



Queensland

*Public Service Act 1996*

# Public Service Regulation 1997

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Reprint No. 21

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## Queensland

# Public Service Regulation 1997

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# Public Service Regulation 1997

[as amended by all amendments that commenced on or before 1 July 2005]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Public Service Regulation 1997*.

### 2 Commencement

This regulation commences on 5 July 1997.

### 3 Dictionary

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Provisions about employment

### Division 1 General

#### 4 Employee must give employing authority evidence of employee's age

A public service employee must, within 1 month after starting employment in the public service, give the employee's employing authority—

- (a) a certified copy or certified extract of the employee's birth registration; or

- (b) if it is not practicable to obtain a document mentioned in paragraph (a)—another document the employing authority considers satisfactorily establishes the employee's age.

## **Division 2                      Appointment on probation**

### **5                      Performance appraisal during probation period**

The chief executive of a department must ensure a regular system of appraisal is established to give an officer employed in the department on probation information about—

- (a) the officer's performance during the period of probation; and
- (b) if the officer's performance is considered unsatisfactory—appropriate remedial steps to be taken by the officer to improve the performance.

### **6                      Show cause notice about proposed extension of probation period or termination of appointment**

- (1) This section applies if the chief executive of a department proposes extending an officer's period of probation, or terminating the officer's appointment, under section 73<sup>1</sup> of the Act.
- (2) The chief executive must give the officer a written notice (a *show cause notice*) that—
  - (a) states the action (the *proposed action*) the chief executive proposes taking; and
  - (b) states the reason for the proposed action; and
  - (c) invites the officer to show, in writing, within 14 days after receiving the notice (the *show cause period*), why the proposed action should not be taken.
- (3) The chief executive must consider the officer's written representations made during the show cause period.

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<sup>1</sup> Section 73 (Appointments on probation) of the Act



## **7 Extension of probation period or termination of employment**

- (1) This section applies if, after considering an officer's representations made during the show cause period, the chief executive still considers a reason exists to extend the officer's period of probation or terminate the officer's appointment.
- (2) The chief executive may, by written notice given to the officer—
  - (a) if the proposed action stated in the show cause notice was to extend the period of probation by a stated period—extend the period of probation by not longer than the stated period; or
  - (b) if the proposed action stated in the show cause notice was to terminate the officer's appointment—
    - (i) extend the officer's period of probation; or
    - (ii) terminate the appointment.
- (3) The decision takes effect on the later of the following—
  - (a) the day the notice is given to the officer;
  - (b) the day of effect stated in the notice.

## **Division 3 Resignation**

### **9 Forfeiting salary instead of giving notice of resignation**

- (1) This section applies to an officer—
  - (a) whose conditions of employment are not governed by a contract of employment dealing with resignation; and
  - (b) who resigns without giving the chief executive signed notice of resignation—
    - (i) at least 2 weeks before the notice is to take effect; or
    - (ii) within a shorter period approved by the chief executive.
- (2) The chief executive may direct that the officer forfeit an amount equal to the officer's salary for the number of working

days by which the officer's notice of resignation is short of the period of notice required to be given under subsection (1)(b).

*Example—*

If the officer is required to give 2 weeks notice and gives only 1 week's notice, the chief executive may direct that the officer forfeit an amount equal to 1 week's salary.

## **Division 4                      Mental or physical incapacity**

### **10            Medical examination report**

- (1) This section applies if a public service employee has been required to submit to a medical examination under section 85(2)<sup>2</sup> of the Act.
- (2) The medical examination report must include the examining doctor's opinion as to whether the employee has a mental or physical illness or disability that may adversely affect the employee's performance.
- (3) If the doctor considers the employee has an illness or disability mentioned in subsection (2), the report must also include the doctor's opinion as to the following—
  - (a) the likely direct or indirect effect of the illness or disability on the employee's performance;
  - (b) an estimate of how long the illness or disability or its effects are likely to last;
  - (c) whether or not disclosing the information in the report to the employee might be prejudicial to the employee's mental or physical health or wellbeing.
- (4) If the doctor's opinion is that the disclosure will not be prejudicial to the employee's mental or physical health or wellbeing, the employee's employing authority must give a copy of the report to the employee as soon as practicable after it is obtained.
- (5) If the doctor's opinion is that the disclosure might be prejudicial to the employee's mental or physical health or

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<sup>2</sup> Section 85 (Mental or physical incapacity) of the Act

wellbeing, the employee's employing authority must not make the disclosure to the employee.

