



ANNO TRICESIMO SEPTIMO  
ELIZABETHAE SECUNDAE REGINAE

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No. 52 of 1988

**An Act to provide for the management of and employment  
in the public service of Queensland**

[ASSENTED TO 12TH MAY, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short Title.** This Act may be cited as the *Public Service Management and Employment Act 1988*.

**1A. Commencement.** (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as is provided by subsection (1), the provisions of this Act shall commence on a day to be appointed by Proclamation. The day so appointed is in this Act called the commencement of this Act.

**2. Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-5);

PART II—PRINCIPLES AND OBJECTIVES OF PUBLIC SERVICE (ss. 6-7);

PART III—DEPARTMENTS (ss. 8-10);

PART IV—CHIEF EXECUTIVES OF DEPARTMENTS (ss. 11-15);

PART V—PROVISIONS AFFECTING STAFF (ss. 16-34);

PART VI—OFFICE OF PUBLIC SERVICE PERSONNEL MANAGEMENT (ss. 35-37);

PART VII—MISCELLANEOUS PROVISIONS (ss. 38-44).

SCHEDULE I

SCHEDULE II

SCHEDULE III

**3. Repeals.** An Act specified in the following Table is repealed:—

TABLE

Short title of Act	Number
<i>The Public Service Act of 1922</i>	13 Geo. 5 No. 31
<i>The Public Service Act Amendment Act of 1924</i>	15 Geo. 5 No. 24
<i>The Public Service Acts Amendment Act of 1965</i>	No. 15 of 1965
<i>Public Service Act Amendment Act of 1968</i>	No. 48 of 1968
<i>Public Service Act Amendment Act of 1973</i>	No. 76 of 1973
<i>Public Service Act Amendment Act 1978</i>	No. 61 of 1978
<i>Public Service (Board's Powers and Functions) Act 1987</i>	No. 71 of 1987

**4. Interpretation.** (1) In this Act except where a contrary intention appears—

“department” means an entity for the time being specified as a department in Schedule I and includes every organizational

unit that, for administrative purposes, is related to the department;

“Director” means the Director provided for in Part VI and includes a person for the time being performing the duties of the Director;

“industrial agreement” means an industrial agreement within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987*;

“industrial award” means an award within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987*;

“industrial tribunal” means a tribunal exercising jurisdiction conferred by an Act in relation to an industrial matter within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987*;

“misconduct” means—

- (a) disgraceful or improper conduct that shows unfitness to be or continue as an officer of the public service;
- (b) behaviour that does not satisfy a standard of behaviour generally expected of officers of the public service;

“office” means a position within the public service ordinarily held by an officer;

“officer” means an officer of the public service;

“public employment” means employment for which remuneration is paid from expenditure of a department;

“public service” means the framework within which persons employed in the departments specified in Schedule I give practical effect to the policies of the Government of Queensland;

“termination” in relation to a contract of employment includes a failure to renew the contract or to make a fresh contract.

(2) The expression “officers of the public service” includes—

- (a) all persons and classes of persons who, before the commencement of this Act, were appointed to office pursuant to *The Public Service Act of 1922*, or that Act as amended and in force for the time being;
- (b) all persons, however appointed, and classes of persons who, immediately before the commencement of this Act, are treated as “officers” for the purposes of the *Public Service Act 1922-1978*;
- (c) all persons appointed to office pursuant to Part IV or V of this Act;
- (d) except as provided by or pursuant to subsection (3) all persons appointed by the Governor in Council, before or after the commencement of this Act, to an office within a department, which office is expressly provided for by an Act that does not prescribe whether the office is to be held

under *The Public Service Act of 1922* or that Act as amended and in force for the time being,

and does not include—

- (e) persons or a class of person specified in Schedule II;
- (f) persons who, being members of a class referred to in any of paragraphs (a) to (d) have been removed from the application of the *Public Service Act 1922-1978*, expressly or impliedly, by or pursuant to an Act;
- or
- (g) persons, other than those referred to in paragraphs (a) to (d) who may from time to time be employed in any capacity in public employment.

(3) Paragraph (d) of the definition “officers of the public service” does not include any person holding an office provided for by—

the *Railways Act 1914-1985*;

the *Police Act 1937-1985*;

the *Electricity Act 1976-1986*,

or any other Act or provision of an Act for the time being declared for the purposes of this subsection by Order in Council or any person holding an office, or an office of a class, for the time being declared by Order in Council not to be an office within the public service.

(4) A reference in or under any Act to the permanent head, within the meaning of *The Public Service Act of 1922* as amended and in force for the time being, of a department of government shall be construed as a reference to the chief executive under whose control the department is.

**5. Administration of Act.** (1) This Act shall be administered by the Minister of the Crown for the time being charged with the administration thereof or by any person for the time being performing the duties of that Minister.

The person for the time being administering this Act is referred to in this Act as the Minister.

(2) A power conferred on the Governor in Council for the purposes of section 4 (3), 9, 10, 11 (5), 14, 17, 18, 19 (3), 28, 32 (2), 38, 40 or 43 shall not be exercised except on the recommendation of the Minister.

## PART II—MANAGEMENT PRINCIPLES AND OBJECTIVES OF PUBLIC SERVICE

**6. Public Administration.** The management and administration of the public service shall be directed towards:—

- (a) maintaining excellence, objectivity, impartiality and integrity in the formulation and delivery to the Government of

- Queensland of information and advice to assist in the processes of making decisions by the Government;
- (b) maintaining standards of excellence in service to the community;
  - (c) implementing the policies and priorities of the Government of Queensland responsively and responsibly;
  - (d) reviewing and improving the efficiency and effectiveness with which services are provided to the community;
  - (e) maintaining a proper nexus between responsibility and the authority required to discharge the responsibility and accountability for the proper discharge of responsibility;
  - (f) deploying and utilizing resources to the maximum of their effectiveness.

**7. Personnel management.** Personnel management within the public service shall be directed towards achieving the following principles:—

- (a) processes for selecting persons for appointment and appointment of persons to or within the public service to be directed towards and be based upon a proper assessment of the merit of the applicants;
- (b) officers to be treated fairly and not to be subjected to arbitrary or capricious acts or decisions;
- (c) officers to be accorded equal opportunities, having regard to their qualifications and callings, to secure promotion and advancement;
- (d) officers to have reasonable access to training and development, of self and skills, and to be employed in employment, where possible having regard to its availability, appropriate to their respective capacities;
- (e) officers to be provided with safe and healthy working conditions;
- (f) officers to be remunerated at rates that are commensurate with the responsibilities undertaken by them.

### PART III—DEPARTMENTS

**8. Existing departments.** The entities specified as departments in the first column of Schedule I are the departments of government of Queensland and shall continue to be such departments until it is otherwise declared pursuant to section 9.

**9. Creation etc. of departments.** (1) The Governor in Council may from time to time, by Order in Council, do one or more of the following:—

- (a) bring a department into being—
  - (i) by declaring any entity specified in the order to be a department of government of Queensland;
  - (ii) by amalgamating two or more departments or parts of departments, or by amalgamating any part or parts of a

department or parts of two or more departments with another department, and declaring the entity so formed to be a department of government of Queensland;

- (b) amalgamate a department or part of a department with another department, having the effect that the first-mentioned department or, as the case may be, that part thereby becomes part of the other department;
- (c) assign a name to a new department or change the name of a department;
- (d) create an entity and add the entity to any department;
- (e) discontinue a department or part of a department.

(2) When the Governor in Council has, by Order in Council, exercised a power conferred on him by subsection (1) Schedule I to this Act shall be amended if necessary by the same or a further Order in Council to reflect the change or changes effected by the exercise of power.

(3) When a department or part of a department is amalgamated with another department all officers and employees of the department or part shall, by reason of that amalgamation, become officers or, as the case may be, employees of that other department unless otherwise determined by the Governor in Council.

