

Queensland



*Public Service Management and Employment Act 1988*

# **PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT REGULATION 1988**

**Reprinted as in force on 24 February 1995  
(includes amendments up to SL No. 406 of 1994)**

**Reprint No. 4**

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# Information about this reprint

This regulation is reprinted as at 24 February 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- insert references to schedule, appendix or body of law (s 33B)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

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

**Also see Endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including Table of renumbered provisions**
- **editorial changes made in earlier reprints.**



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**SENIOR EXECUTIVE REMUNERATION PACKAGE AMOUNTS**

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# **PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT REGULATION 1988**

[as amended by all amendments that commenced on or before 24 February 1995]

## **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—

**“adoption agency”** means the department of government or other body empowered by law to make an adoption order.

**“adoption leave”**, in section 55(2)(b)(iii), includes leave of a similar kind granted to an officer’s spouse by the spouse’s employer.

**“adoption order”** means an adoption order under the *Adoption of Children Act 1964* and includes an order that is taken under that Act to have the same effect as an adoption order.

**“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

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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.

**“child”**, in Part 3, Division 5, means—

- (a) in relation to maternity or paternity leave—
  - (i) a child of an officer; or
  - (ii) a child of an officer’s spouse;  
who is under 1 year of age; and
- (b) in relation to adoption leave—
  - (i) a child under 5 years of age who is adopted by an officer; or
  - (ii) a child placed with the officer and whom the officer has applied to adopt other than a child who—
    - (A) has turned 5 years of age; or
    - (B) is a child or stepchild of the officer or the officer’s spouse; or
    - (C) has continuously resided with the officer for a period of 6 months before the day the officer applies for adoption leave.

**“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 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.

**“former position”**, in Part 3, Division 5, means a position that an officer was appointed to immediately before the officer started parental leave or started part-time employment under an agreement under section 59.

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

**“maternity leave”**, in section 52(2)(b)(i), includes leave of a similar kind granted to an officer’s spouse by the spouse’s employer.

**“parental leave”**, in Part 3, Division 5, has the meaning given by section 38.

**“paternity leave”**, in section 48(1)(b)(i), includes leave of a similar kind granted to an officer’s spouse by the spouse’s employer.

**“primary care giver”**, in Part 3, Division 5, means a person who assumes the principal role of providing care and attention to a child.

**“senior executive”** includes chief executive.

**“spouse”**, in Part 3, Division 5, includes—

- (a) a de facto spouse; and
- (b) in the case of an application for paternity leave—a former spouse of the officer.

**“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.

### **Officers to be familiar with the Act, regulation and code of conduct**

**5.(1)** All officers shall take reasonable steps to acquaint themselves with the Act, this regulation and any code of conduct as referred to in section 29(1)(f) of the Act.

**(2)** A chief executive shall—

- (a) direct the attention of new officers to the requirements of subsection (1); and
- (b) ensure that a copy of the Act, this regulation and any code of conduct is reasonably accessible to each officer.

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**Officers to report breach of the regulation**

6. Where an officer has acted in such a way as to become liable for disciplinary action under section 29 of the Act, it shall be the obligation of any officer whose duties include the giving of directions to the first officer and who becomes aware of the action of the officer to ensure that the relevant circumstances are or have been advised to the chief executive.

**Prescribed day**

7. For the purposes of section 7(4)(a) of the Act, the later day prescribed is 31 May 1994.

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

*Division 1—Qualifications*

**Qualifications to be met**

8. A person shall not be considered for selection for any office unless—
- (a) where the person is not already an officer—
    - (i) the person satisfies the minimum qualifications determined by the public service general recruitment office; and
    - (ii) the person meets such requirements as may be determined by the Governor in Council with respect to appointment as an officer; and
  - (b) in any case—the person satisfies such minimum academic, trade or professional qualifications as may be included in qualifications determined for the purpose of section 12(3)(h) of the Act with respect to that office.

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**Position description**

**9.(1)** A position description shall be prepared for every office or class of office setting out—

- (a) the duties attaching to that office, including where relevant, any requirement to perform, from time to time, the duties of other offices in the department of the same or equivalent level; and
- (b) a description of any mandatory academic, trade or professional qualifications required; and
- (c) a description of any abilities, skills, knowledge and experience which have been determined by the chief executive to form part of the qualifications required for holding the office; and
- (d) any other qualifications required for holding the office.

**(2)** A position description for any office or class of office shall be reviewed regularly and, in any event, shall be reviewed immediately before the publication of a notification under section 22(1) of the Act.

**(3)** A position description is to be made available on request.

***Division 2—Advertising***

**Advertising of vacancies**

**10.(1)** For the purposes of section 22(1) of the Act, the period for which a notification of the existence of a vacancy shall be published in the Gazette shall be not less than 2 weeks.

**(2)** A notification shall include—

- (a) a vacancy reference number; and
- (b) an identification of the office by its title and by the department and part of the department in which it is located; and
- (c) the locality of the headquarters for the office; and
- (d) the remuneration applicable to the office; and
- (e) any applicable classification symbol; and

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- (f) the closing date and time for receipt of applications; and
- (g) the address to which applications should be forwarded.

(3) For the purposes of section 22(1A)(c) of the Act, an office in relation to which a vacancy in the office need not be advertised shall be—

- (a) any office determined by the Governor in Council to be a base level technical or professional office; or
- (b) any office which is designated to be in the office of the Minister for the time being responsible for the department; or
- (c) any office being an office or one of a class of office declared by order in council under section 32(2)(b)(ii) of the Act to be an office or class of office in respect of appointment to which no appeal lies; or
- (d) any Senior Executive Service position to which arrangements made under section 15B of the Act apply in a particular case; or
- (e) any office which is subject to an industrial award by which the salaries, duties and designations of the office are modified; or
- (f) any office where it is proposed to appoint a person to the office on a tenure that is not limited by time and, immediately before the proposed appointment, the person holds another office on a contract basis that has duties that are the same, or substantially the same, as those of the first office; or
- (g) an office—
  - (i) to which it is intended to appoint an officer who holds another office at an equivalent level in the same department; and
  - (ii) in relation to which, in the chief executive's opinion, the efficient management of the department requires that such an appointment be made.

(4) Where, in the opinion of the chief executive, the efficient management of the department so requires, vacancies in a particular class of office which are anticipated to occur on a recurring basis over a period of time may be advertised under this regulation.

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(5) The notification shall state the period of time, not longer than 12 months, during which applications shall remain current.

(6) A chief executive shall take steps to ensure that every notification published in the Gazette under section 22(1) of the Act is despatched to all parts of the department immediately following publication and that, upon arrival at each part of the department, it is made readily accessible to all officers.

### **Notification of appointments**

**11.** The notification of an appointment under section 18 of the Act, shall include—

- (a) a vacancy reference number; and
- (b) an identification of the office by its title and by the department and part of the department in which it is located; and
- (c) the locality of the headquarters for the office; and
- (d) any applicable classification symbol; and
- (e) the date of appointment; and
- (f) particulars of the appointee by name, academic qualifications and, where applicable, previous designation and classification.

### ***Division 3—Selection***

#### **Basis of assessment for selection**

**12.** The assessment of the relative merit of each applicant for a vacancy in an office shall have regard to the requirements set out in the position description for that office under section 9(1)(b), (c) and (d).

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***Division 4—Post appointment***

**Information must be given on appointment to public service**

**13.** An officer must, within 1 month of starting duty in the public service, give the chief executive a certified copy or certified extract of the registration of the officer's birth or, if it is not practicable to obtain the documentation, documentation that, in the chief executive's opinion, is satisfactory for the purpose of establishing age.

**Probationary period**

**14.** In respect of an officer serving on probation under section 23 of the Act, the chief executive shall ensure that—

- (a) a regular system of appraisal is established which will provide the officer with information on the officer's performance during the period of probation and on appropriate remedial steps to improve performance where the performance is considered unsatisfactory; and
- (b) the officer is notified in writing of the intention of the chief executive to take action, other than confirmation of the appointment, under section 23(4) of the Act in which case the officer shall be given the opportunity to show cause in writing to the chief executive within 14 days of receipt of the notice as to why the proposed action would not be justified.

**Retention following termination of contract**

**15.** An office is of a class prescribed for the purpose of section 20(4B)(a) of the Act if that office was held, immediately before 1 July 1991, or is held on a later day, by an officer whose conditions of employment were or are governed by a contract of employment identified as a Band 3 contract of employment.



