

Public Sector Bill 2022



Queensland

Public Sector Bill 2022

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2022

A Bill

for

An Act to provide for the administration of the public sector, the employment arrangements for public sector employees, a fair and responsive public sector and particular matters relating to individuals other than public sector employees, and to amend this Act, the Ambulance Service Act 1991, the Crime and Corruption Act 2001, the Fire and Emergency Services Act 1990, the Legal Aid Queensland Act 1997, the Ombudsman Act 2001, the Supreme Court Library Act 1968, the TAFE Queensland Act 2013 and the Acts mentioned in schedule 3 for particular purposes, and to repeal the Public Service Act 2008 [s 1]

	The Pa	arliament of Queensland enacts—	1
	Cha	pter 1 Preliminary	2
	Part	1 Introduction	3
Clause	1	Short title This Act may be cited as the <i>Public Sector Act 2022</i> .	4 5
Clause	2	Commencement This Act commences on 1 March 2023.	6 7
Clause	3	Main purpose of Act The main purpose of this Act is to provide a framework for a fair and integrated public sector that serves the people of Queensland and the State.	8 9 10 11
Clause	4	 How main purpose is primarily achieved The main purpose of this Act is to be achieved primarily by— (a) ensuring the public sector is responsive to the community it serves by— (i) promoting a spirit of service to the community; and (ii) providing for the appointment of chief executives and the employment of senior executives to provide the public service with high-performing, future-focused leadership; and (iii) providing for the employment and administration of the public service; and 	12 13 14 15 16 17 18 19 20 21 22

Public Sector Bill 2022 Chapter 1 Preliminary Part 1 Introduction

[s 4]

	(iv)	taking measures to promote the effectiveness and efficiency of public sector entities; and	1 2
	(v)	establishing the Public Sector Commission and providing for the appointment of a Public Sector Commissioner to enhance the public sector's human resource management and capability; and	3 4 5 6
	(vi)	establishing the Public Sector Governance Council to provide oversight of public sector governance; and	7 8 9
	(vii)	establishing a shared responsibility for the effective stewardship of the public sector between the Public Sector Governance Council, the Public Sector Commissioner and chief executives of departments; and	10 11 12 13 14
(b)	gove	ting a public sector that supports the State ernment in reframing its relationship with riginal peoples and Torres Strait Islander peoples	15 16 17 18
	(i)	ensuring public sector entities recognise the importance to Aboriginal peoples and Torres Strait Islander peoples of the right to self-determination; and	19 20 21 22
	(ii)	ensuring public sector entities actively promote the perspectives of Aboriginal peoples and Torres Strait Islander peoples; and	23 24 25
(c)	emp	ting a public sector that ensures fairness in the loyment relationship and fair treatment of its loyees by—	26 27 28
	(i)	providing for the key rights, obligations and employment arrangements of public sector employees; and	29 30 31
	(ii)	maximising employment security and permanency of employment; and	32 33

[s 5]

taking steps to promote equity, diversity, respect and inclusion in employment, including for diversity target groups; and	1 2 3
ensuring a high-performing and diverse workforce, through fair and transparent, merit-based selection processes; and	4 5 6
ensuring fair and accountable decision-making, including by providing public sector employees with access to fair and independent reviews and appeals; and	7 8 9 10
setting a positive performance management framework for public sector employees; and	11 12
fixing principles to guide public sector managers, and the work performance and personal conduct of public sector employees; and	13 14 15
	16 17
responds to the needs of the community and the government; and	18 19
maintains accountability, impartiality and integrity, while supporting the public interest, and when giving advice to the government; and	20 21 22
focuses on the delivery of services and government programs; and	23 24
supports the government in making and implementing decisions about public policy while harnessing creativity and innovation; and	25 26 27
ensures public resources are managed efficiently and their use is accountable.	28 29
of provisions of this Act by another Act	30
	diversity target groups; and ensuring a high-performing and diverse workforce, through fair and transparent, merit-based selection processes; and ensuring fair and accountable decision-making, including by providing public sector employees with access to fair and independent reviews and appeals; and setting a positive performance management framework for public sector employees; and) fixing principles to guide public sector managers, and the work performance and personal conduct of public sector employees; and blishing a high-performing, apolitical public sector effective stewardship that— responds to the needs of the community and the government; and maintains accountability, impartiality and integrity, while supporting the public interest, and when giving advice to the government; and focuses on the delivery of services and government programs; and supports the government in making and implementing decisions about public policy while harnessing creativity and innovation; and ensures public resources are managed efficiently

(1) Nothing in this Act prevents another Act or regulation from— 31

Clause 5

		(a)	applying particular provisions of this Act to an entity that is not a public sector entity or to the chief executive or employees of that entity; or	1 2 3
		(b)	providing for the way in which the provisions mentioned in paragraph (a) are to apply, including, for example, that they apply with or without change.	4 5 6
	(2)	In th	is section—	7
		respo entit	<i>executive</i> , of an entity, includes the individual onsible for the day-to-day management of the entity or the y's affairs, whether or not the individual is subject to the tion of, or reports to, a governing body of the entity.	8 9 10 11
	Part 2		Interpretation	12
	Division	1	Dictionary	13
Clause	6 De	finitio	ns	14
		The this A	dictionary in schedule 2 defines particular words used in Act.	15 16
	Division	2	Key terms	17
	Subdivis	sion	1 Entities	18
Clause	7 Wł	nat is	the <i>public sector</i>	19
		The	<i>public sector</i> is the sector that consists of—	20
		(a)	public sector entities; and	21
		(b)	public sector employees who are employed in public sector entities.	22 23

[s 8]

Clause	8	Wh	nat is a <i>public sector entity</i>			
		(1)	A pu	ublic sector entity is—	2	
			(a)	a public service entity; or	3	
			(b)	an entity, other than a public service entity, prescribed by regulation as a public sector entity; or	4 5	
			(c)	a registry or other administrative office of a court or tribunal of the State; or	6 7	
			(d)	an agency, authority, commission, corporation, instrumentality, office, or other entity, other than an entity mentioned in paragraph (a), (b) or (c), established under an Act for a public or State purpose.	8 9 10 11	
		(2)	How	ever, none of the following is a public sector entity—	12	
			(a)	a local government;	13	
			(b)	a corporation owned by a local government, or a subsidiary of a corporation owned by a local government;	14 15 16	
			(c)	the parliamentary service established under the <i>Parliamentary Service Act 1988</i> ;	17 18	
			(d)	the Governor's official residence (known as 'Government House') and its associated administrative unit;	19 20 21	
			(e)	the Executive Council;	22	
			(f)	the Legislative Assembly;	23	
			(g)	a court of the State;	24	
			(h)	the police service to the extent that it does not include staff members mentioned in the <i>Police Service</i> <i>Administration Act 1990</i> , section $2.5(1)(a)$ or 2.5(1)(b)(ii);	25 26 27 28	
			(i)	a community justice group established under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984;	29 30 31	

	(j)	a school council established under the <i>Education</i> (<i>General Provisions</i>) Act 2006;	1 2
	(k)	a parents and citizens association formed under the <i>Education (General Provisions) Act 2006</i> , chapter 7;	3 4
	(1)	a university established under an Act;	5
	(m)	a co-operative under the Co-operatives National Law (Queensland) for primary producers that is not in receipt of moneys of, or financial assistance from, the State;	6 7 8
	(n)	an association incorporated under the Associations Incorporation Act 1981;	9 10
	(0)	a government owned corporation, unless a regulation prescribes it to be a public sector entity;	11 12
	(p)	a national system employer within the meaning of the <i>Fair Work Act 2009</i> (Cwlth), section 14, including a national system employer mentioned in section 30N of that Act;	13 14 15 16
	(q)	the council;	17
	(r)	a taskforce established under section 195;	18
	(s)	another entity prescribed by another Act for this section not to be a public sector entity;	19 20
	(t)	another entity, or part of another entity, prescribed by regulation for this section not to be a public sector entity.	21 22 23
(3)	is pa have exist	, if a public sector entity mentioned in subsection (1)(d) rt of a department, the public sector entity is taken not to an existence as a public sector entity, separate to the ence of the department as a public sector entity, for the ose of this Act.	24 25 26 27 28
(4)	In th	is section—	29
	cour	t includes a court of record.	30

[s 9]

Clause	9	Wh	at is	a <i>pu</i>	blic service entity	1
			А р и	ıblic s	ervice entity is—	2
			(a)	a de	partment; or	3
			(b)	an e	ntity mentioned in schedule 1.	4
Clause	10	Wh	at is	a de	partment	5
				e partn on 19	<i>nent</i> is a department of government declared under 7.	6 7
Clause	11	Wh	at is	the <i>p</i>	oublic service	8
				-	<i>ic service</i> consists of persons employed under or 5 in departments or other public service entities.	9 10
	Subo	divis	sion	2	Employees	11
Clause	12	Wh	o is a	a puk	lic sector employee	12
		(1)	А р и	ıblic s	ector employee is—	13
			(a)	a pu	blic service employee; or	14
			(b)	-	rson employed under another Act or law in a public or entity.	15 16
		(2)	How	vever,	none of the following is a public sector employee—	17
			(a)	a pe	rson appointed to an office if—	18
				(i)	the appointment to the office is made by the Governor alone; or	19 20
				(ii)	the appointment to the office is made by the Governor in Council; or	21 22
				(iii)	the salary for the office is provided for, or calculated in accordance with a salary provided for, under the <i>Judicial Remuneration Act 2007</i> , the	23 24 25

	District Court of Queensland Act 1967 or the Magistrates Act 1991; or	1 2				
	 (iv) the office is a particular office established under an Act that expressly provides for the appointment of the holder of an office mentioned in subparagraph (ii); or 	3 4 5 6				
	(v) the office is honorary; or	7				
	(vi) the office is prescribed by regulation for this subparagraph;	8 9				
(b)	a person appointed as a member of a board;	10				
(c)	a person appointed as a chief executive of a public sector entity if the person was appointed by a board;	11 12				
(d)	a person employed as an associate to a Supreme Court judge, District Court judge, commissioner under the <i>Industrial Relations Act 2016</i> , or judge or member of another court of record;					
(e)	a person employed as a ministerial staff member under the <i>Ministerial and Other Office Holder Staff Act 2010</i> ;					
(f)	a person employed under a law of a jurisdiction outside Australia;					
(g)	a person prescribed by another Act for this section not to be a public sector employee;	21 22				
(h)	a person prescribed by regulation for this section not to be a public sector employee.	23 24				
Desp if—	ite subsection (2), a person is a public sector employee	25 26				
(a)	the person is appointed as a chief executive under section 171, the commissioner under section 212, or a special commissioner under section 230; or	27 28 29				
(b)	another Act provides the person is to be, may be, or is employed or appointed under this Act.	30 31				

(3)

[s 13]

		 (4) Public sector employees are generally employees for the 1 Industrial Relations Act 2016. 	-
		(5) Subsection (4) does not limit or otherwise affect section 141. 3	3
Clause	13	Who is a <i>public service employee</i> 4	ł
		(1) A <i>public service employee</i> is a person employed under 5 chapter 4 or 5 in a public service entity as— 6	
		(a) a general employee; or 7	7
		(b) a fixed term temporary employee; or 8	3
		(c) a casual employee; or 9)
		(d) an officer; or 1	0
		(e) a senior officer; or 1	1
		(f) a senior executive; or 1	2
		(g) a chief executive. 1	3
			14 15
Clause	14	Who is a <i>public service officer</i> 1	6
			17 18
Clause	15	Conditions of employment of public sector employee	9
			20 21
		governed by various laws and instruments, including, for 2	22 23 24
		(a) this Act; 2	25
		(b) the Industrial Relations Act 2016; 2	26

			(c)	othe	r Acts applying to the employee;	1
			(d)	indu	strial instruments applying to the employee;	2
			(e)	direc	ctives applying to the employee;	3
			(f)	the e	employee's contract of employment.	4
		(3)	affec	ted b	ector employee's conditions of employment may be by other Acts, including, for example, the <i>Human</i> 2019.	5 6 7
	Subo	divis	sion	3	Chief executives	8
Clause	16	Wh	io is a	a <i>chie</i>	ef executive	9
			A ch	ief ex	ecutive, in relation to a public sector entity, is—	10
			(a)		a department—the individual appointed under this as the chief executive of the department; or	11 12
			(b)		a public service entity mentioned in section —the head of the entity; or	13 14
			(c)	for a	nother public sector entity—	15
				(i)	if a regulation prescribes a position for this subparagraph—the individual who holds the prescribed position; or	16 17 18
				(ii)	otherwise—the individual responsible for the day- to-day management of the entity or the entity's affairs, whether or not the individual is subject to the direction of, or reports to, a governing body of the entity.	19 20 21 22 23
Clause	17	Wh	io is a	a pub	lic sector employee's chief executive	24
		(1)	The	chief	<i>executive</i> , of a public sector employee, is—	25
			(a)	the	a public service employee—the chief executive of public service entity in which the employee is loyed as a public service employee; or	26 27 28

[s 18]

		(b)	for a public sector employee mentioned in section $12(1)(b)$ —the chief executive of the public sector entity in which the employee is employed as a public sector employee.	1 2 3 4
	(2)	pub	pite subsection $(1)(a)$, if the employee is employed in a lic service entity mentioned in section 9(b), the chief cutive of the employee is the head of the entity.	5 6 7
	(3)	To r	emove any doubt, it is declared that—	8
		(a)	the chief executive of a health service employee appointed under the <i>Hospital and Health Boards Act</i> 2011, section 67(1) is the chief executive of the department mentioned in that section; and	9 10 11 12
		(b)	the chief executive of a health executive or a senior health service employee appointed under the <i>Hospital</i> <i>and Health Boards Act 2011</i> , section 67(2) is the chief executive of the Service mentioned in that section; and	13 14 15 16
		(c)	the chief executive of a health service employee appointed under the <i>Hospital and Health Boards Act</i> 2011 , section 67(3) is the chief executive of the prescribed Service mentioned in that section.	17 18 19 20
Clause 18		latior ploy	nship between chief executives and their ees	21 22
	(1)	resp	chief executive of a department is, for the State, onsible for the employment of public service employees nat department.	23 24 25
	(2)	to t	public service employees of a department are responsible hat department's chief executive in relation to their loyment in that department.	26 27 28
	(3)	depa resp	chief executive of a public sector entity other than a artment is, for the State or the public sector entity, onsible for the employment of public sector employees of public sector entity.	29 30 31 32
9

(4) The public sector employees of a public sector entity other	1
than a department are responsible to that public sector entity's	2
chief executive in relation to their employment in that public	3
sector entity.	4

Part 3	Reframing of State's	5
	relationship with Aboriginal	6
	peoples and Torres Strait	7
	Islander peoples	8

Division 1	Preliminary	
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Clause	19 Pur	rpose of part					
		(1)	The	purpose of this part is to—	11		
				(4	(a)	ensure reframing entities support the State government in reframing its relationship with Aboriginal peoples and Torres Strait Islander peoples, being Australia's first peoples; and	12 13 14 15
			(b)	develop the cultural capability of prescribed entities.	16		
		(2)		purpose is to be achieved by ensuring reframing entities prescribed entities take active steps to—	17 18		
				(a)	recognise the importance to Aboriginal peoples and Torres Strait Islander peoples of the right to self-determination; and	19 20 21	
			(b)	foster a culturally capable workforce and a culturally safe workplace by developing the cultural capability of the entities.	22 23 24		
		_		. .			
Clause	20	Det	finitio	ons for part	25		
			In th	is part—	26		

[s 21]

cultural capability, of an entity, means the integration o	of 1
knowledge about the experiences and aspirations o	of 2
Aboriginal peoples and Torres Strait Islander peoples into th	e 3
entity's workplace standards, policies, practices and attitude	s 4
to produce improved outcomes for Aboriginal peoples and	d 5
Torres Strait Islander peoples.	6
reframing entity means—	7
(a) a public sector entity; or	8
(b) the police service; or	9
(c) an entity prescribed by another Act for this definition; o	or 10
(d) an entity prescribed by regulation for this definition.	11

Division 2	Responsibilities	
------------	------------------	--

Clause 21 Responsibilities for supporting a reframed relationship with Aboriginal peoples and Torres Strait Islander peoples

 Reframing entities, as providers of public services to the people of Queensland, have a unique role in supporting the 17 State government in reframing its relationship with 18 Aboriginal peoples and Torres Strait Islander peoples. 19

12

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20

(2) Reframing entities fulfil the role by—

- (a) recognising and honouring Aboriginal peoples and 21
 Torres Strait Islander peoples as the first peoples of Queensland; and 23
- (b) engaging in truth-telling about the shared history of all 24 Australians; and 25
- (c) recognising the importance to Aboriginal peoples and 26
 Torres Strait Islander peoples of the right to 27
 self-determination; and 28
- (d) promoting cultural safety and cultural capability at all 29 levels of the public sector; and 30

			(e)	working in partnership with Aboriginal peoples and Torres Strait Islander peoples to actively promote, include and act in a way that aligns with their perspectives, in particular when making decisions directly affecting them; and	1 2 3 4 5
			(f)	ensuring the workforce and leadership of the entities are reflective of the community they serve, having regard to chapter 2 and chapter 3, part 3; and	6 7 8
			(g)	promoting a fair and inclusive public sector that supports a sense of dignity and belonging for Aboriginal peoples and Torres Strait Islander peoples; and	9 10 11
			(h)	supporting the aims, aspirations and employment needs of Aboriginal peoples and Torres Strait Islander peoples and the need for their greater involvement in the public sector.	12 13 14 15
(3)				chief executive of a reframing entity is responsible for ring the entity fulfils the role.	16 17
		(4)	To re	emove any doubt, it is declared that—	18
			(a)	an act or decision is not invalid merely because a person fails to comply with this section; and	19 20
			(b)	nothing in this section creates in a person a legal right or gives rise to a civil cause of action.	21 22
	Divis	sion	3	Plan and audit	23
Clause	22	Def	initio	n for division	24
			In th	is division—	25
			preso	cribed entity means—	26
			(a)	a department; or	27
			(b)	a Hospital and Health Service established under the <i>Hospital and Health Boards Act 2011</i> , section 17; or	28 29
			(c)	the police service; or	30

[s 23]

Clause

		(d) an	entity prescribe	ed by another Ac	t for this definition;	or 1
		(e) an	entity prescrib	ed by regulation	for this definition.	2
23	Ref	raming	the relationsh	nip plan and au	udit	3
	(1)	entity's <i>the rela</i> section	workforce plan tionship plan), 21, that identit	ning, make a do informed by the	ity must, as part of to ocument (a <i>reframi</i> e matters mentioned es for developing to	<i>ng</i> 5 in 6
		(a) pr	oviding advice	to the State gove	ernment; and	9
		(b) de	livering service	s to the commun	nity.	10
	(2)	The refu	aming the relation	ionship plan mus	st be published—	11
		(a) or	the prescribed	entity's website;	; or	12
		an		vailable way the	t have a website, chief executive of t	
	(3)	chief ex of the e	ecutive of the p	rescribed entity	each financial year, t must conduct an au l against the reframi	dit 17
	(4)	The chi	ef executive of	he prescribed en	ntity—	20
		. ,	ust review th nually; and	e reframing tl	he relationship pl	lan 21 22
		(b) m	ay amend the pl	an at any time; a	ind	23
		. ,	responsible for e plan.	the implementa	ation and outcomes	of 24 25

[s 24]

Chapter 2		Chapter 2 Equity, diversity, respect and inclusion			1 2
Part	1		Preliminary	3	
24	Pur	pose	of chapter	4	
	(1)			5 6	
		(a)	develops a diverse workforce that represents and reflects the diverse views, experiences and backgrounds of the people of Queensland; and	7 8 9	
		(b)	actively progresses equity and diversity in employment matters for diversity target groups, including conducting an annual equity and diversity audit and actively progressing gender pay equity; and	10 11 12 13	
		(c)	can demonstrate there are equal conditions of employment and equality in access to employment opportunities and leadership roles; and	14 15 16	
		(d)	fosters a respectful and inclusive workplace culture in which all employees feel safe, valued, accepted and supported at work and can participate equally; and	17 18 19	
		(e)	creates a workplace free from unlawful discrimination.	20	
	(2)	In thi	is section—	21	
				22 23	
		(a)	equal remuneration for male and female employees for work of equal or comparable value; and	24 25	
		(b)	equity for women in employment conditions; and	26	
		(c)	equity in women's access to working arrangements and employment and development opportunities.	27 28	
	Part	Part 1 24 Pur (1)	Part 1 24 Purpose (1) The entity (a) (b) (c) (d) (c) (d) (e) (c) (d) (c) (d) (c) (d) (c) (d) (c) (d) (c) (d) (c) (c) (c) (c) (c) (c) (c) (c	and inclusion Part 1 Preliminary 24 Purpose of chapter (1) The purpose of this chapter is to ensure each prescribed entity— (a) develops a diverse workforce that represents and reflects the diverse views, experiences and backgrounds of the people of Queensland; and (b) actively progresses equity and diversity in employment matters for diversity target groups, including conducting an annual equity and diversity audit and actively progressing gender pay equity; and (c) can demonstrate there are equal conditions of employment and equality in access to employment opportunities and leadership roles; and (d) fosters a respectful and inclusive workplace culture in which all employees feel safe, valued, accepted and supported at work and can participate equally; and (e) creates a workplace free from unlawful discrimination. (2) In this section— actively progressing gender pay equity includes taking measures to achieve—	

Public Sector Bill 2022 Chapter 2 Equity, diversity, respect and inclusion Part 1 Preliminary

[s 25]

Clause	25	Definitions for chapter	1
		In this chapter—	2
		a special commissioner under section 230 whose area of public sector administration stated in the person's instrument of appointment relates to promoting equity, diversity, respect	3 4 5 6 7
		chief executive, of a prescribed entity—	8
			9 10
		(b) otherwise—the individual responsible for the day-to-day management of the entity or the entity's affairs, whether or not the individual is subject to the direction of, or reports to, a governing body of the entity.	11 12 13 14 15
		<i>culture of respect and inclusion</i> , in relation to a prescribed entity's workforce, see section 32.	16 17
		diversity target group means any of the following groups-	18
		(a) Aboriginal peoples and Torres Strait Islander peoples;	19
			20 21
		(c) people with disability;	22
		(d) women;	23
		(e) a group prescribed by regulation for this definition.	24
			25 26
		equity and diversity audit see section 29(1).	27
		equity and diversity plan see section 28(1).	28
		equity and diversity report see section 29(3).	29
		prescribed entity means—	30
		(a) a public sector entity; or	31

		[\$ 26]	
		(b) the police service; or	1
		(c) an entity prescribed by another Act for this definition; or	2
		(d) an entity prescribed by regulation for this definition.	3
		<i>unlawful discrimination</i> means discrimination that is unlawful under the <i>Anti-Discrimination Act 1991</i> .	4 5
Clause	26	Application of chapter	6
		This chapter applies in relation to a prescribed entity only to the extent the prescribed entity has employees.	7 8
	Part	2 Equity and diversity in employment	9 10
Clause	27	Duty to promote equity and diversity	11
		The chief executive of a prescribed entity must take reasonable action to—	12 13
		(a) promote, support and progress equity and diversity in the entity in relation to employment matters; and	14 15
		 (b) ensure people who are members of 1 or more diversity target groups are able to pursue careers, and compete for recruitment, selection and promotion opportunities, in the entity; and 	16 17 18 19
		(c) eliminate unlawful discrimination in the entity in relation to employment matters.	20 21
Clause	28	Equity and diversity plan	22
		(1) The chief executive of a prescribed entity must, as part of the entity's workforce planning, make a document (an <i>equity and diversity plan</i>) that identifies the measures for improving equity and diversity in the entity in relation to employment matters.	23 24 25 26 27

[s 29]

(2)		nout limiting subsection (1), the measures identified in the ty and diversity plan must include—	1 2
	(a)	the establishment of objectives, strategies and targets for the employment of people who are members of 1 or more diversity target groups in the prescribed entity; and	3 4 5
	(b)	any other measure prescribed by regulation.	6
(3)	The	equity and diversity plan must be published—	7
	(a)	on the prescribed entity's website; or	8
	(b)	if the prescribed entity does not have a website, in another publicly available way the chief executive of the entity considers appropriate.	9 10 11
(4)	The	chief executive of the prescribed entity—	12
	(a)	must review the equity and diversity plan annually; and	13
	(b)	may amend the plan at any time, having regard to the most recent equity and diversity audit and equity and diversity report; and	14 15 16
	(c)	is responsible for the implementation and outcomes of the plan.	17 18
(5)	dive	remove any doubt, it is declared that the equity and rsity plan may also address matters about a group of loyees that is not a diversity target group.	19 20 21
	Exam	pple of a group of employees that is not a diversity target group—	22
	-	ople with diverse sexual orientations, gender identities or intersex riations	23 24
Equ	uity a	and diversity audit and report	25
(1)		chief executive of a prescribed entity must conduct an t each year (an <i>equity and diversity audit</i>)—	26 27
	(a)	to gather information about the composition of the entity's workforce; and	28 29

Clause 29

[s 30]

			(b)	if the entity had an equity and diversity plan for the previous year—to analyse performance against that plan; and	1 2 3
			(c)	otherwise to identify and analyse opportunities to promote, support and progress equity and diversity in the entity.	4 5 6
		(2)	-	lanning for and conducting the audit, the chief executive ne prescribed entity must consider—	7 8
			(a)	the purpose of this chapter under section 24; and	9
			(b)	the chief executive's duty under section 27; and	10
			(c)	the obligation under section 28 for the chief executive to make an equity and diversity plan.	11 12
		(3)	exec	soon as practicable after conducting the audit, the chief eutive of the prescribed entity must prepare a report about information gathered in the audit (an <i>equity and diversity prt</i>).	13 14 15 16
		(4)	the o equi	e commissioner or chapter 2 special commissioner asks chief executive of the prescribed entity for a copy of the ty and diversity report, the chief executive must comply the request.	17 18 19 20
Clause	30	Ree	quest	t for information	21
		(1)	the info	commissioner or chapter 2 special commissioner may ask chief executive of a prescribed entity to provide rmation about the chief executive's compliance with ion 27, 28 or 29.	22 23 24 25
		(2)		b, the commissioner or chapter 2 special commissioner ask for the following information for the prescribed by—	26 27 28
			(a)	the steps the entity has taken to comply with its equity and diversity plan;	29 30
			(b)	the other information prescribed by regulation.	31

[s 31]

		(3)	The chief executive of the prescribed entity must give the commissioner and chapter 2 special commissioner the information within 3 months after receiving the request.	1 2 3
Clause	31	Rec	commendation to take particular action	4
		(1)	This section applies if the commissioner or chapter 2 special commissioner believes that the chief executive of a prescribed entity has not fully complied with the obligation under section 28(1) to make an equity and diversity plan.	5 6 7 8
		(2)	The commissioner or chapter 2 special commissioner may recommend to the chief executive of the prescribed entity that particular action (the <i>recommended action</i>) be taken to improve compliance with the obligation.	9 10 11 12
		(3)	Without limiting subsection (2), the commissioner or chapter 2 special commissioner may recommend to the chief executive of the prescribed entity that the entity's equity and diversity plan be amended.	13 14 15 16
		(4)	The chief executive of the prescribed entity must either—	17
			(a) take the recommended action; or	18
			(b) give the commissioner and chapter 2 special commissioner a notice stating the reasons why the recommended action can not be taken.	19 20 21
	Part	3	Culture of respect and inclusion in the public sector	22 23
Clause	32	Wh	at is a culture of respect and inclusion	24
			A <i>culture of respect and inclusion</i> , in relation to a prescribed entity's workplace, includes a culture where—	25 26
			(a) all employees feel safe in the workplace; and	27
			(b) the experiences and perspectives of members of diversity target groups, and other groups of employees	28 29

[s 33]

		that are not diversity target groups, are invited and respected; and	1 2
		Example of a group of employees that is not a diversity target group—	3 4
		people with diverse sexual orientations, gender identities or intersex variations	5 6
		(c) a culture of belonging is fostered in the entity's workforce; and	7 8
		(d) employees in the entity are supported to work together to improve performance and wellbeing of all employees; and	9 10 11
		(e) employees in the entity possess the skills and knowledge, and have access to the systems, necessary to engage in employment matters in a respectful, appropriate and safe way.	12 13 14 15
Clause 33		ty to promote and support culture of respect and lusion	16 17
Clause 33			
Clause 33	inc	The chief executive of a prescribed entity is responsible for promoting and supporting a culture of respect and inclusion in	17 18 19
Clause 33	inc (1)	The chief executive of a prescribed entity is responsible for promoting and supporting a culture of respect and inclusion in the entity's workplace. The chief executive of a prescribed entity must ensure the entity's training programs, policies and practices specifically	17 18 19 20 21 22
Clause 33	inc (1) (2)	The chief executive of a prescribed entity is responsible for promoting and supporting a culture of respect and inclusion in the entity's workplace. The chief executive of a prescribed entity must ensure the entity's training programs, policies and practices specifically promote and support a culture of respect and inclusion. To remove any doubt, it is declared that the prescribed entity's equity and diversity plan may outline measures for fulfilling	17 18 19 20 21 22 23 24 25

[s 34]

	[]					
Clause	34	Request for information				
		(1)	the	commissioner or chapter 2 special commissioner may ask chief executive of a prescribed entity to provide mation about the entity's compliance with section 33.	2 3 4	
		(2)	com	chief executive of the prescribed entity must give the missioner and chapter 2 special commissioner the mation within 3 months after receiving the request.	5 6 7	
Clause	35	Re	comn	nendation to take particular action	8	
		(1)	com unde	section applies if the commissioner or chapter 2 special missioner believes, on the basis of information given or section 34, that the chief executive of a prescribed entity not fully complied with the obligation under section).	9 1 1 1 1	
		(2)	recon parti	commissioner or chapter 2 special commissioner may mmend to the chief executive of the prescribed entity that cular action (the <i>recommended action</i>) be taken to ove compliance with the obligation.	1 1 1 1	
		(3)	The	chief executive of the prescribed entity must either—	1	
			(a)	take the recommended action; or	1	
			(b)	give the commissioner and chapter 2 special commissioner a notice stating the reasons why the recommended action can not be taken.	20 2 2	
	Part	: 4		Miscellaneous	2	
Clause	36	An	nual i	report	2	
		(1)		section applies to the following person (the <i>relevant missioner</i>)—	2 2	

- (a) the chapter 2 special commissioner; 27
- (b) if there is not a chapter 2 special commissioner—the 28 commissioner. 29

[s 37]

	(2)	As soon as prestigable often the and of each financial year the	1
	(2)	As soon as practicable after the end of each financial year, the relevant commissioner must prepare and give to the chairperson of the council a report about the relevant commissioner's activities under chapter 2 during the financial year.	1 2 3 4 5
	(3)	The chairperson must give the Minister and the council a copy of the report.	6 7
Clause 37	Exe	emption from particular requirements and obligations	8
	(1)	This section applies if the commissioner or chapter 2 special commissioner believes it is not reasonably practicable for the chief executive of a prescribed entity to comply with any of the following requirements or obligations because of the number of staff or other resources of the entity—	9 10 11 12 13
		(a) a requirement to make an equity and diversity plan;	14
		(b) a requirement to conduct an equity and diversity audit;	15
		(c) a requirement to prepare an equity and diversity report;	16
		(d) an obligation under section 33(2).	17
	(2)	The commissioner or chapter 2 special commissioner may give the chief executive of the prescribed entity an exemption from the requirement or obligation.	18 19 20
	(3)	The exemption may be for all years or a particular year.	21
	(4)	The commissioner or chapter 2 special commissioner may cancel all or part of the exemption.	22 23
	(5)	The exemption or cancellation must be in writing.	24

[s 38]

	Chapter 3		er 3	Public sector arrangements	1
	Part	1		Preliminary	2
Clause	38	Ар	This	tion of chapter chapter applies to public sector entities and public sector loyees.	3 4 5
	Part	2		Principles	6
Clause	39	Pu	olic s	ector principles	7
		(1)	publ Quee entit	ecognition that public sector entities are established for a ic or State purpose, and of the trust the people of ensland place in public sector entities, a public sector y should be guided by the principles mentioned in ections (2) and (3) (the <i>public sector principles</i>).	8 9 10 11 12
		(2)		management of the public sector should be guided by the wing principles—	13 14
			(a)	achieving a spirit of service to the community;	15
			(b)	ensuring accountability, integrity and support of the public interest;	16 17
			(c)	ensuring independence, transparency and impartiality in giving advice and making decisions;	18 19
			(d)	achieving responsiveness, innovation and creativity;	20
			(e)	promoting collaboration between public sector entities and other entities in providing services to the community;	21 22 23
			(f)	achieving continuous organisational improvement.	24
		(3)		employment of public sector employees should be guided ne following principles—	25 26

	(8	ensuring employment on a permanent basis is the default basis of employment, other than for non-industrial instrument employees;	1 2 3
	(ł	b) supporting equity, diversity, respect and inclusion at work;	4 5
	(0	ensuring the taking of measures aimed at implementing and promoting pay equity;	6 7
	(0	l) ensuring effectiveness and efficiency while maintaining a focus on the future;	8 9
	(6	ensuring fairness and impartiality in making decisions;	10
	(f) remunerating employees at rates appropriate to their responsibilities;	11 12
	(§	y) promoting equitable and flexible working environments.	13
Clause 40	Work	performance and personal conduct principles	14
	p ea fo	a recognition that public sector employment involves a ablic trust, the work performance and personal conduct of ach public sector employee should be guided by the ollowing principles (the <i>work performance and personal personal</i>	15 16 17 18 19
	(8	achieving excellence in service delivery;	20
	(ł	b) ensuring the effective, efficient and appropriate use of public resources;	21 22
	(0	e) giving effect to government policies and priorities;	23
	(6	 collaborating with other public sector entities with a focus on public sector-wide priorities in addition to priorities specific to particular public sector entities, if appropriate and while recognising the need for independence of particular public sector entities; 	24 25 26 27 28
	(6	providing sound and impartial advice to government;	29
	(f) continuously improving work performance, including	30

[s 40]

	(g)	carrying out duties impartially and with integrity;	1
	(h)	acting honestly, fairly and in the public interest;	2
	(i)	interacting with staff members under the <i>Ministerial and</i> <i>Other Office Holder Staff Act 2010</i> respectfully, collaboratively and with integrity;	3 4 5
	(j)	observing all laws relevant to the employment;	6
	(k)	ensuring the employee's personal conduct does not reflect adversely on the reputation of the public sector entity in which the employee is employed;	7 8 9
	(1)	observing the ethics principles under the <i>Public Sector</i> <i>Ethics Act 1994</i> , section 4;	10 11
	(m)	complying with an approved code of conduct and any approved standard of practice as required under the <i>Public Sector Ethics Act 1994</i> , section 12H or 18.	12 13 14
(2)	ensu	ablic sector manager must take all reasonable steps to re each public sector employee under the manager's agement is aware of the following matters—	15 16 17
	(a)	the work performance and personal conduct expected of the employee;	18 19
	(b)	the public sector principles;	20
	(c)	the values of the public sector entity in which the employee is employed;	21 22
	(d)	for a public service employee—the values of the public service;	23 24
	(e)	what constitutes corrupt conduct under the <i>Crime and Corruption Act 2001</i> .	25 26
(3)	Also	, a public sector manager must—	27
	(a)	provide working environments in which all public sector employees are—	28 29
		(i) treated fairly and reasonably; and	30

[s 40]

		(ii)	assigned work according to the employee's responsibilities as reflected in remuneration rates; and	1 2 3
	(b)		sider and give effect to the following matters when ertaking management responsibilities—	4 5
		(i)	the public sector principles;	6
		(ii)	the values of the public sector entity in which the employee is employed;	7 8
		(iii)	if the manager is a public service employee—the values of the public service; and	9 10
	(c)		tions, including when making decisions; and	11 12
	(d)	inclu	ertake best practice human resource management, uding the application of the positive performance agement principles in the following ways—	13 14 15
		(i)	pro-actively managing the work performance and personal conduct of public sector employees;	16 17
		(ii)	constructively engaging with public sector employees to identify development and training opportunities, improve work performance, and build expertise in the public sector;	18 19 20 21
		(iii)	taking prompt and appropriate action to address any unacceptable work performance or personal conduct that arises; and	22 23 24
	(e)		personal responsibility for development as a ager.	25 26
(4)			executive of a public sector entity has overall lity for—	27 28
	(a)		ring the entity performs its functions in a way sistent with—	29 30
		(i)	the main purpose of the Act; and	31

[s 41]

		(ii)	the ways in which the main purpose of the Act is to be primarily achieved; and	1 2
		(iii)	the public sector principles; and	3
	(b)	func	ring managers within the entity perform managerial tions in accordance with the positive performance agement principles; and	4 5 6
	(c)		ring public sector employees have access to fair and pendent reviews and appeals; and	7 8
	(d)	plan revie	ring the entity has workforce and human resource ning and practices, including systems for the regular ew of employment arrangements for public sector loyees.	9 10 11 12
	Note-			13
	Ac ex	<i>counta</i> ecutive	ief executive is an accountable officer under the <i>Financial</i> <i>ability Act 2009</i> , see also the responsibility of the chief to develop the strategic plan and operational plan under the <i>l and Performance Management Standard 2019</i> , section 8.	14 15 16 17
41			ecutive must perform functions and sponsibilities	18 19
	-	er an	ming functions and discharging responsibilities Act, a chief executive of a public sector entity	20 21 22
	(a)	obse	rve the public sector principles; and	23
	(b)	-	ply with all relevant laws, industrial instruments and ctives.	24 25
Part	3		Recruitment and selection	26
42	Definitio	on for	part	27
	In th	is par	t—	28
	emp	<i>loy</i> , a	person as a public sector employee, includes—	29

Clause 41

Clause 42

				[s 43]	
			(a)	for a public service officer—second or promote the officer; and	1 2
			(b)	for a chief executive—appoint.	3
Clause	43	Арј	plicat	ion of part	4
				part applies to the employment of an eligible person in or public sector entity.	5 6
Clause	44	Priı	nciple	es underpinning recruitment and selection	7
		(1)	selec	purpose of this section is to ensure the recruitment and ction of a high-performing, apolitical and representative ic sector workforce.	8 9 10
		(2)	publ abou unde	erson undertaking a recruitment and selection process in a ic sector entity, including, for example, making a decision at employment of a public sector employee, must ertake the process in accordance with the principles tioned in subsection (3).	11 12 13 14 15
		(3)	The	principles are—	16
			(a)	recruitment and selection processes must be directed to the selection of the eligible person best suited to the position; and	17 18 19
			(b)	recruitment and selection processes must be fair and transparent; and	20 21
			(c)	recruitment and selection processes must reflect the obligations under chapter 2 relating to equity, diversity, respect and inclusion.	22 23 24
Clause	45	Em	ploy	nent on merit and for equity and diversity	25
		(1)	-	erson selected for employment in or to a public sector y must be the eligible applicant best suited to the position.	26 27

[s 46]

		(2)	perse	on un	g the eligible applicant best suited to a position, a dertaking a recruitment and selection process in a tor entity—	1 2 3
			(a)		t consider each eligible applicant's ability to orm the requirements of the position; and	4 5
			(b)	may	consider—	6
				(i)	the way in which each eligible applicant carried out any previous employment; and	7 8
				(ii)	the potential of each eligible applicant to make a future contribution to the entity; and	9 10
				(iii)	the extent to which the proposed decision would contribute to fulfilment of the entity's obligations under chapter 2, including, for example, the objectives, strategies and targets stated in the entity's equity and diversity plan.	11 12 13 14 15
Clause	46	Dir	ectiv	e abo	out recruitment and selection	16
					nissioner may make a directive about recruitment ion under this part, including, for example—	17 18
			(a)		way in which recruitment or selection processes in ic sector entities must be carried out; and	19 20
			(b)		way in which the principles mentioned in section () are to be applied; and	21 22
			(c)	a ma	atter mentioned in section $45(2)$.	23
	Part	4			Eligibility for employment	24
Clause	47	Red	quire	ment	for citizenship or residency	25
		(1)	A perso		is eligible to be a public sector employee only if the	26 27
			(a)	is ar	Australian citizen; or	28

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1

	(b)	resides in Australia and has permission, under a law of the Commonwealth, to work in Australia.	1 2
(2)	-	ublic sector employee's chief executive may, by signed ce, terminate the employee's employment if the employee	3 4

is ineligible under subsection (1) to be a public sector 5 employee.
(3) If a public sector employee's permission to work in Australia 7 ends, the employee's employment is taken to have been 8

terminated by the employee's chief executive on the same day. 9

Part 5Suitability for employment10

Division 1	Preliminary]
------------	-------------	---

Clause	48 De	efinitions for part				
		In this part—				
		eng	age, a person as a public sector employee, includes—	14		
		(a)	employ, promote, transfer, redeploy or second the person within or to a public sector entity; and	15 16		
		(b)	allow the person to participate in a mobility arrangement in a public sector entity; and	17 18		
		(c)	start training the person in a public sector entity as an apprentice or trainee, within the meaning of the <i>Further Education and Training Act 2014</i> .	19 20 21		
		suite	ability directive means a directive made for this part.	22		
	Division 2		Criminal history	23		
Clause	49 De		on for division	24 25		

[s 50]

relevant duty see section 50.