**10. Functions and duties of departments.** (1) The Governor in Council may, from time to time by Order in Council—

- (a) entrust to a department such functions and responsibilities as he believes can be efficiently discharged in that department;
- (b) relieve a department of such functions and responsibilities as he thinks fit;
- (c) transfer from one department to another department such officers and provide for all such arrangements and prescribe in respect of all such matters as the Governor in Council considers appropriate to give effect to an Order in Council made pursuant to this subsection,

and every such Order in Council shall have force and effect in law and shall be given effect by all persons concerned.

(2) The functions and responsibilities of a department in being at the commencement of this Act shall be those discharged by the department at the commencement of this Act as added to or diminished by Order in Council made under subsection (1).

#### PART IV—CHIEF EXECUTIVES OF DEPARTMENTS

**11. Position of chief executive.** (1) Each department shall be under the control of a chief executive.

(2) A chief executive shall be appointed to office by the Governor in Council, by notification published in the Gazette, who, in the

instrument of appointment, shall specify the title of office by which the chief executive shall be known.

Every person who by reason of his appointment to a particular office would become the chief executive of a department shall be appointed to the office under this subsection upon the conditions of employment prescribed by this Act for employment of chief executives, notwithstanding the provisions of any other Act.

(3) Subsection (2) does not extend to the appointment of the Auditor-General or the Commissioner of Police who shall continue to be appointed pursuant to the *Financial Administration and Audit Act 1977-1985* and the *Police Act 1937-1987* respectively.

(4) The chief executive in control of a department specified in Schedule I is the person holding the office referred to in the second column of that schedule opposite the reference to that department.

(5) If at any time the title of office of the chief executive in control of a department is changed or any other change occurs that makes Schedule I inaccurate, that schedule shall be amended by Order in Council to reflect the change.

**12. Responsibility of chief executive.** (1) Subject to the Minister of the Crown for the time being responsible for the department, the chief executive of a department is responsible for the efficient and proper management and functioning of the department in accordance with this Act and every other Act that provides for matters relevant to any activity within the administration of the department and is hereby authorized to do and suffer, subject to this Act and such other Act, all such acts and things as he thinks necessary or expedient to the proper discharge of his responsibility.

(2) In discharging his responsibilities, whether under this Act or any other Act, the chief executive shall—

- (a) observe the principles of public administration and of personnel management prescribed by this Act;
- (b) observe any relevant industrial award or industrial agreement and any relevant determination or rule made by an industrial tribunal;
- (c) subject to this Act, ensure compliance with all applicable Acts, regulations, lawful directives, rules, instructions, policies and procedures;
- (d) have regard to all relevant guidelines issued pursuant to this Act.

(3) Without limiting a chief executive's responsibilities under subsection (1) that responsibility includes responsibility for the following matters:—

- (a) determination of priorities;
- (b) determination of the appropriate organizational structure of the department;
- (c) redesignation of offices;
- (d) control of the department's financial and other resources;
- (e) selection of staff and recruitment of staff other than

- recruitment for which the Office of Public Service Personnel Management is responsible;
- (f) the determination of the number and deployment and the location of headquarters of staff;
  - (g) determination of levels of salary of staff;
  - (h) qualifications required for holding offices and duties attaching to offices;
  - (i) recommendations for promotion of staff;
  - (j) training and development of staff;
  - (k) discipline of staff;
  - (l) appraisal of staff performance;
  - (m) approval and administration of leave arrangements;
  - (n) internal re-deployment and re-training of officers;
  - (o) termination of employment of staff;
  - (p) determination of the times between which each member of staff shall work his ordinary hours of work;
  - (q) development of means to ensure all staff members are treated justly and fairly;
  - (r) maintenance of proper records.

(4) As soon as is practicable after the commencement of this Act and from time to time thereafter so that no more than five years expire between publication of one notification under this subsection and the publication of the next such notification the Governor in Council shall, by notification in the *Gazette*, publish in respect of each chief executive of a department a list of—

- (a) the names of the department and all organizational units in the department for the efficient and proper management and functioning of which the chief executive is responsible; and
- (b) the titles of all Acts with the administration of which the chief executive is concerned.

**13. Delegation of powers and functions.** (1) The chief executive may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand delegate to any officer in the department or to the person who for the time being holds or performs the duties of any office in the department all or any of the powers or functions incidental in the discharge of the responsibilities of the chief executive.

(2) A delegation of a power or function may be made subject to conditions and limitations or absolutely and shall not prejudice the making by the chief executive of other delegations of the same power or function.

(3) A delegate to whom a power or function has been so delegated may, while the delegation subsists, do and suffer all such acts and things

in accordance with the terms of the delegation as he thinks necessary or expedient to the proper exercise or discharge of the power or function.

(4) An act or thing done or suffered by a delegate acting in accordance with a delegation has the same force and effect as if the act or thing had been done or suffered by the chief executive.

(5) A delegation of a power or function incidental in the discharge of a responsibility of a chief executive shall not—

- (a) affect the exercise or discharge of the power or function by the chief executive;
- or
- (b) relieve the chief executive from his obligation to ensure that the responsibility is properly discharged.

**14. Basis of employment of chief executive.** (1) The conditions of employment of a chief executive—

- (a) shall be as approved from time to time by the Governor in Council and accepted by the person who is or is to be the chief executive;
- (b) shall be governed by a contract of employment made or deemed to be made between the Crown and the chief executive;
- and
- (c) shall not be subject to any industrial award or industrial agreement or any determination or rule of an industrial tribunal.

(2) Where there has been made to any person an offer of a contract of employment with respect to his employment in a position that under this Act is a position of a chief executive (whether the offer is made before or after the commencement of this Act) it shall be deemed—

- (a) where the offer is made before the person's appointment to the position, that, upon his accepting appointment to the position;
- or
- (b) where the offer is made after the person's appointment to the position, that, upon his agreeing to being engaged under a contract of employment in the position,

the person has made with the Crown a contract of employment upon the conditions approved by the Governor in Council in relation to the position and conveyed to him.

(3) The provisions of subsections (1) and (2) do not apply to employment in the position of Auditor-General or Commissioner of Police.

**15. Acting as chief executive.** If at any time a chief executive is unable to discharge his responsibilities because of his absence or incapacity or if at any time there is a vacancy in the office of chief executive and

it is expedient that someone should assume those responsibilities, the Minister of the Crown for the time being responsible for the department concerned may, by writing under his hand, authorize any other officer who, in his opinion, possesses appropriate qualifications to discharge the responsibilities of the chief executive, notwithstanding the provisions of any other Act, whereupon—

- (a) the Minister shall determine the remuneration payable to the officer so authorized, while he discharges those responsibilities, but in no case exceeding that payable for the time being to the chief executive or, as the case may be, to the last holder of the office;
- and
- (b) the person so authorized shall have and may discharge and exercise all the responsibilities, functions, duties and powers of the chief executive, while his authorization continues the provisions of any other Act notwithstanding.

#### PART V—PROVISIONS AFFECTING STAFF

**16. Authority to appoint officers.** (1) Authority to appoint any person as an officer of the public service or to appoint or second any officer to any office lies solely with the Governor in Council.

(2) Appointment to any office within a department provided for by any other Act, being an office other than that of a chief executive, shall be made under the authority conferred by subsection (1) upon the conditions of employment prescribed by or under this Act that are applicable to the office, notwithstanding the provisions of any other Act.

**17. Assignment of power to appoint.** The Governor in Council may, by Order in Council, declare that the power—

- (a) to appoint to an office or class of office;
- or
- (b) to appoint or second any officer or member of a class of officer to an office or to a class of office,

may be exercised by the Minister of the Crown responsible for the department within which is the office to which appointment or secondment is to be made or by such other person within that department having authority conferred by the Minister in that behalf.