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**Appointment to an office outside the public service**

**16.** An officer who, under to section 40 or 41 of the Act, performs duties elsewhere than in the public service of Queensland, shall be entitled, at a minimum, to the same terms and conditions of employment as if the officer was carrying out duties in the public service of Queensland.

***Division 5—Maintenance of records***

**Records to be maintained**

**17.** A system for recording for each officer the following minimum information—

- (a) that officer's name, date of birth, address, telephone number, union membership, payroll number, office held, date of appointment, level and salary;
- (b) the happening of transfer, promotion, reduction, resignation, retirement, redeployment, voluntary early retirement, retrenchment, dismissal or death;

shall be established and maintained in each department.

**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—

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- (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 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

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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 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;

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

**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.

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### **Leave entitlement in hours**

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

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

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

**(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—

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

**(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

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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.

### **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

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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 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

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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 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.



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**(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.

**(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

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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 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

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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 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.

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(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.

### **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

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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 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

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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 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.

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### **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—
  - (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.

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### **Short leave of absence**

**36.** An officer may be granted leave on full salary, which shall not be deducted from that officer's entitlement to recreation leave but which shall not exceed a total of 3 working days in any period of 12 months, where such leave is reasonably required either in respect of an emergency situation or on compassionate grounds.

### **Leave in other cases**

**37.** Where, in the opinion of a chief executive, an officer should be granted leave of absence for a particular purpose not otherwise provided for under this Division, the officer may be granted special leave on such terms and conditions as the circumstances warrant but subject always to any determinations or rulings made by the Governor in Council with respect to the granting of special leave.

## ***Division 5—Parental leave***

### ***Subdivision 1—General provisions***

#### **Meaning of parental leave**

**38.** Parental leave means—

- (a) maternity leave; or
- (b) paternity leave; or
- (c) adoption leave.

#### **Application for parental leave not to be unreasonably refused**

**39.** The chief executive must not unreasonably refuse to grant an application for parental leave.



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### **Period of parental leave**

**40.(1)** Except as provided in subsection (3), a period of parental leave must not be more than 52 weeks.

**(2)** For the purposes of subsection (1) and sections 41 and 43, a period of parental leave is taken to include—

- (a) the period of parental leave taken by the officer's spouse in relation to the same pregnancy or child; and
- (b) if sick leave, recreation leave or long service leave ("**other leave**") is applied for in relation to the period of parental leave—the period of other leave.

**(3)** The chief executive may extend the period of leave if, in the chief executive's opinion, there are reasons, for example, the health and wellbeing of the officer, the officer's spouse or the officer's child, that warrant an extension being granted.

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

**41.** Subject to sections 51(2) and 53(2), an officer must not take parental leave at the same time as the officer's spouse takes parental leave.

### **Parental leave is generally unpaid leave**

**42.(1)** Parental leave is unpaid leave.

**(2)** If an officer makes application for recreation leave or long service leave or both in relation to the whole or any part of a period of parental leave, the application must be granted in accordance with the application to the extent of the officer's entitlement.

**(3)** Subject to subsection (2) and section 32(2)(i) and (j), an officer is not entitled to paid leave for authorised absences while on parental leave.

### **Variation of period of parental leave**

**43.(1)** If the period of parental leave taken by an officer is less than 52 weeks, the officer, at least 14 days before the end of the period, may make written application to the chief executive to extend the period.

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(2) Subject to section 40, the chief executive—

- (a) must approve the first application to extend the period; and
- (b) must not unreasonably refuse to approve a subsequent application to extend the period.

(3) An officer, by 14 days written notice, may apply to the chief executive to shorten the period of parental leave.

(4) The chief executive may approve or reject an application mentioned in subsection (3).

### **Cancellation of parental leave**

**44.(1)** If an officer is on parental leave and—

- (a) the pregnancy of the officer or the officer's spouse terminates other than by the birth of a living child; or
- (b) the adoption of a child by the officer does not proceed;

the officer must notify the chief executive of the circumstance within a reasonable time.

(2) Parental leave granted to an officer is cancelled on the happening of a circumstance mentioned in subsection (1)(a) or (b).

(3) Despite subsection (2) but subject to section 49(1)(b), if—

- (a) the pregnancy of an officer who has started maternity leave terminates other than by the birth of a living child; or
- (b) the adoption of a child by an officer who has started adoption leave does not proceed;

the officer must resume work on a day nominated by the chief executive being a day not more than 28 days after the chief executive receives written notice from the officer that the officer wishes to resume work.

### **Resumption of duty**

**45.(1)** An officer on parental leave, other than an officer whose application under section 43(3) is approved, must give the chief executive 4 weeks written notice of the officer's intention to return to work.

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(2) Subject to subsection (3), an officer returning to full-time duty after—

- (a) a period of parental leave; or
- (b) 1 period of part-time employment approved under section 57;

is to be deployed to the officer's former position.

(3) An officer mentioned in subsection (2) may be deployed in a different office or location in the same department or subdepartment at the same centre and at the same level as the officer's former position, if—

- (a) the officer has taken a period of parental leave of more than 52 weeks; or
- (b) the former position of the officer no longer exists; or
- (c) the officer has worked more than 1 period of part-time work in relation to the same pregnancy or child.

**Grant of parental leave not to affect continuity of service**

**46.(1)** The taking of parental leave does not break the continuity of an officer's service or employment.

(2) The chief executive must not terminate the employment of an officer merely because the officer applies for, or has been granted, parental leave.

***Subdivision 2—Maternity leave***

**Entitlement to maternity leave**

**47.(1)** A female officer is entitled to take approved maternity leave in 1 unbroken period at any time after she becomes pregnant.

(2) Despite subsection (1), maternity leave that an officer is directed to take under section 50(3) may be taken over 1 or more periods.

(3) Maternity leave must finish not later than the first birthday of the child in relation to whom the leave is granted except where the leave is extended by the chief executive under section 40(3).

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### **Application for maternity leave**

**48.(1)** An officer who is pregnant must, at least 10 weeks before the expected date of birth of her child or, if she proposes to commence maternity leave before that time—on lodgment of her application for maternity leave, give to the chief executive—

- (a) a certificate from a medical practitioner stating the expected date of birth of the child; and
- (b) a written statement stating—
  - (i) particulars of paternity leave to be taken by her spouse in relation to the pregnancy or the child; and
  - (ii) the actual or approximate starting and finishing dates of maternity leave to be taken; and
- (c) a written undertaking not to engage in conduct inconsistent with her terms of employment during a period of approved maternity leave.

**(2)** The officer must apply for maternity leave in a form approved by the chief executive at least 4 weeks before the officer proposes to commence maternity leave.

**(3)** Despite subsection (2), the chief executive may shorten the 4 week period if the officer's failure to lodge the application as required happened because the officer was confined before the expected date.

**(4)** If there is a change in—

- (a) the expected date of birth of the child; or
- (b) the starting and finishing dates of the maternity leave;

the officer must notify the chief executive of the change as soon as possible.

### **Minimum period of maternity leave**

**49.(1)** Subject to subsection (2), an officer who is pregnant, whether or not she has made application under section 48, must—

- (a) commence maternity leave at least 6 weeks prior to the expected date of birth of her child; and

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- (b) remain on maternity leave until at least 6 weeks after the pregnancy terminates.

(2) The chief executive may, at the request of the officer, and on receipt of a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner—

- (a) the officer is fit for duty until a specified date—reduce the period mentioned in subsection (1)(a); or
- (b) the officer is fit to resume duty—reduce the period mentioned in subsection (1)(b).

(3) If the chief executive makes a decision under subsection (2)(a) to reduce the period, the approval is of effect until—

- (a) the day specified in the medical certificate; or
- (b) the day 14 days after the day the chief executive revokes the decision by giving written notice to the officer; or
- (c) the officer commences maternity leave; or
- (d) the day of the officer's confinement;

whichever first happens.

### **Transfer to safe duties**

**50.(1)** If, in the opinion of a medical practitioner—

- (a) an illness or risk arising out of an officer's pregnancy; or
- (b) a hazard connected with the work of an officer having regard to the officer's pregnancy;

makes it inadvisable for the officer to continue her existing duties, the chief executive may assign the officer to other duties that she can perform safely and efficiently.

(2) The assignment—

- (a) may only be made with the agreement of the officer; and
- (b) must not involve a reduction in the officer's salary.

