



Queensland

Public Service and Other Legislation Amendment Bill 2012



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2012

A Bill

for

An Act to amend the *Public Interest Disclosure Act 2010*, the *Public Sector Ethics Act 1994*, the *Public Service Act 2008* and the *Industrial Relations Act 1999* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Public Service and Other* 4
Legislation Amendment Act 2012. 5

Clause 2 Commencement 6
Parts 2, 3 and 4 commence on 1 January 2013. 7

Part 2 Amendment of Public Service Act 2008 8
9

Clause 3 Act amended 10
This part amends the *Public Service Act 2008.* 11

Clause 4 Amendment of s 78 (Staff generally subject to direction by commission chief executive) 12
13
Section 78(2)— 14
omit. 15

Clause 5 Omission of s 88E (Staff members to help appeals officers) 16
17
Section 88E— 18
omit. 19

Clause 6	Amendment of s 197 (Starting an appeal)	1
	(1) Section 197(1) and (2), ‘commission chief executive’—	2
	<i>omit, insert—</i>	3
	‘industrial registrar’.	4
	(2) Section 197(3), ‘commission chief executive’—	5
	<i>omit, insert—</i>	6
	‘appeals officer’.	7
 Clause 7	 Amendment of s 198 (Notice by commission chief executive of appeal)	 8 9
	(1) Section 198, heading, ‘commission chief executive’—	10
	<i>omit, insert—</i>	11
	‘ industrial registrar ’.	12
	(2) Section 198(1) and (2), ‘commission chief executive’—	13
	<i>omit, insert—</i>	14
	‘industrial registrar’.	15
	(3) Section 198(1)(b), ‘to hear and decide the appeal’—	16
	<i>omit.</i>	17
 Clause 8	 Amendment of s 206 (Withdrawing an appeal)	 18
	(1) Section 206(1) and (3), ‘commission chief executive’—	19
	<i>omit, insert—</i>	20
	‘industrial registrar’.	21
	(2) Section 206(2), ‘commission chief executive’—	22
	<i>omit, insert—</i>	23
	‘appeals officer’.	24

[s 9]

Clause 9	Amendment of s 208 (Decision on appeal)	1
	(1) Section 208(4)—	2
	<i>insert—</i>	3
	‘(ab) the industrial registrar; and’.	4
	(2) Section 208(4)(ab) to (b)—	5
	<i>renumber</i> as section 208(b) to (c).	6
Clause 10	Amendment of s 218C (Report on appeals)	7
	Section 218C(1), ‘started, decided or withdrawn’—	8
	<i>omit, insert—</i>	9
	‘started, lapsed, withdrawn or decided’.	10
Clause 11	Amendment of sch 4 (Dictionary)	11
	Schedule 4—	12
	<i>insert—</i>	13
	‘ <i>industrial registrar</i> means the person appointed under the <i>Industrial Relations Act 1999</i> , section 297.’.	14 15
Part 3	Amendment of Public Interest Disclosure Act 2010	16 17
Clause 12	Act amended	18
	This part amends the <i>Public Interest Disclosure Act 2010</i> .	19
Clause 13	Amendment of s 47 (Relocation of public service employee)	20 21
	Section 47(3), ‘the appeals officer of the Public Service Commission (the <i>appeals officer</i>)’—	22 23

omit, insert—

1

‘an appeals officer appointed under the *Public Service Act 2008*, section 88A (the *appeals officer*)’.

2

3

Clause 14 Amendment of s 58 (Who is the oversight agency)

4

Section 58, ‘Public Service Commission’—

5

omit, insert—

6

‘Office of the Ombudsman’.

7

Clause 15 Amendment of s 60 (Standards)

8

Section 60(11), editor’s note—

9

omit, insert—

10

‘*Editor’s note—*

11

The oversight agency’s website is <www.ombudsman.qld.gov.au>.’.