Every such order shall be effectual to confer the necessary power to appoint or second in accordance with its terms.

**18. Publication of appointments.** Notification of every appointment of a person as an officer of the public service or appointment or

secondment of an officer to an office shall be published in the *Gazette*, except where—

- (a) the appointment is of officers for whose recruitment the Office of Public Service Personnel Management is responsible;
- (b) the appointment is within approved progressional arrangements;
- or
- (c) the appointment or secondment is to an office of a class of office for the time being approved by the Governor in Council as a class of office to which this section does not apply.

**19. Bases of employment in public service.** (1) Appointment to an office within the public service, including by way of promotion—

- (a) shall be made on the basis of full-time employment, if the office is not one or one of a class of office referred to in paragraph (b).

or

- (b) may be made on the basis of part-time employment, if the office is one or one of a class of office approved by the Governor in Council to be open to appointment on that basis;

(2) Appointment to any office within the public service, including by way of promotion, shall be made as follows:—

- (a) if the office is one declared pursuant to subsection (3), the appointment shall be made for a limited duration of tenure;
- (b) if the office is one not declared pursuant to subsection (3), the appointment shall be upon a tenure that is not limited by time.

(3) The Governor in Council may, by Order in Council, declare any office or class of office, other than that of chief executive, to be an office or class of office to which appointment shall be made upon a contract basis.

While such a declaration subsists, appointment to the office so declared or to an office of a class so declared shall be made upon a contract basis.

**20. Conditions of employment on contract.** (1) Where appointment to an office within the public service is duly made under this Act upon a contract basis, the conditions of employment in that office—

- (a) shall be as approved from time to time by the Governor in Council and accepted by the person who is or is to be the holder of the office;
- (b) shall be governed by a contract of employment made or deemed to be made between the Crown and the officer concerned and attested on behalf of the Crown by the chief

executive of the department in which the appointment is made;

and

- (c) shall not be subject to any industrial award or industrial agreement or any determination or rule of an industrial tribunal.

(2) Where there has been made to any person an offer of a contract of employment with respect to his employment in an office that under this Act is one to which appointment shall be made upon a contract basis (whether the offer is made before or after the commencement of this Act) it shall be deemed—

- (a) where the offer is made before the person's appointment to the office, that upon his accepting appointment to the office;
- or
- (b) where the offer is made after the person's appointment to the office, that, upon his agreeing to being engaged under a contract of employment in the office,

the person has made with the Crown a contract of employment upon the conditions approved by the Governor in Council in relation to the office and conveyed to him.

(3) If at any time an appointment to an office purporting to have been made under this Act upon a contract basis is not duly so made, the appointment shall be deemed to have been made upon a tenure that is not limited by time and upon conditions of employment provided for by any relevant industrial award or industrial agreement and the appointee shall hold the office accordingly.

(4) Where the contract of employment made or deemed to have been made with the Crown by an officer of the public service who holds an office upon a contract basis is terminated otherwise than by way of disciplinary action pursuant to this Act the officer is entitled to elect to continue to be employed as an officer, though not upon a contract basis, at a level of salary determined by the chief executive of the department in which the officer held such office but not less than the level of salary at which he was employed at the time immediately before he first accepted employment upon a contract basis, adjusted to accord with movements in rates of salaries since that time and, if he does so elect, the officer shall renounce all entitlements secured to him by the contract of employment in the event of its termination in the circumstances in which the termination has occurred.

Every such election—

- (a) shall be made in writing signed by the officer and given to the chief executive of the department in which the officer is employed no later than 14 days after notice of termination of the contract has been given to the officer;
- and
- (b) upon being duly made, shall have the effect that the elector's services as an officer shall be deemed not to have been

terminated by the termination of his contract of employment but to have continued in accordance with the terms of election prescribed by this subsection.

This subsection applies only in relation to—

- (c) an office of a class prescribed by the regulations;  
and
- (d) an officer who at the time he was first appointed to an office upon a contract basis held an office within the public service upon a tenure unlimited by time, and whose service in the last-mentioned office and in any office or offices subsequently held by him until the termination of the contract in question has been continuous.

(5) Service of an officer shall be deemed to be continuous if it accords with a regulation (if any) relating to continuity of service in the public service.

**21. Creation of offices.** The Governor in Council may, on the recommendation of the chief executive of the department concerned, create or abolish offices within a department.

**22. Vacancies to be advertised.** (1) Where it is proposed to make an appointment to fill a vacancy in an office within the public service, a notification of the existence of the vacancy seeking applicants to fill the vacancy shall be published in the Gazette for a period prescribed by the regulations before any appointment is made.

This subsection does not apply if the office in which the vacancy exists—

- (a) is an office for which the Office of Public Service Personnel Management is responsible for recruitment;
- (b) is of a temporary nature;  
or
- (c) is an office of a class of office prescribed by the regulations to be a class of office in respect of which a vacancy therein need not be advertised.

(2) The up-grading of any office creates a vacancy in that office for the purposes of subsection (1).

**23. Appointment on probation.** (1) This section does not apply in relation to an appointment to an office within the public service made on a contract basis.

(2) A person who is not already an officer of the public service and who is appointed to an office shall be so appointed on probation for a period not less than 12 months.

(3) A person who is already an officer and who is appointed by way of promotion to an office shall be so appointed on probation for a period not less than six months.

(4) Where a person has been appointed on probation in compliance with subsection (2) or (3)—

(a) if immediately before his appointment he was not an officer, the prescribed authority may—

(i) at any time during a period of probation, terminate the employment in the public service of the person;

(ii) upon the expiry of a period of probation, confirm the appointment, extend the period of probation, or rescind the appointment and thereby terminate the employment in the public service of the person;

or

(b) if immediately before his appointment he was an officer the prescribed authority may—

(i) at any time during a period of probation, rescind the appointment;

(ii) upon the expiry of a period of probation, confirm the appointment, extend the period of probation or rescind the appointment.

(5) Where an appointment is rescinded pursuant to paragraph (b) of subsection (4) the services of the officer shall be retained in the department in or to which he was so appointed at a level of salary not less than the level of salary of the person immediately before he was so appointed, until he is appointed to an office elsewhere or is otherwise duly dealt with in accordance with this Act.

(6) If a person who has been appointed on probation in compliance with subsection (2) or (3) is still serving a period of probation upon the expiry of 18 months after the date of his appointment on probation, then, if within one month after that expiry his appointment has been neither confirmed nor rescinded, his appointment shall be deemed to have been confirmed upon that expiry.

(7) In this section the expression “prescribed authority” means the chief executive of the department in which the appointee is employed.

**24. Officer not to refuse transfer.** An officer of the public service who is transferred from one office to another by his being duly appointed to an office as holder of which he will be entitled to a level of salary not less than his existing level of salary, shall accept the transfer unless he establishes to the satisfaction of the chief executive concerned reasonable grounds for not accepting the transfer.

If the officer indicates his refusal of the transfer and fails to establish to the satisfaction of the chief executive concerned reasonable grounds for his not accepting the transfer, the chief executive may direct the officer to accept the transfer and to attend for work in the office to which he has been so appointed.

**25. Resignation from public service.** (1) An officer of the public service whose conditions of employment are governed by a contract of

employment that provides for his resignation and the manner thereof may resign his employment in accordance with the contract of employment.

(2) An officer of the public service other than one referred to in subsection (1) may at any time resign his employment.

**26. Retirement from public service.** (1) An officer of the public service—

- (a) shall retire from the public service upon his attaining age 65 years;
- (b) may elect to retire from the public service upon or at any time after his attaining age 55 years.

