



Queensland

# **Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

**Act No. 25 of 2009**





Queensland

# Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009

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## Queensland

### **Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

#### **Act No. 25 of 2009**

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**An Act to amend the Criminal Code, the Public Service Act 2008, the Police Service Administration Act 1990 and regulations under that Act, the Crime and Misconduct Act 2001, the Misconduct Tribunals Act 1997 and the Public Sector Ethics Act 1994 for particular purposes and to amend other Acts mentioned in the schedule to update references to the Public Service Act 2008**

**[Assented to 11 August 2009]**

## The Parliament of Queensland enacts—

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*.

#### **2 Commencement**

Subject to sections 55(2) and 77(2), this Act commences on a day to be fixed by proclamation.

### **Part 2 Amendment of Criminal Code**

#### **3 Act amended**

This part amends the Criminal Code.

#### **4 Insertion of new s 92A**

After section 92—

*insert—*

#### **‘92A Misconduct in relation to public office**

‘(1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person—

- (a) deals with information gained because of office; or
- (b) performs or fails to perform a function of office; or

(c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office;  
is guilty of a crime.

Maximum penalty—7 years imprisonment.

‘(2) A person who ceases to be a public officer in a particular capacity is guilty of a crime if, with intent to dishonestly gain a benefit for the person or another person or to dishonestly cause a detriment to another person, the person deals with information gained because of the capacity.

Maximum penalty—7 years imprisonment.

‘(3) Subsection (2) applies whether or not the person continues to be a public officer in some other capacity.

‘(4) A reference in subsections (1) and (2) to information gained because of office or a particular capacity includes information gained because of an opportunity provided by the office or capacity.

‘(5) In this section—

*authority*, of office, includes the trust imposed by office and the influence relating to office.

*deals with* includes the following—

- (a) uses;
- (b) supplies;
- (c) copies;
- (d) publishes.

*function* includes power.

*information* includes knowledge.

*office*, in relation to a person who is a public officer, means the position, role or circumstance that makes the person a public officer.

*performs* includes purportedly performs and in relation to a power, exercises and purportedly exercises.’.



(2) Section 65—

*insert—*

‘(4) A reference to an interest or to a conflict of interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the *Acts Interpretation Act 1954*, section 36, does not apply.’.

## **10 Amendment of s 101 (Declaration of interests)**

Section 101—

*insert—*

‘(7) For the interpretation of a reference to an interest, see section 65(4).’.

## **11 Amendment of s 102 (Conflicts of interest)**

Section 102—

*insert—*

‘(3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).’.

## **12 Insertion of new s 179A**

Chapter 5, part 8, before section 180—

*insert—*

### **‘179A Requirement to disclose previous history of serious disciplinary action**

‘(1) If a chief executive of a department proposes to appoint or second a person to the department, the chief executive, under a directive, may require the person to disclose to the chief executive particulars of any serious disciplinary action taken against the person.

- ‘(2) The person must comply with the requirement before the appointment or secondment takes effect and within the time and in the way stated by the chief executive.
- ‘(3) The chief executive is not required to further consider the person for appointment or secondment if the person—
- (a) fails to comply with the requirement; or
  - (b) gives false or misleading information in response to the requirement.
- ‘(4) In this section—
- serious disciplinary action* means—
- (a) disciplinary action under a public sector disciplinary law involving—
    - (i) termination of employment; or
    - (ii) reduction of classification level or rank; or
    - (iii) transfer or redeployment to other employment; or
    - (iv) reduction of remuneration level; or
  - (b) a disciplinary declaration under a public sector disciplinary law that states a disciplinary action mentioned in paragraph (a)(i) or (ii) as the disciplinary action that would have been taken against the person if the person’s employment had not ended.’.

### **13 Amendment of s 185 (Declaration of interests)**

Section 185—

*insert—*

- ‘(7) For the interpretation of a reference to an interest, see section 65(4).’.

### **14 Amendment of s 186 (Conflicts of interest)**

Section 186—

*insert—*

‘(3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).’.

**15 Amendment of ch 6, hdg (Disciplinary action for public service officers)**

Chapter 6, heading, after ‘officers’—

*insert—*

‘**and former public service officers**’.

**16 Insertion of new ch 6, pt 1 and new pt 2 hdg**

Chapter 6, before section 187—

*insert—*

**‘Part 1 Preliminary**

**‘186A Definitions for ch 6**

‘In this chapter—

*changes employment* includes changes employment by promotion, transfer, redeployment or secondment.

*employing chief executive*, for a public service officer, means the chief executive of the department in which the officer holds an appointment after the officer changes employment from one department to another department.

*former public service officer* means a public service officer whose employment ends for any reason after a disciplinary ground arises.

*previous chief executive*, for a public service officer, means the chief executive of the department in which the public service officer holds an appointment before—

(a) the officer changes employment from the department to another department; or



---

**‘187A How disciplinary action may be taken against a public service officer after the officer changes employment**

- ‘(1) This section applies if—
- (a) a public service officer holds an appointment with a department and a disciplinary ground arises in relation to the officer; and
  - (b) after the disciplinary ground arises the officer changes employment from the department to another department.
- ‘(2) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the officer holds an appointment with the other department.
- ‘(3) The previous chief executive may not take disciplinary action about the disciplinary ground other than to the extent provided under subsection (4).
- ‘(4) If—
- (a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and
  - (b) the previous chief executive and the employing chief executive agree that disciplinary action against the officer is reasonable in the circumstances;
- the employing chief executive may take disciplinary action against the officer under section 188.
- ‘(5) Despite subsection (2) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the officer.
- ‘(6) If—
- (a) the previous chief executive delegates to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the officer; and

(b) the employing chief executive makes a disciplinary finding about the officer;

the employing chief executive may take disciplinary action against the officer under section 188 without the agreement of the previous chief executive.

‘(7) The previous chief executive may give to the employing chief executive any information about a public service officer or a disciplinary ground relating to the officer to help the employing chief executive to perform a function under subsection (4) or (5) in relation to the officer.’.

## **19 Amendment of s 188 (Disciplinary action that may be taken)**

(1) Section 188, heading, after ‘taken’—

*insert—*

**‘against a public service officer’.**

(2) Section 188—

*insert—*

‘(1A) If the disciplinary action is taken following an agreement under section 187A(4) between the previous chief executive and the employing chief executive mentioned in the section, the chief executives must agree on the disciplinary action.’.

## **20 Insertion of new ss 188A–188B**

After section 188—

*insert—*

### **‘188A Disciplinary action that may be taken against a former public service officer**

‘(1) This section applies if—

(a) a disciplinary ground arises in relation to a public service officer; and

- 
- (b) after the disciplinary ground arises the officer's employment as a public service officer ends for any reason.
- '(2) The previous chief executive may make a disciplinary finding or take or continue to take disciplinary action against the former public service officer in relation to the disciplinary ground.
- '(3) The disciplinary finding or disciplinary action must be made or taken within a period of 2 years after the end of the officer's employment.
- '(4) However, subsection (3) does not stop disciplinary action being taken following an appeal or review.
- '(5) Subsection (3) does not affect—
- (a) an investigation of a suspected criminal offence; or
  - (b) an investigation of a matter for the purpose of notifying the Crime and Misconduct Commission of suspected official misconduct under the *Crime and Misconduct Act 2001*.
- '(6) In disciplining the former public service officer, the previous chief executive may make a disciplinary declaration and may not take any other disciplinary action.
- '(7) The previous chief executive may only make a disciplinary declaration if the disciplinary action that would have been taken against the officer if the officer's employment had not ended would have been—
- (a) termination of employment; or
  - (b) reduction of classification level.
- '(8) The making of the disciplinary declaration does not affect the way in which the officer's employment ended, or any benefits, rights or liabilities arising because the employment ended.
- '(9) In this section—
- disciplinary declaration*** means a declaration of—

- (a) the disciplinary finding against the former public service officer; and
- (b) the disciplinary action that would have been taken against the officer if the officer's employment had not ended.