12

Clause 16 Amendment of s 61 (Annual report)

13

Section 61—

14

insert—

15

‘(4) The oversight agency may comply with this section by including the information necessary for a report under subsection (1) in the report mentioned in the *Ombudsman Act 2001*, section 87.’.

16

17

18

19

Clause 17 Amendment of s 62 (Review of Act)

20

Section 62(4), after ‘Minister’—

21

insert—

22

‘and the Speaker’.

23

[s 18]

Clause 18	Amendment of s 63 (Application of chapter to Crime and Misconduct Commission and ombudsman)	1 2
(1)	Section 63, heading, ‘and ombudsman’— <i>omit.</i>	3 4
(2)	Section 63(1)(a)— <i>omit, insert—</i>	5 6
	‘(a) gives the oversight agency the power to review or monitor the way in which the Crime and Misconduct Commission exercises its functions under the <i>Crime and Misconduct Act 2001</i> ; or’.	7 8 9 10
(3)	Section 63(1)(c)— <i>omit.</i>	11 12
(4)	Section 63(2)— <i>omit, insert—</i>	13 14
‘(2)	Subsection (1) does not apply in relation to the functions of the Crime and Misconduct Commission as a public sector entity in relation to a public interest disclosure made to the commission by a public officer of the commission, or a public interest disclosure referred to the commission under section 31(1)(a).’.	15 16 17 18 19 20
Clause 19	Insertion of new ch 9	21
	After chapter 8—	22
	<i>insert—</i>	23

‘Chapter 9	Transitional provision for Public Service and Other Legislation Amendment Act 2012	1 2 3 4
‘78	Continuation of standards made by oversight agency	5
‘(1)	This section applies to standards made by the Public Service Commission under section 60 that are in force immediately before the commencement of this section.	6 7 8
‘(2)	The standards are taken, on the commencement, to be the standards made by the ombudsman as the oversight agency.’.	9 10
Part 4	Amendment of Public Sector Ethics Act 1994	11 12
Clause 20	Act amended	13
	This part amends the <i>Public Sector Ethics Act 1994</i> .	14
Clause 21	Replacement of s12K (Education and training)	15
	Section 12K—	16
	<i>omit, insert—</i>	17
‘12K	Education and training	18
‘(1)	The chief executive officer of a public service agency must ensure that public officials of the agency are given access to appropriate education and training about public sector ethics—	19 20 21 22
	(a) as part of an induction program; and	23
	(b) at regular intervals during the officials’ employment.	24

-
- (iii) section 230; 1
 - (iv) section 274A; 2
 - (v) section 277; 3
 - (vi) section 284; or 4
 - (ba) for proceedings before the commission not mentioned in 5
paragraph (b)— 6
 - (i) all parties consent; or 7
 - (ii) on application by a party or person— 8
 - (A) the commission is satisfied, having regard to 9
the matter the proceedings relate to, that 10
there are special circumstances that make it 11
desirable for the party or person to be legally 12
represented; or 13
 - (B) the commission is otherwise satisfied that it 14
is desirable for the party or person to be 15
legally represented; or’. 16
 - (2) Section 319(4), ‘subsection (2)(b)(iii)’— 17
omit, insert— 18
‘subsection (2)(ba)(ii)’. 19

Clause 24	Insertion of new ch 20, pt 15	20
	Chapter 20, after part 14—	21
	<i>insert—</i>	22
‘Part 15	Transitional provisions for	23
	Public Service and Other	24
	Legislation Amendment Act	25
	2012	26
‘787	Definitions for pt 15	27
	‘In this part—	28

[s 25]

amending Act means the *Public Service and Other
Legislation Amendment Act 2012*. 1
2
commencement means the commencement of this part. 3

‘788 Application of amended s 319 4

- ‘(1) Section 319 as amended by the amending Act, section 23 5
applies to all proceedings before the commission started on or 6
after the commencement. 7
‘(2) For subsection (1), an arbitration under section 149 starts 8
when the requirements under section 149(1)(a), (b) or (c) are 9
first satisfied.’. 10

