



Queensland

# Public Service and Other Legislation Amendment Regulation (No. 1) 2018

## Subordinate Legislation 2018 No. 45

made under the

*Public Sector Ethics Act 1994*

*Public Service Act 2008*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Public Service and Other Legislation Amendment Regulation (No. 1) 2018*.

## **Part 2 Amendment of Public Sector Ethics Regulation 2010**

### **2 Regulation amended**

This part amends the *Public Sector Ethics Regulation 2010*.

### **3 Amendment of schedule (Entities prescribed as public service agencies)**

Schedule—

*insert—*

Queensland Building and Construction Commission and Queensland Building and Construction Employing Office established under the *Queensland Building and Construction Commission Act 1991*

## **Part 3 Amendment of Public Service Regulation 2008**

### **4 Regulation amended**

This part amends the *Public Service Regulation 2008*.

### **5 Insertion of new ss 9E and 9F**

Part 2, division 3—

[s 5]

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*insert—*

## **9E Rulings about managing employee complaints**

- (1) For applying a ruling about managing employee complaints in relation to managing a complaint by an employee in a Hospital and Health Service about the health service chief executive of the service, a reference in the ruling to the commission chief executive is taken to be a reference to the Hospital and Health Board for the Service.

- (2) In this section—

*Hospital and Health Board* see the *Hospital and Health Boards Act 2011*, schedule 2.

## **9F Rulings about recruitment and selection**

- (1) For applying a ruling about recruitment and selection in relation to deciding whether a mandatory qualification is required for a position as a health service employee, a qualification consultation requirement in the ruling—

- (a) for a position as an employee in the Department of Health, including as an employee working for a Hospital and Health Service—does not apply to the chief executive (health); or
- (b) for a position as an employee in a Hospital and Health Service—applies to the health service chief executive of the service as if a reference in the ruling to the commission or the commission chief executive were a reference to the chief executive (health).

- (2) Subsection (1) does not apply to the extent the qualification is required—

- (a) to comply with an industrial instrument; or

(b) to satisfy a requirement under a law of the Commonwealth or the State, including a requirement for accreditation or registration.

(3) In this section—

***qualification consultation requirement*** means a requirement to consult with, or report to, the commission or the commission chief executive about deciding whether a mandatory qualification is required for a position.

## **6 Replacement of s 14A (Prescribed State employees)**

Section 14A—

*omit, insert—*

### **14A Prescribed State employees—Act, s 26B**

For section 26B(1)(g) of the Act, each person mentioned in schedule 3A, other than a person mentioned in section 26B(1)(a), (b), (c), (d), (e) or (f) of the Act, is a State employee.

## **7 Amendment of sch 1 (Public service offices, their heads and applied provisions)**

(1) Schedule 1, item 3, column 3, paragraph (a), ‘134 and 138’—

*omit, insert—*

134, 138, 149 and 149A

(2) Schedule 1, item 3A—

*omit.*

(3) Schedule 1, item 6, column 3, paragraph (a)—

*omit, insert—*

(a) section 25, chapter 3 parts 3 and 6, sections 133(2), (3) and (4), 134 and 149, chapter 5 part 6 division 1, division 2 subdivision 1,

[s 8]

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divisions 4 and 5 and part 7, sections 185 and 186, chapter 7 and section 219A; and

(4) Schedule 1—

*insert—*

- |   |   |                         |   |
|---|---|-------------------------|---|
| 8 | Queensland Rural and Industry Development Authority under the <i>Rural and Regional Adjustment Act 1994</i> | chief executive officer | (a) chapter 3, part 3; and<br>(b) all of the office's employees—chapter 3, part 3 |
|---|---|-------------------------|---|

(5) Schedule 1, item 11, column 3, paragraph (a), after '133(2), (3) and (4),'—

*insert—*

149 and 149A,

(6) Schedule 1, item 12A, column 3, paragraph (a)—

*omit, insert—*

(a) chapter 3 part 3, sections 149 and 149A, chapter 5 part 6 divisions 1, 2, 4 and 5 and part 7, sections 185 and 186 and chapter 7; and