(3) If a transfer to other duties is impracticable, the chief executive may

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direct the officer to take maternity leave for a period certified as necessary by a medical practitioner.

***Subdivision 3—Paternity leave***

**Entitlement to paternity leave**

**51.(1)** An officer is entitled to take approved paternity leave—

- (a) in not more than 2 unbroken periods in accordance with this section; and
- (b) if application for the leave is made under subsection (3)—only if the officer is the primary care giver for the child in relation to whom the application is made.

**(2)** An officer may take 1 period of paternity leave of not more than 1 week from the time of confinement of the officer's spouse.

**(3)** An officer may take 1 period of paternity leave of not more than 52 weeks from the birth of the officer's child to the first birthday of the child.

**Application for paternity leave**

**52.(1)** An officer must apply for paternity leave in a form approved by the chief executive at least 10 weeks before the proposed period of leave.

**(2)** The application must indicate the approximate starting and finishing dates of the leave applied for and be accompanied by—

- (a) a certificate from a medical practitioner stating the name of the officer's spouse and the expected date of birth of the child; and
- (b) a written statement by the officer stating—
  - (i) his spouse's name and particulars of maternity leave taken, or to be taken, by his spouse in relation to the pregnancy or the child; and
  - (ii) except in a case of leave of the kind mentioned in section 51(2)—that he is to be his child's primary care giver;

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and

(iii) if the child in relation to whom the application is made has been born—the child's date of birth; and

(c) a written undertaking that he will not engage in conduct inconsistent with his terms of employment during a period of approved paternity leave.

(3) Despite subsection (1), the chief executive may shorten the 10 week period if the officer's failure to lodge the application as required happened because—

- (a) the child was born before the expected date; or
- (b) the officer's spouse has died; or
- (c) there are other compelling reasons.

(4) If there is a change in—

- (a) the expected date of birth of the child; or
- (b) particulars of maternity leave taken, or to be taken, by the officer's spouse; or
- (c) the starting and finishing dates of the paternity leave;

the officer must notify the chief executive of the change immediately.

***Subdivision 4—Adoption leave***

**Entitlement to adoption leave**

**53.(1)** An officer is entitled to take approved adoption leave—

- (a) in not more than 2 unbroken periods in accordance with this section; and
- (b) if application for the leave is made under subsection (3)—only if the officer is the primary care giver for a child the officer has adopted or applied to adopt.

(2) An officer may take 1 period of adoption leave of not more than 3 weeks on the placement of the child with the officer.

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(3) An officer may take 1 period of adoption leave of not more than 52 weeks from the day on which the officer intends to be the primary care giver for the child.

(4) Adoption leave must finish not later than the fifth birthday of the child in relation to whom the leave is granted except where the leave is extended by the chief executive under section 40(3).

**Officer to give notice of intention to adopt**

**54.** An officer who—

- (a) has applied to adopt a child; and
- (b) receives notice from an adoption agency confirming the officer's status as a prospective adopter; and
- (c) intends applying for adoption leave;

is to give written notice to that effect to the chief executive immediately after receiving the notice from the adoption agency.

**Application for adoption leave**

**55.(1)** An officer must apply for adoption leave in a form approved by the chief executive as soon as possible before the proposed period of leave.

(2) The application must indicate the approximate starting and finishing dates of the leave applied for and be accompanied by—

- (a) a written statement from the adoption agency confirming—
  - (i) the adoption of the child; or
  - (ii) the placement of the child with the officer until finalisation of the adoption process; and
- (b) a written statement by the officer stating—
  - (i) the date of birth of the child; and
  - (ii) that the officer is to be the primary care giver for the child; and
  - (iii) particulars of adoption leave taken, or to be taken, by the



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officer's spouse in relation to the child; and

- (c) a written undertaking that the officer will not engage in conduct inconsistent with the terms of the officer's employment during a period of approved adoption leave.

(3) If there is a change in the starting and finishing dates of the leave, the officer must notify the chief executive of the change immediately.

### **Special adoption leave**

**56.** An officer seeking to adopt a child is entitled, on written application to the chief executive—

- (a) to 2 working days unpaid leave; or
- (b) if the chief executive directs—to 2 working days leave debited against the officer's recreation leave entitlement;

for the purposes of attending interviews or examinations in relation to the proposed adoption.

### ***Subdivision 5—Part-time work***

#### **Application for part-time work**

**57.(1)** The following officers may apply to work part time—

- (a) a female officer who is pregnant; or
- (b) an officer who is the parent of a child.

(2) If the officer is the natural parent of the child, the application must be made before the child turns 2 years.

(3) If the officer is the adoptive parent of a child, the application must be made before the second anniversary of the child's placement with the officer.

(4) An application made under subsection (1) must be made in a form approved by the chief executive.

(5) The chief executive may approve or reject the application.

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### **Approved part-time work**

**58.(1)** A male officer whose application for part-time work is approved may work part time in 1 or more periods—

- (a) if his spouse gives birth to a child—from the day of the child's birth until the child's second birthday; and
- (b) if he adopts a child—from the day of the child's placement with him until the second anniversary of the placement.

**(2)** A female officer whose application for part-time work is approved may work part time in 1 or more periods—

- (a) if she is pregnant—during the term of her pregnancy until 6 weeks before the expected date of birth of her child; and
- (b) if she gives birth to a child—from the seventh week after the day of the child's birth until the child's second birthday; and
- (c) if she adopts a child—from the day of the child's placement with her until the second anniversary of the placement.

**(3)** The chief executive may, at the request of the officer, and on receipt of a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner—

- (a) the officer is fit for duty until a specified date—reduce the 6 week period mentioned in subsection (2)(a); or
- (b) the officer is fit to resume duty—reduce the period mentioned in subsection (2)(b).

**(4)** If the period mentioned in subsection (2)(a) is reduced under subsection (3)(a), section 49(3) applies in relation to the chief executive's decision.

### **Part-time work agreement**

**59.(1)** Before an officer begins part-time work approved under section 57, the officer and the chief executive must agree on the following matters—

- (a) that the officer may work part time;

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- (b) the hours to be worked by the officer including the days on which the officer is to work and the commencing times of work;
- (c) the nature of the duties to be performed;
- (d) the level of remuneration applying to the duties;
- (e) the period the officer is to work part time.

(2) The officer and the chief executive must record the terms of their agreement in writing signed by both parties.

(3) The agreement is to be retained by the chief executive and a copy is to be given to the officer.

(4) The terms of the agreement may be varied by further agreement of the parties.

(5) The work to be performed by the officer need not be the work performed by the officer in the officer's former position.

(6) The officer may, at the request of the chief executive, work more hours than those recorded in the agreement.

### **Regulation to prevail**

**60.(1)** Subject to subsection (2), section 59 is to be read in conjunction with—

- (a) the Permanent Part Time Employment Arrangements made under the *Public Service Management and Employment Act 1988*; and
- (b) the provisions dealing with part-time employment in an Award or Industrial Agreement relevant to officers of the public service.

(2) A provision in the Permanent Part Time Employment Arrangements or in an Award or Industrial Agreement relevant to officers of the public service relating to—

- (a) the limiting of the number of officers who may work part time; or
- (b) the establishment of quotas relating to the ratio of part-time to full-time officers; or
- (c) the prescribing of minimum or maximum hours a part-time

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officer may work; or

- (d) a requirement, in relation to part-time employment—
  - (i) of consultation with an officer's union; or
  - (ii) that the consent of an officer's union be sought; or
  - (iii) that an officer's union monitor the employment arrangement;

does not apply to part-time employment approved under this Subdivision.

(3) If there is an inconsistency between a provision of this Division and a provision of the Arrangements, Award or Industrial Agreement, the provision of this Division prevails to the extent of the inconsistency.

***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.

(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)—

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- (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.

***Division 8—Expenses and allowances***

**Time limit for claims**

**63.** A claim made under this Division shall not, without the approval of the chief executive, be considered for payment unless it is submitted within 12 months from the date of completion of the work, the incurring of the expense, or the conclusion of the circumstances in respect of which the claim is submitted.

**Appointment and transfer expenses**

**64.(1)** A person appointed to the public service or an officer transferred from one centre to another shall be allowed expenses for—

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- (a) the conveyance of self, family and effects to the centre to which appointed or transferred; and
- (b) board and lodging; and
- (c) other items of expenditure related to taking up duty;

to the extent set out, and upon such conditions as are provided for, in determinations or rulings made by the Governor in Council.