Clause 25 Other amendments 11

The schedule amends the sections it mentions. 12

Schedule	Minor amendments of Industrial Relations Act 1999	1 2
	section 25	3
1	Section 75(6), ‘president’—	4
	<i>omit, insert—</i>	5
	‘vice president’.	6
2	Section 160(5), ‘president’—	7
	<i>omit, insert—</i>	8
	‘vice president’.	9
3	Section 259A(3), ‘president’—	10
	<i>omit, insert—</i>	11
	‘vice president’.	12
4	Section 259AA(3), ‘president’—	13
	<i>omit, insert—</i>	14
	‘vice president’.	15
5	Section 264(1), (2), (3), (4AA), (4A), (6) and (7)(b), ‘president’—	16 17
	<i>omit, insert—</i>	18
	‘vice president’.	19
6	Section 264(4A)(a), ‘the vice president’—	20
	<i>omit, insert—</i>	21
	‘a deputy president’.	22

Schedule

7	Section 264(4A)(b), ‘the vice president’—	1
	<i>omit, insert—</i>	2
	‘a deputy president’.	3
8	Section 264(4A)(b), ‘deputy presidents’—	4
	<i>omit, insert—</i>	5
	‘commissioners’.	6
9	Section 264(5), ‘the president,’—	7
	<i>omit.</i>	8
10	Section 269, heading, ‘President’—	9
	<i>omit, insert—</i>	10
	‘Vice president’.	11
11	Section 269, ‘president’—	12
	<i>omit, insert—</i>	13
	‘vice president’.	14
12	Section 270, ‘president’—	15
	<i>omit, insert—</i>	16
	‘vice president’.	17
13	Section 281(2), ‘president’s’	18
	<i>omit, insert—</i>	19
	‘vice president’s’.	20
14	Section 281(3), (4) and (5), ‘president’—	21
	<i>omit, insert—</i>	22

	‘vice president’.	1
15	Section 299(3), ‘president’—	2
	<i>omit, insert—</i>	3
	‘vice president’.	4
16	Section 301(b), ‘president’—	5
	<i>omit, insert—</i>	6
	‘vice president’.	7
17	Section 308(1) and (2), ‘president may’—	8
	<i>omit, insert—</i>	9
	‘vice president may’.	10
18	Section 308(5)(b), ‘president’—	11
	<i>omit, insert—</i>	12
	‘vice president’.	13
19	Section 309(1)(a) and (2), ‘president’—	14
	<i>omit, insert—</i>	15
	‘vice president’.	16
20	Section 310(1)(a) and (2), ‘president’—	17
	<i>omit, insert—</i>	18
	‘vice president’.	19
21	Section 311(1)(a), (2) and (3), ‘president’—	20
	<i>omit, insert—</i>	21
	‘vice president’.	22

Schedule

22	Section 311A(1), ‘president’—	1
	<i>omit, insert—</i>	2
	‘vice president’.	3
23	Section 313, heading, ‘President’—	4
	<i>omit, insert—</i>	5
	‘Vice president’	6
24	Section 313, ‘president’—	7
	<i>omit, insert—</i>	8
	‘vice president’.	9
25	Section 318(1)(a) and (2), ‘president’—	10
	<i>omit, insert—</i>	11
	‘vice president’.	12
26	Section 338(3)(c), ‘2 commissioners’—	13
	<i>omit, insert—</i>	14
	‘the vice president and another commissioner’.	15
27	Section 708(1), ‘president’—	16
	<i>omit, insert—</i>	17
	‘vice president’.	18
28	Chapter 20, part 13, second occurring—	19
	<i>renumber</i> as chapter 20, part 13A.	20
29	Section 780, second occurring—	21
	<i>renumber</i> as section 780A.	22

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