**'188B Information about disciplinary action to be given by chief executive**

'(1) This section applies if—

- (a) the chief executive of a department asks the chief executive of another department (the *other chief executive*) for disciplinary information that the other chief executive has about a person who is or was a public service employee; and
- (b) the information is reasonably necessary for the chief executive to make a decision about—
  - (i) an appointment or continued appointment of the person to the chief executive's department; or
  - (ii) a disciplinary finding, disciplinary action or disciplinary declaration the chief executive is considering in relation to the person.

'(2) The other chief executive must give the disciplinary information to the chief executive unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.

'(3) In this section—

*disciplinary information*, in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity—

- (a) a current investigation into whether the person should be disciplined;

- (b) a finding that the person should be disciplined;
- (c) possible disciplinary action under consideration;
- (d) disciplinary action, including a disciplinary declaration.’.

**21 Amendment of s 190 (Procedure for disciplinary action)**

Section 190(1), after ‘disciplining’—

*insert—*

‘a public service officer or former public service officer’.

**22 Amendment of s 194 (Decisions against which appeals may be made)**

Section 194(1)(b), after ‘to’—

*omit, insert—*

‘discipline—

- (i) a person (other than by termination of employment), including the action taken in disciplining the person; or
- (ii) a former public service officer by way of a disciplinary declaration made under section 188A, including if the disciplinary action that would have been taken was termination of employment;’.

**23 Amendment of s 196 (Who may appeal)**

Section 196(b), after ‘a public service officer’—

*insert—*

‘or former public service officer’.

**24 Amendment of s 207 (Lapse of appeal)**

Section 207—

[s 25]

---

*insert—*

*‘Note—*

This section has no relevance to an appeal against a disciplinary declaration.’.

**25 Amendment of s 211 (Attendance at an appeal is part of an employee’s duties)**

Section 211—

*insert—*

*‘Note—*

This section has no relevance to an appeal against a disciplinary declaration.’.

**26 Amendment of s 212 (Public service employee’s entitlements for attending appeal as part of duties)**

Section 212, at the end—

*insert—*

*‘Note—*

This section has no relevance to an appeal against a disciplinary declaration.’.

**27 Amendment of s 213 (Entitlement of non-public service employees)**

Section 213—

*insert—*

‘(4) This section does not apply to a person who is appealing against a disciplinary declaration.’.

**28 Amendment of ch 9, pt 2, hdg (Transitional provisions)**

Chapter 9, part 2, heading, after ‘provisions’—

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*insert—*

**‘for Public Service Act 2008’.**

**29 Insertion of new ch 9, pt 3**

Chapter 9—

*insert—*

**‘Part 3 Transitional provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

**‘252 Definition for pt 3**

‘In this part—

*commencement* means the commencement of this part.

**‘253 Disciplinary action**

‘Section 187A only applies to a public service officer who changes from a department to another department after the commencement.

**‘254 Former public service officer**

‘For section 188A, a person is a former public service officer only if the person’s employment as a public service officer ends after the commencement.’.

**30 Amendment of sch 2 (Statutory office holders who are not term appointees)**

Schedule 2—

*insert—*

*‘Public Sector Ethics Act 1994*

- *the Queensland Integrity Commissioner’.*

### **31 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

*‘disciplinary declaration—*

- (a) for a disciplinary declaration made under a public sector disciplinary law, means—
- (i) a disciplinary declaration made under—
    - (A) section 188A(6); or
    - (B) the *Police Service Administration Act 1990*, section 7A.2(2); or
    - (C) the *Misconduct Tribunals Act 1997*; or
  - (ii) a declaration under another public sector disciplinary law that states the disciplinary action that would have been taken against the person if the person’s employment had not ended; or
- (b) otherwise, means a disciplinary declaration made under section 188A(6).

*disciplinary finding* means a finding that a disciplinary ground exists.

*disciplinary ground* means a ground for disciplining a public service officer under section 187.

*disciplinary information* see section 188B(3).

*former public service officer*, for chapter 6 or 7, see section 186A.

*previous chief executive*, for chapter 6, see section 186A.

*public sector disciplinary law* means—

- 
- (a) this Act or any repealed Act regulating the public service; or
  - (b) the *Police Service Administration Act 1990* or any repealed Act regulating police; or
  - (c) the *Misconduct Tribunals Act 1997*; or
  - (d) a disciplinary provision of an award or industrial agreement; or
  - (e) another Act prescribed under a regulation.
- serious disciplinary action* see section 179A(4).’.
- (2) Schedule 4, definition *interest*—  
*omit.*

### **32 Amendment relating to the operation of QCAT**

- (1) Schedule 4, definition *public sector disciplinary law*, paragraph (c), after ‘1997’—  
*insert—*  
‘or QCAT Act’.
- (2) Schedule 4, definition *disciplinary declaration*, paragraph (a)(i)(C), after ‘1997’—  
*insert—*  
‘or QCAT Act’.

## **Part 4 Amendment of Police Service Administration Act 1990**

### **33 Act amended**

This part amends the *Police Service Administration Act 1990*.

### **34 Amendment of s 1.4 (Definitions)**

Section 1.4—

*insert—*

*‘disciplinary declaration—*

- (a) for a disciplinary declaration made under a public sector disciplinary law, means—
  - (i) a disciplinary declaration made under—
    - (A) section 7A.2(2); or
    - (B) the *Public Service Act 2008*, section 188A(6); or
    - (C) the *Misconduct Tribunals Act 1997*; or
  - (ii) a declaration under another public sector disciplinary law that states the disciplinary action that would have been taken against the person if the person’s employment had not ended; or
- (b) otherwise, means a disciplinary declaration made under section 7A.2(2).

*disciplinary finding* means a finding that a disciplinary ground exists.

*disciplinary ground* means a ground for disciplinary action prescribed under a regulation.

*former officer*, for part 7A and any reference to a disciplinary declaration, see section 7A.1(1)(b).

*public sector disciplinary law* means—

- (a) this Act or any repealed Act regulating police; or
- (b) the *Public Service Act 2008* or any repealed Act regulating the public service; or
- (c) the *Misconduct Tribunals Act 1997*; or
- (d) a disciplinary provision of an award, industrial agreement or certified agreement under the *Industrial Relations Act 1999*; or

(e) another Act prescribed under a regulation.

*public service employee* see the *Public Service Act 2008*, schedule 4.’.

### 35 Amendment of s 5AA.8 (Requirements for disclosure)

Section 5AA.8(2)—

*insert—*

- ‘(e) disciplinary action under a public sector disciplinary law involving—
- (i) termination of employment; or
  - (ii) reduction of classification level or rank; or
  - (iii) transfer or redeployment to other employment; or
  - (iv) reduction of remuneration level; or
  - (v) a disciplinary declaration that states a disciplinary action mentioned in subparagraph (i) or (ii) as the disciplinary action that would have been taken against the person if the person’s employment had not ended.’.