(2) Except with the specific approval of the chief executive, an officer shall not be allowed expenses under subsection (1) where the transfer—

- (a) was sought by that officer on compassionate grounds; or
- (b) arose as a direct result of disciplinary action taken against that officer under section 29 of the Act if the non-allowance of transfer expenses was included in the terms of the discipline imposed; or
- (c) was the result of a mutual exchange of offices between 2 officers; or
- (d) was sought on the basis that the transfer was needed to restore the officer's health and no medical certificate substantiating such basis was produced before the transfer being approved.

### **Meal allowance when overtime worked**

**65.** An officer required to work overtime shall be paid meal allowances, which shall be additional to any compensation received for overtime worked, as provided for in determinations or rulings made by the Governor in Council.

### **Allowances for travelling or relieving**

**66.** An officer—

- (a) travelling on official duty shall be paid a travelling allowance; or
- (b) required to take up duty away from normal headquarters to relieve another officer or to perform special duties, shall be paid a relieving allowance;

for accommodation and meals and for incidental expenses, as applicable to

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that officer's classification and the nature and location of any accommodation utilised by that officer and as provided for in determinations or rulings made by the Governor in Council.

### **Locality allowance**

**67.(1) Entitlement** Where, in respect of any centre, the Governor in Council has determined that there shall apply a locality allowance, being an allowance to assist in offsetting the disadvantages associated with residence in that centre, an officer appointed to that centre shall be paid such allowance at such rate as the Governor in Council shall determine to apply to that centre.

**(2) Conditions** The following conditions shall apply to the payment of locality allowance—

- (a) subject to paragraph (c), the full rate of allowance shall be paid if the officer satisfies the chief executive that the officer has a dependent spouse, dependent de facto spouse or dependent child;
- (b) one-half of the rate of allowance shall be paid to an officer who does not have a dependent spouse, dependent de facto spouse or dependent child;
- (c) one-half of the rate of allowance shall be paid to an officer, even though the officer has a dependent child, whose spouse or de facto spouse lives with the officer and—
  - (i) is also an officer; or
  - (ii) is—
    - (A) employed by a corporation sole, statutory corporation, board, authority or other body constituted under any Act; and
    - (B) eligible to receive a locality allowance in respect of that employment;
- (d) an officer receiving an allowance shall notify the chief executive immediately of any change in the officer's circumstances which would affect the amount of locality allowance payable to the officer;

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- (e) the allowances provided for in this section shall be paid to officers absent on recreation leave, sick leave, and long service leave, or on any other leave on full salary;
- (f) no allowance shall be paid when an officer is on leave without salary;
- (g) an officer stationed at a construction project shall be paid so much of the locality allowance ordinarily payable to that officer as exceeds the total amount paid to that officer in respect of—
  - (i) any divisional or district allowance prescribed for the centre generally in any industrial award or industrial agreement; and
  - (ii) any site allowance payable.

### **Motor vehicle allowance**

**68.** Where officers undertaking official duties use their own motor vehicles an allowance, according to—

- (a) the distance actually and necessarily travelled; and
- (b) the type of vehicle used; and
- (c) the location of the officer's normal headquarters;

shall be paid as provided for in determinations or rulings made by the Governor in Council.

### **Higher duties allowance**

**69.(1) Entitlement** An officer who is directed to assume, for any applicable minimum period, the duties and responsibilities of a higher level office—

- (a) of an officer who is on leave; or
- (b) of an officer who has been directed to perform other duties; or
- (c) which is vacant;

shall be paid a higher duties allowance which shall consist of the relevant percentage of the difference between the salary of the officer and the minimum salary of the higher level office.



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(2) Where the salary of the officer exceeds the minimum salary of the higher level office, then, for the purposes of this section, the minimum salary of the higher level office shall be taken to be the salary which the officer would be paid if actually appointed to the higher level office.

(3) For the purpose of this section—

- (a) a higher level office shall be an office having a higher maximum salary than the maximum salary of the office actually held by the officer first referred to in subsection (1);
- (b) the relevant percentage shall be the percentage which, in the opinion of the chief executive, represents the extent to which the officer has assumed the full duties and responsibilities of the higher level office;
- (c) no minimum period shall apply where the higher level office is one which is vacant;
- (d) subject to paragraph (b), where the relevant percentage is—
  - (i) less than 100—the minimum period shall be 3 weeks; and
  - (ii) 100—the minimum period shall be a period of more than 3 working days.

(4) For the purpose only of determining whether an officer has satisfied a minimum period requirement, leave taken after the officer commences to perform the higher duties and responsibilities shall be counted as forming part of the period of performance of the higher duties if—

- (a) immediately upon returning from leave the officer actually resumes duty in the higher level office; and
- (b) the leave taken is—
  - (i) leave on full salary; or
  - (ii) special leave without salary granted to enable the officer to claim worker's compensation; or
  - (iii) sick leave without salary.

(5) Subject to subsection (6), higher duties allowance shall not be paid in respect of any leave (other than leave determined by the Governor in Council to be leave to which this subsection does not apply), taken during

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the period for which an officer has assumed higher duties.

(6) Where an officer takes any form of leave on full salary after the officer has been directed to assume the higher duties and responsibilities for the immediately preceding 12 months, the higher duties allowance shall continue to be payable in respect of that leave on full salary if, during that 12 months, the only leave which the officer has taken is leave which may be credited as service.

(7) For this section, the minimum salary of a Senior Executive Service position, other than a chief executive position, of a particular level is—

- (a) the minimum amount for positions of that level specified in the table to section 95(1); or
- (b) if the minimum amount is changed because of section 96—the minimum amount for positions of that level specified in Schedule 2, column 2, 3 or 4 as the case may be.<sup>1</sup>

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

### *Division 1—Interpretation*

#### **Definitions for Part**

**70.** In this Part—

**“agency agreement”** means an Agency agreement within the meaning of the certified core agreement.

**“Commission”** means the Industrial Relations Commission.

**“core agreement”** means the Core Queensland Government Departments

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<sup>1</sup> Schedule 2, columns 2, 3 and 4 specify remuneration package amounts for certain entitlements. The amount that is payable depends on the senior executive's package point and the application of section 96 (Variation of amounts for certain purposes of certain entitlements under enterprise bargaining).

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Certified Agreement 1994.

**“core department”** means a Core Government department within the meaning of the core agreement.

**“industrial agreement”** means—

- (a) a certified agreement within the meaning of the *Industrial Relations Act 1990*; or
- (b) an enterprise bargaining agreement within the meaning of the *Industrial Relations Act 1990*; or
- (c) an industrial agreement within the meaning of the *Industrial Relations Act 1990*.

**“nominated service delivery unit”** means a unit of government specified in Schedule 3.

**“NSDU”** means a nominated service delivery unit.

**“NSDU agreement”** means an industrial agreement entered into on or after 1 July 1994 between an NSDU and officers appointed to the NSDU that provides for an increase in salary for officers appointed to the NSDU.

**“package point”** see—

- (a) for a senior executive other than a chief executive—section 83; or
- (b) for a chief executive—section 84.

**“remuneration benefit”** see section 86(1).

**“remuneration package amount”** see section 79.

**“stage 2 core agreement”** for a core department means the department’s agency agreement providing for an increase of 1.4% no earlier than 8 months after 1 September 1994.

**“stage 2 NSDU agreement”** for an NSDU means the part of the NSDU’s NSDU agreement, or another agreement that is linked to the NSDU agreement, that provides for a second increase in salary on the fulfilment of agreed conditions.

**“stage 3 core agreement”** for a core department means the department’s agency agreement providing for an increase of 4% no earlier than

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12 months after the approval by the Commission of the department's stage 2 agreement.

**“stage 3 NSDU agreement”** for an NSDU means the part of the NSDU's NSDU agreement, or another agreement that is linked to the NSDU agreement, that provides for a third increase in salary on the fulfilment of agreed conditions.

**“work value range”** see section 82.

*Division 2—Terms and conditions*

**Application of Part**

**71.** This Part applies to senior executives who are officers.

**General rule**

**72.** Except as provided in this Part, senior executives are employed on the same terms and conditions, not provided for by the Act or any other Act, as the terms and conditions on which officers who are not senior executives are employed.

