies	Secs 114, 116 (3)



Sec 76	Statutory officers to whom Part does not apply	Secs 115, 116 (4), 120(6)
Sec 77	Removal from office of statutory officers to whom Part applies	Sec 116
Sec 78	Compensation for office holder following removal	Sec 118
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<b>Part 6 Miscellaneous</b>		
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Sec 81	Delegation by Minister	Sec 162
Sec 82	Special Ministerial inquiries	Sec 159
Sec 83	Inquiries by Public Service Commissioner or DPC Secretary into government sector agencies	Secs 3K, 159A
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Sec 85	Operation of industrial relations and superannuation legislation	Secs 93, 160
Sec 86 —	Appointment to other statutory offices	New to GSE
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