### 36 Insertion of new s 5AA.10A

After section 5AA.10—

*insert—*

#### ‘5AA.10A Information about disciplinary action to be given by chief executive

- ‘(1) This section applies if—
- (a) the commissioner asks the chief executive of another department (the *chief executive*) for disciplinary information the chief executive has about a person who is or was a public service employee; and
  - (b) the information is reasonably necessary for the commissioner to make a decision about the suitability of

the person to be engaged, or continue to be engaged, as a member of the service.

‘(2) The other chief executive must give the disciplinary information to the commissioner unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a contravention or possible contravention of the law in a particular case.

‘(3) In this section—

*disciplinary information*, in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity—

- (a) a current investigation into whether the person should be disciplined;
- (b) a finding that the person should be disciplined;
- (c) possible disciplinary action under consideration;
- (d) disciplinary action, including a disciplinary declaration.’.

### **37 Amendment of s 5AA.11 (Assessment of suitability)**

Section 5AA.11(2)—

*insert—*

‘(ba) disciplinary information given to the commissioner by a chief executive of another department under section 5AA.10A; and’.

### **38 Amendment of s 5AA.14 (Secrecy)**

Section 5AA.14(3)(a)(v), example—

*omit, insert—*

*‘Examples for subparagraph (v)—*

- *Family Services Act 1987*, part 4
- *Public Service Act 2008*, section 188B’.

### **39 Insertion of new pt 7A**

After section 7.4—

*insert—*

## **‘Part 7A Disciplinary declarations against former officers**

### **‘7A.1 Power to conduct disciplinary investigation against a former officer**

- ‘(1) This section applies if—
- (a) a disciplinary ground arises in relation to a police officer; and
  - (b) after the disciplinary ground arises the employment of the person (the *former officer*) as a police officer ends for any reason.
- ‘(2) A disciplinary ground arises when the conduct constituting the ground happens.
- ‘(3) The commissioner may continue or start an investigation to decide whether the former officer is liable to disciplinary action in relation to the former officer’s conduct at any time when he or she was a police officer.

*Note—*

Under section 4.10 the commissioner may delegate powers under this part.

- ‘(4) The investigation and disciplinary action must be taken within a period of 2 years after the end of the former officer’s employment mentioned in subsection (1)(b).
- ‘(5) However, subsection (4) does not stop disciplinary action being taken following an appeal or review.

- ‘(6) Subsection (4) does not affect—
- (a) an investigation of a suspected criminal offence; or
  - (b) an investigation of a matter for the purpose of notifying the Crime and Misconduct Commission of suspected official misconduct under the *Crime and Misconduct Act 2001*.
- ‘(7) In deciding whether to continue or start a disciplinary investigation the commissioner may have regard to the matters the commissioner reasonably considers to be relevant including matters prescribed under a regulation.

#### **‘7A.2 Disciplinary action that may be taken against a former officer**

- ‘(1) The commissioner may make a disciplinary finding and take disciplinary action against the former officer.
- ‘(2) In disciplining the former officer, the commissioner may make a disciplinary declaration and may not take any other disciplinary action.
- ‘(3) The commissioner may only make a disciplinary declaration if the disciplinary action that would have been taken against the former officer if the former officer’s employment had not ended would have been—
- (a) termination of employment; or
  - (b) reduction of rank.
- ‘(4) The making of a disciplinary declaration against a former officer does not affect the way in which the former officer’s employment ends, or any benefits, rights or liabilities arising because the employment ends.
- ‘(5) In this section—
- disciplinary declaration*** means a declaration of—
- (a) a disciplinary finding against the former officer; and

- (b) the disciplinary action that would have been taken against the officer under section 7.4(3) if the former officer's employment had not ended.

### **'7A.3 Procedure**

- '(1) Before making a disciplinary declaration against a former officer, the commissioner must do 1 or both of the following—
  - (a) give the former officer a notice in relation to the disciplinary ground asking the former officer to respond in writing within 28 days;
  - (b) hold a disciplinary hearing in relation to the disciplinary ground after giving the former officer a notice asking the former officer to attend the hearing.
- '(2) A notice under subsection (1) must be in the form approved by the commissioner and include a statement of the disciplinary ground alleged.
- '(3) A notice under subsection (1)(b) must be given at least 28 days before the hearing.
- '(4) The commissioner may take disciplinary action against the former officer after complying with subsection (1) whether or not the former officer responds in writing to the commissioner's notice or attends the disciplinary hearing.

### **'7A.4 Commissioner to notify former officer of decision**

- '(1) This section applies if—
  - (a) the commissioner makes a disciplinary declaration against a former officer; or
  - (b) otherwise makes a decision in relation to the disciplinary matter after giving notice under section 7A.3.

- ‘(2) The commissioner must give written notice of the disciplinary declaration or decision to the former officer.
- ‘(3) The notice must be in a form approved by the commissioner.

#### **‘7A.5 Notice of misconduct finding to Crime and Misconduct Commission**

- ‘(1) This section applies if the commissioner—
  - (a) decides a disciplinary charge of misconduct brought against a former officer; or
  - (b) when deciding a charge of breach of discipline brought against a former officer, finds the former officer is guilty of misconduct.
- ‘(2) The commissioner must give written notice of the decision, including any disciplinary declaration made against the officer, to the Crime and Misconduct Commission within 14 days after making the decision.’.

#### **40 Amendment of s 9.3 (Application for review)**

Section 9.3—

*insert—*

- ‘(1C) Also, a former officer who is aggrieved by a disciplinary declaration made against the former officer under section 7A.2(2) for a breach of discipline may apply to have the disciplinary decision reviewed by a commissioner for police service reviews.’.

#### **41 Insertion of new pt 10, div 1, sdiv 2A**

After section 10.2C—

*insert—*

#### **‘Subdivision 2A Disclosure provisions about disciplinary information**

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**‘10.2CA Information about disciplinary action to be given by  
commissioner**

- ‘(1) This section applies if—
- (a) the chief executive of a department asks the commissioner for disciplinary information the commissioner has about a person who is or was a member of the service; and
  - (b) the information is reasonably necessary for the chief executive to make a decision about an appointment or continued employment of the person to the chief executive’s department.
- ‘(2) The commissioner must give the disciplinary information to the chief executive unless the commissioner is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.
- ‘(3) In this section—
- disciplinary information*, in relation to a request made of the commissioner about a person who is or was a member of the service, includes the following made or taken against the person—
- (a) a disciplinary finding;
  - (b) disciplinary action, including a disciplinary declaration.’.

**42 Insertion of new pt 11, div 4**

Part 11—

*insert—*

**‘Division 4                      Transitional and declaratory provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

**‘11.7 Amendment of regulations by Governor in Council unaffected**

‘The amendment of any regulation by the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

**‘11.8 Former officer**

‘For part 7A, a person is a former officer only if the person’s employment ends after the commencement of the part.’.

**43 Amendment of schedule (Relevant information)**

- (1) Schedule, entry for information about police officers, recruits and applicants to become police officers or recruits—

*insert—*

- ‘13 Information about the person supplied to the commissioner by a chief executive of a department if the person is or was a public service employee about—

- any disciplinary finding made against the person
- disciplinary action taken against the person, including a disciplinary declaration under the *Public Service Act 2008*, section 188A.’.

- (2) Schedule, entry for information about staff members, applicants to become staff members, volunteers and students on work experience—

*insert—*

- ‘9 Information about the person supplied to the commissioner by a chief executive of a department if the person is or was a public service employee about—
- any disciplinary finding made in relation to the person
  - disciplinary action taken against the person, including a disciplinary declaration made under the *Public Service Act 2008*, section 188A.’