(2) If the prescribed authority suspects on reasonable grounds that an officer by reason of mental or physical infirmity has not the capacity or is unfit—

- (a) to discharge efficiently the duties of his office;  
and
- (b) to discharge efficiently any other duties that the chief executive of the department in which the officer is employed might reasonably direct the officer to discharge,

the prescribed authority shall obtain medical opinion on the officer's condition and to that end may appoint any medical practitioner or medical practitioners to examine the officer and report to whomsoever the prescribed authority directs upon the officer's mental or physical condition or both and may direct the officer to submit himself to such examination.

(3) If the prescribed authority believes on reasonable grounds that an officer by reason of mental or physical infirmity has not the capacity or is unfit as prescribed by subsection (2), the prescribed authority may call upon the officer to retire from the public service within a time specified by the prescribed authority.

(4) If an officer called upon pursuant to subsection (3) to retire does not retire within the time specified, the prescribed authority may dismiss the officer from the public service.

(5) In this section the expression "prescribed authority" means—

- (a) in respect of a chief executive, the Governor in Council;
- (b) in respect of any other officer, the chief executive of the department in which the officer is employed.

**27. Mode of resignation or retirement.** The resignation or retirement of an officer of the public service shall be effected by writing signed by him given—

- (a) in the case of a chief executive, to the Minister of the Crown for the time being responsible for the department of which he is chief executive;
- (b) in the case of any other officer, to the chief executive of the department in which he is employed,

and shall be given and take effect as prescribed by the regulations.

**28. Retrenchment.** Where the Governor in Council is satisfied that—

- (a) the services of an officer of the public service can no longer be gainfully utilized in the office held by the officer because the office has become redundant;
- (b) it is not practicable to retrain or redeploy the officer;  
and
- (c) the redundancy arrangements approved by the Governor in Council have been complied with in relation to the officer,

he may terminate the services of the officer by way of retrenchment in accordance with those redundancy arrangements.

**29. Discipline.** (1) An officer of the public service is liable to disciplinary action upon any of the following grounds shown to the satisfaction of the prescribed authority to exist, namely—

- (a) incompetence or inefficiency in the discharge of the duties of office;
- (b) negligence, carelessness or indolence in the discharge of the duties of office;
- (c) misconduct;
- (d) absence from duty except—  
    upon leave duly granted as prescribed;  
    or  
    with reasonable cause;
- (e) wilful failure to comply with a lawful direction issued to him by any person having authority over him;
- (f) wilful failure to comply with any provision of a code of conduct approved by the Governor in Council for officers of the public service.

(2) Where action against an officer is contemplated on a ground referred to in paragraph (d) of subsection (1) the prescribed authority may appoint any medical practitioner or medical practitioners to examine the officer and to report to the prescribed authority or as he directs upon the officer's mental or physical condition or both, and may direct the officer to submit himself to such examination.

(3) If the prescribed authority is satisfied that an officer should be disciplined pursuant to subsection (1), the prescribed authority may order that he be disciplined in a manner that appears to the prescribed authority to be warranted, having regard to any relevant guidelines that may have been issued in relation to the exercise of discipline under this Act.

Without limiting the range of disciplines that may be imposed pursuant to this subsection, such disciplines may consist of—  
    dismissal;

reprimand;  
forfeiture or deferment of a salary increment or increase;  
reduction in the officer's level of salary;  
a deduction from the officer's salary of an amount not exceeding \$100.

Every order made pursuant to this subsection shall take effect in law and shall be given effect.

(4) The expression "prescribed authority" means—

(a) the Governor in Council, in respect of an officer who is a chief executive;

or

(b) in respect of any other officer, the chief executive of the department in which the officer concerned is employed.

**30. Suspension.** (1) Where it appears on reasonable grounds to the person who is authorized by this subsection to suspend the officer in question that the officer is liable to disciplinary action under section 29 or is suspected of involvement in circumstances such that the efficient and proper management of a department might be prejudiced if the officer's services are continued, the officer—

(a) if he is a chief executive, may be suspended from duty by the Minister of the Crown for the time being responsible for the department of which he is chief executive;

(b) if he is any other officer, may be suspended from duty by the chief executive of the department in which the officer is employed.

(2) A suspension imposed on an officer pursuant to subsection (1) may be lifted at any time by the person holding the office of the person who imposed it.

(3) An officer suspended from duty shall not be entitled to receive salary for any period during which he does not perform the duties of his office, unless the Governor in Council otherwise determines.

(4) An officer suspended from duty who is not entitled to salary for the period of his suspension, if he resumes duty as an officer of the public service upon the lifting of his suspension, shall be entitled to receive a sum equivalent to the amount of salary he would have received had he not been suspended diminished by the amount of salary, wages or fees (if any) to which he became entitled from any other source during the period of his suspension, unless the Governor in Council otherwise determines.

**31. Mode of dismissal or suspension.** (1) Dismissal or suspension of an officer of the public service shall be effected in accordance with this Act, any relevant guidelines that may have been issued in relation thereto under this Act and the principles of natural justice.

- (2) Dismissal or suspension of an officer shall be effected—
- (a) in the case of dismissal of a chief executive, by writing signed by the Premier of Queensland and given to the officer;
  - (b) in the case of suspension of a chief executive, by writing signed by the Minister of the Crown for the time being responsible for the department of which the officer is chief executive and given to the officer;
  - (c) in any other case, by writing signed by the chief executive of the department in which the officer is employed and given to the officer.

**32. Appeals against promotional appointments and disciplinary action.** (1) There shall be a Commissioner for Public Service Appeals.

A person may hold the office of Commissioner for Public Service Appeals in conjunction with any other office he holds within the public service.

(2) An appeal on the merits lies to the Commissioner for Public Service Appeals in accordance with this section, and not otherwise, in respect of—

- (a) all disciplinary action taken pursuant to this Act;  
and
- (b) every appointment to an office that involves the appointee's promotion except—
  - (i) an office or one of a class of office declared by or pursuant to this Act to be an office or class of office to which appointment shall be made upon a contract basis;  
and
  - (ii) an office or one of a class of office declared by Order in Council to be an office or a class of office in respect of appointment to which no appeal lies.

(3) An officer who may exercise the right of appeal is—

- (a) in the case of an appeal in respect of disciplinary action, he who is aggrieved by the decision that has resulted in disciplinary action against him;
- (b) in the case of an appeal against an appointment, he who satisfies the requirements of the regulations in respect of appeals of the class of appeal in question.

(4) An appeal in respect of disciplinary action may relate to the decision that has resulted in the action being taken or to the nature of the punishment or to both.

(5) Jurisdiction is hereby conferred on the Commissioner for Public Service Appeals to hear and make recommendations with respect to—

- (a) all matters relevant to an appeal duly instituted in relation to disciplinary action;

and

- (b) all matters relevant to an appeal duly instituted in relation to an appointment.

The institution and conduct of an appeal provided for by this section shall be as prescribed by the regulations or, in so far as the regulations do not so prescribe, as the commissioner determines from time to time, having regard to any guidelines issued pursuant to this Act in relation to the matter and to the principles—

- (c) that legal representation shall not be permitted to a party to an appeal;
- and
- (d) that the proceedings upon an appeal shall be informal and simple.

No appeal lies from a finding or recommendation made by the commissioner upon an appeal to him.

(6) The commissioner's recommendations upon an appeal shall be furnished—

- (a) in the case of an appeal relating to disciplinary action taken against a chief executive, to the Minister of the Crown to whom the chief executive is or was responsible;
- (b) in the case of an appeal relating to other disciplinary action, to the chief executive who took the action;
- (c) in the case of an appeal relating to an appointment, to the chief executive of the department in which the appointment was made.

(7) The Minister of the Crown or chief executive to whom the commissioner's recommendations are furnished shall, as soon as is practicable, cause those recommendations to be submitted to the Governor in Council.