**Entitlement to salary and remuneration benefits**

**73.(1)** A senior executive is entitled to the salary and any remuneration benefits applicable under Division 3.

**(2)** This section is not intended to limit a senior executive's entitlement to receive other kinds of remuneration under section 72.

**Other terms and conditions**

**74.** The other terms and conditions set out in Division 4 apply to senior executives.

*Division 3—Salary and remuneration benefits*

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### **Entitlement to salary and remuneration benefits**

**75.(1)** A senior executive is entitled to receive salary of an amount worked out using the formula—

**remuneration package amount – cost of benefits**

**(2)** In subsection (1)—

**“cost of benefits”** means—

- (a) if the senior executive is entitled to have 1 or more remuneration benefits provided under subsection (3) or (4)—the total cost from time to time of those remuneration benefits; or
- (b) in any other case—nil.

**“remuneration package amount”** means the senior executive’s remuneration package amount.

**(3)** A senior executive is entitled to have provided, under this Division, the remuneration benefits (if any) specified in an agreement under this Division.

**(4)** During the period before the agreement is entered into, a senior executive is entitled to have provided, under this Division, the remuneration benefits (if any) stated in writing by the senior executive’s chief executive or, if the senior executive is a chief executive, stated in writing by the Premier.

### **Making and variation of agreements for senior executives**

**76.(1)** An agreement must be entered into between a senior executive and the senior executive’s chief executive on behalf of the State.

**(2)** The senior executive and the chief executive must enter into the agreement, in writing, as soon as practicable after—

- (a) if the senior executive is a senior executive on the commencement of this section—the commencement of this section; or
- (b) in any other case—the senior executive is appointed to a Senior Executive Service position.

**(3)** The agreement remains in force for so long as the senior executive

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remains a senior executive.

(4) Subject to subsections (5) and (6), the agreement may only be varied once in any period of 12 months.

(5) The agreement must be varied if the senior executive is promoted.

(6) The agreement may be varied at any time if the chief executive considers there are special reasons for doing so.

### **Making and variation of agreements for chief executives**

**77.(1)** A written agreement must be entered into between a chief executive and the Premier for the State.

(2) The chief executive and the Premier must enter into the agreement as soon as practicable after—

- (a) if the chief executive is a chief executive on the commencement of this section—the commencement of this section; or
- (b) the chief executive is appointed as chief executive.

(3) The agreement remains in force for as long as the chief executive remains a chief executive.

(4) The agreement may only be changed once in any period of 12 months.

(5) However, the agreement must be changed if the chief executive is promoted.

(6) Also, the agreement may be changed at any time if the Premier considers there are special reasons for doing so.

### **Content of agreements**

**78.(1)** An agreement under section 76 or 77 must—

- (a) state that no remuneration benefits are to be provided to the senior executive; or
- (b) state the kinds of remuneration benefits that are to be provided to the senior executive.

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(2) The total cost of any remuneration benefits specified must not be more than 50% of the senior executive's remuneration package amount at the time the agreement is made or varied, as the case requires.

**Remuneration package amount**

**79.(1)** The remuneration package amount for a senior executive, other than a chief executive, is the amount that applies to the package point<sup>2</sup> for the senior executive specified in the table to section 81.

(2) The remuneration package amount for a chief executive is the amount that applies to the package point<sup>3</sup> for the chief executive specified in Schedule 1, column 2.

(3) Subsection (2) applies to a chief executive from—

- (a) 1 September 1994; or
- (b) if the chief executive is the Commissioner of the Police Service—the day the Queensland Police Service enters into an NSDU agreement.

(4) This section does not limit section 80 or 85.

**Variation of remuneration package amount under enterprise bargaining**

**80.(1)** The purpose of this section is to make provision for changes to the amount payable to a senior executive following entry into an industrial agreement between the unit to which the executive is appointed and officers appointed to the unit.

(2) If, on or after 1 July 1994, the unit to which a senior executive is appointed enters into an industrial agreement between the unit and officers appointed to the unit, the amount payable to the senior executive is the amount specified in Schedule 1, column 2 for the senior executive's package point.

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<sup>2</sup> Senior executives are allocated to package points under section 83.

<sup>3</sup> Chief executives are allocated to package points under section 84.

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(3) The amount is payable from—

- (a) for the core agreement—1 September 1994; or
- (b) for an NSDU agreement—the day officers are entitled to a salary increase under the agreement.

(4) If the agreement provides for further increases, the amount payable to the senior executive is to change in accordance with subsection (5)—

- (a) for an executive appointed to a core department—on the day that officers in the department are entitled to receive an increase in salary under the agreement; or
- (b) for an executive appointed to an NSDU—on the day that officers in the NSDU are entitled to receive an increase in salary under the agreement.

(5) The amount payable to the senior executive is—

- (a) for a stage 2 core agreement or stage 2 NSDU agreement—the amount specified in Schedule 1, column 3 for the senior executive's package point; or
- (b) for a stage 3 core agreement or stage 3 NSDU agreement—the amount specified in Schedule 1, column 4 for the senior executive's package point.

(6) Also, if the senior executive's remuneration package amount is increased by an amount under section 85, then, for this section, the amount specified in Schedule 1, columns 2 to 4 for the senior executive's package point is also to be increased by that amount.

(7) In this section—

“**officer**” does not include senior executive.

“**unit**” means a core department or NSDU.

**Senior Executive Service package points, work value ranges and remuneration**

**81.** The work value ranges and package points specified in the following table apply to Senior Executive Service positions, other than chief executive



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positions<sup>4</sup>—

**Table**

<b>Level of position</b>	<b>Work value range</b>	<b>Package point</b>	<b>Remuneration package amount</b> \$
1	1A	1.1	63 425
	1A	1.2	65 988
	1B	1.3	69 063
	1B	1.4	72 138
2	2A	2.1	74 275
	2A	2.2	77 350
	2B	2.3	80 425
	2B	2.4	84 013
	2B	2.5	87 600
3	3A	3.1	89 225
	3A	3.2	92 813
	3B	3.3	96 400
	3B	3.4	99 988
	3B	3.5	103 268
4	4	4.1	103 575
	4	4.2	112 800

**Determination of assessed work value and work value range**

**82.** The work value range that applies to a Senior Executive Service position, other than a chief executive position, is to be decided—

- (a) by assessing the work value of the position in accordance with work value assessment procedures for the time being approved by the Commission; and
- (b) by applying the following table—

**Table**

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<sup>4</sup> Package points are allocated to chief executives under section 84.

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Level of position	Assessed work value	Work value range
1	720–769	1A
1	770–819	1B
2	820–939	2A
2	940–1 119	2B
3	1 120–1 279	3A
3	1 280–1 519	3B
4	1 520+	4

### **Allocation of package point for senior executives**

**83.(1)** When a person is appointed as a senior executive, the senior executive's chief executive must, under subsection (2) or (3), determine the package point to which the executive is allocated.

**(2)** Subject to subsection (3), the chief executive must allocate the senior executive to a package point that—

- (a) is applicable under section 81 to the Senior Executive Service level allocated to the position; and
- (b) has under section 81 a work value range that is the same as the work value range of the position determined under section 82.

**(3)** Subject to subsection (2), the chief executive may, in exceptional circumstances and after consulting the Commission, allocate the senior executive to a different package point than the one otherwise applicable under subsection (2), if the package point is applicable under section 81 to positions of the same Senior Executive Service level as the senior executive's position.

**(4)** Where, immediately before the commencement of this section, a person was a senior executive, the senior executive is, on the commencement of this section, taken to be allocated under subsection (2) of this section to a package point that has the same number as the salary pay point to which the senior executive was allocated under section 75 as in force immediately before the commencement of this section.

**(5)** If—

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- (a) the work value of a senior executive's position has changed to such an extent that the work value range applicable to the position under section 82 is different from the work value range previously applicable to the position under that section or under section 43E<sup>5</sup> as in force immediately before the commencement of this section; but
- (b) the change in work value does not result in the upgrading of the position for the purposes of section 22(2) of the Act;

the chief executive must, except in exceptional circumstances and after consulting the Commission, re-apply subsection (2) or (3) to allocate a new package point to the senior executive.

### **Allocation of package point for chief executives**

**84.(1)** When a person is appointed as a chief executive, the Governor in Council must decide the package point to which the executive is allocated.