1

Clause	50	Meaning of <i>relevant duty</i>	2
		<i>relevant duty</i> if the chief executive of the entity decides under the suitability directive that because of the nature of the duty, it may be necessary to have regard to the criminal history of a person engaged to perform the duty to ensure the person is	3 4 5 6 7 8
			9 10
		(a) child-related duties; or	11
		(b) regulated employment.	12
		Notes—	13
			14 15
		Act 2000, chapter 7, and division 4, in relation to persons to be	16 17 18
Clause	51	Relationship with other laws	19
		<i>Offenders)</i> Act 1986 but does not limit any other law, or other provision of this Act, under which a person's criminal history	20 21 22 23
Clause	52	Chief executive may decide to obtain criminal history	24
		entity engages, or proposes to engage, a person to perform a	25 26 27
			28 29

6

public sector employee employed in the entity to include a
relevant duty.1The chief executive may, under the suitability directive, ask3

(3) The chief executive may, under the suitability directive, ask the person for written consent for the chief executive to obtain the person's criminal history.
 3

Clause 53 Failure to consent to obtaining criminal history

- This section applies if the person does not consent, or 7 withdraws the person's consent, to the chief executive 8 obtaining the person's criminal history.
- (2) If the person is a public sector employee in the public sector entity who is engaged in performing a relevant duty, the chief executive must ensure the person does not perform a relevant duty.
 10
 11
 12
 13
- (3) If the person is not a public sector employee in the public 14 sector entity who is engaged in performing a relevant duty, the chief executive is not required to consider the person for the engagement. 17

Clause 54Obtaining criminal history with consent18(1)This section applies if the person gives written consent to the
chief executive obtaining the person's criminal history.19
20(2)The chief executive may ask the police commissioner for a
written report about the person's criminal history.21
22(3)The request may include the following—23

- 3) The request may include the following— 23
 - (a) the person's name and any other name the chief 24 executive believes the person may use or may have used; 25
 - (b) the person's date and place of birth, gender and address. 26
- (4) The police commissioner must comply with the request to the 27 extent the police commissioner has possession of or access to 28 the person's criminal history. 29

[s 55]

Clause	55	Ass	sessr	nent of suitability using criminal history	1
			the suita	r the report about the person's criminal history is given to chief executive, the chief executive must, under the bility directive, consider the person's criminal history in ing an assessment about—	2 3 4 5
			(a)	for section $52(1)$ —the person's suitability for the engagement to perform the relevant duty; or	6 7
			(b)	for section $52(2)$ —the person's suitability for the change to the person's duties to include the relevant duty.	8 9 10
	Divis	ion	3	Child-related duties	11
Clause	56	Def	initic	ons for division	12
			In th	is division—	13
			child	<i>l-related duty</i> see section 57.	14
			-	tive notice means a negative notice under the Working Children (Risk Management and Screening) Act 2000.	15 16
			0	tered teacher see the Working with Children (Risk agement and Screening) Act 2000, schedule 7.	17 18
Clause	57	Меа	aning	of child-related duty	19
		(1)	child	uty to be performed in a public sector entity is a <i>I-related duty</i> if the chief executive of the entity decides or the suitability directive that—	20 21 22
			(a)	the duty—	23
				(i) is to be performed at a place at which services are provided only or mainly to children; or	24 25
				(ii) is to be performed in a role involving providing services only or mainly to children; or	26 27

[s 58]

			(iii) involves contact with children that is of a type, or happens in a context, that may create an unacceptable level of risk for children; and(b) it is papagary to conduct child related ampleument	1 2 3
			(b) it is necessary to conduct child-related employment screening, under the <i>Working with Children (Risk</i> <i>Management and Screening) Act 2000</i> , chapter 8, of a person the chief executive engages, proposes to engage, or has engaged, to perform the duty, to ensure the person is suitable to perform the duty.	4 5 6 7 8 9
		(2)	However, the duty is not a child-related duty if the duty is likely to involve regulated employment.	10 11
			Note— See the Working with Children (Risk Management and Screening) Act 2000, chapter 7, and division 4, in relation to persons to be engaged in duties that are regulated employment.	12 13 14 15
Clause	58		ef executive must ensure person holds working with Idren authority	16 17
		(1)	The chief executive of a public sector entity must ensure a person does not perform a child-related duty in the entity unless—	18 19 20
			(a) the person holds a working with children authority; or	21
			(b) if the person is a police officer or registered teacher—the person has made a working with children check (exemption) application under the <i>Working with</i> <i>Children (Risk Management and Screening) Act 2000.</i>	22 23 24 25
		(2)	Subsection (1) applies even if the person is a public sector employee at the time the chief executive proposes to engage the person to perform the child-related duty.	26 27 28
Clause	59	tea	ef executive must ensure police officer or registered cher who is also a public sector employee holds mption	29 30 31
		(1)	This section applies if—	32

[s 60]

Clause 60

	(a)	pers perf	chief executive of a public sector entity engages a on who is a police officer or registered teacher to form child-related duties on the basis the person le an application mentioned in section $58(1)(b)$; and	1 2 3 4
	(b)		n the chief executive engages the person, the person so a public sector employee; and	5 6
	(c)	eithe	er of the following happens—	7
		(i)	the person's application is withdrawn under the Working with Children (Risk Management and Screening) Act 2000;	8 9 10
		(ii)	the person is issued a negative notice.	11
(2)			executive must ensure the person does not continue n child-related duties.	12 13
	empti		is not public sector employee holds	15
exe	mnti			
(1)	-	section the opers	on applies if— chief executive of a public sector entity engages a on who is a police officer or registered teacher to form child-related duties on the basis the person has	16 17 18 19 20
	This	section the opers perfe	chief executive of a public sector entity engages a	17 18
	This	section the opers performad whe	chief executive of a public sector entity engages a on who is a police officer or registered teacher to form child-related duties on the basis the person has	17 18 19 20 21 22
	This (a) (b)	section the opers performad whe is no	chief executive of a public sector entity engages a on who is a police officer or registered teacher to orm child-related duties on the basis the person has le an application mentioned in section 58(1)(b); and n the chief executive engages the person, the person	17 18 19 20
(1)	This (a) (b)	section the opers performad when is not chief may that	chief executive of a public sector entity engages a on who is a police officer or registered teacher to orm child-related duties on the basis the person has le an application mentioned in section 58(1)(b); and n the chief executive engages the person, the person of a public sector employee.	17 18 19 20 21 22 23
(1)	This (a) (b) The	section the operst performad whe is not chief may that exer may only	chief executive of a public sector entity engages a on who is a police officer or registered teacher to form child-related duties on the basis the person has le an application mentioned in section 58(1)(b); and in the chief executive engages the person, the person of a public sector employee. executive— r employ the person on probation only for a period does not end before a working with children	17 18 19 20 21 22 23 24 25 26

[s 61]

		(i) the person's application is withdrawn under the Working with Children (Risk Management and Screening) Act 2000;	1 2 3
		(ii) the person is issued a negative notice.	4
		(3) Subsection (2) does not limit or otherwise affect a power to impose a longer probationary period or to terminate a person's employment.	5 6 7
		(4) In this section—	8
		<i>working with children exemption</i> see the <i>Working with Children</i> (<i>Risk Management and Screening</i>) <i>Act</i> 2000, section 282(2).	9 10 11
Clause	61	Effect of suspension of working with children authority	12
		(1) This section applies if a person's working with children authority is suspended under the <i>Working with Children (Risk Management and Screening) Act 2000.</i>	13 14 15
		(2) The chief executive must ensure the person does not perform a child-related duty in the public sector entity during the period of the suspension.	16 17 18
Clause	62	Effect of cancellation of working with children authority	19
		(1) This section applies if a person's working with children authority is cancelled under the <i>Working with Children (Risk Management and Screening) Act 2000.</i>	20 21 22
		(2) The chief executive must ensure the person does not perform a child-related duty in the public sector entity.	23 24

Public Sector Bill 2022 Chapter 3 Public sector arrangements Part 5 Suitability for employment

[s 63]

	Divis	ion	4	Further assessment of persons issued with working with children authority	1 2 3
Clause	63	Def	initic	on for division	4
			In th	is division—	5
			pres	cribed duty means—	6
			(a)	a child-related duty; or	7
			(b)	a duty relating to regulated employment.	8
Clause	64	Ар	plicat	tion of division	9
		(1)	This	division applies if—	10
			(a)	the chief executive of a public sector entity engages, proposes to engage, or has engaged, a person to perform a prescribed duty in the entity; and	11 12 13
			(b)	the chief executive (working with children) has issued a working with children authority to the person; and	14 15
			(c)	the chief executive (working with children) has advised the chief executive of the public sector entity, under the <i>Working with Children (Risk Management and</i> <i>Screening) Act 2000</i> , section 235 or 293, that a further assessment of the person may be needed to decide whether the person should be engaged to perform the prescribed duty.	16 17 18 19 20 21 22
		(2)	the p	vever, this section does not apply if the chief executive of public sector entity engages, proposes to engage, or has aged, the person to perform the prescribed duty only—	23 24 25
			(a)	under a contract for services; or	26
			(b)	on a voluntary basis; or	27

[s 65]

			(c) if the person is a student—under an arrangement to provide the person with practical experience in the person's field of study.	1 2 3
		(3)	In this section—	4
			<i>chief executive (working with children)</i> means the chief executive of the department in which the <i>Working with Children (Risk Management and Screening) Act 2000</i> is administered.	5 6 7 8
Clause	65	Rel	ationship with other laws	9
			This division is subject to the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> but does not limit any other law, or other provision of this Act, under which a person's criminal history may be obtained.	10 11 12 13
Clause	66	Chi	ef executive may decide to obtain criminal history	14
			The chief executive may, under the suitability directive, ask the person for written consent for the chief executive to obtain the person's criminal history.	15 16 17
Clause	67	Fail	lure to consent to obtaining criminal history	18
		(1)	This section applies if the person does not consent, or withdraws the person's consent, to the chief executive obtaining the person's criminal history.	19 20 21
		(2)	If the person is a public sector employee in the public sector entity who is engaged in performing a prescribed duty, the chief executive must ensure the person does not perform a prescribed duty.	22 23 24 25
		(3)	If the person is not a public sector employee in the public sector entity who is engaged in performing a prescribed duty, the chief executive is not required to consider the person for the engagement.	26 27 28 29

[s 68]

Clause	68	Ob	tainir	ng criminal history with consent	1
		(1)		section applies if the person gives written consent to the f executive obtaining the person's criminal history.	2 3
		(2)		chief executive may ask the police commissioner for a en report about the person's criminal history.	4 5
		(3)	The	request may include the following—	6
			(a)	the person's name and any other name the chief executive believes the person may use or may have used;	7 8
			(b)	the person's date and place of birth, gender and address.	9
		(4)	exte	police commissioner must comply with the request to the at the police commissioner has possession of or access to person's criminal history.	10 11 12
Clause	69	As	sessr	nent of suitability using criminal history	13
			the suita mak	r the report about the person's criminal history is given to chief executive, the chief executive must, under the bility directive, consider the person's criminal history in ing an assessment about the person's suitability for the gement to perform the prescribed duty.	14 15 16 17 18
	Divis	sion	5	Serious disciplinary action	19
Clause	70	Def	initic	on for division	20
			In th	is division—	21
			seria	ous disciplinary action means—	22
			(a)	disciplinary action under a public sector disciplinary law involving—	23 24
				(i) termination of employment; or	25
				(ii) reduction of classification level or rank; or	26
				(iii) transfer or redeployment to other employment; or	27

[s 71]

		(iv) reduction of remuneration level; or	1
		(b) a disciplinary declaration under a public sector disciplinary law that states that the disciplinary action that would have been taken against a person if the person's employment had not ended is the disciplinary action mentioned in paragraph (a)(i) or (ii); or	2 3 4 5 6
		(c) action taken by a chief executive to end a person's employment as a public sector employee, or to consider a person's employment as a public sector employee as ended, as mentioned in part 11.	7 8 9 10
Clause	71	ef executive may require person to disclose serious iplinary action	11 12
		This section applies if the chief executive of a public sector entity proposes to employ a person in, or second a person to, the entity.	13 14 15
		The chief executive may, under a directive, require the person to give the chief executive a notice stating the particulars of any serious disciplinary action taken against the person.	16 17 18
		The person must comply with the requirement before the employment or secondment takes effect and within the period and in the way stated by the chief executive.	19 20 21
		The chief executive is not required to further consider the person for the employment or secondment if the person—	22 23
		(a) fails to comply with the requirement; or	24
		(b) gives false or misleading information in response to the requirement.	25 26
Clause	72	essment of suitability using notice of serious iplinary action	27 28
		After the notice about the person's serious disciplinary action is given to the chief executive, the chief executive must consider, under a directive, the particulars of any serious	29 30 31

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[s 73]

disciplinary action taken against the person in making an
assessment about the person's suitability for the employment
in, or secondment to, the public sector entity.13

4

Division 6 Change in criminal history

Clause	73		blic sector employee must disclose to chief executive arge or conviction for indictable offence			
		(1)	This section applies if a public sector employee is—			
			(a)	charged with an indictable offence; or	8	
			(b)	convicted by a court of an indictable offence.	9	
		(2)		employee must give the employee's chief executive a ce stating—	10 11	
			(a)	if the employee has been charged with an indictable offence—	12 13	
				(i) that the employee has been charged; and	14	
				(ii) the details of the alleged offence; or	15	
			(b)	if the employee has been convicted of an indictable offence—	16 17	
				(i) that the employee has been convicted; and	18	
				(ii) the details of the offence; and	19	
				(iii) the penalty imposed on the employee.	20	
		(3)	The	notice must be given—	21	
			(a)	if the employee has been charged with an indictable offence—immediately after the employee is charged; or	22 23	
			(b)	if the employee has been convicted of an indictable offence—immediately after the employee is convicted.	24 25	
		(4)	In th	nis section—	26	
				<i>victed</i> includes a finding of guilt, whether or not a viction is recorded.	27 28	

		<i>ctable offence</i> includes an indictable offence dealt with marily.	1 2		
		uting authority must disclose to chief executive tals, convictions and other information	3 4		
(1)	This section applies if the police commissioner or the director of public prosecutions (a <i>prosecuting authority</i>) becomes aware that a person—				
	(a)	is a public sector employee in a public sector entity; and	8		
	(b)	has been charged with a relevant offence.	9		
(2)	offe the	he person is committed by a court for trial for a relevant nce, the prosecuting authority must, within 7 days after committal, give the person's chief executive a notice adding the following information—	10 11 12 13		
	(a)	the person's name;	14		
	(b)	the court;	15		
	(c)	particulars of the alleged relevant offence;	16		
	(d)	the date of the committal;	17		
	(e)	the court to which the person was committed.	18		
(3)	If the person is convicted before a court of a relevant offence, the prosecuting authority must, within 7 days after the conviction, give a notice to the person's chief executive including the following information—				
	(a)	the person's name;	23		
	(b)	the court;	24		
	(c)	particulars of the relevant offence;	25		
	(d)	the date of the conviction;	26		
	(e)	the sentence imposed by the court.	27		
(4)	the p	e person is convicted as mentioned in subsection (3), and person has appealed against the conviction, and the appeal inally decided or has otherwise ended, the prosecuting	28 29 30		

Clause 74

[s 74]

authority must, within 7 days after the decision or the day the 1 appeal otherwise ends, give a notice to the person's chief 2 executive including the following information-3 (a) the person's name; 4 (b) particulars of the relevant offence; 5 the date of the decision or other ending of the appeal; (c) 6 (d) if the appeal was decided— 7

(i) the court in which it was decided; and

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- (ii) particulars of the decision.
- (5) If the prosecution for the relevant offence ends without the person being convicted of the offence, the prosecuting authority must, within 7 days after the prosecution process ends, give a notice to the person's chief executive including the following information—
 (a) the person's name;
 (5) If the prosecution for the relevant offence ends without the prosecution process is provided by the prosecution process is provided by the person of the person's chief executive including is provided by the person's name;
 - (b) if relevant, the court in which the prosecution process 16 ended; 17
 - (c) particulars of the relevant offence;(d) the date the prosecution process ended.
- (6) For subsection (5), the prosecution process ends if— 20
 - (a) an indictment was presented against the person but a nolle prosequi is entered on the indictment or the person is acquitted; or 23
 - (b) the prosecution process otherwise ends.
- (7) In this section—

disqualifying offencesee the Working with Children (Risk26Management and Screening)Act 2000, section 16.27

relevant offence means—

- (a) an indictable offence; or 29
- (b) a disqualifying offence that is not an indictable offence. 30

[s 75]

	Divis	ion	7 Offences	1	
Clause	75	Fai	ilure to give required notice A person must not fail to give a notice required to be given under section 73 to the person's chief executive, unless the person has a reasonable excuse.	2 3 4 5	
Clause	76		Maximum penalty—100 penalty units. ving chief executive false or misleading information in tice	6 7 8	
		(1)	A person must not, in a notice required to be given under section 73 to the person's chief executive, give the chief executive information the person knows is false or misleading in a material particular.	9 10 11 12	
			Maximum penalty—100 penalty units.	13	
		(2)	Subsection (1) does not apply to a person if the person, when giving the notice—	14 15	
			(a) tells the chief executive, to the best of the person's ability, how the notice is false or misleading; and	16 17	
			(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.	18 19	
Clause	77	False or misleading statements in written consent or other document			
			A person must not give a chief executive of a public sector entity a written consent as mentioned in section 52 or 66, or another document under this part, that the person knows contains information that is false or misleading in a material particular.	22 23 24 25 26	
			Maximum penalty—100 penalty units.	27	

[s 78]

	Divi	sion	8	Miscellaneous	1		
Clause	78	Evi	Evidence of identity				
			emp	ublic sector employee must, within 1 month after starting loyment in the public sector, give the employee's chief cutive—	3 4 5		
			(a)	a certified copy or certified extract of the employee's birth certificate; or	6 7		
			(b)	if it is not practicable to obtain the copy or extract, another document the chief executive considers satisfactorily establishes the employee's identity.	8 9 10		
Clause	79	Destruction of reports and notices					
		(1)	unde	s section applies to each of the following documents if, er the suitability directive, the document is no longer ired to be kept—	12 13 14		
			(a)	a criminal history report about a person after the chief executive who requested the report makes an assessment about the person under division 2 or 4;	15 16 17		
			(b)	a notice given to a chief executive under section 74.	18		
		(2)		chief executive must destroy the document and any other iment required by the suitability directive to be destroyed.	19 20		
Clause	80	Co	mmis	ssioner must make directive for this part	21		
		(1)	The	commissioner must make a directive for this part.	22		
		(2)	The	directive must include provision for—	23		
			(a)	the circumstances in which a chief executive may decide it is necessary to obtain the criminal history of a person; and	24 25 26		
			(b)	the following matters—	27		
[s 80]

		 (i) the types of places a chief executive may decide are places at which services are provided only or mainly to a child or children; 	2					
		 (ii) the types of roles a chief executive may decide involve providing services only or mainly to a child or children; 	5					
		that may create an unacceptable level of risk for	7 3 9 10					
	(c)	written representations about a criminal history report before an adverse decision relating to the person is	11 12 13 14					
(3)	In this section—							
	<i>adverse decision</i> , relating to a person, means a decision about the person's suitability for engagement or continued engagement to perform—							
	(a)	report was obtained, other than a decision that the person is suitable for engagement to perform the	19 20 21 22					
	(b)	is suitable for engagement to perform the child-related	23 24 25					
	(c)		26 27					

[s 81]

	Part	6			Nature of employment	1
	Divis	ion	1		Security of employment	2
Clause	81	Bas	sis of	emp	loyment—generally on permanent basis	3
		(1)	basis anoth	unle ner A	ent of a public sector employee is on a permanent ess the employee is employed under this Act or ct that provides for employment of a public sector on another basis, including, for example—	4 5 6 7
			(a)	on a	temporary basis for a fixed term; or	8
			(b)	on a	casual basis.	9
		(2)	this .	Act o oyme	a public sector employee may be employed under or another Act on a non-permanent basis only if ent of a person on a permanent basis is not viable or e.	10 11 12 13
		(3)	secto	r emj opriat	imiting subsection (2), employment of a public ployee on a permanent basis may not be viable or e if the employment is for any of the following	14 15 16 17
			(a)		elation to employment on a temporary basis for a l term—	18 19
				(i)	to fill a temporary vacancy arising because a person is absent for a known period; or	20 21
					Examples of absence for a known period—	22
					approved leave (including parental leave), a secondment	23
				(ii)	to perform work for a particular project or purpose that has a known end date; or	24 25
					Example—	26
					employment for a set period as part of a training program or placement program	27 28
				(iii)	to fill a position for which funding is unlikely or unknown; or	29 30

		Example—	1
		employment relating to performing work for which funding is subject to change or is not expected to be renewed	2 3 4
	(i	v) to fill a short-term vacancy before a person is employed on a permanent basis; or	5 6
	(1	v) to perform work necessary to meet an unexpected short-term increase in workload;	7 8
		Example—	9
		an unexpected increase in workload for disaster management and recovery	10 11
	(b) ir	n relation to employment on a casual basis—	12
	(i	to fill a short-term vacancy arising because a person is absent for an unplanned or unexpected period; or	13 14 15
	(i	i) to perform work for a short period to fill a gap in a work roster for employees employed on a permanent basis, or on a temporary basis for a fixed term; or	16 17 18 19
	(i	iii) to fill a position for which work patterns or work demand is variable and difficult to predict; or	20 21
	(i	(v) to fill a position for which work hours are irregular, informal, flexible, occasional or non-rostered.	22 23
(4)	on a pe is requ	It limiting subsection $(3)(a)$, employment of a person ermanent basis may be viable or appropriate if a person aired to be employed for a purpose mentioned in tion $(3)(a)$ on a frequent or regular basis.	24 25 26 27
	Example	2	28
		ngoing requirement to backfill multiple absences because of wed leave (including parental leave) or secondments	29 30
(5)	on a pe	It limiting subsection (3)(b), employment of a person rmanent basis, or on a temporary basis for a fixed term, e viable or appropriate if a person is required to be	31 32 33

[s 82]

		employed for a purpose mentioned in subsection (3)(b) on a regular or systematic basis. <i>Example</i> —	1 2 3				
		an ongoing requirement to fill gaps in various work rosters, on a regular and systematic basis	4 5				
	(6)	Subsections (2), (3), (4) and (5) apply despite another Act.	6				
	(7)	To remove any doubt, it is declared that this section applies in relation to a public sector employee's employment on a temporary basis for a fixed term if the employment is extended under this Act or another Act.					
Divi	sion	2 Mobility of employment	11				
82	Мо	bility arrangement	12				
	(1)	A chief executive of a public sector entity may enter into an arrangement (a <i>mobility arrangement</i>) under which—					
		 (a) a person who is a public sector employee employed in the entity temporarily performs work for or within, or duties in— 	15 16 17				
		(i) another part of the entity; or	18				
		(ii) another entity; or	19				
		(b) a person employed in another entity temporarily performs work for or within, or duties in, the public sector entity.	20 21 22				
		Examples of another entity for paragraphs $(a)(i)$ and (b) —	23				
		• another public sector entity	24				
		• an entity of the Commonwealth or another State, including, for example, any of the following—	25 26				
		(a) a department of government, or part of a department of government, of the Commonwealth or other State;	27 28				
		(b) an agency, authority, commission, corporation, instrumentality, office, or other entity, established under a law	29 30				

	of the jurisdiction or under an authorisation of the Commonwealth or other State for its public or other purposes;	$1 \\ 2$
	(c) a part of an entity mentioned in paragraph (b)	3
	• a private or public company	4
(2)	However, the mobility arrangement may be made only with the consent of—	5 6
	(a) the person; and	7
	(b) for subsection (1)(a)(ii) and (b)—the chief executive, or appropriate office holder, of the other entity.	8 9
(3)	The mobility arrangement may make provision for all matters necessary or convenient to be provided for under the arrangement.	10 11 12
(4)	The person's chief executive or the chief executive, or appropriate office holder, of the other entity may end the mobility arrangement.	13 14 15
(5)	If a chief executive, or appropriate office holder, ends a mobility arrangement under subsection (4), the chief executive, or appropriate office holder, must give notice of the ending of the arrangement to—	16 17 18 19
	(a) the other chief executive, or appropriate office holder, who is a party to the arrangement; and	20 21
	(b) the person.	22
(6)	The continuity of a person's employment in a public sector entity is taken not to have been broken by a mobility arrangement.	23 24 25
(7)	The commissioner must make a directive about mobility arrangements.	26 27
(8)	The directive may provide for the way in which this section is to be applied, including, for example, the period of notice to be given by a party to a mobility arrangement before ending the arrangement under subsection (4).	28 29 30 31

[s 83]

	Part	7		Notification of employment	1
Clause	83	Not	tificat	tion of proposed employment or secondment	2
		(1)	emp emp	e chief executive of a public sector entity intends to loy or second a person to perform duties as a public sector loyee, the chief executive must notify the chief utive's intention as required under a directive.	3 4 5 6
		(2)	This	section does not apply to—	7
			(a)	employment declared under a directive to be employment to which this section does not apply; or	8 9
			(b)	the transfer, redeployment or secondment of a person under a provision of an Act or a directive.	10 11
Clause	84	Not	tificat	tion of employment or secondment	12
		(1)	This entit	section applies if the chief executive of a public sector y—	13 14
			(a)	was required, under section 83, to notify the intention to employ a person on a permanent basis, or second a person to perform duties, as a public sector employee; or	15 16 17
			(b)	is required, under a directive made by the commissioner for this section, to publish notice of the employment or secondment of a public sector employee.	18 19 20
		(2)	seco	chief executive must publish notice of the employment or ndment in the gazette or in another way the commissioner iders appropriate.	21 22 23

[s 85]

	Part 8			Work performance and conduct			
	Divisi	on	1	Positive performance management	2		
Clause	85	Pos	itive	performance management principles	3		
		(1)	recognecture recruite the material	best practice human resource management and in gnition that public sector employees are selected based on itment and selection processes under chapter 3, part 3, nanagement of public sector employees must be directed rds the following principles (<i>positive performance</i> <i>agement principles</i>)—	4 5 6 7 8 9		
			(a)	pro-actively managing the professional and personal development of public sector employees with a view to continuously building expertise within the public sector;	10 11 12		
			(b)	ensuring regular and constructive communication between public sector managers and employees about the work performance and personal conduct principles;	13 14 15		
			(c)	recognising the strengths, requirements and circumstances of individual employees and valuing their contributions;	16 17 18		
			(d)	recognising performance that meets or exceeds expectations;	19 20		
			(e)	providing opportunities and support to employees for improving performance;	21 22		
			(f)	continuously improving performance through the provision of training and development;	23 24		
			(g)	identifying at the earliest possible stage performance that does not meet expectations;	25 26		
			(h)	integrating the matters mentioned in paragraphs (a) to (g) into management practices and policies.	27 28		

[s 86]

(2)	The con	nmissioner	must	make	a	directive	about	how	the	1
	positive	performan	ce m	anagen	ner	nt princip	oles a	re to	be	2
	applied.									3

Clause 86 Requirement to apply positive performance management principles before taking disciplinary action

A public sector employee's chief executive must not take 6 disciplinary action against the employee for a matter relating 7 to the employee's performance until the chief executive has 8 complied with a directive made under section 85(2) about 9 applying the positive performance management principles in 10 relation to the matter. 11

4

5

Division 2	Conflicts of interest	12

Clause 87 Meaning of *interest* 13 A reference to an *interest* or to a *conflict of interest* in this 14 division is a reference to those matters within their ordinary 15 meaning under the general law, and, in relation to an interest, 16 the definition in the Acts Interpretation Act 1954, schedule 1, 17 does not apply. 18 Clause 88 Declaration of interests—public sector employee 19 (1) A public sector employee's chief executive may direct the 20employee to prepare and give the chief executive a statement 21 about the employee's interests. 22 (2)The statement must include the information required under a 23 directive made by the commissioner. 24 (3) Subsection (4) applies if— 25 a change to the employee's interests happens after the 26 (a) giving of the statement; and 27

			1 2
		chief executive a revised version of the statement, including the change, within a stated period or at a	3 4 5 6
	(4)	including the change, to the chief executive within the stated	7 8 9
	(5)	not include a reference to a chief executive of a public sector	10 11 12
89	Со	nflicts of interest—public sector employee	13
	(1)	may conflict with the discharge of the employee's duties, the	14 15 16
		the employee's chief executive as soon as practicable after the relevant facts come to the employee's	17 18 19 20
		matter that is, or may be, affected by the conflict unless	21 22 23
	(2)	employee to resolve a conflict or possible conflict between an	24 25 26
	(3)	not include a reference to a chief executive of a public sector	27 28 29

[s 90]

	Division 3			Disciplinary action	1	
	Subd	livis	ion 1	1	Preliminary	2
Clause	90	Def	initio	ns for	r division	3
			In thi	is divis	sion—	4
			discip	plinary	<i>y action</i> see section 92.	5
			_	<i>plinary</i> nd exis	<i>y finding</i> means a finding that a disciplinary sts.	6 7
					y ground means a ground for disciplining a public loyee under section 91.	8 9
			take,	discip	linary action, includes direct the action be taken.	10
Clause	91	Gro	ounds	for d	liscipline	11
		(1)	empl		ctor employee's chief executive may discipline the of the chief executive is reasonably satisfied the has—	12 13 14
			(a)	seriou	ged in repeated unsatisfactory performance or as under performance of the employee's duties, ding, for example, by performing duties carelessly, appetently or inefficiently; or	15 16 17 18
			(b)	been g	guilty of misconduct; or	19
			(c)		absent from duty without approved leave and ut reasonable excuse; or	20 21
			(d)	given	avened, without reasonable excuse, a direction to the employee as a public sector employee by a nsible person; or	22 23 24
			(e)	extent	without reasonable excuse, a substance to an t that has adversely affected the competent rmance of the employee's duties; or	25 26 27

[s 91]

	(f)	contravened, without reasonable excuse, a requirement of the chief executive under section 71 in relation to the employee's employment or secondment by, in response to the requirement—							
		(i) failing to disclose a serious disciplinary action; or							
		(ii) giving false or misleading information; or	6						
	(g)	contravened, without reasonable excuse, a provision of-	7 8						
		(i) this Act, other than section 39 or 40; or	9						
		(ii) another Act that applies to the employee in relation to the employee's employment; or	10 11						
	(h)	contravened, without reasonable excuse, a relevant standard of conduct in a way that is sufficiently serious to warrant disciplinary action.	12 13 14						
(2)	A disciplinary ground arises when the act or omission constituting the ground is done or made.								
(3)	Also, a chief executive may discipline, on the same grounds mentioned in subsection (1), a public sector employee under section 94 or a person under section 95.								
(4)	To remove any doubt, it is declared that a disciplinary ground does not arise in relation to a public sector employee only because the employee's work performance or personal conduct fails to satisfy the work performance and personal conduct principles or the public sector principles.								
(5)	In th	is section—	25						
	misc	<i>onduct</i> means—	26						
	(a)	inappropriate or improper conduct in an official capacity; or	27 28						
	(b)	inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public sector entity in which the employee is employed.	29 30 31						

[s 92]

	Example of misconduct—			
		ictimising another public sector employee in the course of the other mployee's employment in the public sector	2 3	
	rele	vant standard of conduct —	4	
	(a)	(a) for a public sector employee, means—		
		 (i) a standard of conduct applying to the employee under an approved code of conduct under the <i>Public Sector Ethics Act 1994</i>; or 	6 7 8	
		 (ii) a standard of conduct, if any, applying to the employee under an approved standard of practice under the <i>Public Sector Ethics Act 1994</i>; and 	9 10 11	
	(b)	for a public sector employee who is an ambulance officer under the <i>Ambulance Service Act 1991</i> , section 13(1)—includes a code of practice under section 41 of that Act; and	12 13 14 15	
	(c)	for a public sector employee who is a fire service officer under the <i>Fire and Emergency Services Act</i> 1990—includes a code of practice under section 7B of that Act.	16 17 18 19	
	auth	<i>ponsible person</i> , for a direction, means a person with nority to give the direction, whether the authority derives in this Act or another law.	20 21 22	
Clause 92	Meanin	g of <i>disciplinary action</i>	23	
		<i>ciplinary action</i> is any action relating to employment, uding, for example, any of the following actions—	24 25	
	(a)	termination of employment;	26	
	(b)	reduction of classification level and a consequential change of duties;	27 28	
	(c)	transfer or redeployment;	29	
	(d)	forfeiture or deferment of a remuneration increment or increase;	30 31	

		[s 92]	
	(e)	reduction of remuneration level;	1
	(f)	imposition of a monetary penalty;	2
	(g)	if a penalty is imposed, a direction that the amount of the penalty be deducted from the employee's periodic remuneration payments;	3 4 5
	(h)	a reprimand.	6
(2)	can i	vever, disciplinary action consisting of a monetary penalty not be more than the total of 2 of the employee's periodic uneration payments.	7 8 9
(3)	be d	o, disciplinary action consisting of an amount directed to leducted from a particular periodic remuneration payment n employee—	10 11 12
	(a)	must not be more than half of the amount payable to or for the employee in relation to the payment; and	13 14
	(b)	must not reduce the amount of salary payable to the employee in relation to the period to less than—	15 16
		(i) if the employee has a dependant—the Queensland minimum wage for each week of the period; or	17 18
		(ii) otherwise—two-thirds of the Queensland minimum wage for each week of the period.	19 20
(4)	In th	nis section—	2
		eensland minimum wage see the Industrial Relations Act 6, schedule 5.	22 23
Subdivis	sion		24
		sector employee	25
	Note-	_	26
	Se	ee section 86.	27

[s 93]

Clause	93	Dis	cipli	nary action against public sector employee	1
		(1)	exec disc	isciplining a public sector employee, the employee's chief cutive may take the disciplinary action, or order the iplinary action be taken, against the employee that the f executive considers reasonable in the circumstances.	2 3 4 5
		(2)	men	remove any doubt, it is declared that disciplinary action tioned in section $92(1)(c)$ is not limited or otherwise cted by chapter 4, part 4, division 3.	6 7 8
		(3)	An o by it	order under subsection (1) is binding on anyone affected	9 10
Clause	94			nary action if public sector employee changes ment to another public sector entity	11 12
		(1)	This	section applies if—	13
			(a)	a public sector employee is employed in a public sector entity (the <i>former entity</i>); and	14 15
			(b)	a disciplinary ground arises in relation to the employee; and	16 17
			(c)	after the disciplinary ground arises the employee changes employment from the former entity to another public sector entity (the <i>current entity</i>).	18 19 20
		(2)	The	chief executive of the former entity may—	21
			(a)	make a disciplinary finding; or	22
			(b)	delegate to the chief executive of the current entity the power under paragraph (a) to make a disciplinary finding.	23 24 25
		(3)		b, the chief executive of the current entity is taken to have power to make a disciplinary finding if—	26 27
			(a)	the former entity no longer exists; or	28
			(b)	the former entity no longer has a chief executive; or	29
			(c)	the chief executive of the former entity and the chief executive of the current entity are the same person.	30 31

[s 95]

	(4) If the chief executive of the former entity makes a disciplinar finding under subsection (2)(a), in disciplining the employer the chief executive of the current entity may take disciplinar action under section 93 against the employee that the chief executive of the former entity agrees is reasonable in the circumstances.						
	(5) If the chief executive of the current entity makes a disciplinat finding under subsection (2)(b) or (3), in disciplining the employee, the chief executive of the current entity may tak disciplinary action under section 93 against the employee.						
	(6)	The chief executive of the former entity may give the chief executive of the current entity information about the employee or a disciplinary ground relating to the employee for the purpose of helping the chief executive of the current entity perform a function or exercise a power under this section.					
	(7)	is section—					
		changes employment includes change employment by	17				
		promotion, transfer, secondment or redeployment.	17				
Sub	divis						
Sub 95	Dis	promotion, transfer, secondment or redeployment.	18 19				
	Dis	promotion, transfer, secondment or redeployment.	18 19 20 21				
	Dis em	promotion, transfer, secondment or redeployment.	18 19 20 21 22				
	Dis em	 promotion, transfer, secondment or redeployment. Sion 3 Disciplinary action against former public sector employee Sciplinary declaration if employment as public sector ployee ends This section applies if— (a) a person is employed in a public sector entity (the 	 18 19 20 21 22 23 24 				

[s 95]

(2)	who	vever, this section does not apply in relation to a person is a former public sector employee if the person's ious chief executive is aware—	1 2 3
	(a)	the person is a CCC employee; and	4
	(b)	the previous chief executive or the chief executive officer of the Crime and Corruption Commission has taken, is taking, or intends to take disciplinary action against the person, under the <i>Crime and Corruption Act 2001</i> , chapter 6, part 1, division 9, in relation to the disciplinary ground.	5 6 7 8 9 10
(3)	may disci	former public sector employee's previous chief executive make a disciplinary finding or take or continue to take plinary action against the former public sector employee lation to the disciplinary ground.	11 12 13 14
(4)	or ta	disciplinary finding or disciplinary action must be made aken within a period of 2 years after the end of the loyee's employment.	15 16 17
(5)		vever, subsection (4) does not stop disciplinary action g taken following an appeal or review.	18 19
(6)	Subs	section (4) does not affect—	20
	(a)	an investigation of a suspected criminal offence; or	21
	(b)	an investigation of a matter for the purpose of notifying the Crime and Corruption Commission of suspected corrupt conduct under the <i>Crime and Corruption Act</i> 2001.	22 23 24 25
(7)	publ disci	isciplining the former public sector employee, the former ic sector employee's previous chief executive may make a plinary declaration and may not take any other plinary action.	26 27 28 29
(8)	may actic	former public sector employee's previous chief executive only make a disciplinary declaration if the disciplinary on that would have been taken against the employee if the loyee's employment had not ended would have been—	30 31 32 33
	(a)	termination of employment; or	34

[s 96]

		(b)	reduction of classification level.	1
	(9)	way	making of the disciplinary declaration does not affect the in which the employee's employment ended, or any efits, rights or liabilities arising because the employment ed.	2 3 4 5
	(10)	In th	his section—	6
		disci	iplinary declaration means a declaration of—	7
		(a)	the disciplinary finding against the former public sector employee; and	8 9
		(b)	the disciplinary action that would have been taken against the former public sector employee if the employee's employment had not ended.	10 11 12
		chie	<i>ious chief executive</i> , of a person, means the person's f executive before the employment of the person as a ic sector employee ends for any reason.	13 14 15
		puor	te sector employee ends for any reason.	10
Sub	odivis			16 17 18
Sub 96	Dis	ion	4 Disciplinary action against CCC employee who becomes public	16 17
	Dis	ciplin tor e	4 Disciplinary action against CCC employee who becomes public sector employee	16 17 18 19
	Dis	ciplin tor e	4 Disciplinary action against CCC employee who becomes public sector employee	16 17 18 19 20
	Dis	sion ciplin tor e This	 4 Disciplinary action against CCC employee who becomes public sector employee hary action if CCC employee becomes public employee section applies if— a person is engaged as a CCC employee in the Crime 	16 17 18 19 20 21 22

[s 96]

However, this section does not apply if the chief executive officer of the CCC has taken, is taking, or intends to take, disciplinary action against the person, under the <i>Crime and Corruption Act 2001</i> , chapter 6, part 1, division 9, in relation	1 2 3 4
	5 6
-	0 7
(b) delegate to the chief executive of the current entity the power under paragraph (a) to make a disciplinary finding.	7 8 9 10
If the chief executive officer of the CCC makes a disciplinary finding under subsection (3)(a), in disciplining the person, the chief executive of the current entity may take disciplinary action under section 93 against the person that the chief executive officer of the CCC agrees is reasonable in the circumstances.	11 12 13 14 15 16
If the chief executive of the current entity makes a disciplinary finding under subsection (3)(b), in disciplining the person, the chief executive of the current entity may take disciplinary action under section 93 against the person.	17 18 19 20
The chief executive officer of the CCC may give the chief executive of the current entity information about the person or a relevant disciplinary ground relating to the person for the purpose of helping the chief executive of the current entity perform a function or exercise a power under this section.	21 22 23 24 25
In this section—	26
 (a) a reference to a relevant disciplinary ground for a person is a reference to a disciplinary ground under the <i>Crime</i> <i>and Corruption Act 2001</i>, chapter 6, part 1, division 9 for the person; and 	27 28 29 30
(b) a reference to a disciplinary finding in relation to a relevant disciplinary ground for a person is a reference to a finding that a relevant disciplinary ground for the person exists.	31 32 33 34
	 officer of the CCC has taken, is taking, or intends to take, disciplinary action against the person, under the <i>Crime and Corruption Act 2001</i>, chapter 6, part 1, division 9, in relation to the relevant disciplinary ground. The chief executive officer of the CCC may— (a) make a disciplinary finding; or (b) delegate to the chief executive of the current entity the power under paragraph (a) to make a disciplinary finding. If the chief executive officer of the CCC makes a disciplinary finding under subsection (3)(a), in disciplining the person, the chief executive of the current entity may take disciplinary action under section 93 against the person that the chief executive officer of the CCC agrees is reasonable in the circumstances. If the chief executive of the current entity makes a disciplinary finding under subsection (3)(b), in disciplining the person, the chief executive of the current entity may take disciplinary action under section 93 against the person. The chief executive of the current entity may take disciplinary finding under subsection (3)(b), in disciplining the person, the chief executive of the current entity may take disciplinary action under section 93 against the person. The chief executive officer of the CCC may give the chief executive of the current entity information about the person or a relevant disciplinary ground relating to the person for the purpose of helping the chief executive of the current entity perform a function or exercise a power under this section. In this section— (a) a reference to a relevant disciplinary ground for a person is a reference to a disciplinary ground under the <i>Crime and Corruption Act 2001</i>, chapter 6, part 1, division 9 for the person; and

Subdivision 5 Procedure

Clause 97 Chief executive may ask another chief executive for disciplinary information

- The chief executive of a public sector entity may ask the chief (1)executive of another public sector entity (the other chief 5 *executive*) for disciplinary information in the possession of the other chief executive about a person who is or was a public sector employee if the chief executive believes the information is necessary to make a decision about-
 - (a) employment, or continuing the employment, of the 10person as a public sector employee in the entity; or 11
 - (b) disciplinary finding, disciplinary action or a a 12 disciplinary declaration the chief executive is 13 considering in relation to the person. 14
- The other chief executive must give the chief executive the (2)15 disciplinary information unless the other chief executive is 16 satisfied that giving the information may prejudice the 17 investigation of a suspected contravention of the law in a 18 particular case. 19
- (3) In this section—

disciplinary information, in relation to a request made of a 21 chief executive about a person, means information about any 22 of the following made or taken against the person under a 23 public sector disciplinary law by the chief executive or 24 another entity-25

- (a) a finding that the person should be disciplined; 26 (b) possible disciplinary action under consideration; 27
- disciplinary action; (c) 28
- (d) a disciplinary declaration. 29

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[s 98]

Clause	98	Pro	cedu	re for disciplinary action	1
			secto	isciplining a public sector employee or former public or employee under this Act, a chief executive of a public or entity must comply with this Act and any relevant tive.	2 3 4 5
Clause	99	Not	tice o	f termination	6
		(1)	term divis	public sector employee's chief executive decides to inate the employment of the employee under this ion, the chief executive must give the employee notice of ermination.	7 8 9 10
		(2)	The	notice must state the day the termination takes effect.	11
Clause	100	Dire	ective	e about disciplinary action	12
		(1)	The	commissioner must make a directive about—	13
			(a)	managing disciplinary action; and	14
			(b)	procedures for investigating the substance of a grievance or allegation relating to a public sector employee's work performance or personal conduct.	15 16 17
		(2)		directive must make provision for the following ers—	18 19
			(a)	the periodic review by public sector entities or the commissioner of disciplinary action being considered or undertaken by chief executives of public sector entities, including, for example, the period within which reviews must be conducted to ensure the timely resolution of disciplinary matters;	20 21 22 23 24 25
			(b)	how the requirements of procedural fairness may be met in relation to decisions about disciplinary matters, including, for example, requirements about providing reasons for decisions about taking disciplinary action;	26 27 28 29
			(c)	the circumstances in which a contravention of a relevant standard of conduct under section $91(1)(h)$ is likely to be	30 31

[s 101]

			considered sufficiently serious to warrant disciplinary action;	1 2
		(d)	any other matter relating to disciplinary action against public sector employees the commissioner considers appropriate.	3 4 5
Divis	sion	4	Suspension	6
101	Sus	spens	sion	7
	(1)	susp	ablic sector employee's chief executive may, by notice, end the employee from duty if the chief executive onably believes—	8 9 10
		(a)	the employee is liable to discipline under a disciplinary law; or	11 12
		(b)	the proper and efficient management of the entity might be prejudiced if the employee is not suspended.	13 14
	(2)	The	notice must state—	15
		(a)	when the suspension starts and ends; and	16
		(b)	whether the employee is entitled to remuneration for the period of the suspension; and	17 18
		(c)	the effect that alternative employment may, under subsection (5), have on any entitlement to remuneration for the period of the suspension.	19 20 21
	(3)	must	ever, before suspending the employee, the chief executive consider all reasonable alternatives available to the loyee.	22 23 24
			ples of reasonable alternatives which may be available to the oyee—	25 26
		•	alternative duties	27

Clause 101

- a change in the location where the employee performs duties
- another alternative working arrangement

[s 101]

(4)		employee is entitled t d of the suspension, unl	to normal remuneration for the ess—	1 2
	(a)	the employee is suspen	ded under subsection (1)(a); and	3
	(b)	appropriate for the em remuneration for the p	executive considers it is not polyee to be entitled to normal period of the suspension, having the discipline to which the chief employee is liable.	4 5 6 7 8
(5)	perior from the s	d of the suspension, any engaging in alternative	to normal remuneration for the amount earned by the employee employment during the period of cted from the employee's normal	9 10 11 12 13
	(a)	the employee was eng time of the suspension;	gaged in the employment at the and	14 15
	(b)	the employee, in engage contravening—	ging in the employment, was not	16 17
		(i) this Act; or		18
		under an approve	nduct applying to the employee ed code of conduct or approved ce under the <i>Public Sector Ethics</i>	19 20 21 22
(6)	amo		ion (5) must not be more than the normal remuneration during the	23 24 25
(7)	emp		byee's service as a public sector e been broken only because of the	26 27 28
(8)	The	chief executive may can	cel the suspension at any time.	29
(9)	chief		employee under this section, the y with the directive made under	30 31 32

[s 102]

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(10) Procedural fairness is not required if the employee is entitled 1 to normal remuneration during the suspension.