#### 44 Amendment relating to the operation of QCAT

- (1) Section 1.4 (of the *Police Service Administration Act 1990*), definition *public sector disciplinary law*, paragraph (c), after ‘1997’—  
*insert—*  
‘or QCAT Act’.
- (2) Section 1.4 (of the *Police Service Administration Act 1990*), definition *disciplinary declaration*, paragraph (a)(i)(C), after ‘1997’—  
*insert—*  
‘or QCAT Act’.
- (3) Section 7A.4(3) (of the *Police Service Administration Act 1990*) as inserted by section 39—  
*omit, insert—*
- ‘(3) The notice must be—
- (a) if the allegation is of misconduct or there is a finding of misconduct—a QCAT information notice; or
  - (b) otherwise—in a form approved by the commissioner.’.
- (4) Section 7A.5 (of the *Police Service Administration Act 1990*) as inserted by section 39—  
*omit, insert—*

### **‘7A.5 Notice of misconduct finding to Crime and Misconduct Commission**

- ‘(1) This section applies if the commissioner—
- (a) decides an allegation of misconduct brought against a former officer; or
  - (b) when deciding an allegation of a breach of discipline brought against a former officer, finds the former officer is guilty of misconduct.
- ‘(2) The commissioner must give a QCAT information notice for the decision, including any disciplinary declaration made against the officer, to the Crime and Misconduct Commission within 14 days after making the decision.’.

## **Part 5 Amendment of Police Service (Discipline) Regulations 1990**

### **45 Regulations amended**

This part amends the *Police Service (Discipline) Regulations 1990*.

### **46 Amendment of s 9 (Grounds for disciplinary action)**

Section 9(1), after ‘7.4’—

*insert—*

‘or part 7A’.

### **47 Insertion of new s 13**

After section 12—

*insert—*

**‘13 Matters for disciplinary investigation of a former officer**

‘For deciding whether to continue or start an investigation under section 7A.1 of the Act against a former officer mentioned in the section, the commissioner may consider the following matters—

- (a) the seriousness of the grounds for disciplinary action;
- (b) how far advanced the investigation is;
- (c) the cost implications of continuing the investigation;
- (d) access to the former officer;
- (e) the former officer’s previous disciplinary history;
- (f) any benefit to the service in proceeding or not proceeding with an investigation;
- (g) whether the matter is being considered or investigated by the Crime and Misconduct Commission or any other authority;
- (h) any associated criminal offence;
- (i) any other relevant matter.’.

**Part 6 Amendment of Police Service Administration (Review of Decisions) Regulation 1990**

**48 Regulation amended**

This part amends the *Police Service Administration (Review of Decisions) Regulation 1990*.

**49 Amendment of s 4 (Definitions)**

- (1) Section 4—

*insert—*

*‘former officer* means a former officer under part 7A of the Act.’.

- (2) Section 4, definition *party to a review*, before paragraph (a)—

*insert—*

‘(aa) the former officer who applied for the review; or’.

- (3) Section 4, definition *party to a review*, paragraphs (aa) to (e)—

*renumber* as paragraphs (a) to (f).

## **50 Amendment of s 6A (Application for review)**

Section 6A—

*insert—*

- ‘(4) In this section—

*officer* includes a former officer.’.

## **51 Amendment of s 11 (Withdrawal of application for review)**

Section 11—

*insert—*

- ‘(3) In this section—

*police officer* includes a former officer.’.

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## **Part 7**                      **Amendment of Crime and Misconduct Act 2001**

### **Division 1**                **Act amended**

#### **52**      **Act amended**

This part amends the *Crime and Misconduct Act 2001*.

### **Division 2**                **Amendments having effect before the operation of QCAT**

#### **53**      **Amendment of s 50 (Commission may prosecute official misconduct)**

- (1) This section only has effect if the *Misconduct Tribunals Act 1997* is not repealed by the *Queensland Civil and Administrative Tribunal Act 2009* before this division is commenced.
- (2) Section 50(4)—  
*omit, insert—*
- ‘(4) For the definition *prescribed person*, paragraph (b)—
  - (a) a regulation may not declare a court or the police service to be a unit of public administration that is subject to the jurisdiction of a misconduct tribunal; and
  - (b) for subparagraph (ii), a regulation may declare an appointment, or unit of public administration in which an appointment is or was, to be subject to the jurisdiction of a misconduct tribunal before or after the appointment ends as mentioned in the subparagraph.

*Example—*

The commission is notified by the chief executive of a unit of public administration about possible official misconduct by A. The commission assumes responsibility for the investigation. A resigns before the investigation is finalised but the commission’s investigation

continues. The investigation later establishes that A's conduct is so serious that proceedings should be taken against A for official misconduct. At that time, a regulation is made prescribing A's appointment.'

(3) Section 50(5), definition *prescribed person*—

*omit, insert*—

'***prescribed appointment*** means an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to the jurisdiction of a misconduct tribunal.

***prescribed person*** means—

(a) a person—

- (i) who is a member of the police service; or
- (ii) being a member of the police service, whose employment as a member of the police service ends after the official misconduct happens, regardless of whether the employment ends before or after a charge is laid; or

(b) a person (other than a judge or holder of judicial office, or a member of the police service)—

- (i) who holds a prescribed appointment; or
- (ii) being the holder of a prescribed appointment, whose appointment ends after the official misconduct happens, regardless of whether the appointment ends before or after a charge is laid.'

## 54 Insertion of new ch 8, pt 8

Chapter 8—

*insert*—



- (a) a regulation may not declare a court or the police service to be a unit of public administration that is subject to QCAT's jurisdiction; and
- (b) for subparagraph (ii), a regulation may declare an appointment, or unit of public administration in which an appointment is or was, to be subject to QCAT's jurisdiction before or after the appointment ends as mentioned in the subparagraph.

*Example—*

The commission is notified by the chief executive of a unit of public administration about possible official misconduct by A. The commission assumes responsibility for the investigation. A resigns before the investigation is finalised but the commission's investigation continues. The investigation later establishes that A's conduct is so serious that proceedings should be taken against A for official misconduct. At that time, a regulation is made prescribing A's appointment.'

- (3) Section 50(4), definition *prescribed person—*

*omit, insert—*

**'prescribed appointment** means an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to QCAT's jurisdiction.

**prescribed person** means—

- (a) a person—
  - (i) who is a member of the police service; or
  - (ii) being a member of the police service, whose employment as a member of the police service ends after the official misconduct happens, regardless of whether the employment ends before or after the start of a disciplinary proceeding for the official misconduct; or
- (b) a person (other than a judge or holder of judicial office, or a member of the police service)—
  - (i) who holds a prescribed appointment; or
  - (ii) being the holder of a prescribed appointment, whose appointment ends after the official

---

misconduct happens, regardless of whether the appointment ends before or after the start of a disciplinary proceeding for the official misconduct.’

- (4) Subsections (2) and (3) are repealed on the commencement of this section if the *Misconduct Tribunals Act 1997* is not repealed by the *Queensland Civil and Administrative Tribunal Act 2009* before this section is commenced or the amendments of section 50 (of the *Crime and Misconduct Act 2001*) under division 2 have been commenced before this section is commenced.

#### **57 Amendment of s 219B (Definitions for pt 2)**

Section 219B, definition *reviewable decision*—

*omit, insert—*

‘*reviewable decision* see section 219BA.’

#### **58 Insertion of new s 219BA**

After section 219B—

*insert—*

##### **‘219BA Meaning of *reviewable decision***

‘(1) A *reviewable decision* means—

- (a) a decision made in relation to an allegation of misconduct against a prescribed person, other than a decision made by a court or QCAT; or
- (b) a finding mentioned in the *Police Service Administration Act 1990*, section 7.4(2A)(b) or 7A.5(1)(b) that misconduct is proved against an officer.