(7) Schedule 1, item 13, column 1, 'office, or other entity,'—

*omit, insert—*

office or another entity not listed in this schedule, that is

## 8 **Amendment of sch 2 (Applied provisions for health service employees)**

(1) Schedule 2, part 1—

*insert—*

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9A section 149A (Commission chief executive must make directive about casual employees)

(2) Schedule 2, part 2—

*insert—*

9A section 149A (Commission chief executive must make directive about casual employees)

## **9 Amendment of sch 3, s 2 (Gasfields Commission)**

(1) Schedule 3, section 2(2), after paragraph (a)—

*insert—*

- (aa) attendance recording and reporting;
- (ab) attraction and retention incentives;
- (ac) conversion of casual employees to permanent employment;

(2) Schedule 3, section 2(2)—

*insert—*

- (ha) employment arrangements in the event of a human influenza pandemic;

(3) Schedule 3, section 2(2)—

*insert—*

- (ua) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

(4) Schedule 3, section 2(2)—

*insert—*

- (zha) study and examination leave;

(5) Schedule 3, section 2(2)—

[s 10]

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*insert—*

(zm) workforce profile and work performance information.

**10 Amendment of sch 3, s 3 (Hospital and Health Services and Department of Health)**

(1) Schedule 3, section 3(2)—

*insert—*

(ba) conversion of casual employees to permanent employment;

(2) Schedule 3, section 3(2)—

*insert—*

(ha) managing employee complaints;

*Note—*

Section 9E of this regulation modifies the application of rulings about managing employee complaints.

(hb) medical examinations as mentioned in section 175 of the Act;

(3) Schedule 3, section 3(2)(1)—

*insert—*

*Note—*

Section 9F of this regulation modifies the application of rulings about recruitment and selection.

**11 Amendment of sch 3, s 4 (Legal Aid Queensland)**

(1) Schedule 3, section 4(2), after paragraph (a)—

*insert—*

(aa) conversion of casual employees to permanent employment;

(2) Schedule 3, section 4(2)—

*insert—*

(da) higher duties;

(3) Schedule 3, section 4(2)—

*insert—*

(fa) long service leave;

(fb) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

(4) Schedule 3, section 4(2)(k)—

*omit.*

(5) Schedule 3, section 4(2)—

*insert—*

(oa) temporary employment;

**12 Omission of sch 3, s 5 (QRAA)**

Schedule 3, section 5—

*omit.*

**13 Amendment of sch 3, s 6 (Queensland Ambulance Service)**

Schedule 3, section 6(2)—

*insert—*

(ea) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

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**14 Amendment of sch 3, s 7 (Queensland Building and Construction Commission and employing office)**

(1) Schedule 3, section 7(2)—

*insert—*

- (ab) court attendance and jury service;
- (ac) critical incident entitlements and conditions;
- (ad) declarations of interests for public service employees;

(2) Schedule 3, section 7(2)—

*insert—*

- (cb) employment arrangements in the event of human influenza pandemic;

(3) Schedule 3, section 7(2)—

*insert—*

- (da) employment separation procedures;
- (db) gifts and benefits;

(4) Schedule 3, section 7(2)—

*insert—*

- (ea) hours, overtime and excess travel;
- (eb) leave without salary credited as service;

(5) Schedule 3, section 7(2)—

*insert—*

- (fa) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

(6) Schedule 3, section 7(2)—

*insert—*

(ga) recognition of previous service and employment;

(7) Schedule 3, section 7(2)—

*insert—*

(la) study and examination leave;

(8) Schedule 3, section 7(2)—

*insert—*

(ma) temporary employment;

## 15 **Amendment of sch 3, s 8 (Queensland Fire and Emergency Service)**

(1) Schedule 3, section 8(2), after paragraph (a)—

*insert—*

(aa) domestic travelling and relieving expenses;

(2) Schedule 3, section 8(2)—

*insert—*

(da) international travelling, relieving and living expenses;

## 16 **Insertion of new sch 3, s 8A**

Schedule 3—

*insert—*

### **8A Queensland Rural and Industry Development Authority**

(1) This section applies to the Queensland Rural and Industry Development Authority under the *Rural and Regional Adjustment Act 1994*.