**33. Reinstatement following dismissal.** Where a person dismissed from the public service is reinstated in an office within the public service consequent upon an exercise of jurisdiction by the Commissioner for Public Service Appeals, he shall not suffer loss of salary in respect of the period during which he was not an officer except to the extent that the Governor in Council directs to the contrary.

**34. Engagement of staff other than officers.** (1) A chief executive may engage the services of a person in the department of which he is chief executive if—

- (a) the position in which that person's services are to be employed is of a kind ordinarily held by a person who is not an officer; or
- (b) the position being of a kind ordinarily held by an officer, the engagement is required to meet temporary circumstances

existing in the department or is upon a basis not permissible for the engagement of an officer.

The appointment of a person whose services are engaged under this subsection shall be made in writing signed by the chief executive.

(2) An engagement of any person pursuant to subsection (1) may be on such basis, for such duration of tenure and on such terms and conditions as are agreed between that person and the chief executive, subject to any applicable industrial award or industrial agreement.

(3) A person appointed by a chief executive pursuant to this section shall not thereby become an officer of the public service.

#### PART VI—OFFICE OF PUBLIC SERVICE PERSONNEL MANAGEMENT

**35. Establishment of office.** (1) There shall be established and maintained the Office of Public Service Personnel Management.

(2) The Office of Public Service Personnel Management shall be under the control of a Director.

(3) The role of the Office is to promote and support the efficient and effective management of officers of the public service.

**36. Functions of Office.** (1) The functions of the Office of Public Service Personnel Management are—

- (a) to determine the minimum qualifications required for appointment as an officer of the public service;
- (b) to provide a centralized avenue for recruitment to the public service of officers of the class, Clerical and Administrative Personnel—Unclassified and such other class as the Governor in Council may determine from time to time;
- (c) to arrange for retraining of officers and their redeployment elsewhere than in the department in which they are officers;
- (d) to assist chief executives to manage officers economically, efficiently and effectively;
- (e) to develop guidelines in relation to human resource management issues;
- (f) to advise departments on practices of personnel management that will facilitate good management of the public service, promote healthy working conditions and ensure fair and equitable treatment of officers;
- (g) to discharge such other functions and to perform such tasks as required of it by the Government of Queensland from time to time.

(2) Before the Director issues guidelines with respect to any matter he shall, as far as is practicable, cause consultation to be had with the chief executives whom the proposed guidelines are likely to concern or with their nominees.

(3) In developing guidelines relevant to the matters referred to in this subsection the Director shall recognize the need of chief executives to observe the following principles:—

*Appointment:*

- (i) vacancies in offices in the public service are to be publicly advertised in certain cases and may be publicly advertised in other cases;
- (ii) proper and impartial consideration and evaluation are to be accorded to all applicants and their applications;

*Discipline:*

- (i) an officer against whom is made—
  - an allegation that is to be investigated with a view to taking disciplinary action pursuant to this Act;
  - or
  - an allegation that might result in disciplinary action pursuant to this Act,is to be informed of the substance of the allegation and accorded a fair opportunity to respond thereto.
- (ii) proper and impartial consideration is to be accorded to such officer's submissions made in response to an allegation made against him;

*Termination of services by way of retrenchment:*

all reasonable and practicable measures are to be taken with a view to utilizing the services of officers effectively before consideration is given to terminating their services by way of retrenchment.

**37. Director's report.** The Director shall cause to be prepared and furnished to the Minister an annual report on the operations of the Office of Public Service Personnel Management.

Every such report shall be tabled in the Legislative Assembly within 14 sitting days after it is received by the Minister.

## PART VII—MISCELLANEOUS PROVISIONS

**38. Transitional provisions.** (1) Upon the commencement of this Act a reference in any other Act or in any regulation to *The Public Service Act of 1922* or that Act as amended and in force at any time shall, where practicable and the context permits, be read as a reference to this Act.

(2) Every appeal against promotion duly instituted under the *Public Service Act 1922-1978* before the commencement of this Act and not determined as at that commencement or duly instituted after the commencement of this Act in accordance with subsection (3), if it is to be proceeded with, shall be heard and determined by the Promotion Appeal Committee, which for this purpose shall have and may exercise

all the jurisdiction, powers and functions conferred by the *Public Service Act 1922-1978* on the Board within the meaning of that Act in respect of appeals against promotion.

In respect of every such appeal—

- (a) the Promotion Appeal Committee—
  - (i) shall perform all the functions of the Board had by it under the *Public Service Act 1922-1978* in respect of such appeals as if it were the Board;
  - (ii) shall apply and observe the provisions of the *Public Service Act 1922-1978* relating to the hearing of such appeals by the Board;
  - and
  - (iii) shall perform the duties of the Board prescribed by section 23A of the *Public Service Act 1922-1978* in relation to determination of such appeals and transmission to the Governor in Council of the determination and the recommendation and report thereon;
- (b) a reference in the *Public Service Act 1922-1978* to “Chairman” shall be read as reference to the chairman of the Promotion Appeal Committee.

(3) Where an appointment to fill a vacancy has been made under the *Public Service Act 1922-1978* before the commencement of this Act and pursuant to that Act there is a right of appeal against the promotion involved in the appointment and the time within which an appeal may be instituted against that promotion has not expired as at the commencement of this Act the provisions of the *Public Service Act 1922-1978* as modified by subsection (2) and by this subsection shall continue to apply in relation to the right of appeal subsisting immediately before the commencement of this Act.

An appeal instituted pursuant to the right referred to in the preceding paragraph shall be instituted to the chairman of the Promotion Appeal Committee under the *Public Service Act 1922-1978*.

(4) An officer who before the commencement of this Act has been called upon for an explanation as to an alleged offence or has been charged with an offence, being, in either case, an offence that renders the officer liable to disciplinary punishment under the *Public Service Act 1922-1978* may be proceeded against and punished in accordance with that Act as if it had continued to be of force and effect.

For the purpose of giving effect to this subsection, in applying section 32 of that Act—

- (a) reference to “the Board” shall be read as reference to the Director;
- and
- (b) reference to “permanent head” shall be read as reference to chief executive of the department in which the officer in question is or was employed.

(5) Where—

before the commencement of this Act a decision has been made that an officer suffer disciplinary punishment;

or

after the commencement of this Act a decision is made that an officer suffer disciplinary punishment in accordance with the *Public Service Act 1922-1978*,

and in respect of that decision the officer has, at the commencement of this Act, a right of appeal under that Act or would have had, at that commencement, a right of appeal under that Act had the decision been made before this Act commenced the officer may institute and pursue the appeal or, where the appeal has been instituted before the commencement of this Act, may pursue the appeal in accordance with that Act as if that Act had continued to be of force and effect except that—

where the appeal lies to the Board within the meaning of that Act, the appeal shall be instituted to and be determined by the Director and every reference to the Board shall be construed as a reference to the Director;

and

where the appeal lies to the Appeal Tribunal within the meaning of that Act, every reference to the Board or the Chairman shall be construed as a reference to the Director,

and in either case every reference to the Secretary to the Board shall be construed as a reference to the Director.

An appeal such as is referred to in this subsection instituted before the commencement of this Act shall not be prejudiced by reason that in respect of it the provisions of the *Public Service Act 1922-1978* could not be complied with because there was no Board and no Secretary to the Board.

(6) For the purpose of giving effect to subsection (2), the Promotion Appeal Committee shall be constituted as provided for that body by the *Public Service Act 1922-1978* except that both members thereof, other than the chairman, shall be selected by the chairman.

If at any time there be no chairman of the Promotion Appeal Committee or the chairman is unavailable to perform the duties of office, the Governor in Council may, pursuant to this Act, appoint an officer of the public service to perform the duties of that office.