‘(2) In this section—

*decision*, made in relation to a disciplinary allegation of misconduct, if a disciplinary declaration is made, includes the disciplinary declaration.

*Note—*

A reviewable decision may also involve a failure to make a disciplinary declaration.

***disciplinary declaration*** means a disciplinary declaration made under—

- (a) the *Public Service Act 2008*, section 188A; or
- (b) the *Police Service Administration Act 1990*, section 7A.2(2).

***prescribed person***, in relation to a prescribed person mentioned in section 50(4), definition *prescribed person*, paragraphs (a)(ii) and (b)(ii), means—

- (a) a prescribed person against whom a disciplinary declaration has been made; or
- (b) in relation to an appeal started by the commission under section 219G—
  - (i) a prescribed person mentioned in paragraph (a); or
  - (ii) a prescribed person against whom a disciplinary declaration has not been made if a ground of appeal states that a disciplinary declaration should have been made.’.

## **59 Insertion of new s 219DA**

After section 219D—

*insert—*

### **‘219DA QCAT hearing in relation to prescribed person whose employment or appointment has ended**

‘To remove any doubt, it is declared that QCAT may hear and decide, or continue to hear and decide, an allegation of official misconduct brought against a prescribed person defined in section 50(4), definition *prescribed person*, paragraph (a)(ii) or (b)(ii), despite the person’s employment or appointment having ended—

- (a) before or during the QCAT hearing; or
- (b) after the hearing and before QCAT makes its decision.’.

**60 Amendment of s 219G (Proceedings relating to reviewable decisions)**

Section 219G(2)(a), after ‘section 7.4(2A)’—

*insert—*

‘, 7A.4 or 7A.5’.

**61 Amendment of s 219I (Powers for official misconduct)**

Before section 219I(1)—

*insert—*

- ‘(1AA) This section applies to a prescribed person defined in section 50(4), definition *prescribed person*, paragraph (a)(i) or (b)(i).’.

**62 Insertion of new s 219IA**

After section 219I—

*insert—*

**‘219IA QCAT powers for prescribed persons whose employment or appointment ends**

- ‘(1) This section applies to a prescribed person defined in section 50(4), definition *prescribed person*, paragraph (a)(ii) or (b)(ii).
- ‘(2) QCAT may, on a finding of official misconduct being proved against a prescribed person, make a disciplinary declaration and may not take any other disciplinary action.
- ‘(3) QCAT may only make a disciplinary declaration if the order QCAT would have made under section 219I(1) if the prescribed person’s employment or appointment had not ended would have been that the prescribed person—
  - (a) be dismissed; or

- (b) be reduced in rank.
- ‘(4) A disciplinary declaration made under this section does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.
- ‘(5) In this section—
  - disciplinary declaration* means a declaration of—
    - (a) the disciplinary finding against the prescribed person; and
    - (b) the order QCAT would have made under section 219I(1) if the prescribed person’s employment or appointment had not ended.’.

### 63 Amendment of s 219J (Additional power for reviewable decisions)

Section 219J—

*insert—*

- ‘(3) No action may be taken to enforce a penalty or fine mentioned in a disciplinary declaration made under subsection (2).
- ‘(4) A disciplinary declaration may only be made under subsection (2) if the order QCAT would have made under subsection (2), if the prescribed person’s employment or appointment had not ended, would have been that the prescribed person—
  - (a) be dismissed; or
  - (b) be reduced in rank.
- ‘(5) A disciplinary declaration made under subsection (2) does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.
- ‘(6) In this section—
  - decision*, for subsection (1), in relation to a decision appealed against, if the decision appealed against involved the making

of a disciplinary declaration, includes the disciplinary declaration.

*disciplinary declaration* means—

- (a) for a decision appealed against, a disciplinary declaration as defined under section 219BA(2); or
- (b) for a decision substituted on appeal, a declaration of—
  - (i) the disciplinary finding against the prescribed person; and
  - (ii) the discipline that would have been imposed by QCAT under subsection (2) if the prescribed person's employment or appointment had not ended.

*discipline*, for subsection (2), if the decision appealed against involved the making of, or the failure to make, a disciplinary declaration, means the making of a disciplinary declaration.'

#### **64 Amendment of s 219L (QCAT's power to suspend orders)**

Section 219L—

*insert—*

'(7) This section does not apply to a disciplinary declaration.'

#### **65 Amendment of s 219M (Appeal from QCAT exercising original jurisdiction)**

- (1) Section 219M, after 'may appeal'—

*insert—*

'under the QCAT Act, chapter 2, part 8'.

- (2) Section 219M—

*insert—*

'(2) Subsections (3) to (7) apply for the QCAT Act, chapter 2, part 8.

‘(3) A reference to a party to a proceeding includes a reference to a person who may appeal under subsection (1).

‘(4) A reference to a decision, if the decision involves the making of a disciplinary declaration, includes the disciplinary declaration.

*Note—*

The decision may also involve a failure to make a disciplinary decision.

‘(5) If a decision set aside involved the making of, or a failure to make, a disciplinary declaration, the power to substitute another decision involving disciplinary action is limited to the making of, or the making of another, disciplinary declaration and does not include the taking of any other disciplinary action.

‘(6) A disciplinary declaration may only be made if the order the appeal tribunal or the Court of Appeal would have made under the QCAT Act, chapter 2, part 8, if the prescribed person’s employment or appointment had not ended would have been that the prescribed person—

(a) be dismissed; or

(b) be reduced in rank.

‘(7) A disciplinary declaration made under subsection (5) does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.’.

## **66 Insertion of new ch 8, pt 8 and potential repeal**

(1) Chapter 8—

*insert—*

# **‘Part 8 Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

**‘392 Transitional provision for prescribed person and potential repeal**

- ‘(1) For section 50(4), definition *prescribed person*, paragraph (a)(ii) or (b)(ii) of the definition only applies to a person whose employment or appointment ends after the commencement of the relevant provisions.
- ‘(2) In this section—  
*relevant provisions* means the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*, section 56(2) and (3).’.
- (2) This section is repealed if section 56(2) and (3) is repealed under section 56(4).

**Part 8 Amendment of Misconduct Tribunals Act 1997**

**67 Act amended**

- (1) This part amends the *Misconduct Tribunals Act 1997*.
- (2) This part only has effect if the *Misconduct Tribunals Act 1997* is not repealed by the *Queensland Civil and Administrative Tribunal Act 2009* before this part is commenced.

**68 Insertion of new s 14A**

After section 14—

*insert—*

**‘14A Tribunal hearing in relation to a prescribed person whose employment or appointment has ended**

‘To remove any doubt, it is declared that a misconduct tribunal may hear and decide, or continue to hear and decide, a charge under section 14(1) against a prescribed person defined in the *Crime and Misconduct Act 2001*, section 50(5), definition

*prescribed person*, paragraph (a)(ii) or (b)(ii), despite the person's employment or appointment having ended—

- (a) before or during the tribunal's hearing; or
- (b) after the hearing and before the tribunal makes its decision.'

## 69 Amendment of s 15 (What is a *reviewable decision*)

- (1) Section 15(b), after 'section 7.4(2A)(b)'—

*insert—*

'or 7A.5(1)(b).'

- (2) Section 15—

*insert—*

- '(2) In this section—

***decision***, made in relation to a disciplinary charge of misconduct, if a disciplinary declaration is made, includes the disciplinary declaration.