Clause 102 Directive about suspension

- (1) The commissioner must make a directive about procedures relating to suspension from duty of public sector employees.
- (2) The directive must make provision for the following 6 matters— 7
 - (a) the periodic review by public sector entities or the 8 commissioner of suspensions being considered or 9 undertaken by a chief executive of a public sector entity, 10 including, for example, the period within which reviews 11 must be conducted to ensure the timely resolution of 12 suspension matters; 13
 - (b) how the requirements of procedural fairness may be met in relation to decisions about suspensions, including, for example, requirements about providing reasons for decisions about suspensions;
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 15
 16
 17
 - (c) the circumstances in which a chief executive of a public 18 sector entity may, under section 101(4)(b), decide a 19 public sector employee is not entitled to normal 20 remuneration for the period of the suspension of the 21 employee; 22
 - (d) any other matter about procedures relating to suspension
 from duty of public sector employees the chief executive
 considers appropriate.
 23
 24
 25
- (3) The directive may make provision for the circumstances, and the way, in which a person may be reimbursed after a decision is made about whether or not the employee is liable for discipline for any remuneration the person does not receive during the person's suspension.
 (3) The directive may make provision for the circumstances, and the person approximately the person for the circumstances, and the person approximately the person approximately approxima

[s 103]

	Divi	sion 5	Mental or physical incapacity	1
Clause	103	Applica	tion of division	2
		This	division applies to a public sector employee if—	3
		(a)	the employee is absent from duty or the employee's chief executive is reasonably satisfied the employee is not performing the employee's duties satisfactorily; and	4 5 6
		(b)	the chief executive reasonably suspects that the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability.	7 8 9
Clause	104	Chief ex	ecutive may require medical examination	10
		The	employee's chief executive may—	11
		(a)	appoint a doctor to examine the employee and give the chief executive a written report on the examination; and	12 13
		(b)	require the employee to submit to the medical examination.	14 15
Clause	105	Employ complie	ee not to be given sick leave if requirement not ed with	16 17
		duri	employee must not be given sick leave for any period ng which the employee fails to comply with a requirement er section 104(b).	18 19 20
Clause	106	Medical	examination report	21
		exar men	report on the medical examination must include the nining doctor's opinion as to whether the employee has a tal or physical illness or disability that may adversely ct the employee's performance.	22 23 24 25
		disa	he doctor considers the employee has an illness or bility mentioned in subsection (1), the report must also ude the doctor's opinion as to the following—	26 27 28

[s 107]

		(a)		likely direct or indirect effect of the illness or bility on the employee's performance;	1 2
		(b)		estimate of how long the illness or disability or its cts are likely to last;	3 4
		(c)	to th	ther or not disclosing the information in the report ne employee might be prejudicial to the employee's atal or physical health or wellbeing.	5 6 7
	(3)	preji well	udicia being	ctor's opinion is that the disclosure will not be all to the employee's mental or physical health or the chief executive must give the employee a copy ort as soon as practicable after receiving the report.	8 9 10 11
	(4)	preji well	udicia being	octor's opinion is that the disclosure might be al to the employee's mental or physical health or the chief executive must not disclose the contents ort to the employee.	12 13 14 15
	(5)	exec	utive	if asked by the employee in writing, the chief must make the disclosure to another doctor d by the employee in the request.	16 17 18
107	Act	tion f	ollov	ving report	19
	(1)	chie or u	f exec nsatis	onsidering the report of the medical examination, the cutive is reasonably satisfied the employee's absence factory performance is caused by mental or physical disability, the chief executive may—	20 21 22 23
		(a)	tran	sfer or redeploy the employee; or	24
		(b)		is not reasonably practicable to transfer or redeploy employee—	25 26
			(i)	for a public service employee—retire the employee from the public service; or	27 28
			(ii)	for a public sector employee mentioned in section $12(1)(b)$ —retire the employee from the employee's employment.	29 30 31

[s 108]

		(2)	Subsection (1) does not limit the action that may be taken relating to the employee.	1 2
Clause	108	Re	cord of requirement and report	3
		(1)	The chief executive must keep a record of—	4
			(a) the requirement to submit to a medical examination; and	5
			(b) the report on the medical examination.	6
		(2)	If the chief executive considers it necessary to protect the employee's interests, the chief executive may keep the record separate from other records about the employee.	7 8 9
Clause	109	Dir	ective about mental or physical incapacity	10
		(1)	The commissioner may make a directive providing for matters relevant to the way in which this division is to be applied in relation to public sector employees.	11 12 13
		(2)	The chief executive of a public sector entity exercising a power or performing a function under this division must comply with the directive.	14 15 16
	Divis	sion	6 Employee grievances	17
Clause	110	Dir	ective about employee grievances	18
		(1)	The commissioner must make a directive about how public sector entities must deal with grievances of employees of the entity about—	19 20 21
			(a) decisions made by employees of the entity; or	22
			(b) the conduct of employees of the entity.	23
		(2)	Without limiting subsection (1), the directive—	24
			(a) must provide for—	25

[s 111]

	(i) the procedures for dealing with grievances mentioned in subsection (1); and	1 2			
	(ii) the period within which the grievances must be finally dealt with; and	3 4			
	(iii) the notification of decisions made in dealing with the grievances; and	5 6			
(b)	must provide that, if a person required to deal with a grievance about a decision mentioned in subsection $(1)(a)$ fails to finally deal with the grievance within the period mentioned in paragraph (a)(ii), the person is taken to have confirmed the decision at the end of that period; and	7 8 9 10 11 12			
(c)	may apply to a decision mentioned in section 131; and	13			
(d)	may provide for a system for dealing with grievances that involves—	14 15			
	(i) a person dealing with a grievance in the first instance; and	16 17			
	(ii) another person dealing with decisions made by a person mentioned in subparagraph (i), including, for example, by way of review.	18 19 20			
Part 9	Reviews	21			
Division 1	Review of non-permanent employment	22 23			
111 Definiti	on for division	24			
In t	his division—				
peri	<i>tinuously employed</i> , in relation to a person employed for a od in a public sector entity, means the person is employed he entity—	26 27 28			

[s 112]

Clause

		(a)	if the person is employed on a non-permanent basis other than a casual basis during the period—continuously for the period; or	1 2 3
		(b)	if the person is employed on a non-permanent basis that is a casual basis during the period—on a regular and systematic basis during the period; or	4 5 6
		(c)	if the person is employed on a non-permanent basis other than a casual basis, and on a casual basis, during the period—continuously under paragraphs (a) and (b) for the period.	7 8 9 10
112	Ар	plicat	ion of division	11
	(1)		division applies to the following public sector loyees—	12 13
		(a)	a public service employee employed on a non-permanent basis under section 149(2)(b) or (c), 150(1)(a) or 151(1)(a); or	14 15 16
		(b)	a public sector employee mentioned in section 12(1)(b) employed on a non-permanent basis.	17 18
	(2)	How	ever, this division does not apply to—	19
		(a)	a non-industrial instrument employee; or	20
		(b)	an auxiliary fire service officer employed under the <i>Fire</i> and <i>Emergency Services Act 1990</i> , section 25.	21 22
113			ee may request review of status after 1 year of ous employment	23 24
	(1)	empl entity	bublic sector employee who has been continuously loyed on a non-permanent basis in the same public sector y for at least 1 year, may ask the employee's chief utive to decide whether to—	25 26 27 28
		(a)	continue the employee's employment according to the terms of the employee's existing employment; or	29 30

			(b)	offer to convert the employee's employment to a permanent basis.	1 2
		(2)	subse	employee can not make more than 1 request under ection (1) in each 12 month period starting on the day the est is made.	3 4 5
		(3)		working out how long the employee has been nuously employed in the public sector entity—	6 7
			(a)	all periods of authorised leave are to be included; and	8
			(b)	the employee is to be regarded as continuously employed even if there are periods during which the employee is not employed in the entity, if the periods of non-employment in the entity total 6 weeks or less in the year occurring immediately before the time when the duration of the employee's continuous employment is being worked out.	9 10 11 12 13 14 15
Clause	114		ef ex uest	ecutive must make decision on employee's	16 17
Clause	114		uest This	ecutive must make decision on employee's section applies if a public sector employee makes a est under section 113.	
Clause	114	req	uest This reque The	section applies if a public sector employee makes a	17 18
Clause	114	req (1)	uest This reque The withi The e	section applies if a public sector employee makes a est under section 113. employee's chief executive must decide the request	17 18 19 20
Clause	114	req (1) (2)	uest This reque The withi The e	section applies if a public sector employee makes a est under section 113. employee's chief executive must decide the request in 28 days after receiving the request. employee's chief executive may decide to offer to convert	17 18 19 20 21 22
Clause	114	req (1) (2)	uest This reque The withi The e	section applies if a public sector employee makes a est under section 113. employee's chief executive must decide the request in 28 days after receiving the request. employee's chief executive may decide to offer to convert mployee's employment to a permanent basis only if—	17 18 19 20 21 22 23
Clause	114	req (1) (2)	uest This reque The withi The e	 section applies if a public sector employee makes a est under section 113. employee's chief executive must decide the request in 28 days after receiving the request. employee's chief executive may decide to offer to convert mployee's employment to a permanent basis only if— the employee's chief executive considers— (i) there is a continuing need for someone to be employed in the employee's role, or a role that is 	 17 18 19 20 21 22 23 24 25 26
Clause	114	req (1) (2)	uest This reque The withi The e	 section applies if a public sector employee makes a est under section 113. employee's chief executive must decide the request in 28 days after receiving the request. employee's chief executive may decide to offer to convert mployee's employment to a permanent basis only if— the employee's chief executive considers— (i) there is a continuing need for someone to be employed in the employee's role, or a role that is substantially the same as the employee's role; and 	 17 18 19 20 21 22 23 24 25 26 27

[s 115]

		(5)	 employment to a permanent basis, unless it is not viable or appropriate to do so having regard to the genuine operational requirements of the public sector entity. If the employee's chief executive decides not to offer to convert the employee's employment to a permanent basis, the chief executive must give the employee a notice stating— (a) the reasons for the decision; and (b) the total period for which the employee has been continuously employed under section 113(3) in the public sector entity; and 	1 2 3 4 5 6 7 8 9 10
			(c) how many times the employee's employment on a non-permanent basis has been extended.	11 12
		(6)	Subsection $(5)(c)$ does not apply in relation to employment on a casual basis.	13 14
		(7)	If the employee's chief executive does not make the decision within the period required under subsection (2), the chief executive is taken to have decided not to offer to convert the employee's employment to a permanent basis and to continue the employee's employment according to the terms of the employee's existing employment.	15 16 17 18 19 20
		(8)	The commissioner must make a directive about the making of a decision under this section.	21 22
		(9)	In this section—	23
			<i>suitable</i> , in relation to an employee performing a role, has the meaning given under a directive.	24 25
Clause	115		The fexecutive must review status after 2 years of If a public sector employee mentioned in section 112(1) has been continuously employed in the same public sector entity for at least 2 years, the employee's chief executive must decide whether to—	26 27 28 29 30 31

	(a)	continue the employee's employment according to the terms of the employee's existing employment; or	1 2
	(b)	offer to convert the employee's employment to a permanent basis.	3 4
(2)		employee's chief executive must make the decision in the required period after—	5 6
	(a)	the end of 2 years after the employee has been continuously employed on a non-permanent basis in the public sector entity; and	7 8 9
	(b)	each 1-year period after the end of the period mentioned in paragraph (a) during which the employee is continuously employed on a non-permanent basis in the public sector entity.	10 11 12 13
(3)	In m	aking the decision—	14
	(a)	section 114(3) and (4) applies to the employee's chief executive; and	15 16
	(b)	the employee's chief executive must have regard to the reasons for each decision previously made, or taken to have been made, under this section or section 114 in relation to the employee during the employee's period of continuous employment.	17 18 19 20 21
(4)	conv	the employee's chief executive decides not to offer to the employee's employment to a permanent basis, the f executive must give the employee a notice stating—	22 23 24
	(a)	the reasons for the decision; and	25
	(b)	the total period for which the employee has been continuously employed on a temporary basis for a fixed term or on a casual basis in the public sector entity; and	26 27 28
	(c)	how many times the employee's employment on a non-permanent basis has been extended; and	29 30
	(d)	each decision previously made, or taken to have been made, under this section or section 114 in relation to the	31 32

[s 115]

	employee during the employee's period of continuous employment.
(5)	Subsection (4)(c) does not apply in relation to employment on a casual basis.
(6)	If the employee's chief executive does not make the decision within the required period, the chief executive is taken to have decided not to offer to convert the employee's employment to a permanent basis and to continue the employee's employment according to the terms of the employee's existing employment.
(7)	For working out how long the employee has been continuously employed in the public sector entity—
	(a) all periods of authorised leave are to be included; and
	(b) the employee is to be regarded as continuously employed even if there are periods during which the employee is not employed in the entity, if the periods of non-employment in the entity total 12 weeks or less in the 2 years occurring immediately before the time when the duration of the person's continuous employment is being worked out.
(8)	The commissioner must make a directive about the making of a decision under this section.
(9)	The directive must provide for—
	(a) the matters a chief executive must consider in deciding the hours of work to be offered in converting a person's employment under subsection (1)(b); and
	 (b) the circumstances in which a person may appeal against the decision about the hours of work offered in converting the person's employment under subsection (1)(b).
(10)	This section does not limit or otherwise affect section 113.
(10)	

			-	ns— the which if pa	<i>period</i> , for making a decision under subsection (1), period stated in an industrial instrument within ch the decision must be made; or uragraph (a) does not apply—28 days after the end of period mentioned in subsection (2)(a) or (b).	1 2 3 4 5 6
Clause	116	Em	ploy	ee's I	right to make additional request for review	7
		(1)			on applies in relation to a public sector employee d in section 113(1) if—	8 9
			(a)	both	of the following apply—	10
				(i)	the employee's chief executive has decided under section 114 or 115 not to offer to convert the employee's employment to a permanent basis because the chief executive considered the employee was not suitable to perform the role;	11 12 13 14 15
				(ii)	the employee considers the employee may have become suitable to perform the role; or	16 17
			(b)	both	n of the following apply—	18
				(i)	the employee's chief executive is taken to have made a decision under section 114(7) or 115(6) not to offer to convert the employee's employment to a permanent basis;	19 20 21 22
				(ii)	the employee has not appealed against the decision under section 130.	23 24
		(2)		-	ic sector employee may ask the employee's chief to decide whether to—	25 26
			(a)		tinue the employee's employment according to the as of the employee's existing employment; or	27 28
			(b)		r to convert the employee's employment to a nanent basis.	29 30
		(3)	The	publi	c sector employee must make the request—	31

[s 117]

	(a)	for subsection (1)(a)—within 3 months after the employee considers the employee may have become suitable to perform the role; or	1 2 3
	(b)	for subsection $(1)(b)$ —within 3 months after the chief executive is taken to have made the decision mentioned in subsection $(1)(b)(i)$.	4 5 6
(4)		employee's chief executive must decide the request in 28 days after receiving the request.	7 8
(5)	In m	aking the decision—	9
	(a)	if the decision relates to a request arising from a decision under section 114—section 114(3), (4), (5) and (6) applies to the employee's chief executive; and	10 11 12
	(b)	if the decision relates to a request arising from a decision under section 115—section 115(3), (4) and (5) applies to the employee's chief executive.	13 14 15
(6)	with exec emp the	e employee's chief executive does not make the decision in the period required under subsection (4), the chief outive is taken to have decided not to offer to convert the loyee's employment to a permanent basis and to continue employee's employment according to the terms of the loyee's existing employment.	16 17 18 19 20 21
(7)	relat	employee may make only 1 request under this section in ion to each separate decision made, or taken to have been e, under section 114 or 115.	22 23 24
(8)		commissioner must make a directive about the making of cision under this section.	25 26
Chi	ef ex	ecutive's discretion to conduct additional review	27
(1)	men	section applies in relation to a public sector employee tioned in section $115(1)$ if the employee's chief nutive—	28 29 30

[s 118]

		(a)	has made a decision under section 115(2) not to offer to convert the employee's employment to a permanent basis; and	1 2 3
		(b)	considers the circumstances justify the making of another decision mentioned in section $115(1)$ before the start of the next 1-year period mentioned in section $115(2)(b)$.	4 5 6 7
	(2	2) The	employee's chief executive must decide whether to—	8
		(a)	continue the employee's employment according to the terms of the employee's existing employment; or	9 10
		(b)	offer to convert the employee's employment to a permanent basis.	11 12
	(3	with	employee's chief executive must make the decision in 28 days after forming the opinion mentioned in ection (1)(b).	13 14 15
	(4		naking the decision, section 115(3), (4), (5), and (7) ies to the employee's chief executive.	16 17
	(5	with exec emp the	e employee's chief executive does not make the decision in the period required under subsection (3), the chief cutive is taken to have decided not to offer to convert the loyee's employment to a permanent basis and to continue employee's employment according to the terms of the loyee's existing employment.	18 19 20 21 22 23
	Divisio	on 2	Review of acting or secondment at higher classification level	24 25
Clause	118 C	Definitio	on for division	26
		In th	is division—	27
			<i>nd</i> , a public sector employee, means second under section or another Act.	28 29

[s 119]

Clause	119	Ар	plication of division	1				
		(1)	This division applies to a public sector employee who is acting at, or seconded to, a higher classification level in the public sector entity in which the employee is employed.	2 3 4				
		(2)	However, this division does not apply to—	5				
			(a) a public sector employee employed on a casual basis; or <i>Note—</i>	6 7				
			For a public service employee, see sections 149(2)(c) and 151.	8				
			(b) a non-industrial instrument employee; or	9				
			(c) an employee who is acting in, or seconded to, a position that is ordinarily held by a non-industrial instrument employee.	10 11 12				
Clause	120	cla	ployee may request employment at higher ssification level after 1 year of continuous acting or condment	13 14 15				
		(1)	If the public sector employee has been acting at, or seconded to, a higher classification level for a continuous period of at least 1 year, the employee may ask the employee's chief executive to employ the employee in the position at the higher classification level on a permanent basis, after—	16 17 18 19 20				
			(a) the end of 1 year of acting at, or being seconded to, the higher classification level; and	21 22				
			(b) the end of each subsequent 1-year period.	23				
		(2)	The employee's chief executive must decide the request within the required period.	24 25				
		(3)	The employee's chief executive may decide to employ the employee in the position at the higher classification level on a permanent basis only if the chief executive considers the employee is suitable to perform the role.	26 27 28 29				
		(4)	In making the decision, the employee's chief executive must have regard to—	30 31				
	(a)	the genuine operational requirements of the public sector entity; and	1 2					
-----	---	---	----------------------	--	--	--	--	--
	(b)	the reasons for each decision previously made, or taken to have been made, under this section in relation to the person during the person's continuous period of acting at, or secondment to, the higher classification level.	3 4 5 6					
(5)		e employee's chief executive decides to refuse the request, hief executive must give the employee a notice stating—	7 8					
	(a)	the reasons for the decision; and	9					
	(b)	the total continuous period for which the employee has been acting at, or seconded to, the higher classification level in the public sector entity; and	10 11 12					
	(c)	how many times the employee's acting arrangement or secondment has been extended; and	13 14					
	(d)	each decision previously made, or taken to have been made, under this section in relation to the employee during the employee's continuous period of acting at, or secondment to, the higher classification level.	15 16 17 18					
(6)	with	e employee's chief executive does not make the decision in the required period, the chief executive is taken to have sed the request.	19 20 21					
(7)	The commissioner must make a directive about employing an employee at a higher classification level under this section.							
(8)	In th	is section—	24					
	seco	<i>inuous period</i> , in relation to an employee acting at, or nded to, a higher classification level, has the meaning n under a directive.	25 26 27					
	<i>required period</i> , for making a decision under subsection (2), means—							
	(a)	the period stated in an industrial instrument within which the decision must be made; or	30 31					
	(b)	if paragraph (a) does not apply—28 days after the request is made.	32 33					

[s 121]

					n relation to an employee performing a role, has the given under a directive.	1 2		
Clause	121	Em	ploy	ee's	right to make additional request for review	3		
		(1)	This section applies in relation to a public sector employee mentioned in section $120(1)$ if—					
			(a)	both	of the following apply—	6		
				(i)	the employee's chief executive has decided under section 120 not to employ the employee in the position at the higher classification level on a permanent basis because the chief executive considered the employee was not suitable to perform the role;	7 8 9 10 11 12		
				(ii)	the employee considers the employee may have become suitable to perform the role; or	13 14		
			(b)	both	of the following apply—	15		
	(2			(i)	the employee's chief executive is taken, under section 120(6), to have refused the employee's request to be employed in the position at the higher classification level on a permanent basis;	16 17 18 19		
						(ii)	the employee has not appealed against the decision under section 130; or	20 21
							(c)	the
		(2)	exec	utive	ic sector employee may ask the employee's chief to employ the employee in the position at the higher ion level on a permanent basis.	25 26 27		
		(3)	The	publi	c sector employee must make the request—	28		
			(a)	emp	subsection (1)(a)—within 3 months after the loyee first considers the employee may have ome suitable to perform the role; or	29 30 31		

[s 122]

			(b) for subsection (1)(b)—within 3 months after the chief executive is taken to have refused the employee's request as mentioned in subsection (1)(b)(i); or	1 2 3
			(c) for subsection (1)(c)—within 3 months after the position becomes vacant.	4 5
		(4)	The employee's chief executive must decide the request within 28 days after receiving the request.	6 7
		(5)	In making the decision, section 120(3), (4) and (5) applies to the employee's chief executive.	8 9
		(6)	If the employee's chief executive does not make the decision within the period required under subsection (4), the chief executive is taken to have refused the request.	10 11 12
		(7)	The employee may make only 1 request under this section in relation to each separate decision made, or taken to have been made, under section 120.	13 14 15
		(8)	The commissioner must make a directive about the making of a decision under this section.	16 17
	Divis	sion	3 Review of work performance matters	18 19
Clause	122	Def	initions for division	20
			In this division—	21
			<i>public sector employee</i> includes a person who was a public sector employee.	22 23
			<i>work performance information directive</i> means a directive under which a department must give the commission information about work performance matters that are being, or have been, handled by the department.	24 25 26 27
			<i>work performance matter</i> means a matter involving a public sector employee's work performance or personal conduct, including, for example, an allegation against the employee	28 29 30

[s 123]

that constitutes or would, if proved, constitute a disciplinary 1 ground. 2

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14

31

Clause 123 Commission may conduct review of public sector entity's handling of work performance matters

(1)	unde com	er a work performance information directive, the missioner considers it may be beneficial to conduct a ew to promote—	5 6 7 8
	(a)	the continuous improvement of a public sector entity's practices regarding the handling of work performance matters; or	9 10 11

(b) the optimal resolution of a current work performance 12 matter. 13

(2) The commission may—

(a) conduct a review of— 15

- (i) 1 or more work performance matters that have 16 been handled by the entity; or 17
- (ii) a current work performance matter; and 18
- (b) give the chief executive of the entity a report about the 19 review. 20
- (3) A report under subsection (2)(b) must include any 21 recommendations made by the commission about— 22
 - (a) for a review mentioned in subsection 23 (2)(a)(i)—improvements to the entity's practices 24 regarding the handling of work performance matters; or 25
 - (b) for a review mentioned in subsection (2)(a)(ii)—the 26 optimal resolution of the current work performance 27 matter.
- (4) A function of the commission under this section must be 29 performed— 30
 - (a) by the commissioner; or

		(b)	for t	the commissioner by—	1
			(i)	a staff member of the commission to whom the function is delegated under section 283(1); or	2 3
			(ii)	an appropriately qualified entity to whom the function is delegated under section 283(2).	4 5
	(5)	In th	nis sec	ction—	6
		mat	ter be	<i>ork performance matter</i> means a work performance ing handled by the public sector entity when the oner forms the view mentioned in subsection (1)(b).	7 8 9
124	pul	blic s	ecto	may conduct review of procedural aspect of r entity's handling of current work matters	10 11 12
	(1)	exec susp	cutive ensio	ion applies if a public sector employee's chief implements a procedure under a directive about n or discipline in relation to the employee for a ork performance matter.	13 14 15 16
	(2)	pers	onal	this section does not apply if the matter relates to conduct that would, if proved, constitute corrupt under the <i>Crime and Corruption Act 2001</i> , section	17 18 19 20
	(3)		-	oyee may ask the commission to conduct a review of ral aspect of the entity's handling of the matter.	21 22
	(4)	subs exte unde	section nt pos	the employee may make the request under n (3) only if the employee has complied, to the ssible, with any procedures applying to the employee irective about suspension or discipline in relation to	23 24 25 26 27
	(5)	On	receiv	ing the request, the commission may—	28
		(a)	cond and	duct a review of a procedural aspect of the matter;	29 30
		(b)	give revi	e the chief executive of the entity a report about the ew that includes any recommendations and	31 32

Clause

[s 124]

		directions about how any defects in the procedural aspects are to be rectified.	1 2
(6)	give	chief executive of the entity must comply with a direction n in a report under subsection $(5)(b)$ to the extent ible, unless—	3 4 5
	(a)	before the report is given to the chief executive, a decision is made in relation to the matter; and	6 7
	(b)	the employee has a right to appeal against the decision under part 10.	8 9
(7)		unction of the commission under this section must be ormed—	10 11
	(a)	by the commissioner; or	12
	(b)	for the commissioner by a staff member of the commission to whom the function is delegated under section $283(1)$; or	13 14 15
	(c)	if the function is the giving of a report under subsection (5)(b) that does not include a direction by the commission—by another appropriately qualified entity to whom the function of giving the report is delegated under section 283(2).	16 17 18 19 20
(8)	In th	is section—	21
	matt	<i>tent work performance matter</i> means a work performance meter being handled by the public sector entity when the loyee makes the request under subsection (3).	22 23 24
		<i>redural aspect</i> , of a current work performance matter, ns an aspect of the matter relating to compliance with—	25 26
	(a)	a procedure under a directive applying to the matter; or	27
	(b)	the requirements of procedural fairness.	28

Clause	125		ief executive of public sector entity must provide help review	1 2
		(1)	This section applies if the commissioner or another person or entity mentioned in section 123(4)(b) (each a <i>reviewer</i>) conducts a review relating to a public sector entity under this division.	3 4 5 6
		(2)	The chief executive of the public sector entity must give the reviewer the help the reviewer reasonably requires to conduct the review.	7 8 9
		(3)	The reviewer may ask the chief executive of the public sector entity for information or a document that may be relevant to the review.	10 11 12
		(4)	The chief executive of the public sector entity must comply with a request under subsection (3).	13 14
Clause	126	Exe	change of information with external agency	15
		(1)	The commissioner may enter into an agreement (an <i>information exchange agreement</i>) with the chief executive officer of an external agency to obtain and give information for the purpose of a review under section 123.	16 17 18 19
		(2)	The information exchange agreement may enable the commissioner to—	20 21
			(a) obtain relevant information from the external agency; and	22 23
			(b) with the consent of the chief executive of the public sector entity to which the review relates, give relevant information to the external agency.	24 25 26
		(3)	Also, to help the commissioner perform the commissioner's functions or exercise the commissioner's powers under this division, the commissioner may give information to an external agency under an information exchange agreement.	27 28 29 30
		(4)	In this section—	31

[s 127]

		pres	<i>rnal agency</i> means an entity established under an Act and cribed by regulation as an external agency for this nition.	1 2 3
		relen to—	want information means information about or relevant	4 5
		(a)	a review of a current work performance matter under section 123; or	6 7
		(b)	an investigation, inquiry or other activity of an external agency relating to the conduct of a public sector employee that is the subject of a review of a current work performance matter under section 123.	8 9 10 11
Clause 127	Pro	otecti	on from liability for giving information	12
	(1)		section applies to a person who, acting honestly and onably, gives information under this division.	13 14
	(2)		person is not liable, civilly, criminally or under an inistrative process, for giving the information.	15 16
	(3)		o, merely because the person gives the information, the on can not be held to have—	17 18
		(a)	breached any code of professional etiquette or ethics; or	19
		(b)	departed from accepted standards of professional conduct.	20 21
	(4)	Witł	nout limiting subsection (2) or (3)—	22
		(a)	in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and	23 24
		(b)	if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—	25 26 27
			(i) does not contravene the Act, oath or rule of law or practice by giving the information; and	28 29
			(ii) is not liable to disciplinary action for giving the information.	30 31

[s 128]

Clause	128		blication of information about work performance atters				
			The commission must publish the following information for each financial year in a publicly accessible way—				
			(a)		number of work performance matters handled by prescribed entity in the year;	5 6	
			(b)	•	ypes of work performance matters handled by each pribed entity in the year;	7 8	
			(c)	hand	mation about how work performance matters were led by each prescribed entity in the year, including, xample—	9 10 11	
				. ,	the period within which the handling of the matters was finalised; and	12 13	
				(ii)	the outcomes of the handling of the matters.	14	
		(2)			nation must be published on or before 30 September nancial year.	15 16	
		(3)	com	missio	on applies only in relation to information the n receives under a work performance information r to which the commission otherwise has access.	17 18 19	
		(4)	In th	is sect	ion—	20	
			pres	cribed	<i>entity</i> means—	21	
			(a)	a dep	partment; or	22	
			(b)		her public sector entity prescribed by directive for lefinition.	23 24	

Public Sector Bill 2022 Chapter 3 Public sector arrangements Part 10 Appeals

[s 129]

	Part	10	Appeals	1
	Divisi	ion 1	Preliminary	2
Clause	129	Definitio	ons for part	3
		In th	is part—	4
		conv	version decision means a decision—	5
		(a)	under section 115 not to convert the employment of a public sector employee mentioned in section 112 to a permanent basis; or	6 7 8
		(b)	under section 115 to convert the employment of a public sector employee mentioned in section 112 to a permanent basis in circumstances provided for under a directive made under section 115(8) about the hours of work offered when offering to convert the employment basis to a permanent basis; or	9 10 11 12 13 14
		(c)	under section 116 not to convert the employment of a public sector employee mentioned in section 113(1) to a permanent basis, if the employee's right to make the additional request for review under section 116 arose from a decision under section 115; or	15 16 17 18 19
		(d)	under section 116 to convert the employment of a public sector employee mentioned in section 113(1) to a permanent basis in circumstances provided for under a directive made under section 115(8) about the hours of work offered when offering to convert the employment basis to a permanent basis, if the employee's right to make the additional request for review under section 116 arose from a decision under section 115; or	20 21 22 23 24 25 26 27
		(e)	under section 120 or 121 not to employ a public sector employee at a higher classification level, if the employee had been acting at, or seconded to, the higher classification level for a continuous period, as defined	28 29 30 31

for the employee in a directive made under section $120(7)$, of at least 2 years.	1 2						
<i>directive decision</i> means a decision to take, or not to take, action under a directive.							
<i>disciplinary decision</i> means a decision under a disciplinary law to discipline—							
(a) a person (other than by termination of employment), including the action taken in disciplining the person; or							
(b) a former public sector employee by way of a disciplinary declaration made under section 95, including if the disciplinary action that would have been taken was termination of employment.	9 10 11 12						
<i>fair treatment decision</i> means a decision a public sector employee believes is unfair and unreasonable.	13 14						
<i>promotion decision</i> means a decision to promote a public sector employee employed on a permanent basis.	15 16						
<i>suspension without pay decision</i> means a decision to suspend a public sector employee under section 101 without entitlement to normal remuneration.	17 18 19						
transfer decision means a decision to transfer—	20						
(a) a public service officer; or	21						
(b) a public sector employee, if a regulation has prescribed that the following provisions apply to the employee, without or without modification—	22 23 24						
(i) chapter 4, part 4, division 3; and	25						
(ii) this part, in relation to a decision under chapter 4, part 4, division 3.	26 27						
<i>work performance direction decision</i> means a decision of the commissioner under section 124(5)(b) to give a direction about rectifying a defect in the procedural aspects of the handling of a work performance matter, to the extent the direction affects the employee the subject of the work performance matter.							

Public Sector Bill 2022 Chapter 3 Public sector arrangements Part 10 Appeals

[s 130]

	Division 2			Right of appeal		
Clause	130	Арр	eals		2	
			A pe	erson may appeal against a decision if—	3	
			(a)	an appeal may be made against the decision under section 131; and	4 5	
			(b)	the person is entitled to appeal against the decision under section 133.	6 7	
Clause	131	Dec	isior	ns against which appeals may be made	8	
		(1)	An a	appeal may be made against the following decisions—	9	
			(a)	a conversion decision;	10	
			(b)	a directive decision;	11	
			(c)	a disciplinary decision;	12	
			(d)	a fair treatment decision;	13	
			(e)	a promotion decision;	14	
			(f)	a suspension without pay decision;	15	
			(g)	a transfer decision;	16	
			(h)	a work performance direction decision;	17	
			(i)	a decision about anything else against which another Act allows a person to appeal.	18 19	
		(2)	a deo	vever, if an appeal may be made under this section against cision, other than under subsection $(1)(d)$, the appeal can be made under subsection $(1)(d)$.	20 21 22	
		(3)	This	section is subject to section 132.	23	
Clause	132	Dec	isior	ns against which appeals can not be made	24	
		(1)	-	erson can not appeal against any of the following sions—	25 26	

	(a)	a decision of the Governor in Council;	1
	(b)	a decision of a Minister;	2
	(c)	a decision about superannuation benefits or workers' compensation;	3 4
	(d)	a decision about probation;	5
	(e)	a decision to terminate the employment of a person, including, for example, a person employed on probation;	6 7 8
	(f)	a decision about the classification level of employment, unless the decision is declared under a directive to be a decision against which an appeal may be made;	9 10 11
	(g)	a decision to promote, transfer, redeploy or second a person as a chief executive, a senior executive or a senior officer;	12 13 14
	(h)	a decision to promote, transfer, redeploy or second a public sector executive, unless the decision is declared under a directive to be a decision against which an appeal may be made;	15 16 17 18
	(i)	a decision of the commissioner relating to reviewing a procedural aspect of the handling by a public sector entity of a work performance matter at the request of an employee under section 124, other than to the extent allowed under section 131(1)(h);	19 20 21 22 23
	(j)	a decision under section 114 not to convert the employment of a public sector employee to a permanent basis;	24 25 26
	(k)	a decision under section 120 not to appoint a public sector employee to a position at a higher classification level, if the employee has been acting at, or seconded to, the higher classification level for less than 2 years;	27 28 29 30
	(1)	a non-appealable appointment.	31
(2)	-	erson can not appeal against, or in an appeal call in tion in any way, a decision that decides the policy,	32 33

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[s 132]

		egy, nature, scope, resourcing or direction of the public or or the public service or a public sector entity.	1 2
(3)	A pe	rson can not appeal against a promotion decision if—	3
	(a)	the person employed under the promotion decision had been redeployed within 1 year before the promotion; and	4 5 6
	(b)	the promotion is to a classification level that is not higher than the classification level of the person employed under the promotion decision immediately before the redeployment.	7 8 9 10
(4)	A pe	rson can not appeal against a fair treatment decision—	11
	(a)	made under chapter 3, part 8, division 5; or	12
	(b)	made under chapter 3, part 8, division 3, other than a finding under section 91 that a disciplinary ground exists for the person; or	13 14 15
	(c)	relating to the recruitment or selection of a public sector employee; or	16 17
	(d)	relating to a person's work performance, other than a decision about the person's work performance that is recorded in a formal way as part of a periodic performance review; or	18 19 20 21
		Example for paragraph (d)—	22
		a decision about performance recorded in a person's performance development agreement as part of the person's 6-monthly or annual performance review	23 24 25
	(e)	relating to the resolution of a grievance under an industrial instrument, other than a decision about the outcome of the grievance; or	26 27 28
	(f)	relating to the development or performance management of a chief executive or senior executive.	29 30
(5)	In th	is section—	31
		<i>appealable appointment</i> means an appointment or oyment—	32 33

[s 133]

		(a)	for which the commissioner is satisfied the principles mentioned in section 44 are sufficiently protected by ways other than an appeal under this part; and	1 2 3
		(b)	that the commissioner has declared by gazette notice, or a directive, to be an appointment or employment against which an appeal may not be made.	4 5 6
Clause 1	133 Wr	no ma	y appeal	7
			following persons may appeal against the following sions—	8 9
		(a)	for a conversion decision—the public sector employee the subject of the decision;	10 11
		(b)	for a directive decision—a public sector employee aggrieved by the decision if the employee is entitled to appeal under a directive;	12 13 14
		(c)	for a disciplinary decision—a public sector employee or former public sector employee aggrieved by the decision if the employee is entitled to appeal under a directive;	15 16 17 18
		(d)	for a fair treatment decision—a public sector employee aggrieved by the decision;	19 20
		(e)	for a promotion decision—a public sector employee employed on a permanent basis who is aggrieved by the decision and is entitled to appeal under a directive;	21 22 23
		(f)	for a suspension without pay decision—the public sector employee the subject of the decision;	24 25
		(g)	for a transfer decision—the public service officer or public sector employee the subject of the decision;	26 27
		(h)	for a work performance direction decision—the public sector employee the subject of the work performance matter;	28 29 30
		(i)	for a decision mentioned in section $131(1)(i)$ —a person the other Act allows to appeal.	31 32

Public Sector Bill 2022 Chapter 3 Public sector arrangements Part 10 Appeals

[s 134]

	Divis	sion 3 Hearing of appeal	1
Clause	134	An appeal under this part is to be heard and decided under the	2 3 4
Clause	135	Attendance at appeal part of employee's duties	5
		Attendance at an appeal proceeding is part of a public sector employee's duties if the employee—	6 7
		(a) is a party to the appeal; or	8
		(b) is requested or required by the IRC to attend the proceeding.	9 10
		Note—	11
		This section has no relevance to an appeal against a disciplinary declaration.	12 13
Clause	136	Employee's entitlements for attending appeal	14
		 A public sector employee is entitled to be paid travelling expenses and allowances reasonably incurred in attending an appeal proceeding as part of the employee's duties. 	15 16 17
		(2) The amount of the expenses and allowances is to be decided by the commissioner.	18 19
		(3) However, this section does not apply to a public sector employee who is the appellant and is suspended from duty without pay, unless the employee's appeal is allowed.	20 21 22
		Note—	23
		This section has no relevance to an appeal against a disciplinary declaration.	24 25

[s 137]

Clause	137	Exp	penses of persons other than public sector employees	1
		(1)	This section applies if the IRC asks a person, other than a public sector employee, to attend an appeal proceeding.	2 3
		(2)	The person is entitled to be reimbursed for any expenses reasonably incurred by the person in attending the proceeding.	4 5
		(3)	The amount of the expenses is to be decided by the commissioner.	6 7
		(4)	This section does not apply to a person who is appealing against a disciplinary declaration.	8 9
Clause	138		olic sector entity must pay costs of appeal and penses	10 11
		(1)	The public sector entity whose decision is appealed against must pay—	12 13
			(a) the costs of the appeal, including the IRC's costs incurred for, or attributable to, the appeal; and	14 15
			(b) the travelling expenses and allowances payable under section 136; and	16 17
			(c) the amount of any expenses required to be reimbursed under section 137.	18 19
		(2)	An amount payable for costs under subsection (1)(a) is the amount, not more than the actual costs, the commissioner considers reasonable.	20 21 22
		(3)	The chief executive of the public sector entity must ensure subsection (1) is complied with as soon as practicable.	23 24
	Divi	sion	4 Exclusion of particular matters from other Acts	25 26
Clause	139	Def	inition for division	27
			In this division—	28

[s 140]

			excluded matter see section 140(1).	1
Clause	140	Ар	plication of division	2
		(1)	This division applies to the following matters (each an <i>excluded matter</i>)—	3 4
			(a) a decision to appoint or employ, or not to appoint or employ, a person under this Act or as a statutory office holder; or	5 6 7
			(b) the contract of employment of, or the application of this Act or a provision of this Act to, any of the following—	8 9
			(i) a commissioner;	10
			(ii) a chief executive;	11
			(iii) a senior executive;	12
			(iv) a senior officer;	13
			(v) a special commissioner;	14
			(vi) another public service officer whose employment is on contract for a fixed term.	15 16
		(2)	In this section—	17
			<i>statutory office</i> means an office to which a person may be appointed under an Act only by the Governor in Council or a Minister.	18 19 20
Clause	141	Exc	cluded matters not industrial matters	21
		(1)	An excluded matter, or a matter affecting or relating to an excluded matter, is not an industrial matter for the <i>Industrial Relations Act 2016</i> .	22 23 24
		(2)	However, subsection (1)—	25
			(a) is subject to section 155(6); and	26
			(b) does not apply for a dismissal of a public service officer who is employed on a permanent basis; and	27 28

		(c) has no effect on the <i>Industrial Relations Act 2016</i> , section 471.	1 2
	(3)	Without limiting subsection (1), an industrial instrument does not apply to a person who holds an office mentioned in section $140(1)(b)$.	3 4 5
	(4)	In this section—	6
		<i>industrial matter</i> see the <i>Industrial Relations Act 2016</i> , section 9.	7 8
Clause 142	De	cisions about excluded matters final	9
	(1)	Unless the Supreme Court decides a decision about an excluded matter is affected by jurisdictional error, the decision—	10 11 12
		(a) is final and conclusive; and	13
		 (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and 	14 15 16 17 18
		(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.	19 20 21
	(2)	However, subsection (1) does not apply to a decision about an excluded matter relating to a senior officer.	22 23
	(3)	The <i>Judicial Review Act 1991</i> , part 5 applies to a decision about an excluded matter to the extent it is affected by jurisdictional error.	24 25 26

[s 143]

	Divis	sion	5		Miscellaneous	1
Clause	143	Dir	ectiv	e abo	out appeals	2
		(1)			nissioner must make a directive about appeals by tor employees.	3 4
		(2)	The	direct	tive—	5
			(a)	mus	t make provision for—	6
				(i)	the decisions, if any, against which an appeal may be made; and	7 8
				(ii)	the persons who are entitled to appeal against a decision mentioned in section $131(1)$; and	9 10
				(iii)	the directions, if any, the IRC may give under the <i>Industrial Relations Act 2016</i> , section 562C(1)(b); and	11 12 13
			(b)	appo be a	r, for section 132(5), definition <i>non-appealable</i> <i>pintment</i> , declare an appointment or employment to an appointment or employment against which an eal may not be made.	14 15 16 17
		(3)	IRC do a	or an	the directive must not direct, or purport to direct, the other person to do or not do a thing, or to do or not g in a particular way, in relation to an appeal under	18 19 20 21
	Part	11			Ending of employment	22

Clause 144 Purpose of part

The purpose of this part is to ensure that, despite another 24 provision of this Act, the chief executive of a public sector 25 entity may end the employment of a public sector employee 26 under the common law, or consider that a public sector 27 employee's employment has ended by operation of law, in 28 particular circumstances, including, for example, if the 29

23

		[s 145]
	-	ployee has seriously breached the employee's contract of ployment.
145	Summa	ary dismissal and ending of employment
	Not	hing in this Act—
	(a)	limits or otherwise affects a right or power, of a chief executive of a public sector entity, under the common law to terminate a public sector employee's employment, including summarily; or
		<i>Example of a right or power under the common law to summarily terminate employment—</i>
		A chief executive may have a right or power at common law to summarily terminate a public sector employee's employment if the employee has engaged in serious misconduct, including, for example—
		• wilful or deliberate behaviour that is inconsistent with the continuation of the employee's employment
		• conduct that causes serious and imminent risk to the health or safety of a person
		• conduct that causes serious and imminent risk to the reputation of the public sector entity in which the employee is employed.
		Example of a right or power under the common law to terminate employment—
		A chief executive may have a right or power at common law to terminate a public sector employee's employment for repudiation of the employment, including, for example, if the employee has abandoned the employment.
	(b)	prevents a public sector employee's employment contract from ending by operation of law; or
		<i>Example of a public sector employee's employment contract ending by operation of law—</i>
		A public sector employee's employment contract may end under the doctrine of frustration, including, for example, if the employee is imprisoned or remanded in custody.