(7) No act done or decision taken before the commencement of this Act by any person purporting to do the act or take the decision under the authority of an instrument that is or purports to be an assignment made pursuant to the *Public Service Act 1922-1968*, or that Act as amended and in force for the time being, by the Board within the meaning of the *Public Service Act 1922-1978* shall be challenged as to its validity or lawfulness by reason that the Board has ceased to exist or that there is a defect affecting the efficacy of the assignment.

(8) Where pursuant to the regulations made under *The Public Service Act of 1922*, or under that Act as amended and in force for the time being, the Board within the meaning of the *Public Service Act 1922-1978* is to discharge a function or may exercise a power, then, except as is otherwise expressly provided by this Act—

- (a) if the function or power relates to a matter prescribed by this Act to be a responsibility or within the authority of a chief executive or to a matter that is incidental in the efficient and proper management and functioning of a department, the function shall be discharged or the power may be exercised by the appropriate chief executive;
- (b) in any other case, the function shall be discharged or the power may be exercised by the Governor in Council,

and, in either case, the discharge or exercise shall take effect as if it had been a discharge of the function or an exercise of power by the Board.

(9) The validity of any regulation made under *The Public Service Act of 1922* or that Act as amended and in force for the time being shall not be affected by the passing of this Act or the repeal of any Act repealed by this Act.

**39. Person in public employment is employee in industrial law.** An officer of the public service or a person in the employment of the Crown (other than as such an officer) who is in receipt of salary or wages is an employee within the meaning of the *Industrial Conciliation and Arbitration Act 1961-1987* and the provisions of that Act apply in relation to such an officer or person.

**40. Co-operation between State and Commonwealth Services.** (1) The fact that a person is an officer of the public service of the Commonwealth shall not disqualify him from also performing duties of an office within the public service of Queensland.

(2) The Governor in Council may make arrangements with the Governor-General of the Commonwealth for performance by an officer of the public service of the Commonwealth, for the Government of Queensland, of any work or services or of duties of any office within the public service of Queensland.

Such arrangements may include arrangements for determining—

- (a) the rate of payment to be made by the Government of Queensland to the Government of the Commonwealth for performance of the work, services or duties in question;  
and
- (b) any matters that may require to be adjusted in connexion with performance of the work, services or duties in question.

(3) It is lawful for the Governor in Council, at the request of the Governor-General of the Commonwealth, to authorize and cause any work or services to be performed for the Government of the Commonwealth by an officer of the public service of Queensland.

Arrangements made for that purpose may include arrangements for determining—

- (a) the rate of payment to be made by the Government of the Commonwealth to the Government of Queensland for performance of the work or services in question;  
and
- (b) any matters that may require to be adjusted in connexion with performance of the work or services in question.

**41. Employment interchange.** Arrangements may be made in accordance with guidelines issued by the Director and may be performed—

- (a) for the performance of duties by an officer of the public service who holds an office in one department in any other department;
- (b) for the performance of duties by an officer of the public service in any other employment;  
or
- (c) for the performance of duties by a person employed elsewhere than in the public service in any department,

and any such arrangement made may be performed.

**42. Mode of service.** Any notice or other writing required or permitted by this Act to be given to any person may be given to him—

- (a) by delivering it to him personally;
- (b) by leaving it for him at his place of work or place of residence last known to the person giving the notice or writing;  
or
- (c) by post addressed to him at his place of work or place of residence last known to the person giving the notice or writing.

**43. Regulations.** (1) The Governor in Council may make regulations not inconsistent with this Act to provide with respect to—

- (a) all matters that arise in connexion with—
  - (i) the conduct of the affairs of the public service or of any department;
  - (ii) the entitlements, responsibilities, authorities, obligations and liabilities of officers of the public service;
- (b) all matters that by this Act are required or permitted to be prescribed where no other method of prescription is provided for;
- (c) the institution and conduct of appeals in relation to promotional appointments or disciplinary action within the public service;
- (d) all matters that may be necessary or convenient for the administration of this Act or to achieve the objects and purposes of this Act.

(2) Notwithstanding the provisions of any Act or rule of law, where a regulation or a provision of a regulation confers a benefit on officers of the public service, it may specify a date for its commencement or by its terms indicate that it is to take effect from a date, in either case being a date before the regulation or provision is made, and in that case the regulation or provision shall be deemed to have taken effect on and from the date specified or indicated and shall have retrospective effect accordingly.

(3) The regulations may prescribe with respect to any matter for which the regulations may lawfully provide, other than duties or obligations of officers, by reference to determinations or rulings to be made from time to time by the Governor in Council or by reference to standards to be set or adopted from time to time by the Governor in Council.

**44. Amendment of Acts.** A provision of an Act specified in the first column of Schedule III is amended as specified in the second column of that schedule opposite the reference to that provision and the Act, as so amended, may be cited as specified in the third column of that schedule in relation to that Act.

SCHEDULE I [ss. 4; 8; 9; 11 (4) (5)]

DEPARTMENTS OF GOVERNMENT	CHIEF EXECUTIVES
Department of the Auditor-General	Auditor-General
Department of Community Services and Ethnic Affairs	Under Secretary, Department of Community Services and Ethnic Affairs
Department of Corrective Services and Administrative Services	Under Secretary, Department of Corrective Services and Administrative Services
Department of Education	Director-General of Education
Department of Employment, Vocational Education and Training	Director-General, Department of Employment, Vocational Education and Training
Department of Environment, Conservation and Tourism	Under Secretary, Department of Environment, Conservation and Tourism
Department of Family Services	Director-General, Department of Family Services
Department of Forestry	Conservator of Forests
Department of Geographic Information	Surveyor-General
Department of Harbours and Marine	Director, Department of Harbours and Marine
Department of Health	Under Secretary, Department of Health
Department of Industrial Affairs	Under Secretary, Department of Industrial Affairs
Department of Industry Development	Director-General of Industry Development
Department of Justice	Under Secretary, Department of Justice
Department of Lands	Chief Commissioner of Lands and Chairman, The Land Administration Commission
Department of Local Government	Director of Local Government
Department of Main Roads	Commissioner of Main Roads
Department of Mines	Director-General, Department of Mines

Department of Police	Commissioner of Police
Premier's Department	Director-General, Premier's Department
Department of Primary Industries	Director-General and Under Secretary, Department of Primary Industries
Queensland Housing Commission	Commissioner of Housing
Queensland Water Resources Commission	Commissioner of Water Resources
Department of Transport	Commissioner for Transport
Treasury Department	Under Treasurer and Under Secretary, Treasury Department
Department of the Valuer-General	Valuer-General
Department of Works	Director-General of Works

SCHEDULE II

[s. 4 (2)]

Persons appointed by the Governor alone  
Judges of the Supreme Court and their Associates  
President of the Industrial Court and his Associate  
Judges of District Courts and their Clerks  
Members of the Land Court  
Commissioners of The Industrial Conciliation and Arbitration  
Commission and their Associates  
Officers of Parliament and persons under the control of the  
Speaker of the Legislative Assembly  
Agent-General for Queensland  
Persons engaged by a chief executive pursuant to section 34  
Persons employed in honorary positions

SCHEDULE III

[s. 44]

Provision Amended	Amendment	Citation as Amended
<i>Ambulance Services Act 1967-1986</i>		
s. 13	omit words "Public Service Board" and substitute words "chief executive, Department of Health"	<i>Ambulance Services Act 1967-1988</i>
 <i>Assisted Students (Enforcement of Obligations) Act 1951-1974</i>		
s. 2	(a) insert after definition "Assistance" the following:— " "Chief executive" means— (a) in relation to the Railway Department, the Commissioner for Railways; (b) in relation to any other department, the chief executive thereof under the <i>Public Service Management and Employment Act 1988</i> ;"	<i>Assisted Students (Enforcement of Obligations) Act 1951-1988</i>
s. 3 (2)	(b) omit definitions "Public Service Board" and "The Commissioner for Railways"  omit subsection (2) and substitute the following:— "(2) The parties to the contract shall be the chief executive concerned, on behalf of the Crown, and the assisted student.	