*Note—*

A reviewable decision may also involve a failure to make a disciplinary declaration.

***disciplinary declaration*** means a disciplinary declaration made under—

- (a) the *Public Service Act 2008*, section 188A; or
- (b) the *Police Service Administration Act 1990*, section 7A.2(2).

***prescribed person***, in relation to a prescribed person mentioned in the *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, paragraphs (a)(ii) and (b)(ii), means—

- (a) a prescribed person against whom a disciplinary declaration has been made; or
- (b) in relation to an appeal started by the commission under section 18—

- (i) a prescribed person mentioned in paragraph (a); or
- (ii) a prescribed person against whom a disciplinary declaration has not been made if a ground of appeal states that a disciplinary declaration should have been made.’.

**70 Amendment of s 18 (Proceedings—appellate jurisdiction)**

Section 18(2)(a), after ‘section 7.4’—

*insert—*

‘, 7A.4 or 7A.5’.

**71 Amendment of s 25 (Misconduct tribunal decisions—original jurisdiction)**

Before section 25(1)—

*insert—*

‘(1AA) This section applies to a prescribed person defined in the *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, paragraph (a)(i) or (b)(i)’.

**72 Insertion of new s 25A**

After section 25—

*insert—*

**‘25A Misconduct tribunal decisions for prescribed persons whose employment or appointment has ended**

- ‘(1) This section applies to a prescribed person defined in the *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, paragraph (a)(ii) or (b)(ii).
- ‘(2) A misconduct tribunal exercising original jurisdiction may, if it finds the charge proved, make a disciplinary declaration and may not take any other disciplinary action.
- ‘(3) The tribunal may only make a disciplinary declaration if the order the misconduct tribunal would have made under section

25(1) if the prescribed person's employment or appointment had not ended would have been that the prescribed person—

- (a) be dismissed; or
- (b) be reduced in rank.

'(4) A disciplinary declaration made under this section does not affect the way in which the prescribed person's employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.

'(5) The tribunal may publish its reasons for decision.

'(6) In this section—

*disciplinary declaration* means a declaration of—

- (a) the disciplinary finding against the prescribed person; and
- (b) the order the misconduct tribunal would have made under section 25(1) if the prescribed person's employment or appointment had not ended.'

### **73 Amendment of s 26 (Misconduct tribunal decisions—appellate jurisdiction)**

Section 26—

*insert—*

'(4) No action may be taken to enforce a penalty or fine mentioned in a disciplinary declaration made under subsection (1) or (2).

'(5) The tribunal may only make a disciplinary declaration under subsection (1) or (2) if the order the tribunal would have made if the prescribed person's employment or appointment had not ended would have been that the prescribed person—

- (a) be dismissed; or
- (b) be reduced in rank.

'(6) A disciplinary declaration made under subsection (1) or (2) does not affect the way in which the prescribed person's

employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.

‘(7) In this section—

***decision***—

- (a) for a decision appealed against, if the decision involved the making of a disciplinary declaration, includes the disciplinary declaration; or
- (b) for a decision substituted on appeal, if the decision involves a disciplinary declaration, includes the disciplinary declaration.

***disciplinary declaration*** means—

- (a) for a decision appealed against, a disciplinary declaration as defined under section 15(2); or
- (b) for a decision substituted on appeal, a declaration of—
  - (i) the disciplinary finding against the prescribed person; and
  - (ii) the punishment that would have been imposed by the misconduct tribunal under subsection (1) if the prescribed person’s employment or appointment had not ended.

***punishment***, for subsection (2), if the decision appealed against included the making of, or the failure to make, a disciplinary declaration, means the making of a disciplinary declaration.’.

## 74 **Amendment of s 28 (Misconduct tribunal’s power to suspend punishment)**

Section 28(1), after ‘punishment’—

*insert*—

‘, other than the making of a disciplinary declaration,’.

**75 Amendment of s 37 (Appeal from misconduct tribunal in original jurisdiction)**

(1) Section 37(2)(a)(iii)—

*omit, insert—*

‘(iii) for an appeal against a decision other than under section 25A—manifestly excessive or inadequate level of penalty;

(iv) for an appeal against a decision under section 25A—

(A) manifestly excessive or inadequate level of penalty stated in the order stated in a disciplinary declaration made under the section; or

(B) a failure to make a disciplinary declaration under the section; or’.

(2) Section 37(8), ‘of manifestly excessive or inadequate level of penalty’—

*omit, insert—*

‘under subsection (2)(a)(iii) or (iv)’.

(3) Section 37(9), ‘specified in’—

*omit, insert—*

‘under’.

(4) Section 37—

*insert—*

‘(10) If an appeal on the ground under subsection (2)(a)(iv) is allowed, the court may—

(a) set aside a disciplinary declaration and substitute another disciplinary declaration; or

(b) if there was a failure to make a disciplinary declaration, make a disciplinary declaration;

that the misconduct tribunal was authorised to make and the court considers should have been made by the tribunal.

- 
- ‘(11) No action may be taken to enforce a penalty or fine mentioned in a disciplinary declaration made under subsection (10).
- ‘(12) The court may only make a disciplinary declaration under subsection (10) if the order the court would have made if the prescribed person’s employment or appointment had not ended would have been that the prescribed person—
- (a) be dismissed; or
  - (b) be reduced in rank.
- ‘(13) A disciplinary declaration made under subsection (10) does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.’.

## **76 Insertion of new pt 7, div 3**

Part 7—

*insert—*

### **‘Division 3 Provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009**

#### **‘49 Original jurisdiction unaffected**

- ‘(1) This section applies to—
- (a) a prescribed person; and
  - (b) a misconduct tribunal proceeding that has not been finalised before the commencement of this section.
- ‘(2) The *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, as in force before its amendment by the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*, continues to apply.

- ‘(3) Section 25, as in force before its amendment by the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*, continues to apply.’.

## **77 Potential repeal before commencement**

- (1) This section applies if the *Misconduct Tribunals Act 1997* is repealed by the *Queensland Civil and Administrative Tribunal Act 2009* before this part is commenced.
- (2) This part is repealed.

# **Part 9 Amendment of Public Sector Ethics Act 1994**

## **78 Act amended**

This part amends the *Public Sector Ethics Act 1994*.

## **79 Amendment of s 27 (Who are designated persons)**

Section 27(1)(d)—

*omit, insert—*

‘(d) a member of the Legislative Assembly;’.

## **80 Amendment of s 30 (Designated person about whom advice may be sought)**

- (1) Section 30(2), after ‘person’—

*insert—*

‘other than a non-government member’.

- (2) Section 30—

*insert—*

‘(2A) The Leader of the Opposition may seek advice about a conflict of interest issue involving a non-government member who is a member of the political party to which the Leader of the Opposition belongs.’.

**81 Amendment of s 34 (Authorisation of particular disclosures—conflict of interest issue)**

Section 34(4), after ‘other than’—

*insert—*

‘a non-government member.’.

**82 Amendment of schedule (Dictionary)**

(1) Schedule, definition *government member*—

*omit.*

(2) Schedule—

*insert—*

‘***Leader of the Opposition*** means the member of the Legislative Assembly recognised in the Assembly as the Leader of the Opposition.

***non-government member*** means a member of the Legislative Assembly who is not a member of a political party recognised in the Legislative Assembly as being in government.’.

## **Part 10 Amendments of Acts in schedule**

**83 Acts amended in schedule**

The schedule amends the Acts it mentions.