Clause

[s 146]

			(c)	limits or otherwise affects the contractual rights of the State or a public sector entity as an employer under the common law.	1 2 3
	Part	12		Surplus	4
Clause	146	Rel	ation	ship with Industrial Relations Act 2016	5
			This	part does not limit or otherwise affect—	6
			(a)	the Industrial Relations Act 2016, chapter 2, part 3, division 13; or	7 8
			(b)	an industrial instrument.	9
Clause	147	Chi	ief ex	ecutive's power to take action because of surplus	10
		(1)	entit	section applies if the chief executive of a public sector y believes a public sector employee is surplus to the y's needs because—	11 12 13
			(a)	more employees are employed in the entity than it needs for the effective, efficient and appropriate performance of its functions; or	14 15 16
			(b)	the duties performed by the employee are no longer required.	17 18
		(2)	The emp (3).	chief executive may terminate the employee's loyment, subject to any directive made under subsection	19 20 21
		(3)	inclu chie exec	commissioner may make a directive about action, ading, for example, termination of employment, that a f executive of a public sector entity must take if the chief putive believes a public sector employee is surplus to the y's needs under subsection (1).	22 23 24 25 26
		(4)		nief executive exercising a power under this section must n a way compatible with sections 3 and 4.	27 28

	Chapter 4		er 4	Public service employment framework	
	Part	1		Preliminary	3
Clause	148	Ар	plication o	of chapter	4
		(1)	This chapt	er applies only in relation to public service entities.	5
		(2)	under this	if the only employee of the public service entity Act is the entity's chief executive, this chapter and in relation to the employment of the chief	6 7 8 9
	Part	2		Employment of general	10
				employees, fixed term	11
				temporary employees and	12
				casual employees	13
Clause	149	Ge	neral empl	oyees	14
		(1)	person (a	executive of a public service entity may employ a <i>general employee</i>) to perform work of a type not performed by a public service officer.	15 16 17
		(2)	The basis of	of employment may be—	18
			(a) perm	nanent; or	19
			(b) temp	porary for a fixed term; or	20
			(c) casua	al.	21
		(3)	Employme or part-tim	ent under subsection (2)(a) or (b) may be full-time ne.	22 23
		(4)	-	employed under this section does not, only because ployment, become a public service officer.	24 25

Clause	150	Fix	ed term temporary employees
		(1)	The chief executive of a public service entity may employ a person on a temporary basis for a fixed term to perform work of a type ordinarily performed by—
			(a) an officer; or
			(b) a senior officer.
		(2)	However, subsection (1) applies only if employment of a person on a permanent basis is not viable or appropriate, having regard to the planning of human resources carried out by the chief executive under section $177(1)(f)$.
		(3)	The employment may be full-time or part-time.
	151	(4)	A person employed under this section does not, only because of the employment, become a public service officer.
Clause		Ca	sual employees
		(1)	The chief executive of a public service entity may employ a person on a casual basis to perform work of a type ordinarily performed by—
			(a) an officer; or
			(b) a senior officer.
		(2)	However, subsection (1) applies only if employment of a person on either of the following employment bases is not viable or appropriate—
			(a) a permanent basis;
			(b) a temporary basis for a fixed term.
		(3)	A person employed under this section does not, only because of the employment, become a public service officer.

[s 152]

	Part	3	Employment of public service officers			
Clause	152	Pul	blic s	service officers	3	
		(1)		chief executive of a public service entity may, by signed ce, employ a person as a public service officer in the ty.	4 5 6	
		(2)	The	basis of employment may be—	7	
			(a)	permanent; or	8	
			(b)	on contract for a fixed term.	9	
		(3)	of th	wever, subsection (2)(b) applies only if the chief executive ne entity has decided that employment in the position may n contract for a fixed term.	10 11 12	
		(4)	The	employment may be full-time or part-time.	13	
Clause	153	Pu	rpose	es of senior officer positions	14	
		(1)	Seni	or officer positions are continued to—	15	
			(a)	promote the public service's effectiveness and efficiency; and	16 17	
			(b)	ensure there is a group of highly skilled public service officers who are capable of development as senior executives.	18 19 20	
		(2)	Emp	bloyment as a senior officer is to be directed towards—	21	
			(a)	developing a public service-wide perspective; and	22	
			(b)	continuance of the officer's professional development.	23	
Clause	154		le of sition	commissioner in relation to senior officer	24 25	

To help achieve the purposes of senior officer positions, the 26 commissioner must make and implement arrangements to 27 [s 155]

facilitate the development of senior officers as senior 1 executives. 2

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Clause 155 Employment of public service officers on contract for fixed term

- (1) This section applies if the chief executive of a public service entity employs a person, on contract for a fixed term, as a public service officer in the entity.
- (2) The person must enter into a written contract of employment 8 with the chief executive.9
- (3) However, if the person is employed on a permanent basis in 10 the position immediately before the employment is to be on 11 contract for a fixed term, the person may, but is not required 12 to, enter into a contract with the chief executive relating to the 13 employment.
- (4) If subsection (3) applies and the person decides not to enter 15 into a contract for a fixed term with the chief executive, the person continues to be employed on a permanent basis 17 without change in the conditions of employment. 18
- (5) The person's overall employment conditions under a contract 19 for a fixed term under this section must not, on balance, be 20 less than the employment conditions to which the person 21 would be entitled if the person were employed on a permanent 22 basis.
- (6) If there is a dispute between the parties to the contract about the application of subsection (5), the IRC may hear and decide the dispute.
 24
 25
 26
- (7) The conditions of the person's employment are governed by 27 this Act, any relevant directive and the contract. 28

Clause	156	Reinstatement of employment on permanent basis if contract ends	29 30
		(1) This section applies if—	31

[s 157]

		(a)	a person mentioned in section 155(1) is employed on contract for a fixed term; and	1 2
		(b)	the contract is terminated other than by disciplinary action, or the contract expires and is not renewed or replaced by another contract of employment under this Act; and	3 4 5 6
		(c)	when the person was first employed under the contract or an earlier continuous contract of employment as a public service officer, the person was employed as a public service officer on a permanent basis.	7 8 9 10
	(2)	The	person becomes a public service officer employed-	11
		(a)	on a permanent basis; and	12
		(b)	at the classification level at which the person would have been employed if the person had continued in employment as a public service officer on a permanent basis; and	13 14 15 16
		(c)	on the remuneration to which the person would have been entitled if the person had continued in employment as a public service officer on a permanent basis.	17 18 19
Clause 157			ation of contract if person accepts employment on Inent basis	20 21
	(1)	This	s section applies if—	22
		(a)	a person mentioned in section 155(1) is employed on contract for a fixed term; and	23 24
		(b)	the person accepts employment as a public service officer on a permanent basis.	25 26
	(2)	The part	contract is taken to be terminated by agreement of the ies.	27 28
	(3)		hout limiting subsection (2), the person is not entitled to ment under the contract because of the termination.	29 30

[s 158]

	Part	4		Other employment arrangements	1 2
	Divis	ion	1	Preliminary	3
Clause	158	Арр	olicat	tion of part	4
			•	ect to sections 159 and 164, this part applies to public ice officers employed in public service entities.	5 6
Clause	159	Арр	olicat	tion of division 2 or 3 by regulation	7
		(1)	A re	gulation may provide—	8
			(a)	that division 2 or 3 is to apply to a public sector employee employed in a public sector entity; and	9 10
			(b)	for the way in which division 2 or 3 is to apply, including, for example, that it applies with or without change.	11 12 13
		(2)	must	regulation is made under subsection (1), the regulation t identify each of the following to which the regulation ies—	14 15 16
			(a)	the public sector entity;	17
			(b)	the head of the entity;	18
			(c)	the employees of the entity.	19
		(3)		gulation may prescribe anything necessary or convenient prescribed—	20 21
			(a)	to enable a regulation under subsection (1) to be made; or	22 23
			(b)	to carry out or give effect to the regulation; or	24
			(c)	because of the making of the regulation, including, for example, the portability of employment rights and entitlements.	25 26 27

	Divisi	on	2 Secondment	1
Clause	160	Chi	ef executive's power to second	2
		(1)	The chief executive of a public service entity (the <i>first entity</i>) may—	3 4
			(a) second a public service officer of the first entity within the first entity; or	5 6
			(b) with the approval of the chief executive of another entity, second a public service officer of the other entity to the first entity.	7 8 9
		(2)	However, if the secondment is to a lower classification level, the secondment may be made only with the public service officer's consent.	10 11 12
		(3)	The chief executive of the first entity may cancel the secondment at any time.	13 14
	Divisi	on	3 Transfer or redeployment	15
Clause	161	Chi	ef executive's power to transfer or redeploy	16
		(1)	The chief executive of a public service entity (the <i>first entity</i>) may—	17 18
			(a) transfer or redeploy a public service officer of the first entity within the first entity; or	19 20
			(b) with the approval of the chief executive of another entity, transfer or redeploy a public service officer of the other entity to the first entity.	21 22 23
		(2)	However, a redeployment may be made only with the public	24
		(2)	service officer's consent.	25

[s 162]

			(a)	may involve a change in the location where the officer performs duties; and	1 2
			(b)	if the officer is employed on contract—has effect despite anything in the contract.	3 4
Clause	162	Со	nseq	uence if public service officer refuses transfer	5
		(1)	trans grou	public service officer is transferred under section 161, the sfer has effect unless the officer establishes reasonable ands for refusing the transfer to the satisfaction of the cer's chief executive.	6 7 8 9
		(2)	estal exec	e public service officer refuses the transfer after failing to blish reasonable grounds for the refusal to the chief cutive's satisfaction, the chief executive may terminate the cer's employment by signed notice given to the officer.	10 11 12 13
		(3)		e public service officer establishes reasonable grounds to chief executive's satisfaction—	14 15
			(a)	the transfer is cancelled; and	16
			(b)	the refusal must not be used to prejudice the officer's prospects for future promotion or advancement.	17 18
	Divis	sion	4	Resignation or retirement	19
Clause	163	Re	signa	ition	20
		(1)	-	ublic service officer may resign by notice given to the cer's chief executive—	21 22
			(a)	at least 2 weeks before the notice is to take effect; or	23
			(b)	within a shorter period approved by the officer's chief executive.	24 25
		(2)	with	notice takes effect in accordance with its terms and nout needing the acceptance of the public service officer's f executive.	26 27 28

Public Sector Bill 2022 Chapter 5 Public service chief executives and senior executives Part 1 Preliminary

			[s 164]	
Clause	164	Volu	ntary retirement	1
		1	A public service officer or a general employee may by signed notice given to the officer's or employee's chief executive, elect to retire from the public service if—	2 3 4
		(a) the officer or employee is 55 years or more; or	5
		(b) the officer or employee is permitted to retire under a directive.	6 7
	Cha	ntei	5 Public service chief	0
	Una	pici	executives and senior	8 9
			executives	9 10
	Part	1	Preliminary	11
Clause	165	Appl	ication of chapter	12
		(1)	This chapter applies in relation to—	13
		(a) chief executives and senior executives in departments; and	14 15
		(b) the commissioner.	16
		. ,	Part 3 also applies to senior executives in public service entities mentioned in section 9(b).	17 18

Public Sector Bill 2022 Chapter 5 Public service chief executives and senior executives Part 2 Chief executives

[s 166]

	Part 2			Chief executives	1
	Divis	ion	1	Chief executive service	2
Clause	166	Ser (1)		continued ief executive service is continued in the public service.	3 4
		(2)		chief executive service consists of—	5
			(a)	chief executives appointed or declared under division 2; and	6 7
			(b)	the commissioner.	8
Clause	167	Pur	'nnse	of service and achievement	9
Olduse	107	(1)	•	purpose of the chief executive service is to promote—	9 10
		(1)	(a)	the public service's effectiveness and efficiency; and	11
			(b)	collaboration between departments with a focus on public service-wide priorities in addition to department-specific priorities; and	12 13 14
			(c)	performance management in the public service; and	15
			(d)	the delivery of services by the public service in accordance with government priorities.	16 17
		(2)	retai	purpose is to be achieved by attracting, developing and ning in the public service a core of mobile, highly skilled f executives.	18 19 20
Clause	168	Rol	e of o	commissioner	21
			com	elp achieve the purpose of the chief executive service, the missioner must make and implement arrangements to itate the executive development of chief executives.	22 23 24

			[s 169]				
Clause	169	Chief executive service standards					
		(1) The Minister may make standards about the way the M expects the chief executive service to operate.					
		con	ithout limiting subsection (1), the standards may provide for mpetencies expected of, and ethical standards for, chief ecutives.				
			e Minister must publish the standards in the way the inister considers appropriate.				
		tha	e standards do not limit or otherwise affect the obligations at a chief executive has under the <i>Public Sector Ethics Act</i> 94.				
	Divis	ion 2	Appointments				
Clause	170	Appoir	ntment by Governor in Council				
			e Governor in Council may, by gazette notice, appoint chief ecutives.				
Clause	171	Appoir	ntment to particular departments				
		(1) Ea	ch department is to have a chief executive.				
			e Minister may, by signed notice, appoint a chief executive be the chief executive of any department.				
		in	otice of the appointment must be published in the gazette or another publicly available way the Minister considers propriate.				
			chief executive				
Clause	172	Acting					
Clause	172	(1) Th per	e Minister administering a department may appoint a rson to act as the department's chief executive during any riod or all periods when—				

[s 173]

Clause

Clause

Clause

		(b) the chief executive is absent from duty or is, for another reason, unable to discharge the responsibilities of chief executive.	1 2 3
	(2)	It does not matter whether the appointee is or is not already a public service officer.	4 5
173	Sta	tutory officer as chief executive	6
	(1)	The Governor in Council may, by gazette notice, declare that the holder of a stated office established under an Act is the chief executive appointed to a stated department.	7 8 9
	(2)	This Act does not apply to an appointment to the stated office.	10
174	Co	ntractual basis of employment for chief executives	11
	(1)	Each person appointed as a chief executive under this Act must enter into a written contract of employment with the Minister.	12 13 14
	(2)	The appointee's conditions of employment are governed by this Act, any relevant directives and the contract.	15 16
175	Те	m of appointment	17
	(1)	The term of a chief executive's appointment must be—	18
		(a) 5 years; or	19
		(b) if the person has requested a shorter period—the shorter period.	20 21
	(2)	If a chief executive is reappointed, the term of the appointment can not be more than 5 years.	22 23
	(3)	A chief executive may resign by signed notice given to the Minister at least 1 month before the notice is to take effect.	24 25
	(4)	An appointment and contract of employment as a chief executive may be terminated by the Governor in Council by	26 27

Public Sector Bill 2022 Chapter 5 Public service chief executives and senior executives Part 2 Chief executives

				[s 176]	
			•	ed notice given by the Minister to the appointee at least 1 th before the notice is to take effect.	1 2
	Divi	sion	3	Functions	3
Clause	176	De	finitio	on for division	4
			In th	nis division—	5
				<i>ister</i> , of a chief executive of a department, means the ister administering the department.	6 7
Clause	177	Fu	nctio	ns and responsibilities of chief executive	8
		(1)		nief executive of a department has the following functions responsibilities in relation to the department—	9 1(
			(a)	establishing and implementing goals and objectives in accordance with government policies and priorities;	11 12
			(b)	managing the department in a way that promotes the effective, efficient and appropriate management of public resources while ensuring appropriate accountability for ethical standards and effective management and leadership of human resources;	11 14 15 10 17
			(c)	managing the following matters for departmental employees—	18 19
				(i) the total number;	20
				(ii) types of positions;	2
				(iii) roles associated with positions;	22
				(iv) classification levels;	23
				(v) designation of roles;	24
			(d)	pro-actively managing the work performance and personal conduct of departmental employees;	25 26

[s 177]

	(e)	establishing and implementing workforce and human resources planning and practices, including, for example, ensuring the employment in the department of persons on a temporary basis for a fixed term or on a casual basis happens only if there is a reason for the basis of employment under this Act;	1 2 3 4 5 6						
	(f)	adopting management practices that are responsive to government policies and priorities;	7 8						
	(g)	implementing policies and practices about access and equity to ensure maximum access by members of the community to government programs and to appropriate avenues for review;	9 10 11 12						
	(h)	ensuring compliance with the obligations under chapter 2 relating to equity, diversity, respect and inclusion;	13 14						
	(i)	ensuring maintenance of proper standards in the creation, keeping and management of public records.	15 16						
	Examples of chief executive responsibilities for departmental employees—								
	•	recruitment and selection	18						
	•	performance appraisal, training and development	19						
	•	discipline and termination of employment	20						
	•	working conditions and industrial issues	21						
	•	ensuring fair treatment	22						
(2)	Also matte	, a chief executive is responsible for the following ers—	23 24						
	(a)	providing stewardship of the public sector by actively participating in collective and collaborative leadership and implementing public sector-wide policies decided by the Minister and the council;	25 26 27 28						
	(b)	acting as the primary policy adviser to the chief executive's Minister about significant issues relating to the department and the public sector, including, for example—	29 30 31 32						
		(i) providing expert, impartial, coordinated and comprehensive policy advice; and	33 34						
[s 178]

		(ii) providing integrated advice about how all aspects of the department and the public sector align with the policy intent of government; and	1 2 3
		(iii) providing policy coordination by building and managing relationships with public sector entities to ensure integrated policy development; and	4 5 6
		(iv) facilitating and supporting relationships between Ministers and public sector entities.	7 8
	(3)	The chief executive's responsibilities under this Act are in addition to the chief executive's responsibilities under another Act.	9 10 11
		Example—	12
		A chief executive is an accountable officer under the <i>Financial Accountability Act 2009</i> and has a responsibility to develop the strategic plan and operational plan under the <i>Financial and Performance Management Standard 2019</i> , section 8.	13 14 15 16
		Note—	17
		The following are not subject to direction by a chief executive—	18
		• the information commissioner and staff of the office of the information commissioner (see the <i>Right to Information Act 2009</i> , sections 126, 146 and 149, and the <i>Information Privacy Act 2009</i> , sections 140 and 143)	19 20 21 22
		• the auditor-general, deputy auditor-general and staff of the audit office (see the <i>Auditor-General Act 2009</i>).	23 24
	(4)	In this section—	25
		<i>departmental employees</i> means public service employees employed in the chief executive's department.	26 27
		<i>designation</i> , of a role, includes the title of the role and the organisational location of the role within a department.	28 29
Clause 178	Ext	tent of chief executive's autonomy	30
	(1)	A chief executive of a department is subject to the directions of the chief executive's Minister in managing the department, other than to the extent—	31 32 33

[s 179]

			(a)	the chief individua	executive is making decisions about particular ls; or	1 2
			(b)	another A	.ct—	3
				the	vides that the chief executive is not subject to directions of the chief executive's Minister at particular matters; or	4 5 6
				whice	ts the extent to which, or circumstances in ch, the chief executive is subject to the ctions of the chief executive's Minister.	7 8 9
		(2)		aking dec tive—	isions about particular individuals, the chief	10 11
			(a)	report ab	to any direction given by the commission in a bout a procedural aspect of a current work ince matter under section 124; and	12 13 14
			(b)	must othe and	erwise act independently, impartially and fairly;	15 16
			(c)	is not sub	ject to direction by a Minister.	17
Clause	179			es in Ac nister	t to chief executive of a chief executive	18 19
			exec	tive's chi	ecutive, a reference in this Act to the chief ef executive, or to the chief executive of the 's department, is a reference to the Minister.	20 21 22
	Divis	sion	4	Co	onflicts of interest	23
Clause	180	De	finitic	n for divi	sion	24
			In th	s division		25
					chief executive of a department, means the asible for administering the department.	26 27

Clause	181	B1 Mea	aning of <i>interest</i>		
			A reference to an <i>interest</i> or to a <i>conflict of interest</i> in this division is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the <i>Acts Interpretation Act 1954</i> , schedule 1, does not apply.	2 3 4 5 6	
Clause	182	Dec	claration of interests—chief executive of department	7	
		(1)	This section applies to a person appointed as chief executive of a department.	8 9	
			Note—	10	
			Appointment includes reappointment. See the Acts Interpretation Act 1954, schedule 1, definition appoint.	11 12	
		(2)	The chief executive must, within 1 month after the appointment, give each designated person for the chief executive a statement about the chief executive's interests.	13 14 15	
		(3)	The statement must include the information required under a directive made by the commissioner.	16 17	
		(4)	Subsection (5) applies if—	18	
			(a) a change to the chief executive's interests happens after the giving of the statement; and	19 20	
			(b) the change is of a type prescribed under a directive made by the commissioner.	21 22	
		(5)	The chief executive must give each designated person for the chief executive a revised version of the statement, including the change, as soon as possible after the relevant facts about the change come to the chief executive's knowledge.	23 24 25 26	
		(6)	When giving the commissioner a statement under subsection (2) or (5), the chief executive must also give the commissioner written advice that the chief executive has given the statement to the chief executive's Minister.	27 28 29 30	
		(7)	In this section—	31	

designated person, for a chief executive, means-

[s 183]

			(a) the chief executive's Minister; or	1
			(b) the commissioner.	2
Clause	183	Со	nflicts of interest—chief executive of department	3
		(1)	This section applies to a person appointed as chief executive of a department.	4 5
		(2)	If the chief executive has an interest that conflicts or may conflict with the discharge of the chief executive's responsibilities, the chief executive—	6 7 8
			 (a) must disclose the nature of the interest and conflict to the chief executive's Minister as soon as practicable after the relevant facts come to the chief executive's knowledge; and 	9 10 11 12
			(b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the chief executive's Minister.	13 14 15
		(3)	The chief executive's Minister may direct the chief executive of the entity to resolve a conflict or possible conflict between an interest of the chief executive and the chief executive's responsibilities.	16 17 18 19
	Part	3	Senior executives	20
	Divis	ion	1 Senior executive service	21
Clause	184	Ser	nior executive service continued	22
			A senior executive service is continued in the public service.	23
Clause	185	Pur	pose of service and achievement	24
		(1)	The purpose of the senior executive service is to promote the public service's effectiveness and efficiency.	25 26

		(2)		loyment in the senior executive service is to be directed ards ensuring senior executives—	1 2
			(a)	provide strategic leadership to deliver government objectives; and	3 4
			(b)	provide high quality, impartial advice to chief executives and executive government; and	5 6
			(c)	champion the public sector principles in all aspects of their leadership and in discharging their responsibilities; and	7 8 9
			(d)	develop a public service-wide perspective and participate in collaborative and collective leadership to achieve outcomes across the public sector; and	10 11 12
			(e)	continue their executive development through ongoing learning; and	13 14
			(f)	develop their skills through deployment within the public service and in other entities.	15 16
		(3)	by a	purposes under subsections (1) and (2) are to be achieved ttracting, developing and retaining in the public service a of mobile, highly skilled senior executives.	17 18 19
Clause	186	Ro	le of	commissioner	20
			the c	help achieve the purposes of the senior executive service, commissioner must make and implement arrangements to itate the executive development of senior executives.	21 22 23
Clause	187	Со	mpos	sition	24
				senior executive service consists of persons employed er this Act as senior executives.	25 26

Public Sector Bill 2022 Chapter 5 Public service chief executives and senior executives Part 3 Senior executives

[s 188]

	Divis	sion	2 Employment	1
Clause	188	Em	ployment	2
		(1)	The chief executive of a public service entity may, on behalf of the State, employ a senior executive in the public service entity.	3 4 5
		(2)	However, the chief executive must not employ the senior executive unless the employment is approved by the commissioner under a directive.	6 7 8
Clause	189	Act	ing senior executive	9
		(1)	The chief executive of a public service entity may employ a person to act in the office of a senior executive in the entity during any period or all periods when—	10 11 12
			(a) no-one is employed in the office; or	13
			(b) the person holding the office is absent from duty or is, for another reason, unable to discharge the responsibilities of the office.	14 15 16
		(2)	It does not matter whether the person employed to act in the office is or is not already a public service officer.	17 18
Clause	190	Cor	ntractual basis of employment for senior executives	19
		(1)	Each senior executive must enter into a written contract of employment with the senior executive's chief executive.	20 21
		(2)	The contract may provide that, if the person's employment as a senior executive continues to the end of the term of the person's employment as senior executive, a further contract of employment may be entered into under this section.	22 23 24 25
		(3)	The entry into a further contract of employment as mentioned in subsection (2) extends the person's employment by the further term stated in the contract.	26 27 28

		(4)	An extension of employment under subsection (2) and (3) may happen as occasion requires.	1 2
		(5)	The senior executive's conditions of employment are governed by this Act, any relevant directives and the contract.	3 4
		(6)	The employment may be full-time or part-time.	5
Clause	191	Ter	m of contract	6
		(1)	The term of a senior executive's contract, or an extension of the senior executive's employment in the way provided for under section $190(2)$ and (3) , can not be more than 5 years.	7 8 9
		(2)	A senior executive may resign by signed notice given to the senior executive's chief executive at least 1 month before the notice is to take effect.	10 11 12
		(3)	A senior executive's contract of employment may be terminated by the senior executive's chief executive by signed notice given to the senior executive at least 1 month before the notice is to take effect.	13 14 15 16
	Cha	pte	er 6 Governance of public sector	17 18
	Part	1	The Minister	19
Clause	192	Fur	nctions	20
		(1)	The main function of the Minister is to promote the overall effectiveness and efficiency of the public sector.	21 22
		(2)	Without limiting subsection (1), the Minister has the following functions—	23 24

[s 192]

	(a)	to assess the appropriateness, effectiveness and efficiency of public sector management;	1 2
	(b)	to recommend the appointment of, and employment arrangements for—	3 4
		(i) chief executives of departments; and	5
		(ii) the commissioner; and	6
		(iii) each special commissioner;	7
	(c)	to monitor the performance of the commission's functions, chief executives of departments and the commissioner;	8 9 10
	(d)	to authorise performance reviews of chief executives of departments and the commissioner;	11 12
	(e)	to request public sector reviews;	13
	(f)	to advise Ministers administering departments about steps that should be taken to improve the public sector's effectiveness and efficiency.	14 15 16
(3)		Minister also has the functions given to the Minister r this Act or another Act.	17 18
(4)	funct	emove any doubt, it is declared that the Minister's ions do not include a function relating to any of the wing entities—	19 20 21
	(a)	the Crime and Corruption Commission;	22
	(b)	the Office of the Information Commissioner under the <i>Right to Information Act 2009</i> ;	23 24
	(c)	the Queensland Integrity Commissioner under the Integrity Act 2009;	25 26
	(d)	the Office of the Ombudsman established under the <i>Ombudsman Act 2001</i> ;	27 28
	(e)	the audit office;	29
	(f)	another entity prescribed by regulation for this paragraph.	30 31

Clause	193	Giving direction 1
		(1) The Minister may give a direction to any of the following 2 entities— 3
		(a) the commissioner; 4
		(b) the council; 5
		(c) the chairperson of the council. 6
		 (2) The direction may require the entity to give the Minister a report about the performance of the entity's functions or any matter relating to public sector employment the Minister 9 considers appropriate.
		 (3) If the direction requires the entity to give the Minister a report as mentioned in subsection (2), the direction must—
		(a) be in writing; and 1.
		(b) state the reasonable period within which the entity must 14 comply with the direction.
		 (4) The direction may be as general or as specific as the Minister 10 considers appropriate. 17
Clause	194	Making performance framework 18
		 The Minister may make a framework (the <i>performance framework</i>) about the way the Minister expects chief executives of departments to perform their functions.
		 Without limiting subsection (1), the performance framework may provide for competencies expected of, and ethical standards for, chief executives mentioned in subsection (1).
		(3) The Minister must publish the performance framework— 2:
		(a) on a Queensland government website; or 20
		(b) in another publicly available way the Minister considers 27 appropriate. 23

[s 195]

		(4)	The performance framework does not limit or otherwise affect the obligations that a chief executive has under the <i>Public</i> <i>Sector Ethics Act 1994</i> .	1 2 3
Clause	195	Est	ablishing taskforce	4
		(1)	The Minister may establish a taskforce consisting of 2 or more chief executives of public service entities, appointed by the Minister, who have responsibilities relating to a particular matter common to the public service entities.	5 6 7 8
		(2)	The chief executives have a shared responsibility in relation to the taskforce.	9 10
		(3)	The Minister must appoint 1 of the chief executives of the public service entities to be the chairperson of the taskforce.	11 12
		(4)	The Minister must decide the public service entity to which the taskforce belongs.	13 14
Clause	196	Tas	skforce's functions and staffing arrangements	15
		(1)	The main function of a taskforce established under section 195(1) is to deal with complex issues relating to the particular matter common to the public service entities in relation to which the taskforce is established.	16 17 18 19
		(2)	Without limiting subsection (1), the chief executives of the public service entities may discharge the main function of the taskforce by—	20 21 22
			(a) coordinating strategic policy and planning activities for the particular matter; and	23 24
			(b) supporting the delivery of initiatives that are common to the public service entities.	25 26
		(3)	The Minister must decide—	27
			(a) the terms of reference of the taskforce, including, for example, how the taskforce must operate in performing its functions; and	28 29 30

			(b) the governance and administration arrangements of the taskforce; and	1 2
			(c) the monitoring and reporting arrangements for the taskforce; and	3 4
			(d) the allocation of resources to the taskforce.	5
		(4)	The chief executives of the public service entities have the power to do anything necessary or convenient to be done for the performance of the taskforce's functions.	6 7 8
		(5)	However, the chief executive of the public service entity to which the taskforce belongs is responsible for matters relating to the staffing of the taskforce and may, for the performance of the taskforce's functions—	9 10 11 12
			(a) make an arrangement under section 82 or 160 for a person to perform work for or in, or duties in, the entity; or	13 14 15
			(b) employ, under chapter 4 or 5, a person in the entity.	16
	Part	2	Departments of government	17
Clause	197	Dec	claration of departments	18
				10
		(1)	The departments of government are the entities declared to be departments of government by the Governor in Council by gazette notice.	19 20 21
		(1)	The departments of government are the entities declared to be departments of government by the Governor in Council by	19 20
Clause	198	(2) Cha	The departments of government are the entities declared to be departments of government by the Governor in Council by gazette notice. A department of government includes the entities declared to be part of the department of government by the Governor in	19 20 21 22 23
Clause	198	(2) Cha	The departments of government are the entities declared to be departments of government by the Governor in Council by gazette notice. A department of government includes the entities declared to be part of the department of government by the Governor in Council by gazette notice.	19 20 21 22 23 24 25

[s 199]

		(b)	amalgamate departments or other government entities; or	1 2
		(c)	add a government entity to a department or another government entity; or	3 4
		(d)	divide a department or another government entity; or	5
		(e)	name or rename a department or another government entity; or	6 7
		(f)	abolish a department or another government entity.	8
Clause	199	Declara	tion of functions	9
		The	Governor in Council may, by gazette notice, declare—	10
		(a)	the functions of a department or another government entity; or	11 12
		(b)	the functions that are included or not included in the functions of a department or another government entity.	13 14
Clause	200	Change	s relating to functions	15
		The	Governor in Council may, by gazette notice-	16
		(a)	give a function to a department or another government entity; or	17 18
		(b)	change or discontinue a function given to a department or another government entity; or	19 20
		(c)	transfer a function given to a department or another government entity to a different government entity.	21 22
Clause	201	Other p	owers	23
			Governor in Council may, by gazette notice or regulation, cribe anything necessary or convenient to be prescribed—	24 25
		(a)	to enable the making of a part 2 gazette notice; or	26

[s 202]

		(b) for carrying out or giving effect to a part 2 gazette notice; or	1 2
		(c) because of the making of a part 2 gazette notice.	3
	(2)	The Governor in Council may do anything else the Governor in Council considers necessary or convenient to be done—	4 5
		(a) to enable the making of a part 2 gazette notice; or	6
		(b) to carry out or give effect to a part 2 gazette notice; or	7
		(c) because of the making of a part 2 gazette notice.	8
		Example of action to carry out or give effect to a part 2 gazette notice—	9
		transferring public service employees from a department to another department	10 11
	(3)	In this section—	12
		<i>part 2 gazette notice</i> means a gazette notice under this part, other than under this section.	13 14
Clause 202		ovision for public service employees and algamations	15 16
	(1)	This section applies if a department (the <i>first department</i>) or a	17
	(1)	part of the first department is amalgamated with another department or a part of another department.	18 19
	(1)	part of the first department is amalgamated with another	18
		part of the first department is amalgamated with another department or a part of another department.All public service employees in the first department, or the part of the first department, become employed in the other	18 19 20 21
	(2)	part of the first department is amalgamated with another department or a part of another department.All public service employees in the first department, or the part of the first department, become employed in the other department unless the Governor in Council decides otherwise.The following apply for each of the public service	18 19 20 21 22 23

[s 203]

				right, benefit or entitlement more than once in relation to the same period of service;	1 2
			(c)	the employee's employment in the other department does not constitute a termination of employment or a retrenchment or redundancy;	3 4 5
			(d)	the employee is not entitled to a payment or other benefit because the employee is no longer employed in the first department.	6 7 8
Clause	203	Exi	sten	ce of separate government entities not affected	9
		(1)	entit	section applies if another Act establishes a government by as a separate entity or regulates the existence of an any as a government entity.	10 11 12
		(2)	this	emove any doubt, it is declared that a gazette notice under part does not have any effect on the government entity's rate existence.	13 14 15
	Part	3		Public Sector Commission	16
Clause	204	Со	ntinu	ation of commission	17
			repe	Public Service Commission established under the aled <i>Public Service Act 2008</i> is continued in existence er the name Public Sector Commission (the <i>commission</i>).	18 19 20
Clause	205	Ме	mber	rship	21
			The	commission consists of the following persons—	22
			(a)	the commissioner;	23
			(b)	each special commissioner;	24
			(c)	the staff members of the commission.	25

[s 206]

206 **Commission represents State** Clause 1 The commission represents the State. (1)2 3 (2)Without limiting subsection (1), the commission has the privileges and immunities of the State. 4 Clause 207 **Functions** 5 (1) The main function of the commission is to support the 6 implementation and consistent application of this Act. 7 (2) Without limiting subsection (1), the commission has the 8 following functions-9 to provide system leadership and stewardship of the (a) 10 public sector; 11 (b) to build and maintain the capability and capacity of the 12 public sector, including, for example, the capability of 13 human resource management in the public sector; 14 (c) to promote equity, diversity, respect and inclusion in the 15 public sector; 16 to enhance and promote a culture of integrity and ethical (d) 17 behaviour and decision-making across the public sector; 18 (e) to promote a culture of continuous improvement and 19 support to public sector entities to identify and manage 20 workforce issues; 21 (f) to build leadership capability and facilitate 22 the development of a highly skilled chief executive service 23 and senior executive service, including, for example, 24 through the use of mobility arrangements; 25 to support agencies to develop the capability of the 26 (g) public sector to serve the people of Queensland and the 27 State government efficiently and effectively; 28 to promote the public sector principles; (h) 29

[s 208]

	(i)	to report, at least annually, to the Minister on the application of the public sector principles within public service entities, including to report on the following—	1 2 3
		(i) the application of the principles, as a whole, within public service entities as a whole;	4 5
		(ii) the application of only 1 or more of the principles within public service entities as a whole or a part of the public service;	6 7 8
		(iii) the application of 1 or more of the principles for a specific purpose or to a specific group of persons;	9 10
	(j)	to enhance the public sector's leadership and management capabilities in relation to disciplinary matters;	11 12 13
	(k)	to facilitate the purposes of the chief executive service, and the purposes of the senior executive service and senior officer positions;	14 15 16
	(1)	to support the council to perform its functions under this Act;	17 18
	(m)	to monitor, and report to the council about, the workforce profile of the public service.	19 20
(3)		commission also has the functions given to it under this or another Act.	21 22
Ροι	wers		23
(1)	conv	commission has the power to do anything necessary or venient to be done for the performance of the mission's functions.	24 25 26
(2)		commission also has the powers given to the commission er this Act or another Act.	27 28

Clause 208

			[s 209]	
Clause	209	taff members of commission		1
		• •	loy, under chapter 4 or 5, the siders necessary to perform the	2 3 4
Clause	210	taff member subject to direct	ion by commissioner	5
			ssion is subject to the direction g to the performance of the	6 7 8
Clause	211	gents		9
		· · ·	ances, the commissioner may sons to provide the commission advice.	10 11 12
			by the commissioner and not	13 14 15
	Part	Public Sect	or Commissioner	16
Clause	212	ppointment		17
		•	, on the recommendation of the riately qualified person as the the <i>commissioner</i>).	18 19 20
		2) The commissioner is the chief	executive of the commission.	21
Clause	213	Disqualification as commissio	ner	22
		A person is disqualified from as, the commissioner if the per	being appointed, or continuing rson is a disqualified person.	23 24

[s 214]

Clause	214	Term 1
		(1) The commissioner holds office for the term stated in the 2 commissioner's instrument of appointment. 3
		(2) The stated term must not be more than 5 years. 4
		(3) The commissioner may be reappointed. 5
Clause	215	Remuneration and conditions 6
		(1) A person appointed as the commissioner must enter into a 7 written contract of employment with the Minister. 8
		(2) Without limiting subsection (1), the contract may provide 9 for— 10
		(a) the commissioner to meet performance standards set by 11 the Minister; and 12
		(b) the remuneration and allowances of the commissioner. 13
		 (3) The appointment and contract of employment may be terminated by the Governor in Council by signed notice given by the Minister to the commissioner at least 1 month before the notice is to take effect.
		 (4) The remuneration to which the commissioner is entitled must not be reduced during the commissioner's term of office 19 without the commissioner's written consent. 20
		 (5) The commissioner holds office on the terms and conditions, 21 not provided for by this Act, that are approved by the 22 Minister. (5) The commissioner holds office on the terms and conditions, 21 22 23
Clause	216	Vacancy in office 24
		The office of the commissioner becomes vacant if— 25
		(a) the commissioner— 26
		(i) completes a term of office and is not reappointed; 27 or 28

[s 217]

				(ii) resigns by signed notice, giving at least 1 month's notice, given to the Minister; or	1 2
				(iii) becomes a disqualified person; or	3
			(b)	the appointment and contract of employment of the commissioner is terminated under section 215(3).	4 5
Clause	217	Fu	nctio	ns and responsibilities of commissioner	6
		(1)	The effect	main function of the commissioner is to ensure the ctive and efficient administration and operation of the mission and the performance of its functions.	7 8 9
		(2)		hout limiting subsection (1), the commissioner has the owing functions—	10 11
			(a)	to provide stewardship of the public sector's workforce;	12
			(b)	to make directives;	13
			(c)	to support the council to perform its functions under this Act;	14 15
			(d)	to approve the initial appointment of senior executives;	16
			(e)	to support the development of senior executives and senior officers;	17 18
			(f)	to conduct public sector reviews;	19
			(g)	to establish and implement goals and objectives in accordance with government policies and priorities;	20 21
			(h)	to manage the commission in a way that promotes the effective, efficient and appropriate management of public resources while ensuring appropriate accountability for ethical standards and effective management and leadership of human resources;	22 23 24 25 26
			(i)	to manage the following matters for staff members of the commission—	27 28
				(i) the total number;	29
				(ii) types of positions;	30

[s 218]

				(iii) roles associated with positions;	1
				(iv) classification levels;	2
				(v) designation of roles;	3
			(j)	to mange workforce and human resources planning and practices;	4 5
			(k)	to adopt management practices that are responsive to government policies and priorities;	6 7
			(1)	to pro-actively manage the work performance and personal conduct of staff members of the commission;	8 9
			(m)	to implement policies and practices about access and equity to ensure maximum access by members of the community to government programs and to appropriate avenues for review;	10 11 12 13
			(n)	to perform functions under chapter 2 relating to equity, diversity, respect and inclusion;	14 15
			(0)	to perform other functions as directed by the Minister.	16
		(3)		commissioner also has the functions given to the missioner under this Act or another Act.	17 18
Clause	218	Ρο	wers		19
		(1)	conv	commissioner has the power to do anything necessary or renient to be done for the performance of the missioner's functions.	20 21 22
		(2)		commissioner also has the powers given to the missioner under this Act or another Act.	23 24
Clause	219	Act	ting a	s commissioner	25
		(1)		Minister may appoint a person to act as the commissioner ng any period or all periods when—	26 27
			(a)	there is a vacancy in the office; or	28

[s 220]

4

5

6

(b)	the com	missione	r is	absent fro	m du	ty or is, for	anoth	ner	1
	reason,	unable	to	perform	the	functions	of t	the	2
	commis	sioner.							3

(2) It does not matter whether the appointee is or is not already a public service officer.

