



Queensland

Public Service (Public Service Offices and Other Matters) Amendment Regulation 2020

Subordinate Legislation 2020 No. 247

made under the

Public Service Act 2008

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1 Short title

This regulation may be cited as the *Public Service (Public Service Offices and Other Matters) Amendment Regulation 2020*.

2 Regulation amended

This regulation amends the *Public Service Regulation 2018*.

3 Replacement of s 12 (Rulings about managing employee complaints)

Section 12—

omit, insert—

12 Rulings about individual employee grievances

(1) For applying an individual employee grievance ruling in relation to managing a health service grievance, 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—

health service grievance means a grievance by an employee in a Hospital and Health Service about the health service chief executive of the Service.

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

individual employee grievance ruling means a ruling about managing an individual employee grievance.

4 Amendment of sch 2 (Gasfields Commission)

(1) Schedule 2, section 3, after ‘sections 35 to 42’—

insert—

and chapter 3, part 7

- (2) Schedule 2, section 5(d), (z) and (zo)—

omit.

- (3) Schedule 2, section 5—

insert—

(aa) appointing a public service employee to a higher classification level;

(ca) casual employment;

(ga) discipline;

(pa) fixed term temporary employment;

(ta) individual employee grievances other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;

(ua) investigations;

(zba) positive performance management;

(zoa) suspension;

(zob) temporary employment, end of contract payments;

- (4) Schedule 2, section 5(aa) to (zr)—

renumber as schedule 2, section 5(b) to (zx).

5 Amendment of sch 3 (Hospital and Health Services and Queensland Health)

- (1) Schedule 3, section 3(2)(a), (f) and (g)—

omit.

- (2) Schedule 3, section 3(2)—

insert—

(a) sections 25 and 25A;

(f) sections 137, 137A and 138;

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- (g) sections 149, 149A, 149B and 149C;
- (3) Schedule 3, section 4(a), (e) and (f)—
omit.
- (4) Schedule 3, section 4—
insert—
 - (a) sections 25, 25A and 26;
 - (e) sections 137, 137A and 138;
 - (f) sections 149, 149A, 149B and 149C;
- (5) Schedule 3, section 5(c), (l) and (r)—
omit.
- (6) Schedule 3, section 5—
insert—
 - (aa) appointing a public service employee to a higher classification level;
 - (ab) casual employment;
 - (c) discipline;
 - (ha) fixed term temporary employment;
 - (ia) individual employee grievance;

Note—

Section 12 of this regulation modifies the application of rulings about individual employee grievances.

 - (ja) investigations;
 - (na) positive performance management;
 - (qa) suspensions;
- (7) Schedule 3, section 5(aa) to (v)—
renumber as schedule 3, section 5(b) to (za).

6 Amendment of sch 4 (Legal Aid Queensland)

- (1) Schedule 4, section 3(a), (g) and (h)—

omit.

- (2) Schedule 4, section 3—

insert—

- (a) sections 25 and 25A(1) and (2);
- (da) section 120;
- (g) sections 137 and 138;
- (h) sections 149, 149A and 149B;

- (3) Schedule 4, section 3(i), after ‘chapter 5,’—

insert—

part 6, divisions 1, 2, 4 and 5 and

- (4) Schedule 4, section 3(da) to (k)—

renumber as schedule 4, section 3(e) to (l).

- (5) Schedule 4, section 5(c), (h), (n) and (w)—

omit.

- (6) Schedule 4, section 5—

insert—

- (c) casual employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
- (fa) employment screening, other than to the extent the ruling provides for—
 - (i) regulated employment; or
 - (ii) child-related duties;
- (h) fixed term temporary employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
- (ia) hours, overtime and excess travel—
 - (i) to the extent the ruling provides for undertaking overtime, overtime meal

[s 7]

allowances and the calculation of excess travel time; and

(ii) as if a reference in the ruling to the ordinary spread of hours were a reference to the spread of ordinary hours of duty stated in the Legal Aid Queensland Employee's Award—State 2015, clause 15.2;

(ib) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;

(7) Schedule 4, section 5(fa) to (z)—

renumber as schedule 4, section 5(g) to (za).

7 Amendment of sch 6 (Queensland Ambulance Service)

(1) Schedule 6, section 3(a)—

omit, insert—

(a) sections 25 and 25A;

(2) Schedule 6, section 5(i)—

omit.

(3) Schedule 6, section 5—

insert—

(ha) independent medical examinations;

(hb) individual employee grievances, other than to the extent the ruling provides for complaints to the commission chief executive about the chief executive of an agency;

(ja) positive performance management;

(4) Schedule 6, section 5(ha) to (n)—

renumber as schedule 6, section 5(i) to (p).

8 Amendment of sch 7 (Queensland Building and Construction Commission and Queensland Building and Construction Employing Office)

- (1) Schedule 7, section 3(e)—
omit.
- (2) Schedule 7, section 3—
insert—
 - (e) sections 149, 149A and 149B;
 - (ga) chapter 6;
- (3) Schedule 7, section 3(ga) to (i)—
renumber as schedule 7, section 3(h) to (j).
- (4) Schedule 7, section 5(r) and (za)—
omit.
- (5) Schedule 7, section 5—
insert—
 - (ka) fixed term temporary employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
 - (ma) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
- (6) Schedule 7, section 5(ka) to (z)—
renumber as schedule 7, section 5(l) to (za).