**(2)** A chief executive may be allocated to package point CEO.1, CEO.2 or CEO.3.

### **Remuneration package maintenance**

**85.(1)** If—

- (a) a change in the work value of a senior executive's position results in the senior executive being allocated to a package point under section 83(5); and
- (b) the senior executive's remuneration package amount immediately after the allocation is less than the senior executive's remuneration package amount immediately before;

then, while the senior executive continues to hold the position or one with substantially similar duties, the senior executive's remuneration package amount is increased by an amount equal to the difference between the remuneration package amounts in paragraph (b).

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<sup>5</sup> This provision was omitted before the renumbering of the regulation.

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**(2) If—**

- (a) a person is appointed to a Senior Executive Service position; and
- (b) immediately before, the senior executive was an officer employed on a contract basis in the same position or one with substantially similar duties; and
- (c) the contract—
  - (i) was entered into before the later day prescribed for the purposes of section 7(4)(a) of the Act; and
  - (ii) contains provision for its renewal; and
- (d) the amount of the senior executive's salary under the contract was more than—
  - (i) the amount that applied under section 95(1)<sup>6</sup> (disregarding section 95(2)) to the package point to which the senior executive was allocated on being appointed; or
  - (ii) if the amount under section 95(1) is changed because of section 96<sup>7</sup>—the amount that applied under Schedule 2, column 2, 3 or 4 as the case may be<sup>8</sup> to the package point to which the senior executive was allocated on being appointed;

**(3)** If, immediately before the commencement of this section, a senior executive was entitled under section 76, as in force at that time, to an amount of additional salary, then, while the senior executive continues to hold the position (or one with substantially similar duties) held at that time, the senior executive's remuneration package amount is increased by an amount equal to that additional salary.

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<sup>6</sup> Section 95 (Amounts for purposes of certain entitlements)

<sup>7</sup> Section 96 (Variation of amounts for purposes of certain entitlements under enterprise bargaining)

<sup>8</sup> Schedule 2, columns 2, 3 and 4 specify remuneration package amounts for certain entitlements. The amount that is payable depends on the senior executive's package point and the application of section 96 (Variation of amounts for purposes of certain entitlements under enterprise bargaining).

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**Remuneration benefits**

**86.(1)** For the purposes of this Division, the following are remuneration benefits—

- (a) private use of a motor vehicle by a senior executive;
- (b) the making of superannuation contributions in respect of a senior executive;
- (c) the payment of a subscription in respect of a senior executive's membership of any professional or occupational body;
- (d) any other benefit of a kind approved by the Governor in Council for the purposes of this subsection.

**(2)** If any of the remuneration benefits is specified in an agreement under this Division, it must be provided in accordance with government policy from time to time.

**(3)** For the purposes of this Division, the cost of a remuneration benefit is the cost of providing the benefit, determined in accordance with government policy from time to time.

**Time and circumstances of making salary payments**

**87.** The salary of a senior executive is payable at the same times, and in the same circumstances, as would be applicable if the senior executive were an officer other than a senior executive.

**No remuneration for work outside ordinary hours**

**88.** A senior executive is not entitled to additional remuneration for work performed outside ordinary hours.

**Annual leave loading**

**89.** A senior executive is entitled to be paid such annual leave loading as the executive would be entitled to be paid if the senior executive were an officer other than a senior executive.

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**Remuneration benefits where salary not payable**

**90.** Where, under terms and conditions applicable under section 72, a senior executive's salary is not payable for a period, the senior executive is not entitled to receive any remuneration benefits during that period.

**Chief executives to comply with Commission guidelines**

**91.(1)** The Commission may issue guidelines relating to the application of this Part.

**(2)** Chief executives must comply with the guidelines.

*Division 4—Other terms and conditions*

**Telephone expense entitlement**

**92.(1)** A senior executive is entitled to be paid the full service and equipment costs of a telephone installed in the senior executive's residence.

**(2)** If—

- (a)** there is not a telephone installed in the residence; or
- (b)** the telephone installed in the residence is not appropriate having regard to the official duties of the senior executive;

the chief executive may determine that the senior executive is entitled to be paid the costs of installing a telephone in the residence of the senior executive or such part of those costs as the chief executive considers appropriate.

**(3)** The senior executive is also entitled to be paid such part of telephone call charges, or such amounts for telephone call charges, for the telephone installed in the residence as is determined by the chief executive, having regard to the estimated official component of the telephone call charges.

**Expense reimbursement entitlement**

**93.(1)** A senior executive is entitled to be reimbursed for all expenses necessarily incurred in the discharge of the senior executive's duties and

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responsibilities.

(2) Subsection (1) applies only if reimbursement of the expenses is in accordance with government policy applying at the time.

**Maintenance of terms and conditions on reduction**

94.(1) If, for reasons other than demotion because of unsatisfactory service, a person ceases to be a senior executive but remains an officer (other than a chief executive), subsection (2) applies.

(2) The terms and conditions of employment of the person applying immediately before the time at which the person ceased to be a senior executive continue to apply for such period, not longer than 12 months after that time, as the person continues to be an officer who is not a senior executive or a chief executive.

**Amounts for purposes of certain entitlements**

95.(1) The entitlement of a senior executive, other than a chief executive, to prescribed payments is to be worked out using the amount specified in the following table for the senior executive’s package point—

**Table**

Level of position	Package point	Salary \$
1	1.1	58 425
	1.2	60 988
	1.3	64 063
	1.4	67 138
2	2.1	68 675
	2.2	71 750
	2.3	74 825
	2.4	78 413
	2.5	82 000
3	3.1	83 025
	3.2	86 613
	3.3	90 200

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	3.4	93 788
	3.5	97 068
4	4.1	97 375
	4.2	106 600

(2) The entitlement of a chief executive to prescribed payments is to be worked out using the amount specified in Schedule 2, column 2 for the chief executive's package point.

(3) However, if a senior executive's remuneration package amount is increased by an amount under section 85, the amount specified in the table for the senior executive's package point is to be increased by an equivalent amount.

(4) In this section—

**“prescribed payments”** means—

- (a) annual leave loading; or
- (b) higher duties payments; or
- (c) payments on cessation of employment.

**Variation of amounts for purposes of certain entitlements under enterprise bargaining**

**96.(1)** The purpose of this section is to make provision for changes to a senior executive's base rate amount if the senior executive's remuneration package amount is changed under section 80.

(2) If a senior executive's remuneration package amount is changed under section 80(2), the senior executive's entitlement to prescribed payments is to be worked out using the amount specified in Schedule 2, column 2 for the senior executive's package point.

(3) If a senior executive's remuneration package amount is changed under section 80(4) for a stage 2 core agreement or a stage 2 NSDU agreement, the senior executive's entitlement to prescribed payments is to be worked out using the amount specified in Schedule 2, column 3 for the senior executive's package point.

(4) If a senior executive's remuneration package amount is changed



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under section 80(4) for a stage 3 core agreement or a stage 3 NSDU agreement, the senior executive's entitlement to prescribed payments is to be worked out using the amount specified in Schedule 2, column 4 for the senior executive's package point.

(5) Also, if a senior executive's remuneration package amount is increased by an amount under section 85, then, for this section, the amount specified in Schedule 2, column 2, 3 or 4 for the senior executive's package point is also to be increased by that amount.

(6) In this section—

**“base rate amount”** means the amount specified in the table to section 95(1).

**“prescribed payments”** means—

- (a) annual leave loading; or
- (b) higher duties payments; or
- (c) payments on cessation of employment.

## **PART 5—DEVELOPMENT OF OFFICERS**

### **Instruction and training of officers**

**97.(1)** A person, upon appointment as an officer, shall be given adequate instruction and training with regard to—

- (a) the specific duties and standards of performance required of the officer; and
- (b) the terms, conditions and obligations of public service employment; and
- (c) the functions of the department to which the person has been appointed.

**(2) Ongoing training and development** As far as practicable, each officer shall be provided with ongoing opportunities for or directed towards—

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- (a) training in the duties required of the officer to be performed; and
- (b) development of skills relevant to the department's operations; and
- (c) relevant career progression.

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

### *Division 1—Management of work performance*

#### **Regular appraisal and remedial action**

**98.** The chief executive shall ensure that any system of staff performance appraisal established provides an officer, at least once a year, with information on that officer's performance and on any steps which the officer is advised to take in order to improve performance.