## **Schedule**                      **Consequential amendments of other Acts**

section 83

### **Aboriginal Land Act 1991**

- 1**        **Sections 90(3) and 127, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

### **Agent-General for Queensland Act 1975**

- 1**        **Section 8, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

### **Agricultural College Act 2005**

- 1**        **Sections 19(3), 20A(5), 20C(2)(b) and 37(5), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

**2 Schedule 2, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Ambulance Service Act 1991**

**1 Section 15, ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Anti-Discrimination Act 1991**

**1 Sections 238(3), 246 and 257(1), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Architects Act 2002**

**1 Section 100(2), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Body Corporate and Community Management Act 1997**

- 1 Sections 231 and 236, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Building and Construction Industry (Portable Long Service Leave) Act 1991**

- 1 Section 26, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Building Units and Group Titles Act 1980**

- 1 Section 69, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Business Names Act 1962**

- 1 Section 4, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Chemical Usage (Agricultural and Veterinary) Control Act 1988**

- 1 Section 4B, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Child Protection Act 1999**

- 1 Schedule 3, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*

## **Child Protection (Offender Prohibition Order) Act 2008**

- 1 Schedule, definition *government entity*—**  
*omit, insert—*  
*‘**government entity** see the *Public Service Act 2008*, section 24.’.*

## **Child Protection (Offender Reporting) Act 2004**

- 1**      **Schedule 3, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Children Services Tribunal Act 2000**

- 1**      **Sections 10(3) and 26, ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

- 2**      **Schedule, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Classification of Computer Games and Images Act 1995**

- 1**      **Schedule 2, definition *computer games classification officer*, ‘under the *Public Service Act 1996*’—**

*omit, insert—*

‘appointed under the *Public Service Act 2008*’.

## **Coal Mining Safety and Health Act 1999**

- 1 Sections 80(7) and 188(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Collections Act 1966**

- 1 Section 7(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Commercial and Consumer Tribunal Act 2003**

- 1 Sections 11(6) and 21(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Commission for Children and Young People and Child Guardian Act 2000**

- 1 Sections 21(5), 29(1) and 81(7), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

**2 Schedule 4, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Cooperatives Act 1997**

**1 Section 435(1), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Coroners Act 2003**

**1 Sections 75, 84(2) and 85(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

**2 Schedule 2, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Corrective Services Act 2006**

- 1 Section 283(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Crime and Misconduct Act 2001**

- 1 Sections 229(2), 230(5), 244(2), 245(2), 254(2), 255(2)(c)(i), 256(2) and 324(4), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Director of Public Prosecutions Act 1984**

- 1 Sections 5(3), 19(2), 20(2), 23(2), 30 and 32(1), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Disability Services Act 2006**

- 1 Section 215(8), ‘Public Service Act 1996, section 19’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 22’.*

## **Disaster Management Act 2003**

**1 Section 145, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Dispute Resolution Centres Act 1990**

**1 Section 26, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Education (Queensland College of Teachers) Act 2005**

**1 Sections 278(2) and 281, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Education (Queensland Studies Authority) Act 2002**

**1 Sections 59(5), 69(1) and 69A, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Electoral Act 1992**

**1 Sections 10(5), 23(6) and 30(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Electrical Safety Act 2002**

**1 Sections 68(3) and 70(3), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Energy Ombudsman Act 2006**

**1 Sections 51(2), 56(3) and 61, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Fair Trading Act 1989**

**1 Sections 19(1) and 109(3), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Family Responsibilities Commission Act 2008**

**1 Sections 12(5), 33(3) and 118(5), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Fire and Rescue Service Act 1990**

**1 Sections 9(4) and 25A, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Food Production (Safety) Act 2000**

**1 Schedule 1, section 10, heading, ‘Departmental officer’—**

*omit, insert—*

*‘Senior executive’.*

**2 Schedule 1, section 10(1), ‘senior officer’—**

*omit, insert—*

*‘senior executive’.*

**3 Schedule 1, section 10(2), ‘the officer’—**

*omit, insert—*

*‘the senior executive’.*

**4 Schedule 1, section 10(3), ‘The officer’—**

*omit, insert—*

‘The senior executive’.

**5 Schedule 1, section 10(4), ‘an officer’—**

*omit, insert—*

‘a senior executive’.

**6 Schedule 1, section 10(5)—**

*omit.*

## **Forestry Act 1959**

**1 Schedule 3, definition *FPQO*, ‘declared under the *Public Service Act 1996*’—**

*omit.*

## **Forestry Plantations Queensland Act 2006**

**1 Section 34(6), definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

**2 Section 58, definition *FPQO*, ‘*Public Service Act 1996*’—**

*omit, insert—*

‘repealed *Public Service Act 1996*.’

*Editor's note—*

See also the *Public Service Act 2008*, schedule 1'.

## **Freedom of Information Act 1992**

- 1 Sections 101E(2), 101G(2), 101P(2), 101V and 101W(2), 'Public Service Act 1996'—**

*omit, insert—*

*'Public Service Act 2008'.*

## **Gene Technology Act 2001**

- 1 Schedule 3, definition *State agency*, paragraph (c), 'Public Service Act 1996'—**

*omit, insert—*

*'Public Service Act 2008'.*

## **Guardianship and Administration Act 2000**

- 1 Sections 96, 205, 219 and 231(6), 'Public Service Act 1996'—**

*omit, insert—*

*'Public Service Act 2008'.*

## **Health Practitioner Registration Boards (Administration) Act 1999**

- 1 Sections 10(5) and 21, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Health Quality and Complaints Commission Act 2006**

- 1 Sections 151(4), 177(5) and 187, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*
- 2 Section 176, note, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Health Services Act 1991**

- 1 Section 2, definition *applied law*, ‘Public Service Act 1996 as applied, under a regulation under section 22’—**  
*omit, insert—*  
*‘Public Service Act 2008 as applied, under a regulation under section 23’.*

**2 Section 2, definition *directive*, paragraph (b), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**3 Section 62F(4), ‘Public Service Act 1996, section 57’—**

*omit, insert—*

*‘Public Service Act 2008, section 103’.*

## **Hire-purchase Act 1959**

**1 Section 44(1), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Judicial Review Act 1991**

**1 Schedule 2, section 8(d), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Justices of the Peace and Commissioners for Declarations Act 1991**

- 1 Sections 12 and 12A(1), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Juvenile Justice Act 1992**

- 1 Sections 31(1) and 316, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Land and Resources Tribunal Act 1999**

- 1 Schedule 4, definition *Public Service Act*, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Land Court Act 2000**

- 1 Sections 32B(3), 45(1) and 48(3), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Land Tax Act 1915

**1 Section 4, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Land Title Act 1994

**1 Section 6(3), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Law Reform Commission Act 1968

**1 Sections 4(3) and 14, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Legal Aid Queensland Act 1997

**1 Sections 49(5), 64(3) and 70(3), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Legislative Standards Act 1992

**1 Section 2, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

**2 Sections 11 and 14(4), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## Libraries Act 1988

**1 Section 2(1), definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

**2 Section 7(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## Local Government Act 1993

**1 Section 188G, ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Local Government (Community Government Areas) Act 2004**

- 1 Section 28, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Magistrates Act 1991**

- 1 Sections 5(11), 7(2), 53B(2) and 53C(1), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Maintenance Act 1965**

- 1 Section 68(1), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Major Sports Facilities Act 2001**

- 1 Sections 30AD(3) and 30AF(5), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

**2 Schedule 2, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Marine Parks Act 2004**

**1 Section 144(6), definition *public authority*, paragraph (a), ‘Public Service Act 1996’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Maritime Safety Queensland Act 2002**