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<i>Assisted Students (Enforcement of Obligations) Act 1951-1974—continued</i>		
	The contract may be signed for the chief executive by his agent authorized in writing, either generally or in a particular case.”	
s. 3 (4)	omit subsection (4)	
s. 5 (3)	omit words “ “ <i>The Crown Remedies Acts, 1874 to 1930,</i> ” or by the Public Service Commissioner” and substitute words “the <i>Crown Proceedings Act 1980</i> or by the chief executive”	
s. 9	omit words “Public Service Commissioner” wherever occurring and substitute in each case words “chief executive”	
s. 9 (3)	omit words “ “ <i>The Crown Remedies Acts, 1874 to 1930,</i> ” ” and substitute words “the <i>Crown Proceedings Act 1980</i> ”	
s. 11	omit words “Public Service Commissioner” wherever occurring and substitute in each case words “chief executive”	
s. 14	add after section 13 the following:— <p style="margin-left: 40px;"><b>“14. Construction of contracts.</b> A reference to the Public Service Board in a document that is the contract for the purposes of this Act shall be read as a reference to the chief executive of the department in which the assisted student is or is to be employed.”</p>	

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<i>Building Act 1975-1984</i>		
s. 30 (3)	omit words “Public Service Board” and substitute word “Director”	<i>Building Act 1975-1988</i>
 <i>Director of Prosecutions Act 1984-1986</i>		
s. 4	(a) omit definition “Public Service Board” (b) omit from definition “Under Secretary” all words from and including words “Permanent Head” to and including the words “Public Service” and substitute words “chief executive of the department”	<i>Director of Prosecutions Act 1984-1988</i>
s. 5 (2)	omit from paragraph (b) words “made after consultation with the Public Service Board”	
s. 19 (1)	omit from paragraph (b) words “made after consultation with the Public Service Board,”	
s. 29 (1)	omit words “Public Service Board” and substitute words “Under Secretary”	
 <i>Films Review Act 1974-1984</i>		
s. 7 (3)	omit words “Public Service Board” and substitute words “chief executive of the department within which this Act is administered”	<i>Films Review Act 1974-1988</i>

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended
<i>Financial Administration and Audit Act 1977-1985</i>		
s. 4 (4)	omit the subsection	<i>Financial Administration and Audit Act 1977-1988</i>
s. 5 (1)	<p>(a) omit from definition “officer” the words “an officer within the meaning of the <i>Public Service Act 1922-1976</i> and includes—” and the expressions “(a)”, “(b)” and “(c)” and substitute respectively the following words:—</p> <p>“—</p> <p>(a) an officer within the meaning of the <i>Public Service Management and Employment Act 1988</i>,”</p> <p>and the expressions “(b)”, “(c)” and “(d)”, respectively;</p> <p>(b) omit definition “permanent head” and substitute the following:—</p> <p>“ “permanent head” means—</p> <p>(a) a chief executive under the <i>Public Service Management and Employment Act 1988</i>;</p> <p>(b) the Commissioner for Railways;”</p>	

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended
<i>Financial Administration and Audit Act 1977-1985—continued</i>		
s. 36 (2)	omit from paragraph (b) all words from and including “shall” to and including “Board” and substitute words “where he is not a permanent head, shall upon completion of that examination, make and furnish to the permanent head of his department”	
s. 36 (3)	(a) omit words “Public Service Board” and substitute words “permanent head of the department”; (b) omit word “it” and substitute word “he”	
<i>Fire Brigades Act 1964-1985</i>		
s. 24 (2)	omit words “with the approval of the Public Service Board”	<i>Fire Brigades Act 1964-1988</i>
<i>Fishing Industry Organization and Marketing Act 1982-1987</i>		
s. 23 (4)	omit words “fixed by the Public Service Board constituted under the <i>Public Service Act 1922-1978</i> ” and substitute words “approved by the chief executive of the department within which this Act is administered”	<i>Fishing Industry Organization and Marketing Act 1982-1988</i>

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<p><i>Golden Casket Art Union Act 1978-1984</i></p> <p>s. 8 (3)</p>	<p>omit words “Public Service Board of Queensland” and substitute words “chief executive of the department within which this Act is administered”</p>	<p><i>Golden Casket Art Union Act 1978-1988</i></p>
<p><i>Government Printing Office (Employees’ Appeal) Act of 1945</i></p> <p>s. 3</p>	<p>section is repealed and following is substituted:—</p> <p><b>“3. Application of Public Service Management and Employment Act to discipline.</b> The provisions of sections 29 to 33, both inclusive, of the <i>Public Service Management and Employment Act 1988</i> apply with all necessary adaptations in relation to disciplinary action against officers and employees of the Government Printing Office as if—</p> <p style="padding-left: 40px;">that office were a department referred to in that Act;</p> <p style="padding-left: 40px;">the Government Printer were the chief executive of that department;</p> <p style="padding-left: 40px;">those officers and employees were officers of the public service,</p>	<p><i>Government Printing Office (Employees’ Appeal) Act 1945-1988</i></p>

SCHEDULE III—continued

Provision Amended	Amendment	Citation as Amended
<p><i>Government Printing Office (Employees' Appeal) Act of 1945—continued</i></p>	<p>and in particular a reference in that Act to the Commissioner for Public Service Appeals shall be construed as a reference to the chief executive of the department within which this Act is administered.”</p>	
<p><i>Hospitals Act 1936-1984</i></p>	<p>(a) omit from paragraph (i) words “Public Service Commissioner under the provisions of “<i>The Public Service Acts, 1922 to 1945</i>” ” and substitute words “chief executive, Department of Health, under the <i>Public Service Management and Employment Act 1988</i>”;</p> <p>(b) omit from paragraph (ii) words “Public Service Commissioner” and substitute words “chief executive, Department of Health,”;</p> <p>(c) omit from paragraph (ii) words ““<i>The Public Service Acts, 1922 to 1945,</i>” and “<i>The Public Service Superannuation Acts, 1912 to 1937,</i>” ” and substitute words “the <i>Public Service Management and Employment Act 1988</i> and the applicable Act or Acts</p>	<p><i>Hospitals Act 1936-1988</i></p>

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<i>Hospitals Act 1936-1984—continued</i>	providing for superannuation entitlements of such an officer”	
<i>Industrial Conciliation and Arbitration Act 1961-1987</i> s. 96 (3)	(a) omit words “Chairman of the Public Service Board” where they firstly occur and substitute words “chief executive, Department of Industrial Affairs,”;  (b) omit words “Chairman of the Public Service Board” where they secondly occur and substitute words “chief executive”	<i>Industrial Conciliation and Arbitration Act 1961-1988</i>
<i>Intellectually Handicapped Citizens Act 1985</i> s. 24	omit words “Public Service Board” and substitute word “Minister”	<i>Intellectually Handicapped Citizens Act 1985-1988</i>
<i>Law Courts and State Buildings Protective Security Act 1983</i> s. 4	insert after definition “Commissioner” the following:— “ “department” means the department of	<i>Law Courts and State Buildings Protective Security Act 1983-1988</i>