#### **Reports to be noted by officers**

**99.(1)** A report, item of correspondence or other document concerning the performance of an officer which could reasonably be considered to be detrimental to the interests of that officer, shall not be placed on any official files or records relating to that officer unless the officer has initialled the document and has been provided with—

- (a) a copy of the document; and
- (b) the opportunity to respond in writing to the contents of the document within 14 days of receipt of the copy.

**(2)** When an officer responds in writing, the response shall also be placed on the official file or record.

**(3)** Where an officer refuses to initial a document, it may nevertheless be placed on the file or record but the refusal shall be noted.

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### **Management of officers with health problems**

**100.(1) Medical opinion** A medical opinion obtained for the purposes of section 26(2) of the Act shall include—

- (a) opinion as to the existence and nature of any relevant medical condition; and
- (b) where a relevant medical condition is considered to exist—opinion as to—
  - (i) the likely direct or indirect effect of the condition upon the work performance of the officer; and
  - (ii) an estimate of the period of time during which the condition or its effects are likely to persist; and
- (c) any other matter which the medical practitioner considers to be relevant to the officer or the officer's mental or physical infirmity.

**(2)** A copy of the medical opinion shall be given to the officer as soon as practicable after the opinion has been obtained.

**(3)** An officer shall not be granted sick leave in respect of any period during which that officer fails to submit to an examination by a medical practitioner for the purpose of section 26(2) of the Act.

**(4)** Where an officer—

- (a) has received an opinion from a medical practitioner to the effect that the officer has a condition which is affecting or is likely in the future to affect the officer's performance of duty; and
- (b) brings that opinion to the attention of the chief executive;

the chief executive shall make an examination of the circumstances of the case.

**(5) Records to be maintained** A separate record shall be maintained in each department of all cases in which officers are referred for a medical opinion under section 26(2) of the Act.

### *Division 2—Discipline and suspension*

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### **Officer charged with offence before court**

**101.** Where an officer is charged with having committed any indictable offence, or is convicted by any court of an offence, whether punishable on summary conviction or otherwise, the officer shall immediately report the fact and the circumstances in writing to the prescribed authority as defined for the purposes of section 29 of the Act, through the officer's immediate supervisor.

## **PART 7—SEPARATION OF OFFICERS FROM THE SERVICE**

### **Resignation of officers**

**102.(1) Notice required** An officer referred to in section 25(2) of the Act whose resignation is to take effect less than 2 weeks after it is given shall forfeit 2 weeks salary or such lesser amount as the chief executive considers to be fair and reasonable.

**(2) Resignation to take effect** A notice of resignation shall take effect of its own force in accordance with its terms and without the need for acceptance.

## **PART 8—MISCELLANEOUS**

### **Access to officer's file**

**103.(1)** At a time and place convenient to the department, an officer shall be permitted to peruse any departmental file or record held on the officer.

**(2)** The officer shall not be entitled to remove from that file or record any papers contained in it but shall be entitled to obtain a copy of it.

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### **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.

## **PART 9—TRANSITIONAL MATTERS**

### **Transitional provisions because of s 31(1)<sup>9</sup>**

**105.(1)** In this section—

**“commencement”** means the commencement of section 5 of the *Public Service Management and Employment Amendment Regulation (No. 3) 1992*.

**“former regulation”** means the *Public Service Management and Employment Regulation 1988* before the commencement.

**“monthly due date”** of an officer is the day after a completed month of service for the officer under section 31(1) of the former regulation.

**“relevant officer”** means an officer whose monthly due date is not the day of the commencement.

**(2)** For the purposes of section 31(1) after the commencement, a relevant officer’s year of service starts on the monthly due date during the officer’s first month of service after the commencement.

**(3)** Until the relevant officer’s year of service starts, the officer continues to accrue leave under section 31(1) of the former regulation as if that section had not been amended.

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<sup>9</sup> Previously s 27 of the former regulation.

## SCHEDULE 1

### SENIOR EXECUTIVE REMUNERATION PACKAGE AMOUNTS—STAGED INCREASES

sections 79(2) and 80(2) and (5) of the regulation

Column 1	Column 2	Column 3	Column 4
Package point	Stage 1 increase	Stage 2 increase	Stage 3 increase
	\$	\$	\$
1.1	64 208	65 107	67 711
1.2	66 771	67 706	70 414
1.3	69 846	70 824	73 657
1.4	72 921	73 942	76 900
2.1	75 058	76 109	79 153
2.2	78 133	79 227	82 396
2.3	81 208	82 345	85 639
2.4	84 796	85 983	89 422
2.5	88 383	89 620	93 205
3.1	90 008	91 268	94 919
3.2	93 596	94 906	98 703
3.3	97 183	98 544	102 485
3.4	100 771	102 182	106 269
3.5	104 051	105 508	109 728
4.1	104 358	105 819	110 052
4.2	113 583	115 173	119 780
CEO.1	115 000	116 610	121 275
CEO.2	122 000	123 708	128 656
CEO.3	142 000	143 988	149 748

## SCHEDULE 2

### SENIOR EXECUTIVE REMUNERATION PACKAGE AMOUNTS FOR CERTAIN ENTITLEMENTS—STAGED INCREASES

sections 95(2) and 96(2) to (5) of the regulation

Column 1	Column 2	Column 3	Column 4
Package point	Stage 1 increase	Stage 2 increase	Stage 3 increase
	\$	\$	\$
1.1	59 208	60 107	62 711
1.2	61 771	62 706	65 414
1.3	64 846	65 824	68 657
1.4	67 921	68 942	71 900
2.1	69 458	70 509	73 553
2.2	72 533	73 627	76 796
2.3	75 608	76 745	80 039
2.4	79 196	80 383	83 822
2.5	82 783	84 020	87 605
3.1	83 808	85 068	88 719
3.2	87 396	88 706	92 503
3.3	90 983	92 344	96 285
3.4	94 571	95 982	100 069
3.5	97 851	99 308	103 528
4.1	98 158	99 619	103 852
4.2	107 383	108 973	113 580
CEO.1	108 000	109 610	114 275
CEO.2	115 000	116 708	121 656
CEO.3	135 000	136 988	142 748

## SCHEDULE 3

### NOMINATED SERVICE DELIVERY UNITS

section 71 of the regulation

<b>Unit</b>	<b>Department unit attached to</b>
CITEC .....	Administrative Services Department
GOPRINT .....	Administrative Services Department
Marine Pilots .....	Department of Transport
Operational areas (school based positions) .....	Education Department
Project Management .....	Administrative Services Department
Project Services .....	Administrative Services Department
Q-Build .....	Administrative Services Department
Q-Fleet .....	Administrative Services Department
Queensland Ambulance Service .....	Queensland Emergency Services
Queensland Fire Service .....	Queensland Emergency Services
Queensland Police Service .....	Department of Police
Queensland Rail .....	Department of Transport
Regional Health Authorities .....	Department of Health
Roads Program .....	Department of Transport
Sales and Distribution .....	Administrative Services Department
TAFE Queensland .....	Department of Employment, Vocational Education, Training and Industrial Relations



## ENDNOTES

### 1 Index to 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 6 January 1995. 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.

### 3 Table of earlier reprints

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 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Table of corrected minor errors	1
Table of renumbered provisions	1, 2

## **5 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 (rep reg pubd Gaz 3 November 1990 p 1144)

### **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

### **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**

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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 amended by 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

**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

## 6 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
R3	=	Reprint No. 3
R4	=	Reprint No. 4
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**This reprint has been renumbered—see Table of renumbered provisions in Endnote 7.**

### Short title

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  
def “**adoption leave**” ins 1993 SL No. 142 s 3  
def “**adoption order**” ins 1993 SL No. 142 s 3  
def “**award**” ins 1992 SL No. 222 s 3  
def “**child**” ins 1993 SL No. 142 s 3  
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  
def “**industrial agreement**” ins 1992 SL No. 222 s 3  
def “**maternity leave**” ins 1993 SL No. 142 s 3

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def “**parental leave**” ins 1993 SL No. 142 s 3  
 def “**paternity leave**” ins 1993 SL No. 142 s 3  
 def “**primary care giver**” ins 1993 SL No. 142 s 3  
 def “**senior executive**” ins 1994 SL No. 406 s 4(2)  
 def “**spouse**” ins 1993 SL No. 142 s 3