**1 Sections 7(2)(c), 10(2), 11(4) and 12(4), ‘Public Service Act 1996’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Medical Board (Administration) Act 2006**

**1 Sections 10(5) and 21, ‘Public Service Act 1996’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Mental Health Act 2000**

- 1 Sections 390(4), 395(3), 440(6), 446 and 488(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Mineral Resources Act 1989**

- 1 Section 336(1), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Mining and Quarrying Safety and Health Act 1999**

- 1 Sections 71(8), 108(5) and 185(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Misconduct Tribunals Act 1997**

- 1 Section 40(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Motor Accident Insurance Act 1994**

- 1 Section 7(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Nursing Act 1992**

- 1 Section 39, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Parliamentary Service Act 1988**

- 1 Sections 26A and 39(2)(a), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Plant Protection Act 1989**

- 1 Section 28(1A), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Police Powers and Responsibilities Act 2000**

- 1 **Section 740(4), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*
  
- 2 **Schedule 6, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*

## **Police Service Administration Act 1990**

- 1 **Section 2.5(1)(b)(ii), ‘Public Service Act 1996, part 9’—**  
*omit, insert—*  
*‘Public Service Act 2008, chapter 5, part 5’.*
  
- 2 **Sections 2.5A, 5.18, note, 5A.16(2)(f)(ii), 5A.17(2)(b) and 5A.21A(5), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*
  
- 3 **Section 5AA.11(5), definition *merit provision*, paragraph (b), ‘Public Service Act 1996, section 78’—**  
*omit, insert—*  
*‘Public Service Act 2008, chapter 1, part 4’.*

## Professional Engineers Act 2002

**1 Section 100(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Prostitution Act 1999

**1 Sections 102(3), 110B(5) and 110L, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**2 Section 110A, note, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Public Health Act 2005

**1 Sections 81(4), 109(4), 223(4) and 241(4), ‘Public Service Act 1996, section 57’—**

*omit, insert—*

*‘Public Service Act 2008, section 103’.*

## Public Records Act 2002

- 1      **Sections 22 and 29(3)(c), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Public Sector Ethics Act 1994

- 1      **Sections 24(a) and 37(4), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*
- 2      **Schedule, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*
- 3      **Schedule, definition *public service office*, ‘Public Service Act 1996, section 17’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 21(1)’.*
- 4      **Schedule, definition *senior executive officer*—**  
*omit, insert—*  
*‘senior executive officer means an officer employed under the Public Service Act 2008 as a senior executive.’.*
- 5      **Schedule, definition *senior officer*—**  
*omit, insert—*

*‘senior officer* means an officer employed under the *Public Service Act 2008* as a senior officer.’.

**6 Schedule, definition *statutory office*, ‘*Public Service Act 1996*, section 108’—**

*omit, insert—*

*‘Public Service Act 2008*, section 139’.

## **Public Trustee Act 1978**

**1 Sections 9(9) and 11, ‘*Public Service Act 1996*’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Queensland Art Gallery Act 1987**

**1 Section 2, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

*‘Public Service Act 2008*, section 24’.

**2 Section 6(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Queensland Building Services Authority Act 1991

- 1      **Sections 29D(3) and 29F(5), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*
  
- 2      **Schedule 2, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*

## Queensland Competition Authority Act 1997

- 1      **Section 223(3), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Queensland Heritage Act 1992

- 1      **Schedule, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*

## Queensland Museum Act 1970

- 1 **Section 2, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

- 2 **Section 6(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## Queensland Performing Arts Trust Act 1977

- 1 **Sections 6(3) and 37(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## Queensland Theatre Company Act 1970

- 1 **Sections 6(3) and 36(3), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## Queensland Treasury Corporation Act 1988

**1 Section 11(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Security Providers Act 1993

**1 Section 6(5), definition *independent investigator*, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Small Claims Tribunals Act 1973

**1 Sections 5(2) and 15(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Solicitor-General Act 1985

**1 Sections 5(5), 7(5), 10 and 20(1), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## South Bank Corporation Act 1989

**1 Section 3, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

‘Public Service Act 2008, section 24’.

**2 Sections 31E(3) and 31G(5), ‘Public Service Act 1996’—**

*omit, insert—*

‘Public Service Act 2008’.

## South East Queensland Water (Restructuring) Act 2007

**1 Schedule 3, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

‘Public Service Act 2008, section 24’.

**2 Schedule 3, definition *senior executive*, ‘Public Service Act 1996’—**

*omit, insert—*

‘Public Service Act 2008’.

## **State Buildings Protective Security Act 1983**

**1 Section 11, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **State Penalties Enforcement Act 1999**

**1 Section 10, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Stock Act 1915**

**1 Section 5(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Superannuation (State Public Sector) Act 1990**

**1 Sections 15I(3) and 31A(5), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## Supreme Court of Queensland Act 1991

- 1 **Section 119C(2), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Survey and Mapping Infrastructure Act 2003

- 1 **Schedule, definition *public authority*, paragraph (a), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Taxation Administration Act 2001

- 1 **Schedule 2, definition *senior executive*, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## Terrorism (Preventative Detention) Act 2005

- 1 **Section 62(2), third dot point, ‘Public Service Act, section 57’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 103’.*

## **Torres Strait Islander Land Act 1991**

- 1 Sections 87(3) and 124, ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Tourism Queensland Act 1979**

- 1 Section 2, definition *government entity*, ‘Public Service Act 1996, section 21’—**  
*omit, insert—*  
*‘Public Service Act 2008, section 24’.*
- 2 Sections 20A(3), 29AD(3) and 29AF(5), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Trade Measurement Administration Act 1990**

- 1 Section 5(1), ‘Public Service Act 1996’—**  
*omit, insert—*  
*‘Public Service Act 2008’.*

## **Transport Operations (Marine Safety) Act 1994**

**1 Section 36, ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Transport Operations (TransLink Transit Authority) Act 2008**

**1 Sections 20(3), 34(4) and 38(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**2 Schedule 2, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

*‘Public Service Act 2008, section 24’.*

## **Transport Planning and Coordination Act 1994**

**1 Section 23(1), note, first dot point, ‘Public Service Act 1996, especially section 51’—**

*omit, insert—*

*‘Public Service Act 2008, especially section 98’.*

## **Trust Accounts Act 1973**

**1 Section 26A(1), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Urban Land Development Authority Act 2007**

**1 Sections 105(4), 120(3) and 122(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**2 Schedule, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

*‘Public Service Act 2008, section 24’.*

## **Valuers Registration Act 1992**

**1 Section 17(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Veterinary Surgeons Act 1936**

**1 Section 14(2), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

## **Vocational Education, Training and Employment Act 2000**

**1 Section 220X(2)(b), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**2 Schedule 3, definition *government entity*, ‘Public Service Act 1996, section 21’—**

*omit, insert—*

*‘Public Service Act 2008, section 24’.*

## **Water Act 2000**

**1 Sections 147(3), 628(3) and 630(5), ‘Public Service Act 1996’—**

*omit, insert—*

*‘Public Service Act 2008’.*

**2 Schedule 4, definition *government entity*, ‘*Public Service Act 1996*, section 21’—**

*omit, insert—*

‘*Public Service Act 2008*, section 24’.

## **Wet Tropics World Heritage Protection and Management Act 1993**

**1 Sections 23 and 33, ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.

## **Workers’ Accommodation Act 1952**

**1 Section 7(1), ‘*Public Service Act 1996*’—**

*omit, insert—*

‘*Public Service Act 2008*’.