Clause 220 Preservation of rights

- This section applies if a public service officer is appointed as the commissioner.
 8
- (2) The person keeps all rights and entitlements accrued or 9 accruing to the person as a public service officer as if service 10 as the commissioner were a continuation of service as a public 11 service officer.
- (3) At the end of the person's term of office or on resignation as the commissioner, the person's service as the commissioner is taken to be service of a like nature in the public service for deciding the person's rights and entitlements as a public 16 service officer.
- Part 5Directives18

Clause	221	Directive binding	19
		(1) A directive binds each person to whom the directive applies.	20
		(2) Subsection (1) is not limited by, and does not limit, another provision of this Act that provides a person must comply with a particular directive.	21 22 23
Clause	222	Making of directive—commissioner	24
		(1) The commissioner may make a directive about—	25
		(a) a matter mentioned in section 4, 207 or 217; or	26

[s 223]

	Examples of matters a directive may be about—	1
	• a matter relating to equity, diversity, respect or inclusion under chapter 2	2 3
	• a matter relating to the employment arrangements of public sector employees under chapter 3	4 5
	• a matter relating to the employment of public service employees under chapter 4 or 5	6 7
	(b) the overall employment conditions of the following types of public service employees—	8 9
	 (i) an officer employed on a contract for a fixed term whose remuneration is at least the remuneration payable to a senior officer; 	10 11 12
	(ii) a senior officer;	13
	(iii) a senior executive;	14
	(iv) a chief executive; or	15
	(c) the overall employment conditions of a public sector executive; or	16 17
	(d) any other matter for which this Act expressly provides.	18
(2)	However, the commissioner can not make a directive about the overall employment conditions of a public sector employee who is covered by an industrial instrument.	19 20 21
(3)	After the commissioner makes a directive, the commissioner must publish the directive on a Queensland government website.	22 23 24
Ма	king of directive—industrial relations Minister	25
(1)	The industrial relations Minister may make a directive about the overall employment conditions of public sector employees.	26 27 28
(2)	However, the industrial relations Minister can not make a directive about the overall employment conditions of a public sector employee mentioned in section $222(1)(b)$ or (c).	29 30 31

Clause 223

	(3)	After the industrial relations Minister makes a directive, the industrial relations Minister must publish the directive on a Queensland government website.	1 2 3
	(4)	To remove any doubt, it is declared that the industrial relations Minister can make a directive about the overall employment conditions of a public sector employee who is covered by an industrial instrument.	4 5 6 7
224	Со	nsultation for directives	8
	(1)	This section applies if the commissioner or the industrial relations Minister proposes to make a directive that affects—	9 10
		(a) a public sector entity; or	11
		(b) public sector employees who are entitled to be represented by an employee organisation.	12 13
	(2)	The commissioner or the industrial relations Minister must consult with the following entities about the making of the proposed directive—	14 15 16
		(a) for subsection (1)(a)—the public sector entity;	17
		(b) for subsection (1)(b)—the employee organisation.	18
	(3)	A failure to comply with subsection (2) does not invalidate or otherwise affect the directive, if the commissioner or industrial relations Minister made a reasonable attempt to comply with the subsection.	19 20 21 22
225	Ad	vice about making directive	23
		In making a directive, the commissioner or the industrial relations Minister must consider any advice given to the other about improving the public sector's effectiveness and efficiency.	24 25 26 27

Clause

Clause

[s 226]

Clause	226	Joint directives	1
		Nothing in this Act or the <i>Industrial Relations Act 2016</i> prevents the commissioner and the industrial relations Minister from making a joint directive.	2 3 4
Clause	227	Directive may apply Act to public sector employees	5
		(1) A directive may apply a provision of this Act to a public sector employee in the following ways (the directive's <i>application</i>)—	6 7 8
		(a) as if the employee were a public service officer;	9
		(b) with necessary changes and any other changes prescribed under a directive of the commissioner.	10 11
		(2) The directive may prescribe anything necessary or convenient—	12 13
		(a) to make the directive or for its application; or	14
		(b) to carry out or give effect to the directive or its application; or	15 16
		(c) because of the making of the directive or its application.	17
Clause	228	Relationship with legislation	18
		(1) If a directive is inconsistent with an Act or subordinate legislation, the Act or subordinate legislation prevails over the directive to the extent of any inconsistency.	19 20 21
		(2) For subsection (1), a directive is not inconsistent with an Act or subordinate legislation to the extent the directive is at least as favourable as the Act or subordinate legislation.	22 23 24
Clause	229	Relationship with industrial instrument	25
		(1) This section applies if a directive deals with a matter all or part of which is dealt with under an industrial instrument.	26 27

	(2)	The industrial instrument prevails over the directive to the extent of any inconsistency.	1 2
	(3)	For subsection (2), a directive is not inconsistent with an industrial instrument to the extent the overall employment conditions provided for in the directive are at least as favourable as the overall employment conditions provided for in the industrial instrument.	3 4 5 6 7
	(4)	In this section—	8
		<i>directive</i> includes a decision made in the exercise of a discretion under a directive.	9 10
Part	6	Special commissioners	11
230	Ар	pointment	12
		The Governor in Council may, on the recommendation of the Minister, appoint an appropriately qualified person as a special commissioner.	13 14 15
231	Dis	Minister, appoint an appropriately qualified person as a	14
231	Dis	Minister, appoint an appropriately qualified person as a special commissioner.	14 15
231 232	Dis	Minister, appoint an appropriately qualified person as a special commissioner. Equalification as special commissioner A person is disqualified from being appointed, or continuing as, a special commissioner if the person is a disqualified person.	14 15 16 17 18
		Minister, appoint an appropriately qualified person as a special commissioner. Equalification as special commissioner A person is disqualified from being appointed, or continuing as, a special commissioner if the person is a disqualified person.	14 15 16 17 18 19
	Те	Minister, appoint an appropriately qualified person as a special commissioner. Equalification as special commissioner A person is disqualified from being appointed, or continuing as, a special commissioner if the person is a disqualified person. TM A special commissioner holds office for the term stated in the	14 15 16 17 18 19 20 21

Clause

Clause

Clause

[s 233]

Clause	233	Remune	ration and conditions	1
		· / 1	rson appointed as a special commissioner must enter into itten contract of employment with the Minister.	2 3
		· · · -	becial commissioner is to be paid the remuneration and vances decided by the Governor in Council.	4 5
		term by th	appointment and contract of employment may be inated by the Governor in Council by signed notice given ne Minister to the special commissioner at least 1 month re the notice is to take effect.	6 7 8 9
		must	remuneration to which a special commissioner is entitled to not be reduced during the special commissioner's term fice without the special commissioner's written consent.	10 11 12
		cond	pecial commissioner holds office on the terms and litions, not provided for by this Act, that are decided by Governor in Council.	13 14 15
Clause	234	Vacancy	v in office	16
		-	office of a special commissioner becomes vacant if—	17
		(a)	the special commissioner—	18
			(i) completes a term of office and is not reappointed; or	19 20
			(ii) resigns by signed notice, giving at least 1 month's notice, given to the Minister; or	21 22
			(iii) becomes a disqualified person; or	23
		(b)	the appointment and contract of employment of the special commissioner is terminated under section 233(3).	24 25 26
Clause	235	Conflict	s of interest	27

 If a special commissioner has an interest that conflicts or may conflict with the discharge of the special commissioner's 29 responsibilities, the special commissioner— 30

[s 236]

			(a) must disclose the nature of the interest and the Minister as soon as practicable after facts come to the special commissioner's and	the relevant	1 2 3 4
			(b) must not take action or further action c matter that is, or may be, affected by the co authorised by the Minister.	v	5 6 7
		(2)	The Minister may direct a special commissioner conflict or possible conflict between an interest o commissioner and the special commissioner's resp	of the special	8 9 10
Clause	236	Fur	ctions		11
		(1)	The main functions of a special commissioner are	<u>;</u>	12
			(a) to give advice to the Minister about an ar sector administration stated in the commissioner's instrument of appointment;	he special	13 14 15
			(b) to promote and develop the effectiveness ar of the public sector by facilitating the deve implementation of public sector-wide polici	lopment and	16 17 18
			(c) to conduct public sector reviews.		19
		(2)	A special commissioner also has the functions special commissioner under this Act or another A	•	20 21
Clause	237	Ροι	vers		22
		(1)	A special commissioner has the power to one necessary or convenient to be done for the perform special commissioner's functions.	• •	23 24 25
		(2)	A special commissioner also has the powers g special commissioner under this Act or another A		26 27

Public Sector Bill 2022 Chapter 6 Governance of public sector Part 7 Public Sector Governance Council

[s 238]

Clause	238	Preservation of rights	1
			2 3
		accruing to the person as a public service officer as if service as a special commissioner were a continuation of service as a	4 5 6 7
		special commissioner, the person's service as a special commissioner is taken to be service of a like nature in the public service for deciding the person's rights and	8 9 10 11 12
Clause	239	· · · · · ·	13 14
		· · · · · · · · · · · · · · · · · · ·	15 16
		· · · · · · · · · · · · · · · · · · ·	17 18
	Part	7 Public Sector Governance	19
		Council	20
Clause	240	Establishment	21
			22 23
Clause	241	Membership	24
			25 26
		(a) the commissioner;	27

[s 242]

		(b) the chief executive of the department in which the <i>Parliament of Queensland Act 2001</i> is administered;	1 2
		(c) the chief executive of the department in which the <i>Financial Accountability Act 2009</i> is administered;	3 4
		(d) any chief executives or special commissioners appointed under section 246(3);	5 6
		(e) 2 persons appointed under section 242 as community representatives.	7 8
242	Со	mmunity representatives	9
	(1)	The Governor in Council may, on the recommendation of the Minister, appoint 2 persons who are not public sector employees as community representatives.	10 11 12
	(2)	A person appointed as a community representative holds office for the term stated in the person's instrument of appointment.	13 14 15
	(3)	The stated term must not be more than 3 years.	16
	(4)	The person may be reappointed.	17
	(5)	The person is to be paid the remuneration and allowances, and holds office on the terms and conditions, decided by the Governor in Council.	18 19 20
	(6)	The appointment may be terminated by the Governor in Council by signed notice given by the Minister to the community representative at least 1 month before the notice is to take effect.	21 22 23 24
243	Dis	equalification as community representative	25
		A person is disqualified from being appointed, or continuing as, a community representative if the person is a disqualified person.	26 27 28

Clause

Clause

Public Sector Bill 2022 Chapter 6 Governance of public sector Part 7 Public Sector Governance Council

[s 244]

Clause	244	Vac	ancy in	office	1
			The offic	e of a community representative becomes vacant if—	2
			(a) the	community representative—	3
			(i)	completes a term of office and is not reappointed; or	4 5
			(ii)	resigns by signed notice, giving at least 1 month's notice, given to the Minister; or	6 7
			(iii) becomes a disqualified person; or	8
				appointment of the community representative is minated under section 242(6).	9 10
Clause	245	Cou	ncil rep	resents State	11
		(1)	The cour	ncil represents the State.	12
		(2)		limiting subsection (1), the council has the privileges unities of the State.	13 14
Clause	246	Cha	irperso	1	15
				rperson of the council is the chief executive of the ent in which the <i>Parliament of Queensland Act 2001</i> istered.	16 17 18
				irperson may appoint another member to act as son in the chairperson's absence.	19 20
		(3)		rperson may appoint 1 or more chief executives or ommissioners as members for a period decided by the	21 22 23
Clause	247	Fun	ctions		24
			leadersh	n functions of the council are to provide system p and stewardship of the public sector and to oversee ctor governance.	25 26 27

((2)		out limiting subsection (1), the council has the following ions—	1 2
		(a)	to monitor, and advise the Minister on, the performance of the public sector and matters relating to public sector administration and workforce management;	3 4 5
		(b)	to foster and recognise excellence, innovation and high performance of public sector employees and work teams;	6 7 8
		(c)	to foster a culture of integrity within the public sector;	9
		(d)	to oversee the implementation of policies and programs across the public sector;	10 11
		(e)	to monitor, and report to the Minister about, the workforce profile of the public sector;	12 13
		(f)	to promote seamless and integrated policy advice and policy implementation, including, for example, establishing ways for public sector entities to collaborate;	14 15 16 17
		(g)	to oversee the implementation of changes to the machinery of government and resourcing decisions related to the changes;	18 19 20
		(h)	to set work programs for each special commissioner;	21
		(i)	to request public sector reviews.	22
((3)		council also has the functions given to it under this Act or ner Act.	23 24
((4)	In thi	s section—	25
		•	<i>force profile</i> means the demographic categories and characteristics of a workforce.	26 27
Clause 248	Pow	/ers		28

 The council has the power to do anything necessary or convenient to be done for the performance of the council's functions.
 30 31

[s 249]

		(2)	The council also has the powers given to the council under this Act or another Act.	1 2
Clause	249	Nu role	mber and classification levels of senior executive	3 4
			The council may fix the maximum number, and classification levels, of full-time senior executive roles in a public service entity.	5 6 7
Clause	250	Неа	ad of practice area	8
		(1)	The council may, for a practice area in the public sector, give a public sector employee for a stated period—	9 10
			(a) the title of head of the practice area; and	11
			(b) the function of developing networks of practitioners, and excellence in performance, in the practice area throughout the public sector.	12 13 14
		(2)	However, the council may act under subsection (1) only if the public sector employee's chief executive consents to the action.	15 16 17
		(3)	Also, an action under subsection (1) does not affect the public sector employee's rights or entitlements as a public sector employee.	18 19 20
		(4)	In this section—	21
			practice area includes—	22
			(a) change management; and	23
			(b) community engagement; and	24
			(c) financial management; and	25
			(d) evaluation; and	26
			(e) human resource management; and	27

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			(f) reframing of the State government's relationship with Aboriginal peoples and Torres Strait Islander peoples; and	1 2 3
			(g) dispute resolution; and	4
			(h) industrial relations; and	5
			(i) information and communication technology procurement; and	6 7
			(j) policy implementation.	8
Clause	251	Cor	nduct of business	9
		(1)	Subject to subsection (2), the council may conduct its business, including its meetings, in the way it considers appropriate.	10 11 12
		(2)	The council must hold at least 4 meetings a year.	13
	Part	8	Public sector reviews	14
	Divis	ion	1 Preliminary	15
Clause	252	Def	initions for part	16
			In this part—	17
			<i>disclose</i> includes give access to.	18
			public sector entity includes the police service.	19
			public sector review see section 253.	20
			<i>referring entity</i> , for a public sector review, see section 254(1).	21
			<i>reviewing entity</i> means the commissioner, a special commissioner or another appropriately qualified person.	22 23

[s 253]

Clause	253	Wh	at is	a public sector review	1
			A pı	iblic sector review—	2
			(a)	is a review about any matter or aspect of public administration, or of public sector management, relating to the main purpose of this Act; and	3 4 5
			(b)	includes a review about the effectiveness, efficiency, functions or activities of a public sector entity.	6 7
	Divi	sion	2	Initiating public sector review	8
Clause	254	Mir	nister	or council may ask for public sector review	9
		(1)	sign	Minister or the council (each a <i>referring entity</i>) may, by ed notice, ask a reviewing entity to conduct a public or review.	10 11 12
		(2)		vever, a referring entity can not ask for a public sector ew about any of the following entities—	13 14
			(a)	the Crime and Corruption Commission;	15
			(b)	the Office of the Information Commissioner established under the <i>Right to Information Act 2009</i> ;	16 17
			(c)	the Queensland Integrity Commissioner under the <i>Integrity Act 2009</i> ;	18 19
			(d)	the Office of the Ombudsman established under the <i>Ombudsman Act 2001</i> ;	20 21
			(e)	the audit office;	22
			(f)	another entity prescribed by regulation for this paragraph.	23 24
		(3)		b, a referring entity can not ask for a public sector review at an individual.	25 26
		(4)	refei	notice under subsection (1) must state the terms of rence for the public sector review, including the timeframe in which the review is to be completed.	27 28 29

[s 255]

		(5)	other revie cond perso <i>Note-</i>		1 2 3 4 5 6 7
Clause	255	Put	olic s	ector review about public sector entity	8
		(1)		section applies if a public sector entity is the subject of a ic sector review.	9 10
		(2)		even the referring entity for the review must—	11 12
			(a)	consult with, and have regard to the views of, the chief executive of the public sector entity about the proposed terms of reference for the review; and	13 14 15
			(b)	inform the Minister administering the public sector entity, and the chief executive of the public sector entity, about the review; and	16 17 18
			(c)	give the chief executive of the public sector entity an opportunity to nominate a stated number of employees who are employed in the entity to take part in the review.	19 20 21
		(3)	Noth	ning in this section prevents—	22
			(a)	the Minister asking a reviewing entity to conduct a public sector review about a public sector entity administered by the Minister; or	23 24 25
			(b)	the council asking a reviewing entity to conduct a public sector review about a public sector entity for which a member of the council is the chief executive.	26 27 28

[s 256]

	Division 3		3	Functions and powers of reviewing entity			
Clause	256	Но	w rev	viewing entity's functions may be performed	3		
			revi	functions of the reviewing entity for a public sector ew must be performed consistently with the referring ty's terms of reference for the review.	4 5 6		
			Note	_	7		
			Se	ee also sections 217 and 236.	8		
Clause	257	Po	wers	for conducting public sector review	9		
		(1)		reviewing entity for a public sector review may take any on reasonably required to conduct the review.	10 11		
		(2)		hout limiting subsection (1), the reviewing entity may do of the following—	12 13		
			(a)	enter official premises of a public sector entity at a reasonable time;	14 15		
			(b)	require the production of, examine, copy, or take an extract from, any official document in the possession of a public sector entity;	16 17 18		
			(c)	interview employees of a public sector entity;	19		
			(d)	interview anyone else who can provide information relevant to the public sector review.	20 21		
				Example for paragraph (d)—	22		
				employee organisations	23		
		(3)	pers assis conc givi	chief executive of a public sector entity, and each other on employed in the public sector entity, must provide the stance reasonably required by the reviewing entity to duct the public sector review, including, for example, ng the reviewing entity an official document required er subsection (2)(b).	24 25 26 27 28 29		
[s 258]

(4) However, an individual need not answer a question asked by, or give information to, the reviewing entity if answering the question or giving the information might tend to incriminate the individual or expose the individual to a penalty.					
	(5)	In th	is section—	5	
			<i>ial document</i> , in the possession of a public sector entity, ides an official document—	6 7	
		(a)	under the control of the public sector entity, or that the entity is entitled to access, whether or not created in the entity; and	8 9 10	
		(b)	in the possession, or under the control, of a person employed in the public sector entity in the person's official capacity.	11 12 13	
Division 4 Conduct of review				14	
258	Ref	ferrin	g entity to be kept informed	15	
258	Ret	A re	g entity to be kept informed viewing entity must keep the referring entity for a public or review informed of the progress of the review.	15 16 17	
258 259		A resecto	viewing entity must keep the referring entity for a public	16	
		A resector sector ferrin If th revie	viewing entity must keep the referring entity for a public or review informed of the progress of the review.	16 17	
	Rei	A resector sector ferrin If th revie	viewing entity must keep the referring entity for a public or review informed of the progress of the review. g entity may obtain information e referring entity for a public sector review asks the ewing entity for particular information concerning a	16 17 18 19 20	
	Rei	A re secto ferrin If th revie matt	viewing entity must keep the referring entity for a public or review informed of the progress of the review. g entity may obtain information e referring entity for a public sector review asks the ewing entity for particular information concerning a er relating to the review, the reviewing entity must—	16 17 18 19 20 21	

Clause

[s 260]

Clause	260	Dis	clos	ure of documents or information	1
			revi	erson may disclose a document or information to the ewing entity for a public sector review for the purpose of review.	2 3 4
Clause	261	Re	viewi	ng entity to prepare report	5
		(1)	The revi	reviewing entity must prepare a report for a public sector ew.	6 7
		(2)	The	report must include—	8
			(a)	a consideration of relevant viewpoints and options to address the issues covered by the report; and	9 10
			(b)	the reviewing entity's findings and recommendations relating to the issues; and	11 12
			(c)	details of the how the review was conducted, including, for example, details of consultation undertaken during the review; and	13 14 15
			(d)	details of how the reviewing entity kept the referring entity informed of the progress of the review.	16 17
		(3)	Sub	section (4) applies if—	18
			(a)	the reviewing entity is the commissioner or a special commissioner; and	19 20
			(b)	the reviewing entity delegates the reviewing entity's function under subsection (1) to an appropriately qualified staff member of the commission.	21 22 23
		(4)		reviewing entity must approve the report for the public or review.	24 25
Clause	262	Pro	ocedu	ure for reporting sensitive information	26
		(1)	revi secti	s section applies if the reviewing entity for a public sector ew considers that information that would, apart from this ion, be included in a report for the review is sensitive rmation.	27 28 29 30

	(2)	The repo	reviewing entity need not include the information in the rt.	1 2
	(3)		reviewing entity may include the information in a rate document given to the referring entity.	3 4
	(4)	In th	is section—	5
		sens	itive information means information—	6
		(a)	that would be contrary to the public interest to disclose; or	7 8
			Examples of when disclosing information may be contrary to the public interest—	9 10
			1 The disclosure would have a serious adverse effect on an entity's commercial interests.	11 12
			2 The disclosure would reveal trade secrets.	13
			3 The disclosure would cause damage to relations between the State government and another government.	14 15
		(b)	for which, in any judicial proceeding, the State would have a basis for claiming that disclosure should not be permitted.	16 17 18
Clause 263	Rej	portir	ng to referring entity	10
				19
	(1)	secto	soon as practicable after preparing a report for a public or review, the reviewing entity for the review must give referring entity the report.	19 20 21 22
	(1) (2)	sector the r	or review, the reviewing entity for the review must give	20 21
		sector the r	or review, the reviewing entity for the review must give eferring entity the report.	20 21 22
		sector the r The	or review, the reviewing entity for the review must give eferring entity the report. referring entity must give a copy of the report to— if a public sector entity is the subject of the public sector	20 21 22 23 24
		sector the r The	 br review, the reviewing entity for the review must give eferring entity the report. referring entity must give a copy of the report to— if a public sector entity is the subject of the public sector review— (i) the Minister administering the public sector entity; 	20 21 22 23 24 25 26
		sector the r The	 br review, the reviewing entity for the review must give efferring entity the report. referring entity must give a copy of the report to— if a public sector entity is the subject of the public sector review— (i) the Minister administering the public sector entity; and 	20 21 22 23 24 25 26 27
		secto the r The (a)	 or review, the reviewing entity for the review must give eferring entity the report. referring entity must give a copy of the report to— if a public sector entity is the subject of the public sector review— (i) the Minister administering the public sector entity; and (ii) the chief executive of the public sector entity; and 	20 21 22 23 24 25 26 27 28

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			(b) may publish the report in the way the Minister considers appropriate.	1 2
		(4)	If the referring entity is the council, the council may publish the report, or a part of the report, including any recommendations, in the way the council considers appropriate.	3 4 5 6
		(5)	However, the referring entity must remove any confidential information from the report before the report is tabled or published under subsection (3) or (4).	7 8 9
		(6)	In this section—	10
			confidential information—	11
			(a) means personal information; but	12
			 (b) does not include information that is publicly available unless further disclosure of the information is prohibited by law. 	13 14 15
	Part	9	Complaints management system	16 17
Clause	Part 264	Put		
Clause		Put	system	17 18
Clause		Put	system blic sector entity must have complaints management stem A public sector entity must establish and implement a system	17 18 19 20
Clause		Puk sys (1)	system blic sector entity must have complaints management stem A public sector entity must establish and implement a system for dealing with customer complaints.	17 18 19 20 21
Clause		Puk sys (1)	 system blic sector entity must have complaints management stem A public sector entity must establish and implement a system for dealing with customer complaints. The system must— (a) provide for the public sector entity to take responsibility for managing the receipt, processing and outcome of 	17 18 19 20 21 22 23 24

[s	264]
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	(c)	provide for giving notice of the outcome of customer complaints to the complainant, unless the complaint was made anonymously.	1 2 3
(3)	Sept follo	chief executive of the public sector entity must, before 30 ember after the end of each financial year, publish the owing information for the financial year on the entity's site—	4 5 6 7
	(a)	the number of customer complaints received by the entity in the year;	8 9
	(b)	the number of complaints mentioned in paragraph (a) resulting in further action;	10 11
	(c)	the number of complaints mentioned in paragraph (a) resulting in no further action.	12 13
	Note-	_	14
	un	etails of customer complaints that are human rights complaints must, der the <i>Human Rights Act 2019</i> , section 97, be included in the annual ports of particular public sector entities.	15 16 17
(4)	In th	is section—	18
	actic	<i>omer complaint</i> means a complaint about the service or on of a public sector entity, or its staff, by a person who is irrently directly affected by the service or action.	19 20 21
	Exam	ples—	22
	1	a complaint about a decision made, or a failure to make a decision, by a public sector employee of the public sector entity	23 24
	2	a complaint about an act, or failure to act, of the public sector entity	25 26
	3	a complaint about the formulation of a proposal or intention of the public sector entity	27 28
	4	a complaint about the making of a recommendation by the public sector entity	29 30
	5	a complaint about the customer service provided by a public sector employee of the public sector entity	31 32

[s 265]

Part	10	Miscellaneous	1
265		minal history checks to confirm suitability for pointment	2 3
	(1)	To help decide whether a person is suitable to be recommended for appointment as the commissioner, a special commissioner or a community representative, the Minister may ask the police commissioner for a report about the person's criminal history.	4 5 6 7 8
	(2)	However, the Minister may make the request only if the person has given the Minister written consent for the request.	9 10
	(3)	The police commissioner must comply with the request.	11
	(4)	However, subsection (3) applies only to information in the police commissioner's possession or to which the police commissioner has access.	12 13 14
	(5)	If the criminal history of the person includes a conviction recorded against the person, the police commissioner's report must be in writing.	15 16 17
	(6)	The Minister must destroy the report as soon as practicable after the decision has been made.	18 19

				[s 266]			
	Chapter 7			Matters applying to public service employees and other individuals	1 2 3		
	Part	1		Protection from civil liability	4		
Clause	266	Ма	in purp	ose of part	5		
		(1)	employ	ain purpose of this part is to give public service yees protection from civil liability for engaging in et in an official capacity.	6 7 8		
		(2)	service	art also gives particular persons other than public employees protection from civil liability for engaging luct in an official capacity.	9 10 11		
Clause	267	De	finition	for part	12		
			In this	part—	13		
			prescri	<i>bed person</i> see section 268(1) and (2).	14		
Clause	268	Ар	plicatio	n of part	15		
		(1)	-	art applies to each of the following persons (each a <i>bed person</i>)—	16 17		
			(a) a	public service employee;	18		
			jı	person employed as an associate to a Supreme Court udge, District Court judge or commissioner under the <i>industrial Relations Act 2016</i> ;	19 20 21		
				person employed as a ministerial staff member under ne Ministerial and Other Office Holder Staff Act 2010;	22 23		
				person appointed under another Act if the appointment nvolves the person acting for or representing the State;	24 25		

[s 268]

	(e)	is a	rson who is not a public service employee but who member or employee of a government entity that esents the State;	1 2 3
	(f)	who	erson who is not a public service employee but to m a function or power of a person mentioned in graph (a), (d) or (e) is delegated under an Act;	4 5 6
	(g)		rson prescribed by regulation for this section to be a cribed person.	7 8
(2)	who	was a	part applies to a person (also a <i>prescribed person</i>) a person of a type mentioned in subsection (1) at the erson engaged in conduct in an official capacity.	9 10 11
(3)	How	ever,	none of the following is a prescribed person—	12
	(a)	a per	rson appointed to an office if—	13
		(i)	the appointment to the office is made by the Governor alone; or	14 15
		(ii)	the salary for the office is provided for under the Judicial Remuneration Act 2007, the District Court of Queensland Act 1967 or the Magistrates Act 1991; or	16 17 18 19
		(iii)	the office is a particular office established by an Act that expressly provides for the appointment of the holder of an office mentioned in subparagraph (ii); or	20 21 22 23
		(iv)	the office is honorary;	24
	(b)	-	rson to whom the <i>Police Service Administration Act</i> <i>O</i> , section 10.5 applies;	25 26
	(c)	a pe	rson employed in or appointed by—	27
		(i)	a GOC; or	28
		(ii)	a subsidiary of a GOC under the Corporations Act; or	29 30
		(iii)	a government entity within the meaning of the Government Owned Corporations Act 1993	31 32

				[s 269]]
				prescribed by regulation under that Act to be a subsidiary of a GOC; or	u 1 2
			(iv)	a government company within the meaning of the <i>Government Owned Corporations Act 1993</i> , section 2;	
				erson prescribed by regulation for this section not to prescribed person.	0 6 7
Clause	269			of prescribed person for engaging in fficial capacity	8 9
		(1)	-	bed person does not incur civil liability for engaging result of engaging, in conduct in an official capacity	
		(2)		tion (1) prevents liability attaching to a prescribed a liability attaches instead as follows—	l 12 13
			(a) if pa	aragraph (b) does not apply—to the State;	14
			concorr corr as a	at the time the prescribed person engaged in the duct, the person did so as a member of a body porate or the governing body of a body corporate, on a person who was employed or appointed by, or a gate of, a body corporate—the body corporate.	7 16 : 17
		(3)	State may	y attaches to the State under subsection (2)(a), the recover contribution from the prescribed person but e conduct was engaged in—	
			(a) othe	er than in good faith; and	23
			(b) with	n gross negligence.	24
		(4)	(2)(b), the	y attaches to a body corporate under subsection e body corporate may recover contribution from the d person but only if the conduct was engaged in—	
			(a) othe	er than in good faith; and	28
			(b) with	n gross negligence.	29
		(5)	-	ceeding under subsection (3) or (4) to recover on, the amount of contribution recoverable is the	

[s 269]

amount found by the court to be just and equitable in the circumstances.

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(6) In this section—

civil liability, of a prescribed person for engaging, or for the result of engaging, in conduct in an official capacity, means liability of any type for the payment of an amount by the prescribed person because of—

- (a) a claim based in tort, contract or another form of action 8
 in relation to the conduct or result, including, for 9
 example, breach of statutory duty or defamation and, for 10
 a fatal injury, includes a claim for the deceased's 11
 dependants or estate; or 12
- (b) a complaint made under a law that provides a person 13 may complain about the conduct or result to an entity 14 established under the law, other than a complaint to start 15 criminal proceedings, including, for example, a 16 complaint under the *Justices Act 1886*; or 17
- (c) an order of a court to pay costs relating to a proceeding 18 for an offence against a law in relation to the conduct or result, unless the proceeding was for an offence by the 20 prescribed person.

Examples of types of liability-

- 1a liability because of an agreement or an order under the
Anti-Discrimination Act 1991 or the Australian Human Rights
Commission Act 1986 (Cwlth) requiring payment of an amount to a
complainant, however described, under the Act23
24
25
- 2a liability because of an obligation under an agreement to settle a
proceeding, or an order of a court or tribunal, to do something that
involves paying an amount, including an obligation to rectify
damage to a building or to publish an apology in a newspaper27
28
29
30

conduct means an act or an omission to perform an act.

engage in conduct in an official capacity means engage in32conduct as part of, or otherwise in connection with, a person's33role as a prescribed person, including, for example, engage in34conduct under or purportedly under an Act.35

[s 270]

			Example of a prescribed person engaging in conduct in an official capacity—	$\frac{1}{2}$
			a prescribed person making a decision in relation to an application for a licence	3 4
Clause	270		il liability of prescribed person if another Act provides protection from civil liability	5 6
		(1)	This section applies if—	7
			 (a) another Act states a person does not incur civil liability for conduct or the result of conduct (however expressed), including, for example, if the person acts honestly and without negligence; and 	8 9 10 11
			 (b) the result of the application of the other Act to conduct, or the result of conduct, engaged in by the person is that the person would not be protected from civil liability under the other Act for the conduct or result; and 	12 13 14 15
			 (c) the person is a prescribed person who would not, under section 269, incur civil liability for the conduct or the result of the conduct, but the State or a body corporate would be liable in relation to the conduct or result. 	16 17 18 19
		(2)	Section 269 applies in relation to the conduct, or the result of the conduct, despite the other Act but does not limit the application of the other Act in relation to any other liability of	20 21 22
			the person.	23
	Part 2		Right to reappointment after	24
			candidature in election	25
Clause	271	Det	initions for part	26
			In this part—	27
			service with the State means employment, in any capacity in-	28 29

Public Sector Bill 2022 Chapter 7 Matters applying to public service employees and other individuals Part 2 Right to reappointment after candidature in election

[s 272]

		(a)	the public service; or	1
		(b)	the police service; or	2
		(c)	any other office or position under the State.	3
			<i>State</i> includes a board, commission, commissioner oration, instrumentality or other person representing the e.	,
Clause 272	Rig	ght of	reappointment	7
	(1)		section applies if—	8
		(a)	a person held an office of service with the State and the office was permanent (the <i>former office</i>); and	e 9 10
		(b)	the person resigned from the former office to become a candidate for election as any of the following—	a 11 12
			(i) a member of the Legislative Assembly;	13
			(ii) a senator or a member of the House o Representatives of the Commonwealth Parliament	- 11
			(iii) a member of a house of Parliament of another State; and	r 16 17
		(c)	the person was a defeated candidate at the election.	18
	(2)	perio	the person resigned within 6 months before the day the od for nomination of candidates in the election ended, the on is entitled to be—	
		(a)	reappointed to the former office; or	22
		(b)	appointed to another permanent office, whether of the same classification level or a lower classification leve as the former office, within—	
			(i) the entity in which the person held the former office; or	r 26 27
			(ii) another entity that performs substantially similar functions to the entity mentioned in subparagraph (i).	

[s 273]

	(3)	However, the reappointment or appointment may only be made if the person, within 2 months after the return of the writ for the election, notifies the chief executive responsible for the former office, or the chief executive of the entity mentioned in subsection (2)(b), that the person intends to exercise the person's right to reappointment or appointment under this section.	1 2 3 4 5 6 7				
	(4)	The chief executive mentioned in subsection (3) must reappoint or appoint the person within 3 months after the return of the writ for the election.					
	(5)	Despite this Act or another Act, the recruitment and selection provisions do not apply for the reappointment or appointment.	11 12				
	(6)	However, subsection (5) does not prevent matters mentioned in the recruitment and selection provisions from being considered in making a decision on the reappointment or appointment.	13 14 15 16				
	(7)	In this section—	17				
		appoint includes employ.					
		classification includes rank or grade.					
		<i>reappoint</i> includes re-employ.					
		recruitment and selection provisions means—					
		(a) chapter 3, part 3; or	22				
		(b) if the former office of the person was as a police officer—the <i>Police Service Administration Act 1990</i> , section 5.2.	23 24 25				
273	Со	ntinuity of employment	26				
	(1)	This section applies if a person is appointed or reappointed under section 272.	27 28				
	(2)	The continuity of the person's service with the State is taken not to have been broken by resignation from the person's former office.					

[s 274]

(3)	However, the period during which the person's service with	1
	the State was interrupted by the resignation can not be taken	2
	into account for working out the person's total period of	3
	service with the State.	4

Chapter 8 General

Part 1 Application of other Acts to particular public service entities

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Clause	274		ner Acts apply to particular public service entities as if ities were departments		
		(1)	Another Act applies to a public service entity mentioned in section 9(b) and its public service employees as if—	11 12	
			(a) the entity were a department; and	13	
			(b) the head of the entity were the department's chief executive.	14 15	
		(2)	Without limiting subsection (1), the head of the entity has, for the entity's public service employees, all of a chief executive's functions and powers.	16 17 18	
		(3)	This section does not affect—	19	
			(a) the provisions about accountable officers under the <i>Financial Accountability Act 2009</i> , section 65; or	20 21	
			(b) the meaning of <i>department</i> under section 8 of that Act.	22	

	Part 2			Government entities			
Clause	275	Pur	rpose	e of part	2		
				purpose of this part is to assist in the transition to a olified public sector framework by providing for—	3 4		
			(a)	existing references to government entities in other Acts; and	5 6		
			(b)	references to government entities in chapter 6, part 2 and chapter 7, part 1.	7 8		
Clause	276	Wh	at is	a government entity	9		
		(1)	An e	entity is a <i>government entity</i> if it is—	10		
			(a)	a public service entity or part of a public service entity; or	11 12		
			(b)	an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act or under State authorisation for a public or State purpose; or	13 14 15 16		
			(c)	a part of an entity mentioned in paragraph (b); or	17		
			(d)	another entity, or part of another entity, prescribed by regulation to be a government entity; or	18 19		
			(e)	a registry or other administrative office of a court of the State.	20 21		
		(2)	How <i>entit</i>	vever, each of the following entities is not a <i>government</i>	22 23		
			(a)	a local government;	24		
			(b)	a corporation owned by a local government, or a subsidiary of a corporation owned by a local government;	25 26 27		
			(c)	the parliamentary service established under the <i>Parliamentary Service Act 1988</i> ;	28 29		

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	(d)	the Governor's official residence (known as 'Government House') and its associated administrative unit;	1 2 3
	(e)	the Executive Council;	4
	(f)	the Legislative Assembly;	5
	(g)	a court of the State;	6
	(h)	the police service to the extent that it does not include staff members mentioned in the <i>Police Service</i> <i>Administration Act 1990</i> , section 2.5(1)(a);	7 8 9
	(i)	a school council established under the <i>Education</i> (<i>General Provisions</i>) Act 2006 or a university established under an Act;	10 11 12
	(j)	a co-operative under the Co-operatives National Law (Queensland) for primary producers that is not in receipt of moneys of, or financial assistance from, the State;	13 14 15
	(k)	a government owned corporation, unless a regulation declares it to be a government entity;	16 17
	(1)	another entity, or part of another entity, prescribed by regulation not to be a government entity.	18 19
Part 3		Confidentiality	20
277 De	finitio	ons for part	21
	In th	nis part—	22
	conj	fidential information—	23
	(a)	means personal information about an individual but does not include—	24 25
		(i) statistical or other information that could not reasonably be expected to result in the identification of the individual; or	26 27 28
		(ii) information that is publicly available; and	29

[s 278]

1

	<i>disclose</i> includes give access to.								
	other	than	<i>information</i> means information about an entity, information about an individual, that is obtained for ector review and is not publicly available.	3 4 5					
Dut	y of c	confi	dentiality	6					
(1)	This	sectio	on applies to a person who—	7					
	(a)	is, or has been, any of the following persons performing functions under or relating to the administration of this Act—							
		(i)	a public sector employee;	11					
		(ii)	a staff member of the commission;	12					
		(iii)	a person to whom a function of the commission under section 123 or 124 is delegated by the commissioner;	13 14 15					
		(iv)	a reviewing entity;	16					
		(v)	a selection panel member; and	17					
	(b)		at capacity, acquired confidential information or has ss to, or custody of, confidential information.	18 19					
(2)		-	on must not use or disclose the confidential on to anyone else, other than under this part.	20 21					
	Maxi	mum	penalty—100 penalty units.	22					
(3)	In thi	s sect	tion—	23					
	to ma	ake a r enti	<i>banel member</i> means a member of a panel formed recommendation to the chief executive of a public ty about employing a person under chapter 3, part 3 ty.	24 25 26 27					

for a reviewing entity-includes protected information.