- (6) However, if asked by the employee in writing, the employing authority may make the disclosure to another doctor nominated by the employee in the request.

## **11 Record of requirement for medical examination**

- (1) The employing authority must keep a record of—
  - (a) each requirement made by it for a public service employee to submit to a medical examination under section 85(2)(b)<sup>3</sup> of the Act; and
  - (b) the report of the medical examination.
- (2) If the employing authority considers it necessary to protect the employee's interests, the employing authority may keep the record separate from other records about the employee.

## **12 Employee not to be given sick leave if employee fails to submit to medical examination**

A public service employee must not be given sick leave for any period during which the employee fails to submit to a medical examination in accordance with a requirement made under section 85(2) of the Act.

## **Division 5 Disciplinary action**

### **13 Employee must give employing authority notice if charged with an indictable offence or convicted of any offence**

- (1) This section applies if a public service employee is—
  - (a) charged with an indictable offence; or
  - (b) convicted by a court of any offence.

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<sup>3</sup> Section 85 (Mental or physical incapacity) of the Act

- (2) The employee must give the employing authority written notice stating—
  - (a) if the employee has been charged with an indictable offence—
    - (i) that the employee has been charged; and
    - (ii) the details of the alleged offence; or
  - (b) if the employee has been convicted of an offence—
    - (i) that the employee has been convicted of an offence; and
    - (ii) the details of the offence; and
    - (iii) the penalty imposed on the employee.
- (3) The notice must be given—
  - (a) if the employee has been charged with an indictable offence—immediately after the employee is charged; or
  - (b) if the employee has been convicted of an offence—immediately after the employee is convicted.
- (4) In this section—

*convicted* includes a finding of guilt, whether or not a conviction is recorded.

## **14 Action that may be taken by supervising employee**

- (1) This section applies if—
  - (a) a public service employee (the *first employee*) has acted in a way that makes the employee liable to discipline; and
  - (b) a public service employee (the *supervising employee*) whose duties include supervising the first employee becomes aware that the first employee has acted in the way mentioned in paragraph (a).
- (2) The supervising employee must take the action that the supervising employee considers reasonable in the circumstances.
- (3) However, the supervising employee must comply with the Act and any relevant directive of the commissioner.

## Division 6                      Employee records

### 15        Definitions for div 6

In this division—

*detrimental employee record* means an employee record about any public service employee that could reasonably be considered to be detrimental to the employee's interests.

*employee assistance provider* means a person with a qualification to provide professional counselling services.

*employee assistance provider document* means a document about any public service employee created by an employee assistance provider for the primary purpose of providing a professional counselling service to a public service employee.

*employee record* see section 16.

*misconduct* see the Act, section 87(2).

*possession*, for an employee record, see section 16A.

*relevant investigation or inquiry*, for a public service employee, means an investigation or inquiry into—

- (a) an allegation of conduct that, if proved, may make the employee liable to disciplinary action; or
- (b) a grievance involving the employee made under a ruling or industrial determination.

*Whistleblowers Protection Act document* means a document that—

- (a) is a public interest disclosure, or record of a public interest disclosure, made under the *Whistleblowers Protection Act 1994*; or
- (b) was brought into existence for that Act's administration.

### 16        Meaning of *employee record*

- (1) Subject to subsection (2), each of the following documents, to the extent it contains information about a public service employee, is an *employee record* about the employee—

- (a) a report, correspondence item or other document about the employee's work performance, work conduct or work history;
  - (b) a medical report about the employee;
  - (c) a written allegation of misconduct by the employee.
- (2) None of the following documents is an employee record about a public service employee—
- (a) a medical report about the employee indicating disclosure of information in it to the employee might be prejudicial to the employee's mental or physical health or wellbeing;
  - (b) an employee assistance provider document about the employee;
  - (c) a Whistleblowers Protection Act document about the employee;
  - (d) a document about the employee concerning suspected official misconduct under the *Crime and Misconduct Act 2001* or its investigation;
  - (e) a document about the employee concerning a suspected criminal offence or its investigation;
  - (f) a document to which legal professional privilege applies.