(2) For all employees of the Queensland Rural and Industry Development Authority, rulings about the following matters—

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- (a) early retirement, redundancy and retrenchment;
- (b) motor vehicle allowances;
- (c) paid parental leave;
- (d) recreation leave;
- (e) support for employees affected by domestic and family violence.

**17 Amendment of sch 3, s 9 (Residential Tenancies Authority and employing office)**

(1) Schedule 3, section 9(2), after paragraph (a)—

*insert—*

- (aa) conversion of casual employees to permanent employment;

(2) Schedule 3, section 9(2)—

*insert—*

- (ha) long service leave;
- (hb) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

(3) Schedule 3, section 9(2)(m)—

*omit.*

(4) Schedule 3, section 9(2)(p)—

*omit, insert—*

- (p) special leave to the extent a ruling provides for bereavement leave;
- (pa) study and examination leave;

(5) Schedule 3, section 9(2)—

*insert—*

(qa) temporary employment;

**18 Amendment of sch 3, s 11 (Trade and Investment Queensland)**

(1) Schedule 3, section 11(2)—

*insert—*

(ba) conversion of casual employees to permanent employment;

(2) Schedule 3, section 11(2)—

*insert—*

(oa) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;

**19 Insertion of new sch 3A**

After schedule 3—

*insert—*

**Schedule 3A Prescribed State employees**

section 14A

- 1 the head of a public service office mentioned in schedule 1 of the Act, other than the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*
- 2 the head or an employee of a public service office mentioned in schedule 1, other than

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- the Crime and Corruption Commission or a public service office to which schedule 1, item 13 applies
- 3 the commissioner under the *Ambulance Service Act 1991*
  - 4 a member of the board or a committee of the board or an employee of the Gold Coast 2018 Commonwealth Games Corporation established under the *Commonwealth Games Arrangements Act 2011*
  - 5 a commission officer under the *Crime and Corruption Act 2001*, schedule 2
  - 6 the chairperson of the Queensland Redistribution Commission under the *Electoral Act 1992*
  - 7 the deputy electoral commissioner or the nonjudicial appointee under the *Electoral Act 1992*
- Note—*
- The electoral commissioner is also a State employee. See the entry for the Electoral Commission of Queensland in schedule 1 of the Act.
- 8 an electoral registrar, returning officer or assistant returning officer employed under the *Electoral Act 1992*
  - 9 an issuing officer or another person employed on a temporary basis under the *Electoral Act 1992* in connection with the conduct of a particular election or referendum
  - 10 the public advocate under the *Guardianship and Administration Act 2000*
  - 11 the privacy commissioner under the *Information Privacy Act 2009*

- 12 the commissioner under the *Legal Profession Act 2007*
- 13 a returning officer, assistant returning officer, presiding officer or issuing officer under the *Local Government Electoral Act 2011*
- 14 the ombudsman or an officer of the ombudsman under the *Ombudsman Act 2001*
- 15 a member of the Queensland Sentencing Advisory Council established under the *Penalties and Sentences Act 1992*
- 16 a commissioner for police service reviews under the *Police Service Administration Act 1990*, section 9.2A(1)
- 17 a member of the Prostitution Licensing Authority established under the *Prostitution Act 1999*
- 18 a member of the foundation committee under the *Queensland Art Gallery Act 1987*, section 40C
- 19 a member of the Queensland Building and Construction Board under the *Queensland Building and Construction Commission Act 1991*
- 20 a person appointed to a committee of the Board of the Queensland Museum under the *Queensland Museum Act 1970*, section 24
- 21 an honorary assistant under the *Queensland Museum Act 1970*, section 42C
- 22 a person appointed to a committee of the Queensland Theatre Company under the *Queensland Theatre Company Act 1970*, section 38

[s 19]

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23 the Right to Information Commissioner  
under the *Right to Information Act 2009*

ENDNOTES

- 1 Made by the Governor in Council on 26 April 2018.
- 2 Notified on the Queensland legislation website on 27 April 2018.
- 3 The administering agency is the Public Service Commission.

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