(b)

[s 279]

Clause	279	'9 Use		e or disclosure for authorised purpose		
				person may use or disclose the confidential information llows—	2 3	
			(a)	to the extent the use or disclosure is required or permitted under this Act or another Act or is necessary to perform the person's functions under this Act or another Act;	4 5 6 7	
			(b)	if the person to whom the information relates is an adult—with the person's consent;	8 9	
			(c)	if the person to whom the information relates is a child—with the consent of a parent of the child;	10 11	
			(d)	if the information is protected information—with the consent of the entity to which the information relates;	12 13	
			(e)	in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal;	14 15 16	
			(f)	if otherwise required or permitted under another law.	17	
	Part	4		Delegation	18	
Clause	280	Def	initio	n for part	19	
			In th	is part—	20	
			func	tion includes power.	21	
Clause	281	Del	egati	on of Minister's functions	22	
		(1)		Minister may delegate the Minister's functions under on 192 to the chairperson of the council.	23 24	
		(2)		unction delegated under subsection (1) may not be elegated.	25 26	

Clause	282	Delegation of chief executive's functions				
		(1)	The chief executive of a public service entity may delegate the chief executive's functions under this Act or another Act to an appropriately qualified person.	2 3 4		
		(2)	The chief executive of a public sector entity other than a public service entity may delegate the chief executive's functions under this Act to an appropriately qualified person.	5 6 7		
		(3)	A delegation of a function may permit the subdelegation of the function.	8 9		
		(4)	If a function is performed under another Act, the power to delegate or subdelegate the function is subject to the other Act.	10 11 12		
Clause	283	Del	egation of commissioner's functions	13		
		(1)	The commissioner may delegate the commissioner's functions under this Act to an appropriately qualified staff member of the commission.	14 15 16		
		(2)	The commissioner may also delegate the following functions to an appropriately qualified entity—	17 18		
			(a) a function under section 123;	19		
			(b) a function under section 124, other than the giving of a report under section 124(5)(b) that includes a direction.	20 21		
		(3)	Despite subsections (1) and (2), the commissioner can not delegate the following functions—	22 23		
			(a) making a directive;	24		
			(b) approving a report for a public sector review.	25		
Clause	284	Del	egation of special commissioner's functions	26		
		(1)	A special commissioner may delegate the special commissioner's functions under this Act to an appropriately qualified staff member of the commission.	27 28 29		

[s 285]

		(2)	Despite subsection (1), a special commissioner can not delegate the function of approving a report for a public sector review.	1 2 3
	Part	5	Miscellaneous	4
Clause	285	Eff	ect of Act on State	5
		(1)	Subject to subsection (3), this Act binds the State.	6
		(2)	A person who employs another person under this Act employs the person as the authorised agent of the State.	7 8
		(3)	The right or power of the State recognised at common law to dispense with the services of a person is not abrogated or restricted by any provision of this Act.	9 10 11
			Note—	12
			See chapter 3, part 11 for summary dismissal and ending of employment.	13 14
Clause	286	Ар	proved forms	15
			The commissioner may approve forms for use under this Act.	16
Clause	287	Re	gulation-making power	17
		(1)	The Governor in Council may make regulations under this Act.	18 19
		(2)	A regulation may be made about—	20
			(a) the operation of a public sector entity; or	21
			(b) the entitlements, responsibilities, functions, powers or liabilities of public sector employees; or	22 23
			(c) any matter that is permitted under this Act to be provided for by a directive.	24 25

Public Sector Bill 2022 Chapter 8 General Part 5 Miscellaneous

	(3)	To the extent this section permits the making of a regulation for remuneration and conditions of employment, the section is to be administered by the industrial relations Minister.	1 2 3
	(4)	A regulation may provide for administration of the regulation by a Minister other than the Minister.	4 5
Clause 288	Tra	insitional regulation-making power	6
	(1)	A regulation (a <i>transitional regulation</i>) may make provision about a matter for which—	7 8
		 (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the repealed Act to the operation of this Act; and 	9 10 11 12
		(b) this Act does not make provision or sufficient provision.	13
	(2)	A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.	14 15
	(3)	A transitional regulation must declare it is a transitional regulation.	16 17
	(4)	This section and any transitional regulation expire on the day that is 2 years after the day this section commences.	18 19
	(5)	In this section—	20
		repealed Act means the repealed Public Service Act 2008.	21

Public Sector Bill 2022 Chapter 9 Repeal, savings and transitional provisions Part 1 Repeal

[s 289]

	Chapte	er 9	Repeal, savings and transitional provisions	1 2
	Part 1		Repeal	3
Clause	289 Re	peal The Public	Service Act 2008, No. 38 is repealed.	4 5
	Part 2		Savings and transitional provisions	6 7
	Division	1	Preliminary	8
Clause	290 De	-	<i>egulation</i> means the repealed <i>Public Service Act 2008.</i>	9 10 11 12 13
Clause	291 Wo	Words defire repeal and	Reanings given by repealed Act ned in the repealed Act immediately before its used in this part have the same meanings as they he repealed Act.	14 15 16 17

	Divis	sion 2 Savings provisions	1
Clause	292	Definitions for division	2
		In this division—	3
		provision of this Act that is substantially the same as or	4 5 6
		<i>repealed provision</i> means a provision of the repealed Act.	7
Clause	293	Express references to principles of natural justice	8
		expressly provided for an obligation to comply with the	9 10 11
		corresponding provision for the repealed provision, the omission of an express reference to the principles of natural justice in the corresponding provision does not limit or otherwise affect an obligation under the corresponding provision to comply with procedural fairness implied under	12 13 14 15 16 17 18
Clause	294		19 20
		expressly provided for a function to be performed reasonably	21 22 23
		corresponding provision for the repealed provision, the omission of an express reference to an obligation to perform the function reasonably or exercise the power reasonably does not limit or otherwise affect an obligation under the corresponding provision to perform the function reasonably or	24 25 26 27 28 29 30

[s 295]

	Division 3		3 Public service employees	1	
Clause	295	Existing public service employees			
		(1)	This section applies to a person who, immediately before the commencement, held an appointment or employment as a public service employee.	3 4 5	
		(2)	The person continues to be a public service employee under this Act on the same terms of appointment or employment that applied to the person immediately before the commencement.	6 7 8	
		(3)	If there is doubt about whether a person is an existing public service employee, a chief executive may, if the person asks, declare the person to be an existing public service employee.	9 10 11	
		(4)	On the making of the declaration, subsections (1) and (2) are taken to have always applied to the person.	12 13	
Clause	296	Exi	sting public service officers	14	
		(1)	This section applies to a person who, immediately before the commencement, held an appointment or employment as a public service officer.	15 16 17	
		(2)	The person continues to be a public service officer under this Act on the same terms of appointment or employment that applied to the person immediately before the commencement.	18 19 20	
		(3)	If there is doubt about whether a person is an existing public service officer, a chief executive may, if the person asks, declare the person to be an existing public service officer.	21 22 23	
		(4)	On the making of the declaration, subsections (1) and (2) are taken to have always applied to the person.	24 25	
Clause	297	Exi	sting chief executives	26	
		(1)	This section applies to a person who, immediately before the commencement, held an appointment as a chief executive.	27 28	

[s 298]

		(2)	The person continues to be a chief executive under this Act on the same terms of appointment that applied to the person immediately before the commencement.	1 2 3
Clause	298	Exi	sting commission chief executive	4
		(1)	This section applies to the person who, immediately before the commencement, held appointment as the commission chief executive.	5 6 7
		(2)	From the commencement, the person is taken to hold appointment as the commissioner under this Act on the same terms of appointment as the commission chief executive that applied to the person immediately before the commencement.	8 9 10 11
Clause	299	Exi	sting secondments, transfers or redeployments	12
		(1)	This section applies to a person who, immediately before the commencement, was subject to a secondment, transfer or redeployment.	13 14 15
		(2)	The secondment, transfer or redeployment continues under this Act on the same terms that applied to the person immediately before the commencement.	16 17 18
Clause	300		sting requirements to disclose previous history of ious disciplinary action	19 20
		(1)	This section applies if, before the commencement—	21
			 (a) a chief executive of a department proposed to appoint or second a person to, or employ a person in, the department; and 	22 23 24
			(b) the chief executive required the person, under the repealed Act, section 179A, to disclose to the chief executive particulars of any serious disciplinary action taken against the person; and	25 26 27 28
			(c) the chief executive had not decided whether to appoint, second or employ the person.	29 30

[s 301]

		(2)	From the commencement—	1
			 (a) the repealed Act, section 179A, as in force immediately before the commencement, continues to apply in relation to the requirement despite the repeal of that section by this Act; and 	2 3 4 5
			(b) the chief executive may use the information disclosed under the requirement in making an assessment about the person's suitability for the appointment, secondment or employment.	6 7 8 9
Clause	301	Exi	sting work performance arrangements	10
		(1)	This section applies to a person who, immediately before the commencement, was subject to a work performance arrangement made under the repealed Act, section 183.	11 12 13
		(2)	From the commencement, the work performance arrangement is taken to be a mobility arrangement made under section 82.	14 15
Clause	302	Exi	sting interchange arrangements	16
		(1)	This section applies to a person who, immediately before the commencement, was subject to an interchange arrangement made under the repealed Act, section 184.	17 18 19
		(2)	From the commencement, the interchange arrangement is taken to be a mobility arrangement made under section 82.	20 21
Clause	303	Exi	sting consents to obtain criminal history	22
		(1)	This section applies if—	23
			 (a) before the commencement, a person gave written consent to a chief executive to obtain the person's criminal history; and 	24 25 26
			(b) immediately before the commencement, the chief executive had not asked the police commissioner for a written report about the person's criminal history.	27 28 29

			[s 304]	
		(2)	From the commencement, the person is taken to have given the person's consent to obtain the person's criminal history under section 52 or 66.	1 2 3
Clause	304	Exi	sting declarations of interest by chief executives	4
		(1)	This section applies if—	5
			 (a) before the commencement, a chief executive gave a statement about the chief executive's interests under the repealed Act, section 101; and 	6 7 8
			(b) immediately before the commencement, the statement was still in effect.	9 10
		(2)	From the commencement, the chief executive is taken to have given the statement under section 182.	11 12
Clause	305	Exi	sting declarations of interest by persons	13
		(1)	This section applies if—	14
			(a) before the commencement, a person gave a statement about the person's interests under the repealed Act, section 185; and	15 16 17
			(b) immediately before the commencement, the statement was still in effect.	18 19
		(2)	From the commencement, the person is taken to have given the statement under section 88.	20 21
Clause	306	Exi	sting requirements to attend medical examination	22
		(1)	This section applies if, before the commencement, a chief executive required a person to submit to a medical examination under the repealed Act, section 175.	23 24 25
		(2)	From the commencement, the requirement is taken to have been made under section 104.	26 27

[s 307]

		(3)	To remove any doubt, it is declared that chapter 3, part 8, division 5 applies in relation to the person and the requirement.	1 2 3
	Divis	ion	4 Directives	4
Clause	307	Exi	sting directives by commission chief executive	5
		(1)	This section applies to a directive (a <i>continued directive</i>) made by the commission chief executive that was in force under the repealed Act immediately before the commencement.	6 7 8 9
		(2)	The continued directive—	10
			(a) is taken to be a directive made by the commissioner under this Act; and	11 12
			(b) may be read with the changes necessary to give effect to paragraph (a); and	13 14
			(c) may be amended or repealed by the commissioner under this Act.	15 16
		(3)	Despite subsection (2)(a) and (b), a continued directive taken to be a directive made by the commissioner under this Act applies only in relation to entities and individuals to whom the continued directive applied before the commencement.	17 18 19 20
		(4)	To remove any doubt, it is declared that, if a continued directive was in force as an applied ruling within the meaning of the repealed regulation, section $3(1)(b)(iv)$, the continued directive applies only in relation to entities and individuals to whom the continued directive applied under the repealed regulation before the commencement.	21 22 23 24 25 26
Clause	308	Exi	sting directives by industrial relations Minister	27

(1) This section applies to a directive (a *continued directive*) 28 made by the industrial relations Minister that was in force 29

[s 309)]
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			under the repealed Act immediately before the commencement.	1 2
		(2)	The continued directive—	3
			(a) is taken to be a directive made by the industrial relations Minister under this Act; and	4 5
			(b) may be read with the changes necessary to give effect to paragraph (a); and	6 7
			(c) may be amended or repealed by the industrial relations Minister under this Act.	8 9
		(3)	Despite subsection (2)(a) and (b), a continued directive taken to be a directive made by the industrial relations Minister under this Act applies only in relation to entities and individuals to whom the continued directive applied before the commencement.	10 11 12 13 14
		(4)	To remove any doubt, it is declared that, if a continued directive was in force as an applied ruling within the meaning of the repealed regulation, section $3(1)(b)(iv)$, the continued directive applies only in relation to entities and individuals to whom the continued directive applied under the repealed regulation before the commencement.	15 16 17 18 19 20
Clause	309	Ref	erences to existing directives	21
			A reference in another Act or a document to a directive made under the repealed Act may, if the context permits, be taken to be a reference to a directive made under this Act.	22 23 24
	Divis	sion	5 Delegations	25
Clause	310	Exi	sting delegations by chief executives	26
		(1)	This section applies if—	27

[s 311]

Clause

		 (a) immediately before the commencement, a delegation of a function or power by a chief executive was in effect under the repealed Act; and 	1 2 3
		(b) under this Act, the chief executive may delegate the function or power to the person.	4 5
	(2)	From the commencement, the delegation continues to have effect as if it had been made under this Act.	6 7
311	Exi	isting delegations by commission chief executive	8
	(1)	This section applies if—	9
		(a) immediately before the commencement, a delegation of a function or power by the commission chief executive was in effect under the repealed Act; and	10 11 12
		(b) under this Act, the commissioner may delegate the function or power to the person.	13 14
	(2)	From the commencement, the delegation continues to have effect as if it had been made by the commissioner under this Act.	15 16 17
Divi	sion	6 Disciplinary action and suspension	18
312	Exi	isting disciplinary action	19
	(1)	This section applies if—	20
		 (a) before the commencement, a chief executive started to take disciplinary action against a public service employee under the repealed Act; and 	21 22 23
		(b) immediately before the commencement, the disciplinary action had not been completed.	24 25
	(2)	From the commencement, the disciplinary action continues under this Act.	26 27

		[s 313]	
Clause	313	Existing disciplinary finding	1
		(1) This section applies if—	2
		 (a) before the commencement, a chief executive made a disciplinary finding against a public service employee under the repealed Act; and 	3 4 5
		(b) immediately before the commencement, any disciplinary action in relation to the disciplinary finding had not been completed.	6 7 8
		(2) From the commencement, the disciplinary finding is taken to be a disciplinary finding under this Act.	9 10
Clause	314	Disciplinary ground arising before commencement	11
		Chapter 3, part 8, division 3 applies in relation to a disciplinary ground whether the disciplinary ground arises before or after the commencement.	12 13 14
Clause	315	Existing suspensions	15
		 This section applies to a person who, immediately before the commencement, was subject to a suspension imposed under the repealed Act, section 137. 	16 17 18
		(2) From the commencement, the suspension continues under this Act on the same terms that applied to the person immediately before the commencement.	19 20 21
Clause	316	Reason for suspension arising before commencement	22
		A suspension may be imposed under section 101 after the commencement whether the reason for suspension arises before or after the commencement.	23 24 25

[s 317]

	Division 7		7	Reviews and appeals	1		
Clause	317	Exi	sting	sting request to review employment status			
		(1)	This	section applies if—	3		
			(a)	before the commencement, a person asked a chief executive for a review of the person's employment status under the repealed Act, section 149; and	4 5 6		
			(b)	immediately before the commencement, the review had not been decided.	7 8		
		(2)	From	n the commencement—	9		
			(a)	the person is taken to have made the request under section 113; and	10 11		
			(b)	the chief executive must decide the request under section 114.	12 13		
Clause	318	Exi	sting	review by chief executive of employment status	14		
		(1)	This	section applies if—	15		
			(a)	before the commencement, the chief executive started to review a person's employment status under the repealed Act, section 149B; and	16 17 18		
			(b)	immediately before the commencement, the review had not been completed.	19 20		
		(2)		n the commencement, the chief executive must complete review under section 115.	21 22		
Clause	319	Exi cla	sting ssific	request to employ person at higher ation level	23 24		
		(1)	This	section applies if—	25		
			(a)	before the commencement, a person asked a chief executive to appoint the person to a position at a higher classification level as a general employee on tenure or as	26 27 28		

				[s 320]
			a public service officer under the re 149C; and	pealed Act, section 1 2
			(b) immediately before the commencem not been decided.	ent, the request had 3 4
		(2)) From the commencement—	
			(a) the person is taken to have made section 120(1); and	the request under 6 7
			(b) the chief executive must decide section 120.	the request under 8 9
Clause	320		ting review by commission of depart ork performance matters	ment's handling 10 11
		(1)	This section applies if—	12
			(a) before the commencement, the com conduct a review mentioned in the re 88I(2); and	
			(b) immediately before the commencem not been completed.	ent, the review had 16 17
		(2)	From the commencement, the commission review under section 123.	must complete the 18 19
Clause	321		son for review of work performance i re commencement	matter arising 20 21
			The commission may, after the commer review under section 123 in relation to a p handling of a work performance matter wh the review arises before or after the commu-	ublic sector entity's23ether the reason for24
Clause	322		ting review by commission of proced irtment's handling of current work p er	
		(1)	This section applies if—	29

[s 323]

Clause

Clause

		(a)	before the commencement, the commission started to conduct a review mentioned in the repealed Act, section $88IA(4)(a)$; and	1 2 3
		(b)	immediately before the commencement, the review had not been completed.	4 5
	(2)		n the commencement, the commission must complete the ew under section 124.	6 7
323	ent	tity's	for review of procedural aspect of public sector handling of current work performance matter before commencement	8 9 10
		revie a p perfe	commission may, after the commencement, conduct a ew under section 124 in relation to a procedural aspect of public sector entity's handling of a current work formance matter whether the reason for the review arises ore or after the commencement.	11 12 13 14 15
324	Exi	isting	y appeal	16
	(1)	This	s section applies if—	17
		(a)	before the commencement, a person appealed against a decision under the repealed Act, section 194; and	18 19
		(b)	immediately before the commencement, the appeal had not been decided.	20 21
	(2)		n the commencement, the appeal must be heard and ded under chapter 3, part 10.	22 23
Divi	sion	8	Miscellaneous	24
325			tion of transitional provisions in relation to ons applied to public service offices	25 26
	(1)		s section applies if a provision of the repealed regulation vided that particular provisions of the repealed Act (the	27 28

		<i>applied provisions</i>) applied to a public service office, or person employed in the public service office, as mentioned in section 23 of the repealed Act.
		(2) To remove any doubt, it is declared that a provision of this part relating to an applied provision applies in relation to the entity, or person employed in the entity.
Clause	326	References to repealed Act
		A reference in an Act or a document to the repealed Act may, if the context permits, be taken to be a reference to this Act.
	Cha	pter 10 Amendment of Acts
	Part	1 Amendment of this Act
Clause		1 Amendment of this Act Act amended
Clause		
Clause Clause		Act amended
	327	Act amended This part amends this Act.
	327	Act amended This part amends this Act. Amendment of long title
	327	Act amended This part amends this Act. Amendment of long title Long title, from ', and to amend'— <i>omit.</i> 2 Amendment of Ambulance
	327 328	Act amended This part amends this Act. Amendment of long title Long title, from ', and to amend'— <i>omit</i> .
	327 328 Part	Act amended This part amends this Act. Amendment of long title Long title, from ', and to amend'— <i>omit.</i> 2 Amendment of Ambulance

[s 330]

		<i>Note—</i> See also the amendments in schedule 3.	1 2
Clause	330	Omission of s 13A (Requirement to disclose previous history of serious disciplinary action)	3 4
		Section 13A—	5
		omit.	6
Clause	331	Omission of s 16 (No additional remuneration)	7
		Sections 16—	8
		omit.	9
Clause	332	Omission of s 18 (Retrenchment and redundancy)	10
		Section 18—	11
		omit.	12
Clause	333	Omission of pt 2, div 4 (Disciplinary action for service officers and former service officers)	13 14
		Part 2, division 4—	15
		omit.	16
Clause	334	Amendment of s 41 (Codes of practice)	17
		Section 41(1)(a), ', discipline'—	18
		omit.	19
Clause	335	Insertion of new pt 8, div 10	20
		Part 8—	21
		insert—	22
[s 335]

Divisio	on 10	Transitional provisions for Public Sector Act 2022
106 Def	inition fo	r part
	In this pa	rt—
	•	for a provision of this Act, means the as in force immediately before the cement.
	rds have vision	meanings given by former
100 5	division under the	ediately before its repeal and used in this have the same meanings as they had former provision.
		uirement to disclose previous prious disciplinary action
(1)	This s comment	ection applies if, before the cement—
		chief executive proposed to appoint or ond a person; and
	unde chie	chief executive required the person, er former section 13A, to disclose to the f executive particulars of any serious iplinary action taken against the person;
	()	chief executive had not decided whether point or second the person.
(2)	From the	commencement—
	(a) form	her section 13A, as in force immediately

[s 335]

		apply in relation to the requirement despite the repeal of that section by the <i>Public</i> <i>Sector Act 2022</i> ; and	1 2 3
	(b)	the chief executive may use the information disclosed under the requirement in making an assessment about the person's suitability for the appointment or secondment.	4 5 6 7
109 Exi	sting	disciplinary action	8
(1)	This	s section applies if—	9
	(a)	before the commencement, the chief executive started to take disciplinary action against a service officer or former service officer under former part 2, division 4; and	10 11 12 13
	(b)	immediately before the commencement, the disciplinary action had not been completed.	14 15
(2)		m the commencement, the disciplinary action tinues under the <i>Public Sector Act 2022</i> .	16 17
110 Exi	sting	g disciplinary finding	18
(1)		s section applies if—	19
	(a)	before the commencement, the chief executive made a disciplinary finding against a service officer or former service officer under former part 2, division 4; and	20 21 22 23
	(b)	immediately before the commencement, any disciplinary action in relation to the disciplinary finding had not been completed.	24 25 26
(2)	is ta	m the commencement, the disciplinary finding aken to be a disciplinary finding under the <i>lic Sector Act 2022</i> .	27 28 29

 division 3 applies in relation to a disciplinary ground whether the disciplinary ground arises before or after the commencement. 112 Disciplinary information obtained before commencement (1) This section applies if, before the commencement, the chief executive obtained disciplinary information about a person under former part 2, division 4. (2) From the commencement, the disciplinary information is taken to be information obtained under the <i>Public Sector Act 2022</i>, section 97. 113 Existing suspensions (1) This section applies to a service officer who, immediately before the commencement, was subject to a suspension imposed under former part 2, division 4. (2) From the commencement, the suspension continues under the <i>Public Sector Act 2022</i> on the same terms that applied to the service officer immediately before the commencement. 114 Reason for suspension arising before commencement A suspension may be imposed on a service officer under the <i>Public Sector Act 2022</i> after the commencement whether the reason for the service officer 		[s 335]
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 This section applies to a service officer who, immediately before the commencement, was subject to a suspension imposed under former part 2, division 4. From the commencement, the suspension continues under the <i>Public Sector Act 2022</i> on the same terms that applied to the service officer immediately before the commencement. Reason for suspension arising before commencement A suspension may be imposed on a service officer under the <i>Public Sector Act 2022</i> after the commencement whether the reason for the suspension arises before or after the 	(2)	From the commencement, the disciplinary information is taken to be information obtained under the <i>Public Sector Act 2022</i> , section 97.
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commencement A suspension may be imposed on a service officer under the <i>Public Sector Act 2022</i> after the commencement whether the reason for the suspension arises before or after the	(2)	continues under the <i>Public Sector Act 2022</i> on the same terms that applied to the service officer
under the <i>Public Sector Act 2022</i> after the commencement whether the reason for the suspension arises before or after the		
		commencement whether the reason for the suspension arises before or after the

[s 336]

Clause	336	Amendment o	f sch 1 (Dictionary)	1
		declaration disciplinary	1, definitions disciplinary action, disciplinary a, disciplinary finding, disciplinary ground, y law, former service office, prescribed employee, for disciplinary law and relevant employee—	2 3 4 5 6
	Part	3	Amendment of Corrective	7
			Services Act 2006	8
Clause	337	Act amended		9
		This part ar	nends the Corrective Services Act 2006.	10
		Note—		11
		See also th	e amendments in schedule 3.	12
Clause	338	Insertion of ne	ew s 217A	13
		After section	on 217—	14
		insert—		15
		217A Pa	arole Board not public sector entity	16
			The parole board is prescribed not to be a public sector entity for the <i>Public Sector Act 2022</i> , section $8(2)(s)$.	17 18 19
Clause	339	Amendment o	f s 285 (Appointing official visitor)	20
		Section 285	5—	21
		insert—		22
		(4)	The person is appointed under this Act and not the <i>Public Sector Act 2022</i> .	23 24
		(5)	The official visitor is prescribed not to be a public sector employee for the <i>Public Sector Act 2022</i> ,	25 26

		[s 340]	
		section 12(2)(g).	1
	Part	4 Amendment of Crime and Corruption Act 2001	2 3
Clause	340	Act amended	4
		This part amends the <i>Crime and Corruption Act 2001</i> .	5 6
		See also the amendments in schedule 3.	0 7
Clause	341	Insertion of new ss 221B–221D	8
		After section 221A—	9
		insert—	10
		221B Commission not public sector entity	11
		The commission is prescribed not to be a public sector entity for the <i>Public Sector Act 2022</i> , section $8(2)(s)$.	12 13 14
		221C Commission to comply with obligations relating to equity, diversity, respect and inclusion	15 16 17
		The commission is prescribed for the <i>Public</i> Sector Act 2022, section 25, definition prescribed entity, paragraph (c).	18 19 20
		221D Application of provisions of Public Sector Act 2022	21 22
		(1) A regulation may—	23
		 (a) apply particular provisions of the <i>Public</i> Sector Act 2022, including, for example, particular directives made under the <i>Public</i> 	24 25 26

[s 341]

	<i>Sector Act 2022</i> , to the commission and commission officers; and	1 2
	(b) provide for the way in which the provisions mentioned in paragraph (a) are to apply, including, for example, that they apply with or without change.	3 4 5 6
(2)	Before recommending to the Governor in Council the making of a regulation under subsection (1), the Minister must consult with the chief executive officer about the proposed regulation.	7 8 9 10
(3)	If a regulation is made under subsection (1)—	11
	(a) the <i>Public Sector Act 2022</i> applies to the commission and commission officers only to the extent provided for under the regulation; and	12 13 14 15
	(b) the <i>Public Sector Act 2022</i> applies in the way mentioned in paragraph (a) with necessary changes.	16 17 18
(4)	Also, a regulation may prescribe anything necessary or convenient to be prescribed—	19 20
	(a) to enable a regulation under subsection (1) to be made; or	21 22
	(b) to carry out or give effect to a regulation made under subsection (1); or	23 24
	(c) because of the making of a regulation under subsection (1), including, for example, the portability of employment rights and entitlements.	25 26 27 28

Part 5 Amendment of Fire and 1 **Emergency Services Act 1990** 2 Clause 342 Act amended 3 This part amends the Fire and Emergency Services Act 1990. 4 Note— 5 See also the amendments in schedule 3. 6 Clause 343 Omission of ss 25B and 25C 7 Sections 25B and 25C— 8 omit. 9 Clause 344 Amendment of s 26 (Conditions of employment) 10 Section 26— 11 insert— 12 (3) Also, if a directive made under the *Public Sector* 13 Act 2022 applies to a person employed under 14 section 25 and the directive is inconsistent with 15 the determination of the commissioner under 16 subsection (1), the directive applies to the extent 17 of the inconsistency. 18 Clause 345 **Omission of s 27 (Additional remuneration)** 19 Section 27— 20 omit. 21 Amendment of s 28 (Retirement) Clause 346 22 Section 28(2) to (5)— 23 omit. 24

[s 342]

Public Sector Bill 2022 Chapter 10 Amendment of Acts Part 5 Amendment of Fire and Emergency Services Act 1990

[s 347]

Clause	347	Omission of s Section 29– <i>omit</i> .	•	nchment)	1 2 3
Clause	348	Omission of cl Part 4, divis <i>omit</i> .		div 3 (Disciplinary action)	4 5 6
Clause	349	Insertion of ne Chapter 5, p insert— Divisio	oart 5—	t 5, div 10 Transitional provisions for Public Sector Act 2022	7 8 9 10 11
		212 Wo	provision commence rds have vision Words de Act imme division h	ision— or a provision of this Act, means the as in force immediately before the	12 13 14 15 16 17 18 19 20 21 22
		213 Exis (1)	-	iplinary action on applies if—	23 24

[s 349]

	(a) before the commencement, the commissioner started to take disciplinary action against a fire service officer or former fire service officer under former chapter 3, part 4, division 3; and	1 2 3 4 5
	(b) immediately before the commencement, the disciplinary action had not been completed.	6 7
(2)	From the commencement, the disciplinary action continues under the <i>Public Sector Act 2022</i> .	8 9
214 Exi	sting disciplinary finding	10
(1)	This section applies if—	11
	 (a) before the commencement, the commissioner made a disciplinary finding against a fire service officer or former fire service officer under former chapter 3, part 4, division 3; and 	12 13 14 15 16
	(b) immediately before the commencement, any disciplinary action in relation to the disciplinary finding had not been completed.	17 18 19
(2)	From the commencement, the disciplinary finding is taken to be a disciplinary finding under the <i>Public Sector Act 2022</i> .	20 21 22
	ciplinary ground arising before nmencement	23 24
	The <i>Public Sector Act 2022</i> , chapter 3, part 8, division 3 applies in relation to a disciplinary ground whether the disciplinary ground arises before or after the commencement.	25 26 27 28

[s 349]

	sting requirement to disclose previous tory of serious disciplinary action	$\frac{1}{2}$
(1)	This section applies if, before the commencement—	2 3 4
	(a) the commissioner proposed to employ or second a person; and	5 6
	 (b) the commissioner required the person, under former section 25B or 25C, to disclose to the commissioner particulars of any serious disciplinary action taken against the person; and 	7 8 9 10 11
	(c) the commissioner had not decided whether to employ or second the person.	12 13
(2)	From the commencement—	14
	 (a) former section 25B or 25C, as in force immediately before the commencement, continues to apply in relation to the requirement despite the repeal of that section by the <i>Public Sector Act 2022</i>; and 	15 16 17 18 19
	(b) the commissioner may use the information disclosed under the requirement in making an assessment about the person's suitability for the employment or secondment.	20 21 22 23
	ciplinary information obtained before mmencement	24 25
(1)	This section applies if, before the commencement, the commissioner obtained disciplinary information about a person under former chapter 3, part 4, division 3, subdivision 4.	26 27 28 29
(2)	From the commencement, the disciplinary information is taken to be information obtained under the <i>Public Sector Act 2022</i> , section 97.	30 31 32

[s 350]

1

10

11

17

18

218 Existing suspensions

- This section applies to a fire service officer who, immediately before the commencement, was subject to a suspension imposed under former section 32.
- (2) From the commencement, the suspension 6 continues under the *Public Sector Act 2022* on the 7 same terms that applied to the fire service officer 8 immediately before the commencement. 9

219 Reason for suspension arising before commencement

A suspension may be imposed on a fire service12officer under the Public Sector Act 2022 after the13commencement whether the reason for the14suspension arises before or after the15commencement.16

220 Existing requirement to attend medical examination

- (1)This section applies if. before the 19 commencement, the commissioner formed a 20suspicion mentioned in former section 28(2) and 21 was required to obtain medical opinion on a fire 22 service officer's condition. 23
- (2) Former section 28 continues to apply in relation to 24 the commissioner and the fire service officer 25 despite the commencement of the *Public Sector* 26 Act 2022.
 (2) Former section 28 continues to apply in relation to 24 the commencement of the *Public Sector* 26 27 27

Clause 350 Amendment of sch 6 (Dictionary)

Schedule 6, definitions disciplinary action, disciplinary 29 declaration, disciplinary finding, disciplinary ground, 30 disciplinary law, former fire service officer, prescribed 31

28

[s 351]

				c sector disciplinary law, relevant employee iplinary action—	1 2 3
	Part	6		nendment of Legal Aid eensland Act 1997	4 5
Clause	351	Act amended			6
		This part ar	nend	s the Legal Aid Queensland Act 1997.	7
		Note—			8
		See also th	ie ame	ndments in schedule 3.	9
Clause	352	Insertion of ne	ew s	s 42A and 42B	10
		After section	on 42-		11
		insert—			12
		42A Leg	gal A	id not public sector entity	13
			-	al Aid is prescribed not to be a public sector ty for the <i>Public Sector Act 2022</i> , section 0(s).	14 15 16
		42B Apj 202		tion of provisions of Public Sector Act	17 18
		(1)	A re	egulation may—	19
			(a)	apply particular provisions of the <i>Public</i> Sector Act 2022, including, for example, particular directives made under the <i>Public</i> Sector Act 2022, to Legal Aid, its chief executive officer and employees; and	20 21 22 23 24
			(b)	provide for the way in which the provisions mentioned in paragraph (a) are to apply,	25 26

[s 353]

	including, for example, that they apply with or without change.	1 2
(2)	Before recommending to the Governor in Council the making of a regulation under subsection (1), the Minister must consult with the chief executive officer about the proposed regulation.	3 4 5 6
(3)	If a regulation is made under subsection (1)—	7
	 (a) the <i>Public Sector Act 2022</i> applies to Legal Aid, its chief executive officer and employees only to the extent provided for under the regulation; and 	8 9 10 11
	(b) the <i>Public Sector Act 2022</i> applies in the way mentioned in paragraph (a) with necessary changes.	12 13 14
(4)	Also, a regulation may prescribe anything necessary or convenient to be prescribed—	15 16
	(a) to enable a regulation under subsection (1) to be made; or	17 18
	(b) to carry out or give effect to a regulation made under subsection (1); or	19 20
	 (c) because of the making of a regulation under subsection (1), including, for example, the portability of employment rights and entitlements. 	21 22 23 24
: 7	Amendment of Ombudsman	25
	Act 2001	26
Act amended		27
	mends the Ombudsman Act 2001.	27 28
Note—	nends the Ombuushun fiel 2001.	28 29
See also th	e amendments in schedule 3.	30
	Page 227	
	-	

Part

Clause 353

Public Sector Bill 2022 Chapter 10 Amendment of Acts Part 7 Amendment of Ombudsman Act 2001

[s 354]

Clause	354	Insertion of ne	ew s	s 75A–75C	1
		After section	on 75-	_	2
		insert—			3
		75A Om	bud	sman office not public sector entity	4
			pub	a ombudsman office is prescribed not to be a lic sector entity for the <i>Public Sector Act</i> 2, section $8(2)(s)$.	5 6 7
		rela		sman office to comply with obligations to equity, diversity, respect and on	8 9 10
			Pub	ombudsman office is prescribed for the <i>blic Sector Act 2022</i> , section 25, definition <i>scribed entity</i> , paragraph (c).	11 12 13
		75C Ap 202		tion of provisions of Public Sector Act	14 15
		(1)	A re	egulation may—	16
			(a)	apply particular provisions of the <i>Public</i> Sector Act 2022, including, for example, particular directives made under the <i>Public</i> Sector Act 2022, to the ombudsman office, the ombudsman and officers of the ombudsman; and	17 18 19 20 21 22
			(b)	provide for the way in which the provisions mentioned in paragraph (a) are to apply, including, for example, that they apply with or without change.	23 24 25 26
		(2)	the the	ore recommending to the Governor in Council making of a regulation under subsection (1), Minister must consult with the ombudsman ut the proposed regulation.	27 28 29 30
		(3)	If a	regulation is made under subsection (1)—	31

[s 355]

			(a)	the <i>Public Sector Act 2022</i> applies to the ombudsman office, the ombudsman and officers of the ombudsman only to the extent provided for under the regulation; and	1 2 3 4
			(b)	the <i>Public Sector Act 2022</i> applies in the way mentioned in paragraph (a) with necessary changes.	5 6 7
		(4)		o, a regulation may prescribe anything essary or convenient to be prescribed—	8 9
			(a)	to enable a regulation under subsection (1) to be made; or	10 11
			(b)	to carry out or give effect to a regulation made under subsection (1); or	12 13
			(c)	because of the making of a regulation under subsection (1), including, for example, the portability of employment rights and entitlements.	14 15 16 17
				entitements.	17
	Part	8		nendment of Supreme Court orary Act 1968	18 19
Clause		8 Act amended		nendment of Supreme Court	18
Clause		Act amended	Lib	nendment of Supreme Court	18 19
Clause		Act amended	Lib	nendment of Supreme Court orary Act 1968	18 19 20
Clause		Act amended This part ar <i>Note</i> —	Lik nend	nendment of Supreme Court orary Act 1968	18 19 20 21
Clause		Act amended This part ar <i>Note</i> —	Lik mend ne ame	Sendment of Supreme Court Servential States of Supreme Court Set the Supreme Court Library Act 1968.	18 19 20 21 22
	355	Act amended This part ar <i>Note—</i> See also th	Lik mend he ame	An and the supreme Court Library Act 1968. Induced to the state of the second state of	18 19 20 21 22 23
	355	Act amended This part ar <i>Note—</i> See also th Insertion of ne	Lik mend he ame	An and the supreme Court Library Act 1968. Induced to the state of the second state of	18 19 20 21 22 23 24
	355	Act amended This part ar <i>Note—</i> See also th Insertion of ne After section <i>insert—</i>	Lik mend he ame ew s on 3–	An and the supreme Court Library Act 1968. Induced to the state of the second state of	18 19 20 21 22 23 24 25

[s 357]

		sector entity for the <i>Public Sector Act</i> 2022, section $8(2)(s)$.	1 2
	Part	9 Amendment of TAFE Queensland Act 2013	3 4
Clause	357	Act amended	5
		This part amends the TAFE Queensland Act 2013.	6
		Note—	7
		See also the amendments in schedule 3.	8
Clause	358	Omission of ss 30 and 31	9
		Sections 30 and 31—	10
		omit.	11
Clause	359	Amendment of s 40 (Content of plan)	12
		Section 40(h), from 'work performance arrangements'—	13
		omit, insert—	14
		mobility arrangements, or as employees;	15
Clause	360	Amendment of s 60 (Delegation by TAFE Queensland)	16
		Section 60(d), from 'work performance arrangement'—	17
		omit, insert—	18
		mobility arrangement.	19
Clause	361	Amendment of s 61 (Delegation by chief executive officer)	20 21
		Section 61(b), from 'work performance arrangement'—	22

Public Sector Bill 2022 Chapter 10 Amendment of Acts Part 9 Amendment of TAFE Queensland Act 2013

		[s 362]	
		omit, insert—	1
		mobility arrangement.	2
Clause	362	Amendment of s 65 (Protection from liability)	3
		(1) Section 65(1)(f), 'work performance arrangement'—	4
		omit, insert—	5
		mobility arrangement.	6
		(2) Section $65(1)(g)$ —	7
		omit.	8
Clause	363	Insertion of new pt 6, div 3	9
		Part 6—	10
		insert—	11
		Division 3 Transitional provisions for Public Sector Act 2022	12 13
		71 Definition for division	14
		In this division—	15
		<i>former</i> , for a provision of this Act, means the provision as in force immediately before the commencement.	16 17 18
		72 Existing work performance arrangements	19
		 (1) This section applies to a person who, immediately before the commencement, was subject to a work performance arrangement made under former section 30. 	20 21 22 23
		(2) From the commencement, the work performance arrangement is taken to be a mobility	24 25

[s 364]

Clause

			arrangement.	1
		73 Exi	sting interchange arrangements	2
		(1)	This section applies to a person who, immediately before the commencement, was subject to an interchange arrangement made under former section 31.	3 4 5 6
		(2)	From the commencement, the interchange arrangement is taken to be a mobility arrangement.	7 8 9
364	Am	endment o	f sch 1 (Dictionary)	10
	(1)		, definitions <i>interchange arrangement</i> and <i>work</i> be arrangement—	11 12 13
	(2)	Schedule 1-		14
		insert—		15
			<i>mobility arrangement</i> means a mobility arrangement under the <i>Public Sector Act 2022</i> , section 82.	16 17 18

Chapter 11Other amendments19

Clause	365	Acts amended	20
		Schedule 3 amends the Acts it mentions.	21

Public service entities under section 9(b)

section 9(b) 3

Public service entity	Head
audit office	auditor-general
Building and Construction Industry (Portable Long Service Leave) Authority under the <i>Building and</i> <i>Construction Industry</i> (<i>Portable Long</i> <i>Service Leave</i>) Act 1991	general manager
Electoral Commission of Queensland under the <i>Electoral Act 1992</i>	electoral commissioner
Family Responsibilities Commission Registry under the <i>Family</i> <i>Responsibilities Commission Act 2008</i>	commissioner under the Family Responsibilities Commission Act 2008
Gold Coast Waterways Authority under the Gold Coast Waterways Authority Act 2012	chief executive officer under the Gold Coast Waterways Authority Act 2012
Health and Wellbeing Queensland under the <i>Health and Wellbeing</i> <i>Queensland Act 2019</i>	chief executive officer under the Health and Wellbeing Queensland Act 2019
Industrial Registry under the Industrial Relations Act 2016	registrar
Land Tribunal under the <i>Aboriginal</i> Land Act 1991	chairperson of the tribunal
Mental Health Review Tribunal under the <i>Mental Health Act 2016</i>	president of the tribunal

Public service entity

Office of the Commissioner under the Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020

Office of the Director of Child Protection Litigation under the Director of Child Protection Litigation Act 2016

Office of the Energy and Water Ombudsman under the *Energy and Water Ombudsman Act 2006*

Office of the Health Ombudsman under the *Health Ombudsman Act* 2013

Office of the Independent Assessor under the Local Government Act 2009

Office of the Information Commissioner

Office of the Inspector-General of Emergency Management under the Disaster Management Act 2003

Office of the Land Access Ombudsman under the Land Access Ombudsman Act 2017

Office of the Prostitution Licensing Authority under the *Prostitution Act* 1999

Office of the public guardian under the *Public Guardian Act 2014*

Head

commissioner under the Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020

Director of Child Protection Litigation

energy and water ombudsman

health ombudsman

Independent Assessor

information commissioner

Inspector-General of Emergency Management

land access ombudsman

executive director

public guardian

Public service entity	Head
Office of the Queensland College of Teachers under the <i>Education</i> (<i>Queensland College of Teachers</i>) Act 2005	director of the office
Office of the Queensland Parliamentary Counsel under the Legislative Standards Act 1992	parliamentary counsel
Office of the training ombudsman under the <i>Further Education and</i> <i>Training Act 2014</i>	training ombudsman
Office of the WHS Prosecutor under the Work Health and Safety Act 2011	Work Health and Safety Prosecutor
Public Sector Commission	Public Sector Commissioner
Public Trust Office under the <i>Public</i> <i>Trustee Act 1978</i>	public trustee
Queensland Curriculum and Assessment Authority under the Education (Queensland Curriculum and Assessment Authority) Act 2014	chief executive officer
Queensland Family and Child Commission under the <i>Family and</i> <i>Child Commission Act 2014</i>	principal commissioner under the <i>Family and Child</i> <i>Commission Act 2014</i>
Queensland Human Rights Commission under the Anti-Discrimination Act 1991	Human Rights Commissioner
Queensland Mental Health Commission under the <i>Queensland</i> <i>Mental Health Commission Act 2013</i>	Mental Health Commissioner
Queensland Racing Integrity Commission under the <i>Racing Integrity</i> <i>Act 2016</i>	Racing Integrity Commissioner

Public Sector Bill 2022

Schedule 1

Public service entity

Queensland Reconstruction Authority under the *Queensland Reconstruction Authority Act 2011*

Resources Safety and Health Queensland employing office under the *Resources Safety and Health Queensland Act 2020*

Head

chief executive officer

executive officer of the Resources Safety and Health Queensland employing office under the *Resources Safety and Health Queensland Act* 2020

Schedule 2 Dictionary 1 section 6 2 *approved form* see section 286. 3 approved leave means leave approved under an Act or 4 industrial instrument. 5 audit office means the Queensland Audit Office under the 6 Auditor-General Act 2009. 7 auditor-general means the Queensland Auditor-General 8 under the Auditor-General Act 2009. 9 casual employee means— 10 (a) a person employed on a casual basis under section 11 149(2)(c); or12 a person employed under section 151. (b) 13 *CCC employee* means— 14 a senior executive officer employed under the Crime and (a) 15 Corruption Act 2001, section 245; or 16 a person employed under the Crime and Corruption Act (b) 17 2001, section 254 or seconded under the Crime and 18 Corruption Act 2001, section 255; or 19 (c) a person engaged under the Crime and Corruption Act 202001, section 256. 21 *chapter 2 special commissioner*, for chapter 2, see section 25. 22 chief executive— 23 in relation to a public sector entity, generally-see 24 (a) section 16: and 25 of a public sector employee—see section 17; and (b) 26 of a prescribed entity, for chapter 2—see section 25. (c) 27 child-related duty see section 57. 28 *commission* see section 204. 29

commi	issio	ner s	ee section 212(1).	1
<i>commu</i> section	-	-	resentative means a person appointed under	2 3
confide 277.	entia	al inf	<i>formation</i> , for chapter 8, part 3, see section	4 5
<i>continu</i> section			nployed, for chapter 3, part 9, division 1, see	6 7
stated termina	day, ation	whe by a	<i>fixed term</i> means a contract that ends on a ther or not the contract also provides for its a party giving to the other party a particular of termination.	8 9 10 11
conver	sion	deci	sion, for chapter 3, part 10, see section 129.	12
counci	il see	e sect	ion 240.	13
			y see the Criminal Law (Rehabilitation of 986, section 3.	14 15
cultura	al ca	pabil	ity, for chapter 1, part 3, see section 20.	16
	•	-	<i>ct and inclusion</i> , for chapter 2, in relation to a <i>y</i> 's workplace, see section 32.	17 18
departi	ment	t see	section 10.	19
directiv	<i>ve</i> m	eans	a directive made under section 222 or 223.	20
directiv	ve de	ecisio	<i>n</i> , for chapter 3, part 10, see section 129.	21
discipl	inar	y acti	<i>on</i> see section 92.	22
discipl	inar	y dec	ision, for chapter 3, part 10, see section 129.	23
discipl	inar	y dec	laration—	24
		-	plinary declaration made under a public sector y law, means—	25 26
(i	i) ;	a disc	ciplinary declaration made under—	27
		(A)	section 95(7); or	28
		(B)	the <i>Police Service Administration Act 1990</i> , section 7A.2(2); or	29 30