**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

**Qualifications to be met**

s 8 amd reg pubd Gaz 29 June 1991 pp 1252–5

**Position description**

s 9 amd reg pubd Gaz 29 June 1992 pp 1252–5

**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

**Information must be given on appointment to public service**

s 13 sub reg pubd Gaz 29 June 1991 pp 1252–5

**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

**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

**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

**Division 5—Parental leave**

**Div hdg** ins 1993 SL No. 142 s 7

**Subdivision 1—General provisions**

**Sdiv hdg** ins 1993 SL No. 142 s 7

**Meaning of parental leave**

**s 38** ins 1993 SL No. 142 s 7

**Application for parental leave not to be unreasonably refused**

**s 39** ins 1993 SL No. 142 s 7

**Period of parental leave**

**s 40** ins 1993 SL No. 142 s 7

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

**s 41** ins 1993 SL No. 142 s 7

**Parental leave is generally unpaid leave**

**s 42** ins 1993 SL No. 142 s 7

**Variation of period of parental leave**

**s 43** ins 1993 SL No. 142 s 7

**Cancellation of parental leave**

**s 44** ins 1993 SL No. 142 s 7

**Resumption of duty**

**s 45** ins 1993 SL No. 142 s 7

**Grant of parental leave not to affect continuity of service**

**s 46** ins 1993 SL No. 142 s 7

**Subdivision 2—Maternity leave**

**Sdiv hdg** ins 1993 SL No. 142 s 7

**Entitlement to maternity leave**

**s 47** ins 1993 SL No. 142 s 7

**Application for maternity leave**

**s 48** ins 1993 SL No. 142 s 7

**Minimum period of maternity leave**

**s 49** ins 1993 SL No. 142 s 7

**Transfer to safe duties**

**s 50** ins 1993 SL No. 142 s 7

**Subdivision 3—Paternity leave**

**Sdiv hdg** ins 1993 SL No. 142 s 7

**Entitlement to paternity leave**

**s 51** ins 1993 SL No. 142 s 7

**Application for paternity leave**

**s 52** ins 1993 SL No. 142 s 7

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**Subdivision 4—Adoption leave**

**Sdiv hdg** ins 1993 SL No. 142 s 7

**Entitlement to adoption leave**

**s 53** ins 1993 SL No. 142 s 7

**Officer to give notice of intention to adopt**

**s 54** ins 1993 SL No. 142 s 7

**Application for adoption leave**

**s 55** ins 1993 SL No. 142 s 7

**Special adoption leave**

**s 56** ins 1993 SL No. 142 s 7

**Subdivision 5—Part-time work**

**Sdiv hdg** ins 1993 SL No. 142 s 7

**Application for part-time work**

**s 57** ins 1993 SL No. 142 s 7

**Approved part-time work**

**s 58** ins 1993 SL No. 142 s 7

**Part-time work agreement**

**s 59** ins 1993 SL No. 142 s 7

**Regulation to prevail**

**s 60** ins 1993 SL No. 142 s 7

**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

**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

**Division 1—Interpretation**

**Div hdg** ins 1994 SL No. 406 s 6

**Definitions for Part**

**s 70** ins 1994 SL No. 406 s 6

**Division 2—Terms and conditions**

**Div hdg** ins 1991 SL No. 179 s 5

**Application of Part**

**s 71** ins 1991 SL No. 2 s 7  
sub 1991 SL No. 179 s 5

**General rule**

**s 72** ins 1991 SL No. 2 s 7  
sub 1991 SL No. 179 s 5

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**Entitlement to salary and remuneration benefits**

**s 73**      ins 1991 SL No. 2 s 7  
             sub 1991 SL No. 179 s 5

**Other terms and conditions**

**s 74**      ins 1991 SL No. 2 s 7  
             sub 1991 SL No. 179 s 5

**Division 3—Salary and remuneration benefits**

**Div hdg**   ins 1991 SL No. 179 s 5

**Definitions**

**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

**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

**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

**Content of agreements**

**s 78**      ins 1991 SL No. 2 s 7  
             sub 1991 SL No. 179 s 5  
             amd 1994 SL No. 406 s 11

**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

**Variation of remuneration package amount under enterprise bargaining**

**s 80**      ins 1994 SL No. 406 s 12

**Senior Executive Service package points, work value ranges and remuneration**

**s 81**      ins 1991 SL No. 2 s 7  
             sub 1991 SL No. 179 s 5; 1994 SL No. 406 s 12

**Determination of assessed work value and work value range**

**s 82**      ins 1991 SL No. 2 s 7  
             sub 1991 SL No. 179 s 5; 1994 SL No. 406 s 12



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**Allocation of package point for senior executives**

**prov hdg** sub 1994 SL No. 406 s 13  
**s 83** ins 1991 SL No. 2 s 7  
sub 1991 SL No. 179 s 5

**Allocation of package point for chief executives**

**s 84** ins 1994 SL No. 406 s 14

**Remuneration package maintenance**

**s 85** ins 1991 SL No. 2 s 7  
sub 1991 SL No. 179 s 5  
amd 1994 SL No. 406 s 15

**Remuneration benefits**

**s 86** ins 1991 SL No. 179 s 5

**Time and circumstances of making salary payments**

**s 87** ins 1991 SL No. 179 s 5

**No remuneration for work outside ordinary hours**

**s 88** ins 1991 SL No. 179 s 5

**Annual leave loading**

**s 89** ins 1991 SL No. 179 s 5

**Remuneration benefits where salary not payable**

**s 90** ins 1991 SL No. 179 s 5

**Chief executives to comply with Commission guidelines**

**s 91** ins 1991 SL No. 179 s 5

**Division 4—Other terms and conditions**

**Div hdg** ins 1991 SL No. 179 s 5

**Telephone expense entitlement**

**s 92** ins 1991 SL No. 179 s 5

**Expense reimbursement entitlement**

**s 93** ins 1991 SL No. 179 s 5

**Maintenance of terms and conditions on reduction**

**s 94** ins 1991 SL No. 179 s 5

**Amounts for purposes of certain entitlements**

**s 95** ins 1991 SL No. 179 s 5  
sub 1994 SL No. 406 s 16

**Variation of amounts for purposes of certain entitlements under enterprise bargaining**

**s 96** ins 1994 SL No. 406 s 16

**PART 6—PROMOTION AND DISCIPLINE APPEALS, GRIEVANCES**

**Pt hdg** om 1991 SL No. 131 Sch Pt B

**Division 1—Office of Commissioner for Public Service Appeals**

**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

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s 52 om 1991 SL No. 131 Sch Pt B

**Withdrawal of appeal**

s 53 om 1991 SL No. 131 Sch Pt B

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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

**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

**Conduct of appeal**

s 58 om 1991 SL No. 131 Sch Pt B

**Outcome of promotion appeals**

s 59 om 1991 SL No. 131 Sch Pt B

**Division 5—Discipline appeals**

Div hdg om 1991 SL No. 131 Sch Pt B

**Application of this Division**

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

**Outcome of discipline appeals**

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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**Officers objecting to decision or treatment**

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

**PART 9—TRANSITIONAL MATTERS**

**Pt hdg** ins 1992 SL No. 222 s 6

**Transitional provisions because of s 31(1)**

**s 105** ins 1992 SL No. 222 s 6  
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**Numbering and renumbering of regulation**

**s 106** ins 1994 SL No. 406 s 17  
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**SCHEDULE 1—SENIOR EXECUTIVE REMUNERATION PACKAGE  
AMOUNTS—STAGED INCREASES**

ins 1994 SL No. 406 s 18

**SCHEDULE 2—SENIOR EXECUTIVE REMUNERATION PACKAGE  
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**SCHEDULE 3—NOMINATED SERVICE DELIVERY UNITS**

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## 7 **Table of renumbered provisions**

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Employment Regulation 1988 s 106

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27(3)(ca)	31(5)(f)
27(3)(d)	31(5)(g)
27(3)(da)	31(5)(h)
27(3)(e)	31(5)(i)
27(3)(f)	31(5)(j)
27(3)(fa)	31(5)(k)
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28(2)(b)	32(2)(d)
28(2)(c)	32(2)(e)
28(2)(d)	32(2)(f)
28(2)(e)	32(2)(g)
28(2)(f)	32(2)(h)
28(2)(fa)	32(2)(i)
28(2)(g)	32(2)(j)
28(2)(h)	32(2)(k)
28(2)(i)	32(2)(l)
30	33
30(2)(ba)	33(2)(c)
30(2)(c)	33(2)(d)
30(2)(d)	33(2)(e)
30(2)(e)	33(2)(f)
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