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended		
<i>Law Courts and State Buildings Protective Security Act 1983—</i> continued	government within which this Act is for the time being administered;”			
			s. 7	omit words “Public Service Board” and substitute words “chief executive of the department”
			s. 10 (1)	omit words “Public Service Board” and substitute words “chief executive of the department”
			s. 17	(a) omit words “Public Service Board” wherever occurring, except in paragraph (c) of subsection (3), and substitute in each case word “Minister”; (b) omit from subsections (4) and (5) word “Board” and substitute in each case word “Minister”
			s. 17 (3)	(a) omit from paragraph (c) words “Public Service Board” where firstly occurring and substitute word “Minister”; (b) omit from paragraph (c) words from and including “or, where” to and including “so open”
			s. 17 (4)	omit word “Board’s” and substitute word “Minister’s”
			s. 17 (7)	omit words “or by the Board under subsection (4)”

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<i>Legal Aid Act 1978-1986</i>		
s. 58 (3)	omit words “Public Service Board” and substitute words “chief executive of the department within which this Act is administered”	<i>Legal Aid Act 1978-1988</i>
 <i>Offenders Probation and Parole Act 1980-1983</i>		
s. 4 (2)	omit from paragraph (c) words “such lastmentioned Act” and substitute words “the <i>Public Service Management and Employment Act 1988</i> ”	<i>Offenders Probation and Parole Act 1980-1988</i>
 <i>Parliamentary Commissioner Act 1974-1976</i>		
Schedule Part I	omit words “Department of the Public Service Board”	<i>Parliamentary Commissioner Act 1974-1988</i>
Schedule Part II	omit words “The Public Service Board”	
 <i>Prisons Act 1958-1974</i>		
s. 3 Proviso para. (v)	omit words “ <i>The Public Service Acts, 1922 to 1958,</i> ” where they last occur, and substitute words “the <i>Public Service Management and Employment Act 1988</i> ”	<i>Prisons Act 1958-1988</i>

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
<i>Public Accountants Registration Act 1946-1975</i>		
s. 15	omit words ““ <i>The Public Service Acts, 1922 to 1945,</i> ”” wherever occurring and substitute in each case words “the <i>Public Service Management and Employment Act 1988</i> ”	<i>Public Accountants Registration Act 1946-1988</i>
s. 15 (2)	omit words “, if the Public Service Commissioner so recommends,”	
<i>Queensland Art Gallery Act 1987</i>		
s. 5	omit from definition “departmental head” words “permanent head” where they twice occur and substitute in each case words “chief executive”	<i>Queensland Art Gallery Act 1987-1988</i>
s. 18 (6)	omit words “fixed by the Public Service Board constituted under the <i>Public Service Act 1922-1978</i> ” and substitute words “approved by the departmental head”	
<i>Queensland Cultural Centre Trust Act 1976-1981</i>		
s. 24 (1)	omit words “ <i>Public Service Act 1922-1973</i> ” and substitute words “ <i>Public Service Management and Employment Act 1988</i> ”	<i>Queensland Cultural Centre Trust Act 1976-1988</i>
s. 24 (3)	omit words “fixed by the Public Service Board constituted under the <i>Public Service Act 1922-1973</i> ” and substitute words “approved by the chief executive of the department within which this Act is administered”	

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended
<i>Queensland Industry Development Corporation Act 1985</i>		
s. 19 (3)	<p>(a) omit words “<i>Public Service Act 1922-1978</i>” and substitute words “<i>Public Service Management and Employment Act 1988</i>”;</p> <p>(b) omit word “board” and substitute words “Commissioner for Public Service Appeals”;</p> <p>(c) omit words “permanent head” and substitute words “chief executive”</p>	<i>Queensland Development Corporation Act 1985-1988</i>
 <i>Queensland Museum Act 1970-1985</i>		
s. 24 (1) and (4)	omit words “ <i>Public Service Act 1922-1968</i> ” and substitute in each case words “ <i>Public Service Management and Employment Act 1988</i> ”	<i>Queensland Museum Act 1970-1988</i>
s. 24 (7)	omit words “fixed by the Public Service Board constituted under the <i>Public Service Act 1922-1978</i> ” and substitute words “approved by the chief executive of the department within which this Act is administered”	

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended
<i>Queensland Tourist and Travel Corporation Act 1979-1984</i>		
s. 4	insert after definition “Corporation” the following:— “ “department” means the department of government within which this Act is for the time being administered;”	<i>Queensland Tourist and Travel Corporation Act 1979-1988</i>
s. 7 (1)	omit from paragraph (a) words “of the Government of the State by which the Minister administers this Act”	
s. 16 (2)	omit words “Public Service Board” and substitute words “chief executive of the department,”	
s. 16 (3)	omit words “Public Service Board” and substitute words “chief executive of the department”	
s. 16 (4)	omit words “ <i>Public Service Act 1922-1978</i> ” where they twice occur and substitute in each case words “ <i>Public Service Management and Employment Act 1988</i> ”	
<i>Racing and Betting Act 1980-1987</i>		
s. 10A (10)	omit from paragraph (c) words “Public Service Board” and substitute words “permanent head”	<i>Racing and Betting Act 1980- 1988</i>
s. 115E (3)	omit words “Public Service Board” and substitute words “permanent head”	

SCHEDULE III—*continued*

Provision Amended	Amendment	Citation as Amended
<i>Rural Lands Protection Act 1985</i>		
s. 10	<p>(a) omit words “<i>Public Service Act 1922-1978</i>” wherever occurring and substitute in each case words “<i>Public Service Management and Employment Act 1988</i>”;</p> <p>(b) omit from subsection (3) words “<i>Public Service Board</i>” and substitute word “<i>Minister</i>”</p>	<i>Rural Lands Protection Act 1985-1988</i>
<i>State Housing Act 1945-1986</i>		
s. 10 (4)	<p>(a) omit from paragraph (i) words ““<i>The Public Service Acts, 1922 to 1924,</i>”” and substitute words “<i>the Public Service Management and Employment Act 1988</i>”;</p> <p>(b) omit from paragraph (ii) words from and including “<i>privileges,</i>” to and including “<i>accordingly</i>” and substitute words “<i>duties and responsibilities of a chief executive of a department under the Public Service Management and Employment Act 1988</i>”</p>	<i>State Housing Act 1945-1988</i>
s. 10 (5)	<p>omit subsection and substitute the following:—</p> <p>“(5) Where immediately before his appointment as the Commissioner the appointee held an office within the public service under the <i>Public Service Act 1922-1978</i> or the <i>Public</i></p>	

SCHEDULE III—continued

Provision Amended	Amendment	Citation as Amended
<p><i>State Housing Act 1945-1986—</i> continued</p>	<p><i>Service Management and Employment Act 1988</i> or that Act as amended, the appointment or any renewal thereof shall not (and it is declared never did) affect the appointee's rights accrued or accruing as holder of that office and for the purpose of determining those rights the appointee shall be deemed to hold office as the Commissioner under the <i>Public Service Act 1922-1978</i> or, as the case may be, the <i>Public Service Management and Employment Act 1988</i> or that Act as amended and in force for the time being.”</p>	
<p>s. 11</p>	<p>(a) omit from subsections (2) and (4) words “<i>The Public Service Acts, 1922 to 1924,</i>” and substitute in each case words “<i>Public Service Management and Employment Act 1988</i>”;</p> <p>(b) omit from subsections (3) and (4) words “Public Service Board” and substitute in each case word “Minister”</p>	
<p><i>Suncorp Insurance and Finance Act 1985-1986</i></p>	<p>(a) omit words “<i>Public Service Act 1922-1978</i>” and substitute words “<i>Public Service Management and Employment Act 1988</i>”;</p>	<p><i>Suncorp Insurance and Finance Act 1985-1988</i></p>
<p>s. 16 (3)</p>		

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SCHEDULE III—*continued*

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Provision Amended	Amendment	Citation as Amended
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*Suncorp Insurance and Finance Act 1985-1986—*  
continued

- (b) omit word “Board” where it firstly occurs and substitute words “Commissioner for Public Service Appeals”;
- (c) omit words “permanent head” and substitute words “chief executive”