		(C)	the repealed <i>Misconduct Tribunals Act 1997</i> or the QCAT Act; or	1 2
		(D)	the <i>Crime and Corruption Act 2001</i> , section 273D; or	3 4
	(ii)	disci that	leclaration under another public sector plinary law that states the disciplinary action would have been taken against the person if person's employment had not ended; or	5 6 7 8
(b)		rwise, ion 95	, means a disciplinary declaration made under $f(7)$.	9 10
disc	iplina	ry fin	<i>ding</i> see section 90.	11
disc	iplina	ry gro	ound see section 90.	12
disc	iplina	ry law	v means—	13
(a)	this	Act; o	n	14
(b)	a di	sciplin	nary provision of an industrial instrument; or	15
(c)	12(1)(b)—	blic sector employee mentioned in section –another Act or law under which the employee sciplined; or	16 17 18
(d)	anot	her A	ct or law prescribed by regulation.	19
disc	lose—	_		20
(a)	for c	chapte	r 6, part 8, see section 252; or	21
(b)	for c	chapte	r 8, part 3, see section 277.	22
disq	ualifi	ed per	son means a person who—	23
(a)	hold	ls offic	ce as any of the following—	24
	(i)	the a	uditor-general;	25
	(ii)	the o	ombudsman;	26
	(iii)		Queensland Integrity Commissioner under the grity Act 2009;	27 28
	(iv)		commission officer under the <i>Crime and cuption Act 2001</i> ;	29 30

	(v) the information commissioner under the <i>Right to Information Act 2009</i> ;	1 2
	(vi) the RTI commissioner under the <i>Right to</i> <i>Information Act 2009</i> ;	3 4
	(vii) the privacy commissioner under the <i>Information</i> <i>Privacy Act 2009</i> ; or	5 6
(b)	has a conviction, other than a spent conviction, for an indictable offence; or	7 8
(c)	is an insolvent under administration; or	9
(d)	is disqualified from managing corporations because of the Corporations Act, part 2D.6.	10 11
dive	rsity target group see section 25.	12
emp	loy, a person as a public sector employee—	13
(a)	generally—includes—	14
	(i) for a public sector employee—appoint the employee; and	15 16
	(ii) for a public service officer—promote, transfer or redeploy the officer; and	17 18
(b)	for chapter 3, part 3, see section 42.	19
emp	<i>loyee</i> , for chapter 2, see section 25.	20
-	<i>loyee organisation</i> see the <i>Industrial Relations Act 2016</i> , dule 5.	21 22
0	<i>uge</i> , a person as a public sector employee, for chapter 3, 5, see section 48.	23 24
equi	ty and diversity audit, for chapter 2, see section 29(1).	25
equi	ty and diversity plan, for chapter 2, see section 28(1).	26
equi	ty and diversity report, for chapter 2, see section 29(3).	27
excl 140(<i>uded matter</i> , for chapter 3, part 10, division 4, see section 1).	28 29
<i>fair</i> 129.	treatment decision, for chapter 3, part 10, see section	30 31

fixed term temporary employee means—	1
(a) a person employed on a temporary basis for a fixed term under section 149(2)(b); or	2 3
(b) a person employed under section 150.	4
<i>former public sector employee</i> means a public sector employee whose employment ends for any reason after a disciplinary ground arises.	5 6 7
<i>function</i> , for chapter 8, part 4, see section 280.	8
general employee see section 149(1).	9
government entity see section 276.	10
<i>head</i> , of a public service entity mentioned in section 9(b), means the head of the entity mentioned in schedule 1.	11 12
<i>higher classification level</i> means a classification level that is a higher classification level under a directive.	13 14
<i>industrial instrument</i> see the <i>Industrial Relations Act 2016</i> , schedule 5.	15 16
<i>industrial relations Minister</i> means the Minister administering the <i>Industrial Relations Act 2016</i> .	17 18
<i>IRC</i> means the industrial relations commission under the <i>Industrial Relations Act 2016</i> .	19 20
<i>lower classification level</i> means a classification level that is a lower classification level under a directive.	21 22
member, of the council, see section 241.	23
<i>Minister</i> , of a chief executive of a department—	24
(a) for chapter 5, part 2, division 3, see section 176; or	25
(b) for chapter 5, part 2, division 4, see section 180.	26
mobility arrangement see section 82.	27
<i>negative notice</i> , for chapter 3, part 5, division 3, see section 56.	28 29
<i>non-industrial instrument employee</i> means a person who works as a public sector employee other than under an industrial instrument.	30 31 32

basi	<i>-permanent basis</i> , in relation to employment, means a s other than permanent, including, for example, casual or porary.	1 2 3
all over	<i>mal remuneration</i> , for a public sector employee, means of the remuneration and other entitlements, other than rtime, to which the employee is or would be entitled, ked out on the basis of—	4 5 6 7
(a)	the ordinary working hours worked by the employee; and	8 9
(b)	the amounts payable to the employee for the ordinary working hours worked by the employee, including, for example, allowances, loadings and penalties; and	10 11 12
(c)	any other amounts payable under the employee's employment contract.	13 14
noti	<i>ce</i> means written notice.	15
	<i>call employment conditions</i> means remuneration and ditions of employment.	16 17
<i>permanent basis</i> , in relation to employment, includes employment on tenure.		18 19
-	<i>conal information</i> see the <i>Information Privacy Act 2009</i> , ion 12.	20 21
	<i>ce commissioner</i> means the commissioner of the police ice under the <i>Police Service Administration Act 1990</i> .	22 23
-	<i>ce service</i> means the Queensland Police Service under the <i>ice Service Administration Act 1990</i> .	24 25
posi 85(1	<i>tive performance management principles</i> see section 1).	26 27
pres 63.	cribed duty, for chapter 3, part 5, division 4, see section	28 29
pres	cribed entity—	30
(a)	for chapter 1, part 3, division 3, see section 22; or	31
(b)	for chapter 2, see section 25.	32

<i>pres</i> and	<i>cribed person</i> , for chapter 7, part 1, see section 268(1) (2).	1 2
emp	<i>note</i> , a public sector employee, means employ the bloyee at a higher classification level, whether or not on erent duties, other than temporarily.	3 4 5
pron	notion decision, for chapter 3, part 10, see section 129.	6
prot	tected information, for chapter 8, part 3, see section 277.	7
pub	<i>lic sector</i> see section 7.	8
pub	lic sector disciplinary law means—	9
(a)	this Act or any repealed Act regulating the public service; or	10 11
(b)	the <i>Police Service Administration Act 1990</i> or any repealed Act regulating police; or	12 13
(c)	the repealed <i>Misconduct Tribunals Act 1997</i> or the QCAT Act; or	14 15
(d)	the Crime and Corruption Act 2001; or	16
(e)	a disciplinary provision of an industrial instrument; or	17
(f)	for a public sector employee mentioned in section $12(1)(b)$ —another Act or law under which the employee may be disciplined; or	18 19 20
(g)	another Act or law prescribed by regulation.	21
pub	lic sector employee—	22
(a)	generally—see section 12; and	23
(b)	for chapter 3, part 9, division 3, see section 122.	24
pub	lic sector entity—	25
(a)	generally—see section 8; and	26
(b)	for chapter 6, part 8, see section 252.	27
men the	<i>lic sector executive</i> means a public sector employee tioned in section $12(1)(b)$ whose remuneration is at least remuneration of a senior officer and who is a -industrial instrument employee.	28 29 30 31

<i>public sector manager</i> means a public sector employee whose duties involve or include managing other public sector employees in the carrying out of their duties.	1 2 3
public sector principles see section 39.	4
public sector review see section 253.	5
public service see section 11.	6
public service employee see section 13.	7
public service entity see section 9.	8
public service officer see section 14.	9
<i>redeploy</i> , a public sector employee, means employ the employee at a lower classification level, whether or not on different duties or at a different location, other than temporarily.	10 11 12 13
<i>referring entity</i> , for a public sector review, for chapter 6, part 8, see section 254(1).	14 15
reframing entity, for chapter 1, part 3, see section 20.	16
<i>registered teacher</i> , for chapter 3, part 5, division 3, see section 56.	17 18
<i>regulated employment</i> see the Working with Children (Risk Management and Screening) Act 2000, section 156.	19 20
relevant duty see section 50.	21
remuneration includes salary.	22
reviewing entity see section 252.	23
<i>same classification level</i> means a classification level that is the same classification level under a directive.	24 25
second—	26
(a) a public sector employee, means temporarily employ the employee—	27 28
(i) on different duties at the same classification level; or	29 30
(ii) at a higher classification level or lower classification level; and	31 32

(b) a public sector employee, for chapter 3, part 9, division 2, see section 118.	1 2
<i>senior executive</i> means a person employed under section 188 as a senior executive.	3 4
<i>senior officer</i> means a person employed under section 152 as a senior officer.	5 6
serious disciplinary action see section 70.	7
service with the State, for chapter 7, part 2, see section 271.	8
<i>special commissioner</i> means a person appointed under section 230.	9 10
spent conviction means a conviction—	11
(a) for which the rehabilitation period under the <i>Criminal</i> <i>Law</i> (<i>Rehabilitation of Offenders</i>) <i>Act 1986</i> has expired under that Act; and	12 13 14
(b) that is not revived as prescribed by section 11 of that Act.	15 16
<i>staff member</i> , of the commission, means a person employed by the commissioner as mentioned in section 209.	17 18
suitability directive, for chapter 3, part 5, see section 48.	19
<i>suspension without pay decision</i> , for chapter 3, part 10, see section 129.	20 21
<i>take</i> , disciplinary action, for chapter 3, part 8, division 3, see section 90.	22 23
<i>temporarily</i> means for a period limited by time, whether or not the time has been fixed.	24 25
the State, for chapter 7, part 2, see section 271.	26
<i>transfer</i> , a public sector employee, means employ the employee at the same classification level, on different duties or at a different location, other than temporarily.	27 28 29
transfer decision, for chapter 3, part 10, see section 129.	30
unlawful discrimination, for chapter 2, see section 25.	31

<i>work performance and personal conduct principles</i> see section 40.	1 2
<i>work performance direction decision</i> , for chapter 3, part 10, see section 129.	3 4
<i>work performance information directive</i> , for chapter 3, part 9, division 3, see section 122.	5 6
<i>work performance matter</i> , for chapter 3, part 9, division 3, see section 122.	7 8

Public Sector Bill 2022

Scł	nedule 3	Other amendments	1
		section 365	2
	-	Torres Strait Islander Communities and Other Matters) Act 1984	3 4
1	Section 60F	R(3)(b), ' <i>Public Service Act 2008'—</i>	5
	omit, ins	ert—	6
		Public Sector Act 2022	7
Abo	original Land	I Act 1991	8
1	Sections 20 omit, ins	5(3) and 243, ' <i>Public Service Act 2008</i> '— ert—	9 10
		Public Sector Act 2022	11
2	Section 243	, heading, 'Public Service Act 2008'—	12
	omit, ins	ert—	13
		Public Sector Act 2022	14
Act	s Interpretat	ion Act 1954	15
1	-	6), 'Public Service Act 2008'—	16
	omit, ins	ert—	17
		Page 247	

ŀ	Public Sector Act 2022		
Schedule 1, defi	nition <i>chief executive</i> , paragraph (b)—		
omit, insert—			
(b) for a public service entity mentioned in the <i>Public Sector Act 2022</i>, section 9(b)—means the head of the entity under the <i>Public Sector Act 2022</i>, schedule 1. 		
Schedule 1, defi	nition <i>public sector unit</i> , paragraph (b)—		
omit, insert—			
(b) a public service entity, or part of a public sector entity, mentioned in the <i>Public Sector Act 2022</i> , section 9(b).		
Schedule 1, definition <i>public service</i> —			
omit, insert—			
	<i>ublic service</i> see the <i>Public Sector Act</i> 2022, ection 11.		
Schedule 1, definition <i>public service employee</i> —			
omit, insert—			
n	ublic service employee see the Public Sector Act		
	022, section 13.		
2			
2	022, section 13.		
2 Schedule 1, defi omit.	022, section 13.		
2 Schedule 1, defi omit.	022, section 13.		

	Schedule 3	
	2022, section 14.	1
8	Schedule 1, definition senior executive—	2
	omit, insert—	3
	<i>senior executive</i> , in relation to the public service, means a person employed under the <i>Public Sector</i> <i>Act 2022</i> , section 188 as a senior executive.	4 5 6
Age	ent-General for Queensland Act 1975	7
1	Section 8, 'Public Service Act 2008'—	8
	omit, insert—	9
	Public Sector Act 2022	10
Age	ents Financial Administration Act 2014	11
1	Section 112(6), definition <i>relevant government agency</i> , <i>'Public Service Act 2008</i> , section 24'—	12 13
	omit, insert—	14
	Public Sector Act 2022, section 276.	15
Am	bulance Service Act 1991	16
1	Section 15, 'Public Service Act 2008'—	17
	omit, insert—	18
	Public Sector Act 2022	19

Page 249

2	Section 50P(5), ' <i>Public Service Act 2008</i> , section 103'—	1
	omit, insert—	2
	Public Sector Act 2022, section 282	3
Anir	mal Care and Protection Act 2001	4
1	Sections 99(2)(a)(i), 114(2)(a)(i) and 212(2)(b), 'employee'—	5 6
	omit, insert—	7
	public service employee	8
2	Section 215(6), from 'State employee' to 'section 26C of that Act'—	9 10
	omit, insert—	11
	prescribed person under the <i>Public Sector Act</i> 2022, section 267 engaging in conduct in an official capacity under section 269 of that Act	12 13 14
3	Section 215(6), note, from 'State employees'—	15
	omit, insert—	16
	prescribed persons, see the <i>Public Sector Act 2022</i> , section 269	17 18
Anti	-Discrimination Act 1991	19

1	Section 106B(3), definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24(1)'—	
	omit, insert—	22
	Public Sector Act 2022, section 276(1)	1
-------	---	-------------
2	Section 106B(3), definition <i>government entity</i> , paragraph (b)(ii), ' <i>Public Service Act 2008</i> , section 24(2)(a), (b), (c), (d), (e), (f), (g), (i) or (j)'—	2 3 4
	omit, insert—	5
	<i>Public Sector Act 2022</i> , section 276(2)(a), (b), (c), (d), (e), (f), (g), (i) or (j)	6 7
3	Sections 238(3) and 246, 'Public Service Act 2008'—	8
	omit, insert—	9
	Public Sector Act 2022	10
Арре	al Costs Fund Act 1973	11
1	Section 9(3), 'Public Service Act 2008'—	12
	omit, insert—	13
	Public Sector Act 2022	14
Archi	itects Act 2002	15
		15
1	Section 100(2), 'Public Service Act 2008'—	16
	omit, insert—	17
	Public Sector Act 2022	18

Aud	tor-General Act 2009	1
1	Sections 8(2), 22, 24(2), 26, 27(2) and 29(2), ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Sections 22 and 26, heading, 'Public Service Act'—	6
	omit, insert—	7
	Public Sector Act 2022	8
3	Section 28, heading, 'Rulings under Public Service Act'—	9
	omit, insert—	10
	Directives under Public Sector Act 2022	11
4	Section 28(1), from 'chief executive' to ' <i>Public Service Act 2008</i> '—	12 13
	omit, insert—	14
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022 may make a directive under that Act	15 16 17
5	Section 29, heading, 'Public Service Act'—	18
	omit, insert—	19
	Public Sector Act 2022	20
6	Section 29(1), from 'management review' to ' <i>Public Service Act 2008</i> '—	21 22
	omit, insert—	23
	public sector review may be conducted under the <i>Public Sector Act 2022</i>	24 25

5

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7	Section 72A(4), definition <i>department</i> , ' <i>Public Service Act 2008</i> , section 7'—	1 2
	omit, insert—	3
	Public Sector Act 2022, section 10	4

Biodiscovery Act 2004

1	Section 119(2), n	ote, from 'State'—	6
	omit, insert—		7
		prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	8 9

Biosecurity Act 2014

1	Section 496(7)(a), from 'State employee' to 'that Act'—	11
	omit, insert—	12
	prescribed person under the <i>Public Sector Act</i> 2022, section 267 engaging in conduct in an official capacity under section 269 of that Act	13 14 15
2	Section 496(7)(a), note, from 'State'—	16
	omit, insert—	17
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	18 19

Birth	s, Deaths and Marriages Registration Act 2003	1
1	Sections 34(2) and 35(2), 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	2 3 4
Body 1997	Corporate and Community Management Act	5 6
1	Sections 231(2) and (3) and 236(2)(a) and (4), 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	7 8 9 10
	ling and Construction Industry (Portable Long ice Leave) Act 1991	11 12
1	Section 26, heading, 'Public Service Act'— omit, insert— Public Sector Act 2022	13 14 15
2	Section 26, 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	16 17 18

Schedule	3
Schedule	J

Buil	Building Boost Grant Act 2011	
1	Section 26(2), definition <i>government agency</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'	2 3
	omit, insert—	4
	Public Sector Act 2022, section 276	5
Buil 2017	ding Industry Fairness (Security of Payment) Act 7	6 7
1	Section 150(5), 'Public Service Act 2008'—	8
	omit, insert—	9
	Public Sector Act 2022	10
Buil	ding Units and Group Titles Act 1980	11
1	Section 69, heading, 'Public Service Act'—	12
	omit, insert—	13
	Public Sector Act 2022	14
2	Section 69, 'Public Service Act 2008'—	15
	omit, insert—	16
	Public Sector Act 2022	17

	emical Usage (Agricultural and Veterinary) Control t 1988	1 2
1	Section 4B, 'Public Service Act 2008'—	3
	omit, insert—	4
	Public Sector Act 2022	5
Chi	ild Protection Act 1999	6
1	Schedule 3, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 276	10
	ild Protection (Offender Reporting and Offender ohibition Order) Act 2004	11 12
1	Schedule 5, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	13 14
	omit, insert—	15
	Public Sector Act 2022, section 276	16
City	y of Brisbane Act 2010	17
	Continue 010(0) (Dublic Commiss Act 0000	10

1	Section 216(6), ' <i>Public Service Act 2008</i> '—	18
	omit, insert—	19

	Schedule 3	
	Public Sector Act 2022	1
2	Section 216(6), note, from 'State'—	2
	omit, insert—	3
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	4 5

Civil Proceedings Act 2011

6

1	Section 95(3), definition <i>public sector unit</i> , paragraph (b)—	7 8
	omit, insert—	9
	(b) a public service entity mentioned in the <i>Public Sector Act 2022</i> , section 9(b);	10 11

Co-operatives National Law Act 2020 12

1	Section 7, definition <i>public sector official</i> , 'under the <i>Public Service Act 2008</i> , section 9'—	13 14
	omit, insert—	15
	under the Public Sector Act 2022, section 13	16

Coa	al Mining Safety and Health Act 1999	17
1	Sections 80(7) and 188(2), 'Public Service Act 2008'—	18
	omit, insert—	19

	Public Sector Act 2022	1
2	Sections 125(1) and 129A(1), 'officers or employees of the public service'— omit, insert—	2 3 4
	public service officers or public service employees	5 6
Coa	stal Protection and Management Act 1995	7
1	Section 133(3), from 'State employee' to 'section 26B(4)'—	8 9
	omit, insert—	10
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	11 12
Colle	ections Act 1966	13
4	Saction 7(2) ' Public Scruice Act 2000'	14

1Section 7(2), 'Public Service Act 2008'—14omit, insert—15Public Sector Act 202216

	nmunity Services Industry (Portable Long Service ive) Act 2020	1 2
1	Section 25(2), definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	3 4
	omit, insert—	5
	Public Sector Act 2022, section 276	6
2	Section 122(3), definition <i>official</i> , paragraph (e), 'State employee under the <i>Public Service Act 2008</i> , section 26B(4)'—	7 8 9
	omit, insert—	10
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	11 12
3	Section 122(3), note, from 'State'—	13
	omit, insert—	14
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	15 16
Cor	oners Act 2003	17
1	Section 71(13), definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	18 19
	omit, insert—	20
	Public Sector Act 2022, section 276	21
2	Sections 75, 84(2) and 85(3), 'Public Service Act 2008'—	22
	omit, insert—	23
	Public Sector Act 2022	24
	Page 259	

3	Section 91B, definition <i>State employee</i> , from 'who'—	1
	<i>omit, insert—</i> who is a prescribed person under the <i>Public</i> <i>Sector Act 2022</i> , section 267.	2 3 4
4	Section 91ZE(3), from 'State'—	5
	omit, insert—	6
	prescribed person under the <i>Public Sector Act</i> 2022, section 267.	7 8
5	Section 91ZE(3), note, from 'State'—	9
	omit, insert—	10
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	11 12
6	Schedule 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	13 14
	omit, insert—	15
	Public Sector Act 2022, section 276	16
Cor	rective Services Act 2006	17
1	Sections 225(4), 236(4) and 306O(2), ' <i>Public Service Act 2008</i> '—	18 19
	omit, insert—	20
	Public Sector Act 2022	21
2	Section 226(4), definition <i>misconduct</i> , ' <i>Public Service Act 2008</i> , section 187(4)'—	22 23
	omit, insert—	24

Schedule 3

	Public Sector Act 2022, section 91(5)	1
3	Section 306N(2)(d), ' <i>Public Service Act 2008</i> , chapter 5, part 7'—	2 3
	<i>omit, insert—</i> <i>Public Sector Act 2022</i> , chapter 3, part 8, division 5	4 5 6
4	Section 306N(2)(e), ' <i>Public Service Act 2008</i> , chapter 5 or 6'—	7 8
	<i>omit, insert—</i> <i>Public Sector Act 2022</i> , chapter 3, part 8, division 3 or 4 or chapter 4, part 4, division 3	9 10 11
5	Schedule 4, definition <i>misconduct</i> , <i>'Public Service Act 2008</i> , section 187'—	12 13
	omit, insert—	14
	Public Sector Act 2022, section 91	15
Crin	ne and Corruption Act 2001	16
1	Section 40(2)(b), from 'department'—	17
	omit, insert—	18
	public service entity under the <i>Public Sector Act</i> 2022—the Public Sector Commission under that Act.	19 20 21
2	Section 219BA(2), definition <i>disciplinary declaration</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 188A'—	22 23
	omit, insert—	24
	Page 261	

	Public Sector Act 2022, section 95	1
3	Section 219BA(2), definition <i>disciplinary declaration</i> , paragraphs (c) and (d)— <i>omit</i> .	2 3 4
4	Sections 229(2), 245(2), 254(2), 255(2)(c)(i), 256(2), 324(4), ' <i>Public Service Act 2008</i> '—	5 6
	omit, insert—	7
	Public Sector Act 2022	8
5	Section 273A, definition <i>prescribed employee</i> —	9
	omit.	10
6	Section 273A, definition relevant employee—	11
	omit, insert—	12
	<i>relevant employee</i> means a public sector employee.	13 14
7	Section 273AA(2), from 'to—'—	15
	omit, insert—	16
	to the chief executive of the department or other public sector entity in which the person is or was employed as a public sector employee.	17 18 19
8	Section 273AA(3), from 'any'—	20
	omit, insert—	21
	the <i>Public Sector Act 2022</i> , chapter 3, part 8, division 3.	22 23

9	Section 273DA(3), definition <i>relevant official</i> , paragraph (a), 'department'—	1 2
	omit, insert—	3
	public sector entity	4
10	Section 273DA(3), definition <i>relevant official</i> , paragraph (b)—	5 6
	omit.	7
11	Section 273DA(3), definition <i>relevant official</i> , paragraph (c)—	8 9
	<i>renumber</i> as paragraph (b).	10
12	Sections 273DB(3) and 273G(5), definition <i>public sector disciplinary law</i> —	11 12
	omit, insert—	13
	<i>public sector disciplinary law</i> see the <i>Public Sector Act 2022</i> , schedule 2.	14 15
13	Section 273DB(3), definition <i>relevant official</i> , paragraph (a), 'department'—	16 17
	omit, insert—	18
	public sector entity	19
14	Section 273DB(3), definition <i>relevant official</i> , paragraph (b)—	20 21
	omit.	22
15	Section 273DB(3), definition <i>relevant official</i> , paragraph (c)—	23 24
	<i>renumber</i> as paragraph (b).	25

16	Section 273G(5), definition <i>disciplinary declaration— omit, insert—</i>	1 2
	<i>disciplinary declaration</i> means a disciplinary declaration within the meaning of the <i>Public Sector Act 2022</i> , schedule 2, definition <i>disciplinary declaration</i> , paragraph (a).	2 3 4 5 6
	ninal Law (Historical Homosexual Convictions oungement) Act 2017	7 8
1	Sections 41(3) and 43(1), 'Public Service Act 2008'—	9
	omit, insert—	10
	Public Sector Act 2022	11
Cro	ss River Rail Delivery Authority Act 2016	12
1	Sections 33(7), 49(2)(b) and 57(2), ' <i>Public Service Act 2008</i> '—	13 14
	omit, insert—	15
	Public Sector Act 2022	16
Dire	ector of Child Protection Litigation Act 2016	17
1	Sections 26 and 37, 'Public Service Act 2008'—	18
	omit, insert—	19
	Public Sector Act 2022	20

Schedule	3
Ouncould	v

Dire	tor of Public Prosecutions Act 1984	1
1	Sections 5(3), 19(2), 20(2), 23(2) and 32(1), ' <i>Public Service</i> <i>Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Section 30, definition <i>prescribed office</i> , ' <i>Public Service</i> Act 2008'—	6 7
	omit, insert—	8
	Public Sector Act 2022	9
Dis	oility Services Act 2006	10
1	Section 221(8)—	11
	omit, insert—	12
	(8) Despite the <i>Public Sector Act 2022</i> , section 274, this section does not apply to a public service entity mentioned in the <i>Public Sector Act 2022</i> , section 9(b).	13 14 15 16
Dis	ster Management Act 2003	17
1	Sections 16F, 16H(1)(b), 16M(2) and 145, ' <i>Public Service</i> <i>Act 2008</i> '—	18 19
	omit, insert—	20
	Public Sector Act 2022	21

Dis	oute Resolution Centres Act 1990	1
1	Sections 26, 27AB(6) and 27AC, ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
Dist	rict Court of Queensland Act 1967	6
1	Sections 36(3), 36D(2) and 41(2), ' <i>Public Service Act 2008</i> '—	7 8
	omit, insert— Public Sector Act 2022	9 10
Dut	ies Act 2001	11
1	Schedule 6, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	12 13
	omit, insert—	14
	Public Sector Act 2022, section 276	15
Eco	nomic Development Act 2012	16
1	Section 132(4), 'Public Service Act 2008'—	17
	omit, insert—	18
	Public Sector Act 2022	19

Schedule	3

2	Schedule 1, definition <i>government entity</i> , ' <i>Public S</i> <i>Act 2008</i> , section 24'—	Service 1 2
	omit, insert—	3
	Public Sector Act 2022, section 276	4
Edu 2017	cation (Accreditation of Non-State Schools)	Act 5 6
1	Section 105(3), 'Public Service Act 2008'—	7
	omit, insert—	8
	Public Sector Act 2022	9
2	Section 154(4), definition <i>government entity</i> , ' <i>Publ Service Act 2008</i> , section 24'—	l ic 10 11
	omit, insert—	12
	Public Sector Act 2022, section 276	13
3	Section 173(1) and (2)—	14
	omit, insert—	15
	 The <i>Public Sector Act 2022</i>, section 269 a a protected person who is not a prescribed under section 267 as if the person prescribed person under that section. 	d person 17
	(2) If the <i>Public Sector Act 2022</i> , section prevents civil liability attaching to a prevents person, section 269(2)(b) of that Act of apply in relation to the person.	protected 21

Schedule 3

Edu	cation and Care Services Act 2013	1
1	Section 241(3), from 'a State' to 'section 26B(4)'—	2
	omit, insert—	3
	also a prescribed person under the <i>Public Sector</i> Act 2022, section 267	4 5
2	Section 241(3), note, from 'State'—	6
	omit, insert—	7
	prescribed persons under the <i>Public Sector Act</i> 2022, section 267, see the <i>Public Sector Act</i> 2022, section 269.	8 9
	cation and Care Services National Law eensland) Act 2011	10 11
1	Sections 6(3)(e) and 13, 'Public Service Act 2008'—	12
	omit, insert—	13
	Public Sector Act 2022	14

Education (General Provisions) Act 2006	
Sections 117(3) and 141(3), from 'State employee' to 'section 26B(4)'—	16 17
omit, insert—	18
prescribed person under the <i>Public Sector Act</i> 2022, section 267	19 20
	Sections 117(3) and 141(3), from 'State employee' to 'section 26B(4)'— omit, insert— prescribed person under the Public Sector Act

Schedule	3
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2	Sections 117(3) and 141(3), note, from 'State'— omit, insert—	1 2
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	3 4
3	Section 389(1), note, ' <i>Public Service Act 2008</i> , section 26C'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 269	8
Eduo	cation (Overseas Students) Act 2018	9
1	Section 102—	10
	omit, insert—	11
	102 Protection from liability	12
	The <i>Public Sector Act 2022</i> , section 269 applies to an authorised person who is not a prescribed person under section 267 of that Act as if the person were a prescribed person under that section.	13 14 15 16 17
Eduo	cation (Queensland College of Teachers) Act 2005	18
1	Sections 278(2) and 281, 'Public Service Act 2008'— omit, insert—	19 20
	Public Sector Act 2022	20 21
	I WHIC SECIONALI 2022	21

2	Section 294(4), from 'State employee' to 'section 26B(4)'—	1 2
	omit, insert—	3
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	4 5
3	Section 294(4), note, from 'State'—	6
	omit, insert—	7
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	8 9
Edu	cation (Queensland Curriculum and Assessment	10
	nority) Act 2014	10 11
Auti		11
1	Sections 35(1), 36(2)(b), 40(2) and 41(3), ' <i>Public Service</i> <i>Act 2008</i> '—	12 13
	omit, insert—	14
	Public Sector Act 2022	15
2	Section 40, heading, 'Public Service Act 2008'—	16
	omit, insert—	17
	Public Sector Act 2022	18
Elec	toral Act 1992	19
1	Sections 9(5), 22(6) and 29(2), ' <i>Public Service Act 2008</i> '—	20
	omit, insert—	21

Public Sector Act	2022

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Elec	trical Safety Act 2002	1
1	Sections 68(3) and 70(3), 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	2 3 4
2	Section 123(2), 'Public Service Act 2008, sections 183 and 184, as if a reference in the sections'— omit, insert— Public Sector Act 2022, section 82 as if a reference in that section	5 6 7 8 9
Ener	gy and Water Ombudsman Act 2006	10
1	Sections 51(2), 56(3) and 61, 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	11 12 13
Envi	ronmental Protection Act 1994	14
1	Sections 444A(3) and 444G(2), 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	15 16 17
2	Section 450(4), from 'State' to 'section 26B(4)'— <i>omit, insert</i> — prescribed person under the <i>Public Sector Act</i>	18 19 20

2

	2022, section 267	1
Exh	nibited Animals Act 2015	2
1	Section 259(5), from 'State employee' to 'that Act'—	3
	omit, insert—	4
	prescribed person under the <i>Public Sector Act</i> 2022, section 267 engaging in conduct in an official capacity under section 269 of that Act	5 6 7
2	Section 259(5), note, from 'State'—	8
	omit, insert—	9
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	10 11
Exp	plosives Act 1999	12
1	Section 80A(2), definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	13 14
	omit, insert—	15
	Public Sector Act 2022, section 276	16
2	Section 132(2)(a), 'a department or the head of a public	17

service office under the <i>Public Service Act 2008</i> [°] —	
omit, insert—	19
a public service entity under the <i>Public Sector Act</i> 2022, section 9	20 21

Public	Sector	Bill	2022
	000.0.		

	Schedule 3	
Faiı	r Trading Act 1989	1
1	Sections 8(4), 9 and 109(3), 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
	r Work (Commonwealth Powers) and Other visions Act 2009	5 6
1	Section 3(1), definition <i>department</i> , ' <i>Public Service Act 2008</i> , section 7'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 10	10
2	Section 3(1), definition <i>public sector employer</i> , paragraph (b)—	11 12
	omit, insert—	13
	(b) a public service entity under the <i>Public</i> Sector Act 2022, section 9;	14 15
Fan	nily and Child Commission Act 2014	16
1	Sections 12 and 24(2), ' <i>Public Service Act 2008</i> '—	17
	omit, insert—	18
	Public Sector Act 2022	19

2	Section 29Z(2), 'State employee'—	1
	omit, insert—	2
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	3 4
3	Section 39(3), definition official, note—	5
	omit, insert—	6
	Note—	7
	For protection from civil liability in relation to prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	8 9 10
4	Schedule 1, definition State employee—	11
	omit.	12
Fan	nily Responsibilities Commission Act 2008	13
1	Sections 12(5), 33(3) and 118(5), ' <i>Public Service Act 2008</i> '—	14 15
	omit, insert—	16
	Public Sector Act 2022	17
Far	m Business Debt Mediation Act 2017	18
1	Section 84(6), from 'State' to 'that Act'—	19
	omit, insert—	20
	prescribed person under the <i>Public Sector Act</i> 2022, section 267 engaging in conduct in an	21 22

	official capacity under section 269 of that Act	1
2	Section 84(6), note, from 'State'—	2
	omit, insert—	3
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	4 5
Fin	ancial Accountability Act 2009	6
1	Sections 8(1)(a) and 65(1) and (4)(a), ' <i>Public Service Act 2008</i> , section 14'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 10	10
2	Section 65(2)(a)—	11
	omit, insert—	12
	(a) a public service entity mentioned in the <i>Public Sector Act 2022</i> , section 9(b); or	13 14
3	Section 76(2), ' <i>Public Service Act 2008</i> , section 103'—	15
	omit, insert—	16
	Public Sector Act 2022, section 282(3)	17
Fire	e and Emergency Services Act 1990	18
1	Sections 5(2) and 25A, 'Public Service Act 2008'—	19
	omit, insert—	20

	Public Sector Act 2022	1
For	ensic Disability Act 2011	2
1	Section 85(2), 'Public Service Act 2008'—	3
	omit, insert— Public Sector Act 2022	4 5
For	estry Act 1959	6
1	Schedule 3, definition <i>FPQO</i> , 'public service office'—	7
	omit, insert— entity	8 9
Fur	ther Education and Training Act 2014	10
1	Sections 112T(b) and 112ZG, 'Public Service Act 2008'—	11
	omit, insert—	12
	Public Sector Act 2022	13
2	Section 194(3), from 'State employee' to 'section 26B(4)'—	14 15
	omit, insert—	16
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	17 18

3	Section 194(3), note, from 'State'— omit, insert—	1 2
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	2 3 4
4	Schedule 1, definition <i>government entity</i> , ' <i>Public Service</i> Act 2008'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 276	8
Gami	ing Machine Act 1991	9
1	Section 15(3), 'Public Service Act 2008'—	10
	omit, insert—	11
	Public Sector Act 2022	12
2	Section 325A(2)(a)(i), 'employee'—	13
	omit, insert—	14
	public service employee	15
Gasfi	elds Commission Act 2013	16
Guon		10
1	Sections 12(3), 30(2) and 31(2), ' <i>Public Service Act 2008</i> '—	17 18
	omit, insert—	19
	Public Sector Act 2022	20

2	Schedule 1, definition <i>government entity</i> , ' <i>Public Service</i> Act 2008, section 24'—	1 2
	omit, insert—	3
	Public Sector Act 2022, section 276	4
Gen	e Technology (Queensland) Act 2016	5
1	Section 16(1)(g), 'Public Service Act 2008'—	6
	omit, insert— Public Sector Act 2022	7 8
Gold	d Coast Waterways Authority Act 2012	9
1	Section 37(3), definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	10 11
	omit, insert—	12
	Public Sector Act 2022, section 276	13
2	Sections 60(5), 64(a) and 65(4), ' <i>Public Service Act 2008</i> '—	14 15
	omit, insert—	16
	Public Sector Act 2022	17
3	Section 65(3)—	18
	omit, insert—	19
	(3) Employees employed under this section are employed under this Act and not the <i>Public Sector</i> <i>Act 2022</i> .	20 21 22

	Note—	1
	See the Public Sector Act 2022, section 12	2
4	Section 65(4), 'commission chief executive under the <i>Public Service Act 2008</i> '—	3 4
	omit, insert—	5
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022	6 7
5	Section 65(5)—	8
	omit.	9
6	Section 65(6)—	10
	renumber as section 65(5).	11
Gov	ernment Owned Corporations Act 1993	12
1	Section 2, definition <i>senior executive</i> , ' <i>Public Service Act 2008</i> '—	13 14
	omit, insert—	15
	Public Sector Act 2022	16
2	Section 145, heading, 'Public Service Act'—	17
	omit, insert—	18
	Public Sector Act 2022	19
3	Section 145, 'Public Service Act 2008'—	20
	omit, insert—	21

4	Section 148—	1
	omit, insert—	2
	148 Application of equity, diversity, respect and inclusion provisions under Public Sector Act 2022	3 4 5
	A GOC is a prescribed entity for the <i>Public Sector</i> <i>Act 2022</i> , section 25, definition <i>prescribed entity</i> , paragraph (c).	6 7 8
Gra	mmar Schools Act 2016	9
1	Section 28(2)(b), 'Public Service Act 2008'—	10
	omit, insert—	11
	Public Sector Act 2022	12
Gua	ardianship and Administration Act 2000	13
1	Sections 213(5) and 219, 'Public Service Act 2008'—	14
	omit, insert—	15
	Public Sector Act 2022	16
Hea	Ith and Wellbeing Queensland Act 2019	17
1	Sections 32(4)(b) and 40(2), ' <i>Public Service Act 2008</i> '—	18
	omit, insert—	19
	Public Sector Act 2022	20

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Schedule	J

2	Section 49(3), from 'State employee' to 'section 26B(4)'— omit, insert—	1 2
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	3 4
3	Section 49(3), note, from 'State'—	5
	omit, insert—	6
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	7 8
4	Schedule 1, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	9 10
	omit, insert—	11
	Public Sector Act 2022, section 276	12
Healt	h Ombudsman Act 2013	13
1	Sections 245(2) and 255(1), 'Public Service Act 2008'—	14
	omit, insert—	15
	Public Sector Act 2022	16

2	Schedule 1, definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'—	
	omit, insert—	19
	Public Sector Act 2022, section 276	20

Hea	lealth Practitioner Regulation National Law Act 2009	
1	Section 7(f), 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
Неа	avy Vehicle National Law Act 2012	5
1	Section 5(1)(g), ' <i>Public Service Act 2008</i> '—	6
	omit, insert—	7
	Public Sector Act 2022	8
Hos	spital and Health Boards Act 2011	9
1	Section 51C(2), from 'ruling made'—	10
	omit, insert—	11
	directive under the <i>Public Sector Act 2022</i> , section 222, the health employment directive prevails over the directive.	12 13 14
2	Section 66(1)(c), (2)(c) and (3)(c), 'applied Public Service law'—	15 16
	omit, insert—	17
	<i>Public Sector Act 2022</i> , including any directive under that Act that applies to the employee; and	18 19

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3	Sections 69 and 282(7)(b)(iii) and (8), ' <i>Public Service Act 2008</i> '—	$\frac{1}{2}$
	omit, insert—	3
	Public Sector Act 2022	4
4	Schedule 2, definition applied Public Service law—	5
	omit.	6
Hos	spital Foundations Act 2018	7
1	Section 18(2)(b), 'Public Service Act 2008'—	8
	omit, insert—	9
	Public Sector Act 2022	10
Ηοι	using Act 2003	11
1	Section 36D(2), 'Public Service Act 2008'—	12
	omit, insert—	13
	Public Sector Act 2022	14
Hur	man Rights Act 2019	15
1	Section 9(1)(a), ' <i>Public Service Act 2008</i> , section 24'— omit, insert—	16 17
	Public Sector Act 2022, section 276	18

Indu	ndustrial Relations Act 2016	
1	Section 12(2)(a), example, second dot point, 'public service offices'—	2 3
	omit, insert—	4
	• public service entities mentioned in the <i>Public</i> Sector Act 2022, section 9(b)	5 6
2	Sections 120(f)(ii), 315(1)(e)(ii) and (4)(f)(ii), 457(3), 472(2)(b)(i), 518(1)(a), 522, 551(3)(a)(iv), 562A(2), 562C(2), 899(5) and 941(1)(a), ' <i>Public Service Act 2008</i> '—	7 8 9
	omit, insert—	10
	Public Sector Act 2022	11
3	Section 354C(8), definition <i>department</i> , 'public service office'—	12 13
	omit, insert—	14
	public service entity mentioned in the <i>Public</i> Sector Act 2022, section 9(b)	15 16
4	Section 459A(1)(b)(ii), from 'ruling'—	17
	omit, insert—	18
	directive under the Public Sector Act 2022.	19
5	Section 502(1), ' <i>Public Service Act 2008</i> , section 183 or 184'—	20 21
	omit, insert—	22
	Public Sector Act 2022, section 82	23
6	Section 562A(1), 'a decision mentioned in the <i>Public Service Act 2008</i> , section 194(1)(a), (d) or (eb)' —	24 25
	omit, insert—	26

a directive decision, a fair treatment decision of transfer decision under the <i>Public Sector Act</i> 20	
Section 562A(1)(a), 'the individual employee grievance directive'—	s 3 4
omit, insert—	5
a directive made under section 110 of that Act	6
Section 562A(1)(b), ' <i>Public Service Act 2008</i> , section 194(1)(eb)'—	7 8
omit, insert—	9
Public Sector Act 2022	10
Section 562B(4), 'decision about disciplinary action under the <i>Public Service Act 2008</i> '—	11 12
omit, insert—	13
disciplinary decision under the <i>Public Sector</i> 2022	Act 14 15
Section 562C(1)(b), 'of the commission chief executive under the <i>Public Service Act 2008</i> '—	16 17
omit, insert—	18
made by the Public Sector Commissioner	19
Section 562C(2), 'of the commission chief executive'—	20
omit, insert—	21
made by the Public Sector Commissioner	22
Section 564(3), definition <i>appeal period</i> , paragraph (c), ' <i>Public Service Act 2008</i> '—	23 24
omit, insert—	25