9 Amendment of sch 8 (Queensland Fire and Emergency Service)

- (1) Schedule 8, section 3(a) and (f)—
omit.
- (2) Schedule 8, section 3—

[s 9]

insert—

- (a) sections 25 and 25A;
- (ea) sections 137 and 137A;
- (f) chapter 5, parts 6 and 7;
- (ga) section 186C;
- (gb) section 192A;

(3) Schedule 8, section 3(ea) to (i)—
renumber as schedule 8, section 3(f) to (l).

(4) Schedule 8, section 4(b)—

omit, insert—

- (b) for employees, other than auxiliary fire officers, are the following—
 - (i) sections 133 and 134;
 - (ii) chapter 5, part 7.

(5) Schedule 8, section 5(a)—

insert—

- (va) discipline;
- (xiia) independent medical examinations;
- (xiib) individual employee grievances;
- (xiic) investigations;
- (xvia) positive performance management;
- (xxa) suspension;

(6) Schedule 8, section 5(a)(va) to (xxiii)—
renumber as schedule 8, section 5(a)(vi) to (xxix).

(7) Schedule 8, section 5(b)—

insert—

- (iiia) discipline;
- (via) individual employees grievances;

- (vib) investigations;
 - (vic) positive performance management;
 - (vii) suspension;
- (8) Schedule 8, section 5(b)(iia) to (ix)—
renumber as schedule 8, section 5(b)(iv) to (xiv).

10 Amendment of sch 10 (Residential Tenancies Authority and Residential Tenancies Employing Office)

- (1) Schedule 10, section 3(a), (c), (d), (e) and (g)—
omit.
- (2) Schedule 10, section 3—
insert—
- (a) sections 25, 25A and 26;
 - (aa) chapter 1, part 4;
 - (d) section 127;
 - (e) section 133;
 - (fa) sections 135, 136, 137 and 137A;
 - (g) sections 149, 149A and 149B;
 - (ha) sections 179A and 181;
- (3) Schedule 10, section 3(aa) to (k)—
renumber as schedule 10, section 3(b) to (m).
- (4) Schedule 10, section 5(d), (o) and (y)—
omit.
- (5) Schedule 10, section 5—
insert—
- (d) casual employment;
 - (fa) discipline;
 - (ja) fixed term temporary employment;

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- (la) independent medical examinations;
 - (lb) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
 - (qa) positive performance management;
 - (va) State wage case and certified agreements;
 - (xa) suspensions;
- (6) Schedule 10, section 5(t), from ‘only’—
omit, insert—
only to the extent the ruling provides for—
- (i) a job evaluation methodology; or
 - (ii) a chief executive to exempt a vacancy from advertising or to limit the advertising;
- (7) Schedule 10, section 5(v), from ‘to’ to ‘bereavement leave’—
omit.
- (8) Schedule 10, section 5(fa) to (zb)—
renumber as schedule 10, section 5(g) to (zg).

11 Amendment of sch 12 (Trade and Investment Queensland)

- (1) Schedule 12, section 3—
omit, insert—

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) section 25A;
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;

- (d) sections 133 and 134;
 - (e) sections 137 and 137A;
 - (f) chapter 5, part 5, part 6, divisions 1, 2 4 and 5 and part 7;
 - (g) sections 185 and 186;
 - (h) chapter 6;
 - (i) chapter 7.
- (2) Schedule 12, section 5(c), (s) and (zb)—
omit.
- (3) Schedule 12, section 5—
insert—
- (aa) appointing a public service employee to a higher classification level;
 - (c) casual employment;
 - (fa) discipline;
 - (ka) fixed term temporary employment;
 - (na) independent medical examinations;
 - (nb) individual employee grievances;
 - (oa) investigations;
 - (ua) positive performance management;
 - (zaa)suspension;
 - (zb) temporary employment, end of contract payment;
- (4) Schedule 12, section 5(aa) to (zd)—
renumber as schedule 12, section 5(b) to (zk).

Schedule 1 Minor amendments

section 2

1 Amendment of various provisions

Each provision mentioned in column 1 is amended by omitting the words in column 2 and inserting the words in column 3—

| Column 1 | Column 2 | Column 3 |
|--|-------------------------------|-------------------------------------|
| Provision | Words omitted | Words inserted |
| schedule 4, section 5(b) | but not | other than |
| schedule 4, section 5(u) as renumbered by this regulation | except to the extent to which | other than to the extent |
| schedule 7, section 5(j) | except to the extent to which | other than to the extent |
| schedule 8, section 4(b) | officer | officers |
| schedule 8, section 5(a)(i) | a ruling | the ruling |
| schedule 8, section 5(a)(ii) | but not | other than |
| schedule 8, section 5(a)(xxii), as renumbered by this regulation | except to the extent a ruling | other than to the extent the ruling |
| schedule 8, section 5(b)(i) | to the extent a ruling | , to the extent the ruling |
| schedule 8, section 5(b)(ii) | but not | other than |
| schedule 10, section 5(b) | but not | other than |

| Column 1 | Column 2 | Column 3 |
|---|--|-------------------------------------|
| Provision | Words omitted | Words inserted |
| schedule 10, section 5(k), as renumbered by this regulation | except to the extent to which a ruling | other than to the extent the ruling |
| schedule 11, section 5(d) | a ruling | the ruling |
| schedule 12, section 5(b) | but not | other than |

ENDNOTES

- 1 Made by the Governor in Council on 1 October 2020.
- 2 Notified on the Queensland legislation website on 2 October 2020.
- 3 The administering agency is the Public Service Commission.

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