	Public Sector Act 2022	1
13	Section 941(1)(a), 'ruling'—	2
	omit, insert—	3
	directive	4
14	Section 941(2), 'ruling or'—	5
	omit.	6
15	Section 943(3), definition <i>department or part of a department</i> —	7 8
	omit.	9
16	Section 943(3), definition <i>related State entity</i> , 'department or part of a department'—	10 11
	omit, insert—	12
	public sector unit	13
17	Section 970(1)(b), 'commission chief executive under the <i>Public Service Act 2008</i> '—	14 15
	omit, insert—	16
	Public Sector Commissioner	17
18	Section 970(3), definition <i>senior departmental office</i> , ' <i>Public Service Act 2008</i> '—	18 19
	omit, insert—	20
	Public Sector Act 2022	21
19	Section 982(3), from 'State' to 'section 26B(4)'—	22
	omit, insert—	23
Schedule 3		

	prescribed person under the <i>Public Sector Act</i> 2022, section 267	1 2
20	Section 982(3), note, from 'State employee'—	3
	omit, insert—	4
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	5 6
21	Schedule 5—	7
	insert—	8
	Public Sector Commissioner means the Public Sector Commissioner appointed under the <i>Public Sector Act 2022</i> , section 212(1).	9 10 11
22	Schedule 5, definition <i>promotion decision</i> , ' <i>Public Service Act 2008</i> , section 194(1)(c)'—	12 13
	omit, insert—	14
	Public Sector Act 2022, section 129	15
23	Schedule 5, definition <i>public service appeal</i> , ' <i>Public Service Act 2008</i> , chapter 7'—	16 17
	omit, insert—	18
	Public Sector Act 2022, chapter 3, part 10	19
Info	rmation Privacy Act 2009	20
1	Section 42, example 2, 'under the <i>Public Service</i> <i>Regulation 2008</i> '— <i>omit</i> .	21 22 23

2	Sections 134(2), 140(2), 144(2), 149(3) and 152(2), ' <i>Public Service Act 2008</i> '—	1 2
	omit, insert—	3
	Public Sector Act 2022	4
3	Section 149(3), 'Public Service Commission'—	5
	omit, insert—	6
	Public Sector Commission	7
	structure Investment (Asset Restructuring and	8
Dispo	osal) Act 2009	9
1	Schedule, definition <i>Forestry Plantations Queensland Office</i> , 'public service office'—	10 11
	omit, insert—	12
	entity	13
Integ	rity Act 2009	14
1	Section 12(1)(c), 'department of government or a public service office'—	15 16
	omit, insert—	17
	public service entity	18
2	Sections 17(b), 20(1) and 33(1), 'department or public service office'—	19 20
	omit, insert—	21
	public service entity	22

Section 47(b), 'public service office'— omit, insert—
public service entity mentioned in the <i>Public</i> Sector Act 2022, section 9(b)
Section 73(2), 'Public Service Act 2008'—
omit, insert—
Public Sector Act 2022
Schedule 1, entry for Public Service Act 2008—
omit, insert—
Public Sector Act 2022
• the public sector commissioner
Schedule 2, definition <i>public service office</i>
omit.
Schedule 2—
insert—
<i>public service entity</i> see the <i>Public Sector Act</i> 2022, section 9.
Schedule 2, definition <i>chief executive</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 10(1)'—
omit, insert—
Public Sector Act 2022, section 16(a)
Schedule 2, definition <i>chief executive</i> , paragraph (b)—
omit, insert—

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	 (b) for a public service entity mentioned in the <i>Public Sector Act 2022</i>, section 9(b)—the head of the entity under the <i>Public Sector Act 2022</i>, schedule 1; or 	1 2 3 4
10	Schedule 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 276	8
11	Schedule 2, definitions <i>senior executive</i> and <i>senior officer</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	9 10
	omit, insert—	11
	Public Sector Act 2022, schedule 2	12
12	Schedule 2, definition <i>statutory office</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	13 14
	omit, insert—	15
	Public Sector Act 2022, section 140(2)	16
Jobs	Queensland Act 2015	17
1	Section 14(3), 'Public Service Act 2008'—	18
-	omit, insert—	19
	Public Sector Act 2022	20
2	Section 28(2), ' <i>Public Service Act 2008</i> , section 26C applies to each member as if the member were a State employee for chapter 1, part 3, division 3 of that Act'— <i>omit, insert</i> —	21 22 23 24

Schedul	е	3

	<i>Public Sector Act 2022</i> , section 269 applies to each member as if the member were a prescribed person under section 267 of that Act	1 2 3
Juc	licial Review Act 1991	4
1	Section 8(d), 'Public Service Act 2008'—	5
	omit, insert—	6
	Public Sector Act 2022	7
Jus	stices Act 1886	8
1	Section 22D(2), 'Public Service Act 2008'—	9
	omit, insert—	10
	Public Sector Act 2022	11
Jue	stices of the Peace and Commissioners for	10
	clarations Act 1991	12 13
1	Sections 12 and 12A(1), 'Public Service Act 2008'—	14
	omit, insert—	15
	Public Sector Act 2022	16

Lan	d Access Ombudsman Act 2017	1
1	Sections 12(3), 22(3) and 26, 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
2	Section 62(2), note, from 'State'—	5
	omit, insert—	6
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	7 8
3	Schedule 1, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	9 10
	omit, insert—	11
	Public Sector Act 2022, section 276	12
Lan	d Act 1994	13
1	Section 13B(10), 'employee'—	14
	omit, insert—	15
	public service employee	16
2	Section 441(3), from 'State employee' to 'section 26B(4)'—	17 18
	omit, insert—	19
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	20 21

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3	Section 441(3), note, from 'State'—	1
	omit, insert—	2
	prescribed persons under the <i>Public Sector Act</i> 2022, section 267, see the <i>Public Sector Act</i> 2022, section 269.	2
Lar	nd Court Act 2000	5
1	Sections 32B(3), 45(1), 48(3) and 50A(4), ' <i>Public Service</i> <i>Act 2008</i> '—	6 7

2000 —		
omit, insert—		

Public Sector Act 2022

Land Title Act 1994

1	Section 6(3), 'Public Service Act 2008'—	11
	omit, insert—	12
	Public Sector Act 2022	13

Land Valuation Act 2010 14 1 Sections 205(2) and (3) and 207(1), 'Public Service Act 15 2008'— 16 omit, insert— 17 Public Sector Act 2022 18

Law Reform Commission Act 1968		1
1	Sections 4(3) and 14, 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
Leg	al Aid Queensland Act 1997	5
1	Sections 49(5), 64(3) and 70(3), ' <i>Public Service Act 2008</i> '—	6 7
	omit, insert—	8
	Public Sector Act 2022	9
Leg	al Profession Act 2007	10
1	Section 12(1)(a), note—	11
	omit, insert—	12
	Note—	13
	Under the <i>Public Sector Act 2022</i> , section 274, this Act applies to a public service entity mentioned in the <i>Public Sector Act 2022</i> , section 9(b) and its employees as if the entity were a department.	14 15 16 17
2	Sections 575(4) and 584(4), 'Public Service Act 2008'—	18
	omit, insert—	19
	Public Sector Act 2022	20

Schedule	3

3	Sections 593(2)(b) and 595(3)(b), 'chief executive of the Public Service Commission'—	$1 \\ 2$
	omit, insert—	3
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022	4 5
Leg	jislative Standards Act 1992	6
1	Sections 11 and 14(4), 'Public Service Act 2008'—	7
	omit, insert—	8
	Public Sector Act 2022	9
2	Schedule 1, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	10 11
	omit, insert—	12
	Public Sector Act 2022, section 276	13
Lib	raries Act 1988	14
1	Section 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	15 16
	omit, insert—	17
	Public Sector Act 2022, section 276	18
2	Section 7(3), 'Public Service Act 2008'—	19
	omit, insert—	20
	Public Sector Act 2022	21

Local Government Act 2009		1
1	Sections 150CV(2), 150DI and 235(8), ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Section 235(8), note, from 'State'—	6
	omit, insert—	7
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	8 9

Magistrates Act 1991	10

1	Sections 5(11), 7(2), 53B(2) and 53C(1), ' <i>Public Service</i> <i>Act 2008</i> '—	
	omit, insert—	13
	Public Sector Act 2022	14

Maintenance Act 1965		15
1	Section 68(1), 'Public Service Act 2008'—	16
	omit, insert—	17
	Public Sector Act 2022	18

Schedule	3
0011000010	-

Мај	or Events Act	2014	1
1	Section 83(4)		2
	insert—		3
		<i>civil liability</i> see the <i>Public Sector Act 2022</i> , section 269(6).	4 5
		<i>State employee</i> means a prescribed person under the <i>Public Sector Act 2022</i> , section 267.	6 7
2	Schedule 1, d <i>employee</i> —	lefinitions civil liability and State	8 9
	omit.		10
Maı	rine Parks Act	2004	11
1		6), definition <i>public authority</i> , paragraph (a), <i>ce Act 2008</i> '—	12 13
	omit, inser	<i>t</i> —	14
		Public Sector Act 2022	15
Mai	ritime Safety C	Queensland Act 2002	16
1	Sections 7(2) <i>2008</i> °—	(c), 10(2) and 11(4), ' <i>Public Service Act</i>	17 18
	omit, inser	<i>t</i> —	19
		Public Sector Act 2022	20

Schedule 3

2	Section 12(4)-	_	1
	omit, insert	·	2
	(4)	Employees employed under this section are employed under this Act and not the <i>Public Sector</i> <i>Act 2022</i> .	3 4 5
Ment	al Health Act	2016	6
1	Sections 298(2 Service Act 20	2), 652(4), 656(3), 707(7) and 713(2), ' <i>Public</i> 008'—	7 8
	omit, insert	·	9
		Public Sector Act 2022	10
2	Section 776, d	lefinition government entity—	11
	omit, insert	<u> </u>	12
		<i>government entity</i> see the <i>Public Sector Act 2022</i> , section 276.	13 14
3	Section 797(3)), from 'State' to 'section 26B(4)'—	15
	omit, insert	·	16
		prescribed person under the <i>Public Sector Act</i> 2022, section 267	17 18
Meril	ba Omasker I	Kaziw Kazipa (Torres Strait Islander	19
		Rearing Practice) Act 2020	20

1	Sections 12 and 28, 'Public Service Act 2008'—	21

22

omit, insert—

Schedule	3
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	Public Sector Act 2022	1
2	Section 105(3), from 'State employee' to 'section 26B(4)'—	2 3
	omit, insert—	4
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	5 6
3	Section 105(3), note, from 'State'—	7
	omit, insert—	8
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	9 10
	ral and Energy Resources (Financial	11
Prov	isioning) Act 2018	12
1	Sections 12(3) and 16(3), 'Public Service Act 2008'—	13
	omit, insert—	14
	Public Sector Act 2022	15

Section 85(3), '*Public Service Act 2008*, section 26C does not apply to a protected employee who is a State 2 16 17 employee for chapter 1, part 3, division 3 of that Act'-18 omit, insert— 19 Public Sector Act 2022, section 269 does not 20 apply to a protected person who is a prescribed 21 person under section 267 of that Act

22

Miniı	ng and Quarrying Safety and Health Act 1999	1
1	Sections 71(8) and 108(5), 'Public Service Act 2008'— omit, insert— Public Sector Act 2022	2 3 4
Minis	sterial and Other Office Holder Staff Act 2010	5
1	Section 15(2), example, ' <i>Public Service Act 2008</i> , section 100'— omit, insert— Public Sector Act 2022, section 178	6 7 8 9
2	Part 4, division 1, heading 'Rulings'— omit, insert— Directives and guidelines	10 11 12
3	Section 26(2), 'public service directive'— omit, insert— public sector directive	13 14 15
4	Section 26(4)— omit.	16 17
5	Section 29(3) and (5)— omit.	18 19

6	Section 29(4)-	_	1
	renumber a	as section 29(3).	2
7	Section 30, he	eading 'public service rulings'—	3
	omit, inser	t—	4
		public sector directives	5
8	Section 30(1)-	—	6
	omit, inser	t—	7
	(1)	This section applies if, under section 26(2), a directive provides for a matter by applying, adopting or incorporating the provisions of a public sector directive (the <i>first public sector directive</i>).	8 9 10 11 12
9	Section 30(2),	, 'or guideline'—	13
	omit.		14
10	Section 30(2),	, 'public service ruling'—	15
	omit, inser	t—	16
		public sector directive	17
11	Section 30(3)-	_	18
	omit.		19
12	Schedule—		20
	insert—		21
		<i>public sector directive</i> means a directive under the <i>Public Sector Act 2022</i> .	22 23

Mote	or Accident Insurance Act 1994	1
1	Section 7(2), 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
Mult	ticultural Recognition Act 2016	5
1	Section 5, definition <i>chief executive</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 10(1)'—	6 7
	omit, insert—	8
	Public Sector Act 2022, section 16(a)	9
2	Section 5, definition chief executive, paragraph (b)—	10
	omit, insert—	11
	 (b) for a public service entity mentioned in the <i>Public Sector Act 2022</i>, section 9(b)—the head of the entity mentioned in the <i>Public Sector Act 2022</i>, schedule 1; or 	12 13 14 15
3	Section 5, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	16 17
	omit, insert—	18
	Public Sector Act 2022, section 276	19

	National Injury Insurance Scheme (Queensland) Act 2016	
1	Sections 63(2) and 81(3), 'Public Service Act 2008'—	3
	omit, insert—	4
	Public Sector Act 2022	5
	upational Licensing National Law (Queensland) 2010	6 7
1	Section 5(h), ' <i>Public Service Act 2008</i> '—	8
	omit, insert—	9
	Public Sector Act 2022	10
Om	budsman Act 2001	11
1	Sections 58(3), 65(3), 76(2), 77(2)(b) and 78(4), ' <i>Public</i> <i>Service Act 2008</i> '—	12 13
	omit, insert—	14
	Public Sector Act 2022	15
2	Sections 79(3) and 82(4), 'chief executive of the Public Service Commission'—	16 17
	omit, insert—	18
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022	19 20

3	Section 93(1), note, ' <i>Public Service Act 2008</i> , section 26C'—	1 2
	omit, insert—	3
	Public Sector Act 2022, section 269.	4
Par	liament of Queensland Act 2001	5
1	Section 67(1)(p)—	6
	omit, insert—	7
	(p) the public sector commissioner under the <i>Public Sector Act 2022</i> ;	8 9
2	Schedule, definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'—	10 11
	omit, insert—	12
	Public Sector Act 2022, section 276	13
Par	liamentary Service Act 1988	14
1	Section 26A, 'Public Service Act 2008'—	15
	omit, insert—	16
	Public Sector Act 2022	17
2	Section 39(2)(a), 'by the Governor in Council under the <i>Public Service Act 2008</i> '—	18 19
	omit, insert—	20
	under a directive made under the <i>Public Sector</i> Act 2022	21 22

Public	Sector	Bill	2022
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Schedule 3	Sch	edul	le	3
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3	Section 39(2)(b), 'by the industrial commission'—	1
	omit, insert—	2
	under the Industrial Relations Act 2016	3
Pena	Ilties and Sentences Act 1992	4
1	Section 203A(3), 'Public Service Act 2008'—	5
	omit, insert—	6
	Public Sector Act 2022	7
Polic	e Powers and Responsibilities Act 2000	8
1	Section 740(4), 'Public Service Act 2008'—	9
	omit, insert—	10
	Public Sector Act 2022	11
2	Schedule 6, definition <i>government entity</i> , from ' <i>Public Service Act 2008</i> , section 24'—	12 13
	omit, insert—	14
	<i>Public Sector Act 2022</i> , section 276, other than an entity mentioned in section 276(1)(c), (d) or (e).	15 16

Scł	nedu	le	3

Poli	ce Service Administration Act 1990	1
1	Section 1.4, definition <i>disciplinary declaration</i> , paragraph (a)(i)(B), ' <i>Public Service Act 2008</i> , section 188A(6)'—	2 3
	omit, insert—	4
	Public Sector Act 2022, section 95	5
2	Section 1.4, definition <i>public sector disciplinary law</i> , paragraph (b), from ' <i>Public Service Act 2008</i> '—	6 7
	omit, insert—	8
	Public Sector Act 2022; or	9
3	Section 1.4, definition <i>public service employee</i> —	10
	omit.	11
4	Section 2.5(1)(b)(ii), ' <i>Public Service Act 2008</i> , chapter 5, part 5'—	12 13
	omit, insert—	14
	Public Sector Act 2022, chapter 4, part 2	15
5	Sections 2.5A, 5A.16(2)(f)(ii), 5A.17(2)(b) and 5A.21A(4), ' <i>Public Service Act 2008</i> '—	16 17
	omit, insert—	18
	Public Sector Act 2022	19
6	Section 5.18(3), note, ' <i>Public Service Act 2008</i> '—	20
	omit, insert—	21
	Public Sector Act 2022	22

Schedul	е	3

7	Section 5AA.11(5), definition <i>merit provision</i> , paragraph (b), ' <i>Public Service Act 2008</i> , chapter 1, part 4'—	1 2
	omit, insert—	3
	Public Sector Act 2022, chapter 3, part 3	4
8	Section 5AA.14(3)(a)(v), example, ' <i>Public Service Act 2008</i> , section 188B'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 97	8
9	Section 8.3(6)(b), 'Public Service Act 2008'—	9
	omit, insert—	10
	Public Sector Act 2022	11
10	Schedule, under the heading Information about police officers, recruits and applicants to become police officers or recruits, item 13, second dot point, ' <i>Public Service Act 2008</i> , section 188A'—	12 13 14 15
	omit, insert—	16
	Public Sector Act 2022, section 95	17
11	Schedule, under the heading Information about staff members, applicants to become staff members, volunteers and students on work experience, item 9, second dot point, ' <i>Public Service Act 2008</i> , section 188A'—	18 19 20 21 22
	omit, insert—	23
	Public Sector Act 2022, section 95	24

	ce Service Administration and Other Legislation endment Act 2022	1 2
1	Section 36, insertion of new s 5.19(4), ' <i>Public Service Act 2008</i> '—	3 4
	omit, insert—	5
	Public Sector Act 2022	6
	Editor's note—	7
	Legislation ultimately amended—	8
	Police Service Administration Act 1990	9
Prof	essional Engineers Act 2002	10
1	Section 100(2), 'Public Service Act 2008'—	11
	omit, insert—	12
	Public Sector Act 2022	13
Pros	stitution Act 1999	14
1	Sections 102(2), 110B(5) and 110L, ' <i>Public Service Act 2008</i> '—	15 16
	omit, insert—	17
	Public Sector Act 2022	18
2	Section 110A, note, 'public service office under the <i>Public Service Act 2008</i> '—	19 20
	omit, insert—	20

		Schedule 3	
		public service entity under the <i>Public Sector Act</i> 2022, section 9(b)	$\frac{1}{2}$
3	Sections 110M(1) and 110N, 'part 6 directive'—	3
	omit, insert—	-	4
	5	suitability directive	5
4	Section 110M(2)—	6
	omit, insert—	-	7
	(To remove any doubt, the <i>Public Sector Act 2022</i> , chapter 3, part 5 applies only to the extent a suitability directive may be made for that part under that Act.	8 9 10 11
	1	Note—	12
		Under the <i>Public Sector Act 2022</i> , section 131(1)(b), an appeal may be made against a decision to take, or not to take, action under a directive.	13 14 15
5	Schedule 4, def	inition part 6 directive—	16
	omit, insert—	-	17
		<i>suitability directive</i> see the <i>Public Sector Act</i> 2022, section 48.	18 19
Pul	blic Guardian Ac	ct 2014	20
1	Sections 95, 104 2008'—	4(1), 110(4) and 111(4), ' <i>Public Service Act</i>	21 22
	omit, insert—	-	23
		Public Sector Act 2022	24

2	Section 146(6), definition <i>senior officer</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	1 2
	omit, insert—	3
	Public Sector Act 2022, schedule 2	4
3	Schedule 1, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 276	8
Put	blic Health Act 2005	9
1	Sections 81(4)(b)(i), 90(1)(a), 362FA(1)(b), 362O(b)(i), 362P(b)(i), 377(1)(a) and 455(1)(a), 'or employee'—	10 11
	omit, insert—	12
	or public service employee	13
2	Sections 333(1)(a) and 335(1)(a), 'employees'—	14
	omit, insert—	15
	public service employees	16
3	Sections 109(4), 223(4), 228L(4) and 241(4), ' <i>Public Service Act 2008</i> , section 103'—	17 18
	omit, insert—	19
	Public Sector Act 2022, section 282	20
4	Section 456(3)(b), from 'a State employee' to 'section 26B(4)'—	21 22
	omit, insert—	23

	Schedule 3
	also a prescribed person under the <i>Public Sector</i> Act 2022, section 267
Section 4	156(3)(b), note, from 'or employee'—
omit,	insert—
	or public service employee, see the <i>Public Sector Act</i> 2022, section 269.
lic Interes	at Disclosure Act 2010
Section 4	7(4)(a), ' <i>Public Service Act 2008'—</i>
omit,	insert—
	Public Sector Act 2022
Section 4	17(8)—
omit.	
Schedule	e 4, definition Public Service Commission—
omit.	
lic Becor	ds Act 2002
Sections	22 and 29(3)(c), ' <i>Public Service Act 2008</i> '—
omit,	insert—
	Public Sector Act 2022

Publi	ic Sector Eth	ics Act 1994	1
1	Sections 12(1 'commission), 12A, 12B(2), 12C, 12E(2), 12F and 12M(1), chief executive'—	2 3
	omit, inser	<i>t</i> —	4
		commissioner	5
2	Section 12M(⁻ 46(1)(fa)'—	1), ' <i>Public Service Act 2008</i> , section	6 7
	omit, inser	<i>t</i> —	8
		Public Sector Act 2022, section 207(2)(i)	9
3	Section 24(a)	, 'Public Service Act 2008'—	10
	omit, inser	<i>t</i> —	11
		Public Sector Act 2022	12
4	Schedule, def	inition commission chief executive—	13
	omit.		14
5	Schedule—		15
	insert—		16
		<i>commissioner</i> means the Public Sector Commissioner appointed under the <i>Public Sector</i> <i>Act 2022</i> , section 212(1).	17 18 19

Pub	olic Trustee Act 1978	1
1	Sections 9(9), 11 and 117ZD(5), ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Sections 117ZH(2) and 117ZZ(3), 'State employee under the <i>Public Service Act 2008</i> , section 26B(4)'—	6 7
	omit, insert—	8
	a prescribed person under the <i>Public Sector Act</i> 2022, section 267	9 10
3	Section 117ZZ(3), note, ' <i>Public Service Act 2008</i> , section 26C'—	11 12
	omit, insert—	13
	Public Sector Act 2022, section 269	14
Que	eensland Art Gallery Act 1987	15
1	Section 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	16 17
	omit, insert—	18
	Public Sector Act 2022, section 276	19
2	Section 6(3), 'Public Service Act 2008'—	20
	omit, insert—	21

Quee Act 1	nsland Building and Construction Commission 991	1 2
1	Sections 12(3), 20D(3), 29D(3) and 29F(5), ' <i>Public Service Act 2008</i> '—	3 4
	omit, insert—	5
	Public Sector Act 2022	6
2	Section 108AC(2)(c)(iii), ' <i>Public Service Act 2008</i> , section 123'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 156	10
3	Schedule 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	11 12
	omit, insert—	13
	Public Sector Act 2022, section 276	14
Quee	nsland Civil and Administrative Tribunal Act	15
2009		16
1	Sections 110(2), 171(5), 198(3), 206O(3) and 208(1), ' <i>Public Service Act 2008</i> '—	17 18
	omit, insert—	19
	Public Sector Act 2022	20

Qu	eensland Competition Authority Act 1997	1
1	Sections 209(4) and 223(3), 'Public Service Act 2008'— omit, insert—	2 3
	Public Sector Act 2022	4
2	Section 229(b)—	5
	omit, insert—	6
	 (b) a prescribed entity for the <i>Public Sector Act</i> 2022, section 25, definition prescribed entity, paragraph (c). 	7 8 9
3	Section 234(4)(b), ' <i>Public Service Act 2008</i> , section 187(1)(b) or (f)'—	10 11
	omit, insert—	12
	Public Sector Act 2022, section 91(1)(b) or (g)(i)	13
4	Section 265(3)(a), ' <i>Public Service Act 2008</i> , section 148'—	14
	omit, insert—	15
	Public Sector Act 2022, section 150	16
Qu	eensland Future Fund Act 2020	17
1	Section 8(3), definition <i>State entity</i> , paragraph (a), 'Public Service Act 2008'—	18 19
	omit, insert—	20
	Public Sector Act 2022, section 276	21

Schedule 3

Que	eensland Future Fund (Titles Registry) Act 2021	1
1	Section 45(4)—	2
	omit, insert—	3
	 (4) Despite the <i>Public Sector Act 2022</i>, section 267, an employee of the operator or an administrator appointed under section 34 is not a prescribed person under section 267 of that Act. 	4 5 6 7
Que	eensland Heritage Act 1992	8
1	Section 125(1), 'or employee'—	9
	omit, insert—	10
	or public service employee	11
2	Section 171(3), from 'State employee' to 'section 26B(4)'—	12 13
	omit, insert—	14
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	15 16
3	Section 171(3), note, from 'State employees'—	17
	omit, insert—	18
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	19 20
4	Schedule, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	21 22
	omit, insert—	23
	Public Sector Act 2022, section 276	24

Schedule 3

	Queensland Independent Remuneration Tribunal Act 2013	
1	Sections 11(2)(c) and 13(2), 'Public Service Act 2008'—	3
	omit, insert—	4
	Public Sector Act 2022	5
2	Section 31A(5), definition <i>directive</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	6 7
	omit, insert—	8
	Public Sector Act 2022, schedule 2	9
3	Section 31A(5), definition <i>industrial instrument</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	10 11
	omit, insert—	12
	Industrial Relations Act 2016, schedule 5	13
Que	ensland Industry Participation Policy Act 2011	14
	······································	11
1	Section 11(7), definition <i>rail government entity</i> , ' <i>Public Service Act 2008</i> , section 24(1)(c)'—	15 16
	omit, insert—	17

Public Sector Act 2022, section 276(1)(b) 18

Que	Queensland Mental Health Commission Act 2013	
1	Sections 14(2), 17 and 19(1)(c), ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
Que	eensland Museum Act 1970	6
1	Section 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 276	10
2	Section 6(3), 'Public Service Act 2008'—	11
	omit, insert—	12
	Public Sector Act 2022	13
Que	eensland Performing Arts Trust Act 1977	14
1	Sections 6(3) and 37(3), ' <i>Public Service Act 2008</i> '—	15
•	omit, insert—	15
	Public Sector Act 2022	10
		- /

Schedule	3
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Que	Queensland Rail Transit Authority Act 2013	
1	Section 69(2), definition <i>industrial instrument</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	2 3
	omit, insert— Industrial Relations Act 2016, schedule 5	4 5
2	Schedule 1, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	6 7
	omit, insert—	8
	Public Sector Act 2022, section 276	9
3	Schedule 1, definition <i>senior executive</i> , ' <i>Public Service Act 2008</i> '—	10 11
	omit, insert—	12
	Public Sector Act 2022	13
Que	ensland Reconstruction Authority Act 2011	14
1	Sections 16, 24(4), 26(2) and 132(1), ' <i>Public Service Act 2008</i> '—	15 16
	omit, insert—	17
	Public Sector Act 2022	18
2	Section 24(3), 'commission chief executive under the <i>Public Service Act 2008</i> '—	19 20
	omit, insert—	21
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022	22 23

3	Schedule, definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'—	1 2
	omit, insert—	3
	Public Sector Act 2022, section 276	4
Qu	eensland Theatre Company Act 1970	5
1	Sections 6(3) and 36(3), 'Public Service Act 2008'—	6
	omit, insert—	7
	Public Sector Act 2022	8
Qu	eensland Treasury Corporation Act 1988	9
1	Section 11(2), 'Public Service Act 2008'—	10
	omit, insert—	11
	Public Sector Act 2022	12
Rad	cing Act 2002	13
1	Section 34(1), ' <i>Public Service Act 2008</i> '—	14
	omit, insert—	15
	Public Sector Act 2022	16

Rac	cing Integrity Act 2016	1
1	Sections 7(3) and (4), 14(7), 15(7), 17(1)(b) and 18(1)(b), ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Section 259(6), from 'State employee' to 'section 26C'—	6
	omit, insert—	7
	prescribed person under the <i>Public Sector Act</i> 2022, section 267 engaging in conduct in an official capacity under section 269	8 9 10
3	Section 259(6), note, from 'State employees'—	11
	omit, insert—	12
	prescribed persons under the <i>Public Sector Act</i> 2022, section 267, see the <i>Public Sector Act</i> 2022, section 269.	13 14

Bacing Integrity Act 2016

Rail Safety National Law (Queensland) 15

1	Section 4(1), definition <i>State entity</i> , paragraph (b), from 'within' to 'section 9(1)'—	16 17
	omit, insert—	18
	under the Public Sector Act 2022, section 13	19

Schedule 3

Rail	ail Safety National Law (Queensland) Act 2017	
1	Section 5, definition <i>State entity</i> , paragraph (b), from 'within' to 'section 9(1)'—	2 3
	omit, insert—	4
	under the Public Sector Act 2022, section 13	5
2	Section 6(1)(h), 'Public Service Act 2008'—	6
	omit, insert—	7
	Public Sector Act 2022	8
3	Section 6(4)(b), ' <i>Public Service Act 2008</i> , section 9(1)'—	9
	omit, insert—	10
	Public Sector Act 2022, section 13	11
4	Section 10, editor's note, 'Public Service Act 2008'—	12
	omit, insert—	13
	Public Sector Act 2022	14

Residential Tenancies and Rooming Accommodation15Act 200816

1	Section 485(b)—		17
	omit, insert—		18
	(b)	a prescribed entity for the <i>Public Sector Act</i> 2022, section 25, definition <i>prescribed entity</i> , paragraph (c).	19 20 21
Public	Sector	Bill	2022
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Schedule	3
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2	Sections 487(5), 494(3) and 497(5), ' <i>Public Service Act 2008</i> '—	$\frac{1}{2}$
	omit, insert—	3
	Public Sector Act 2022	4
3	Schedule 2, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	5 6
	omit, insert—	7
	Public Sector Act 2022, section 276	8
Res	ources Safety and Health Queensland Act 2020	9
1	Sections 14(2), 26(2), 34, 35(3), 46(2), 48(2) and 60(2), ' <i>Public Service Act 2008</i> '—	10 11
	omit, insert—	12
	Public Sector Act 2022	13
Reta	ail Shop Leases Act 1994	14
1	Section 95(4), 'Public Service Act 2008'—	15
	omit, insert—	16
	Public Sector Act 2022	17

Right to Information Act 2009		1	
1	Sections 126(158(2), ' <i>Publi</i> e	2), 134(2), 143(2), 144(1), 146(2), 150(2) and c <i>Service Act 2008</i> '—	2 3
	omit, inser	<i>t</i> —	4
		Public Sector Act 2022	5
2	Section 139(3), 'Public Service Commission'—	6
	omit, inser	<i>t</i> —	7
		Public Sector Commission	8
3	Section 144, I	neading, 'Public Service Act 2008'—	9
	omit, inser	<i>t</i> —	10
		Public Sector Act 2022	11
4	Section 155(3 Public Servic), 'Public Service Commission under the <i>e Act 2008</i> '—	12 13
	omit, inser	t—	14
		Public Sector Commission	15
5	Schedule 5—		16
	insert—		17
		Public Sector Commission means the Public Sector Commission under the <i>Public Sector Act</i> 2022.	18 19 20

Rur	al and Regional Adjustment Act 1994	1
1	Section 26(b)—	2
	omit, insert—	3
	 (b) a prescribed entity for the <i>Public Sector Act</i> 2022, section 25, definition prescribed entity, paragraph (c). 	
2	Sections 31 and 36(4), 'Public Service Act 2008'—	7
	omit, insert—	8
	Public Sector Act 2022	9
Sec	urity Providers Act 1993	10
1	Section 6(5), definition <i>independent investigator</i> , ' <i>Public Service Act 2008</i> '—	11 12
	omit, insert—	13
	Public Sector Act 2022	14
Soli	citor-General Act 1985	15
1	Sections 5(5), 7(5), 10(2) and (3) and 20(1), ' <i>Public Service Act 2008</i> '—	16 17
	omit, insert—	18
	Public Sector Act 2022	19

Sout	South Bank Corporation Act 1989	
1	Section 3, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	2 3
	omit, insert—	4
	Public Sector Act 2022, section 276	5
2	Sections 31E(3) and 31G(5), 'Public Service Act 2008'—	6
	omit, insert—	7
	Public Sector Act 2022	8
	th East Queensland Water (Restructuring) Act	9
2007	7	10
1	Section 105(8), definition <i>industrial instrument</i> , ' <i>Public Service Act 2008</i> , schedule 4'—	11 12
	omit, insert—	13
	Industrial Relations Act 2016, schedule 5	14
2	Schedule 3, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	15 16
	omit, insert—	17
	Public Sector Act 2022, section 276	18
3	Schedule 3, definition <i>senior executive</i> , ' <i>Public Service</i> Act 2008'—	19 20
	omit, insert—	21
	Public Sector Act 2022	22

State Buildings Protective Security Act 1983		1
1	Section 11, heading 'Public Service Act'— omit, insert—	2 3
	Public Sector Act 2022	4
2	Section 11, 'Public Service Act 2008'—	5
	omit, insert—	6
	Public Sector Act 2022	7
	te Development and Public Works Organisation 1971	8 9
1	Sections 7A(5)(b) and 14(3), 'commission chief executive under the <i>Public Service Act 2008</i> '—	10 11
	omit, insert—	12
	Public Sector Commissioner under the <i>Public</i> Sector Act 2022	13 14
2	Sections 14(4) and 111(2)(b), 'Public Service Act 2008'—	15
	omit, insert—	16
	Public Sector Act 2022	17
Stat	te Penalties Enforcement Act 1999	18
1	Section 10(1) and (3), 'Public Service Act 2008'—	19
	omit, insert—	20

	Public Sector Act 2022	1
Sup	perannuation (State Public Sector) Act 1990	2
1	Section 33(3), 'Public Service Act 2008'—	3
	omit, insert—	4
	Public Sector Act 2022	5
Sup	breme Court Library Act 1968	6
1	Section 19(3), definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'—	7 8
	omit, insert—	9
	Public Sector Act 2022, section 276	10
Sup	preme Court of Queensland Act 1991	11
1	Sections 69(3), 73(3) and 77(2), ' <i>Public Service Act 2008</i> '—	12 13
	omit, insert—	14
	Public Sector Act 2022	15

Schedule	2
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Ter	Section 62(2) last dot point <i>Public Service Act 2008</i>	
1	Section 62(2), last dot point, ' <i>Public Service Act 2008</i> , section 103'—	2 3
	omit, insert—	4
	Public Sector Act 2022, section 282	5
Tou	rism and Events Queensland Act 2012	6
1	Sections 12(3), 36(3) and 38(5), ' <i>Public Service Act 2008</i> '—	7 8
	omit, insert—	9
_	Public Sector Act 2022	10
Tra	de and Investment Queensland Act 2013	11
1	Sections 16(5) and 32(3), 'Public Service Act 2008'—	12
	omit, insert—	13
	Public Sector Act 2022	14
Tra	nsport Infrastructure Act 1994	15
1	Schedule 6, definition <i>rail government entity</i> , paragraph 1, ' <i>Public Service Act 2008</i> , section 24(1)(c)'—	16 17
	omit, insert—	18
	Public Sector Act 2022, section 276(1)(b)	19

Schedule	3
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Tra	Transport Operations (Marine Safety) Act 1994	
1	Section 36(1) and (2), 'Public Service Act 2008'— omit, insert—	2 3
	Public Sector Act 2022	4
Tra	nsport Planning and Coordination Act 1994	5
1	Section 23(1), note, first dot point, ' <i>Public Service Act 2008</i> , especially section 98'—	6 7
	omit, insert—	8
Tru	Public Sector Act 2022, especially section 177	9 10
1	Section 26A(1), 'Public Service Act 2008'—	11
	omit, insert—	12
	Public Sector Act 2022	13
Val	uers Registration Act 1992	14
1	Section 17(2), 'Public Service Act 2008'—	15
	omit, insert—	16
	Public Sector Act 2022	17

Vet	erinary Surgeons Act 1936	1
1	Section 14(2), 'Public Service Act 2008'—	2
	omit, insert—	3
	Public Sector Act 2022	4
Vict	tims of Crime Assistance Act 2009	5
1	Section 143(3), from 'State employee' to 'section 26B(4)'—	6 7
	omit, insert—	8
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	9 10
2	Section 143(3), note, from 'State employees'—	11
	omit, insert—	12
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	13 14
3	Schedule 3, definition <i>government entity</i> , paragraph (a), ' <i>Public Service Act 2008</i> , section 24'—	15 16
	omit, insert—	17
	Public Sector Act 2022, section 276	18

	Schedule 3	
Vol	untary Assisted Dying Act 2021	1
1	Section 153(3), 'State employee'—	2
	omit, insert—	3
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	4 5
2	Section 153(3), note, from 'State'—	6
	omit, insert—	7
	prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see the <i>Public Sector Act 2022</i> , section 269.	8 9
3	Section 153(4)—	10
	omit.	11
Wa	ste Reduction and Recycling Act 2011	12
1	Section 132(1)(b)(i), 'Public Service Act 2008'—	13
	omit, insert—	14
	Public Sector Act 2022, section 276	15
2	Section 266(3), from 'State' to 'section 26B(4)'—	16
	omit, insert—	17
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	18 19

Wat	Water Act 2000	
1	Sections 167(3), 464(2) and (3), 466(1) and 476, ' <i>Public Service Act 2008</i> '—	2 3
	omit, insert—	4
	Public Sector Act 2022	5
2	Section 724(7), definition <i>government agency</i> , ' <i>Public Service Act 2008</i> , section 24'—	6 7
	omit, insert—	8
	Public Sector Act 2022, section 276	9
3	Schedule 4, definition <i>government entity</i> , ' <i>Public Service Act 2008</i> , section 24'—	10 11
	omit, insert—	12
	Public Sector Act 2022, section 276	13
Wet	Tropics World Heritage Protection and	14
	agement Act 1993	14
1	Sections 23 and 33, ' <i>Public Service Act 2008</i> '—	16
	omit, insert—	17
	Public Sector Act 2022	18
2	Section 34(4), from 'State' to 'section 26B(4)'—	19
	omit, insert—	20
	prescribed person under the <i>Public Sector Act</i> 2022, section 267	21 22

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Work	Health and Safety Act 2011	1
1	Section 156(2), <i>'Public Service Act 2008</i> , sections 183 and 184 as if reference in those sections'—	2 3
	omit, insert—	4
	<i>Public Sector Act 2022</i> , section 82 as if a reference in that section	5 6
2	Section 158(2), note, 'Public Service Act 2008'—	7
	omit, insert—	8
	Public Sector Act 2022	9
3	Schedule 2, part 1, section 1(2), ' <i>Public Service Act 2008</i> '—	10 11
	omit, insert—	12
	Public Sector Act 2022	13
4	Schedule 2, part 2A, division 3, section 23G(4), ' <i>Public Service Act 2008</i> '—	14 15
	omit, insert—	16
	Public Sector Act 2022	17
5	Schedule 2, part 4, division 3, section 32, ' <i>Public Service Act 2008</i> '—	18 19
	omit, insert—	20
	Public Sector Act 2022	21
6	Schedule 2, part 4, division 4, section 43, ' <i>Public Service Act 2008</i> '—	22 23
	omit, insert—	24
	Public Sector Act 2022	25

Wor	Workers' Accommodation Act 1952	
1	Section 7, heading, 'Public Service Act'—	2
	omit, insert—	3
	Public Sector Act 2022	4
2	Section 7(1), 'Public Service Act 2008'—	5
	omit, insert—	6
	Public Sector Act 2022	7
Wor	kers' Compensation and Rehabilitation Act 2003	8
1	Sections 326(3), 442(3), 447(2), 475D(3) and 475F(5), ' <i>Public Service Act 2008</i> '—	9 10
	omit, insert—	11
	Public Sector Act 2022	12
2	Section 331(2), note, 'Public Service Act 2008'—	13
	omit, insert—	14
	Public Sector Act 2022	15
3	Section 447(3)—	16
	omit.	17
4	Section 452, heading, from 'equal'—	18
	omit, insert—	19
	equity, diversity, respect and inclusion provisions under Public Sector Act 2022	20 21

5	Section 452, fr	om 'relevant'—	1
	omit, insert-	_	2
		prescribed entity for the <i>Public Sector Act 2022</i> , section 25, definition <i>prescribed entity</i> , paragraph (c).	3 4 5
6	Schedule 6, de <i>Act 2008</i> , sect	efinition <i>government entity</i> , ' <i>Public Service</i> ion 24'—	6 7
	omit, insert-	_	8
		Public Sector Act 2022, section 276	9
	ing with Chil ening) Act 20	dren (Risk Management and 00	10 11
1	Sections 235 a	nd 293, heading, 'Department'—	12
	omit, insert-	_	13
		Public sector entity	14
2	Sections 235(1 'department'—)(b) and (4) and 293(1)(b) and (4), -	15 16
	omit, insert-	_	17
		public sector entity	18
3	department'-	?) and 293(2), from 'under the' to 'other	19 20
	omit, insert-		21
		under the <i>Public Sector Act 2022</i> , chapter 3, part 5, division 4 to decide whether or not the other public sector entity	22 23 24

Schedule 3

Sections 235	(2), note and 293(2), note—	1
omit, inser	<i>t</i> —	2
	Note—	3
	The <i>Public Sector Act 2022</i> , chapter 3, part 5, division 4 does not apply in relation to the engagement of particular persons by a public sector entity. See section 64 of that Act.	4 5 6 7
Schedule 7—		8
insert—		9
	<i>public sector entity</i> see the <i>Public Sector Act</i> 2022, section 8.	10 11
Schedule 7, d <i>Act 2008</i> , sec	efinition <i>government entity</i> , ' <i>Public Service</i> tion 24'—	12 13
omit, inser	<i>t</i> —	14
	Public Sector Act 2022, section 276	15

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