### **16A Meaning of *possession***

- (1) An employee record is in an entity's ***possession*** if the entity has the record in its possession or under its control.
- (2) An employee record is also in an entity's ***possession*** if the record is in the possession, or under the control, of an employee of the entity in the employee's official capacity.
- (3) For subsection (2)—
  - (a) if the entity is the Premier, a person is an employee of the entity if the person is an employee of the department administered by the Premier; or

- (b) if the entity is the chief executive of a department, a person is an employee of the entity if the person is an employee of the department.

### **16B Detrimental employee record with employing authority**

- (1) This section applies if a detrimental employee record about a public service employee is in the possession of the employee's employing authority.
- (2) The employing authority must ensure that—
  - (a) within 14 days after the record comes into the employing authority's possession—
    - (i) the employee is given the opportunity to read the record and to acknowledge having read the record by initialling it; and
    - (ii) the employee is given a copy of the record; and
  - (b) if the employee has refused to take the opportunity to read the record or to acknowledge having read the record by initialling it, the refusal is noted on the record; and
  - (c) the employee is given the opportunity to respond in writing at any time to the record's contents; and
  - (d) any written response by the employee is attached to the record.
- (3) However, if the employing authority reasonably considers that giving the employee access to the record under subsection (2) would be likely to prejudice an existing relevant investigation or inquiry, subsection (2) does not apply until the end of whichever of the following periods ends first—
  - (a) the period ending when the employing authority no longer reasonably considers that giving the employee access to the record under subsection (2) would be likely to prejudice a relevant investigation or inquiry;
  - (b) the period of 6 months after the record comes into the employing authority's possession.

**16C Detrimental employee record with another chief executive**

- (1) This section applies if—
  - (a) a detrimental employee record about a public service employee is in the possession of a chief executive of a department; and
  - (b) the chief executive is not the employee's employing authority.
- (2) The chief executive must promptly give possession of the record to the employee's employing authority.
- (3) However, subsection (2) does not apply to a referee's report or other document received for a selection process to fill an employment vacancy in the department.

**16D Access to employee record**

- (1) This section applies if an employee record about a public service employee is in the possession of—
  - (a) the employee's employing authority; or
  - (b) a chief executive of a department who is not the employee's employing authority.
- (2) The employee may, on request—
  - (a) inspect the record; or
  - (b) take extracts from, or obtain a copy of details in, the record.
- (3) The inspection, extract or copy must be given at a time and place convenient to the employing authority or chief executive no later than 21 days after the request.
- (4) However, if the employing authority or chief executive reasonably considers inspection, taking extracts or obtaining a copy of details by the employee would be likely to prejudice an existing relevant investigation or inquiry, subsection (3) does not apply until whichever of the following periods ends first—
  - (a) the period ending when the employing authority or chief executive no longer reasonably considers inspection,



- taking extracts or obtaining a copy of details would be likely to prejudice a relevant investigation or inquiry;
- (b) the period of 6 months after the employee requests the inspection, extracts or copy.
- (5) In obtaining the inspection, extract or copy the employee must not remove anything from the record.

## **Part 3                      Appeals**

### **Division 1                      Preliminary**

#### **17            Things commissioner must consider in deciding if recruitment or selection process is deficient**

- (1) In deciding if a recruitment or selection process used by a public sector unit that employs persons under the Act is deficient, the commissioner must have regard to whether or not the process complies with the Act, this regulation or a directive of the commissioner.
- (2) In deciding if a recruitment or selection process used by a public sector unit that employs persons other than under the Act is deficient, the commissioner must have regard to whether or not the process complies with—
  - (a) the Act, this regulation or a directive of the commissioner; or
  - (b) the Act establishing the public sector unit or a regulation under it.

## **Division 2                      Procedure**

### **18            Starting an appeal**

- (1) A person who may, and wants to, appeal under the Act<sup>4</sup> must start the appeal by giving the commissioner a written notice stating—
  - (a) details identifying the decision appealed against; and
  - (b) why the person is appealing against the decision.
- (2) The commissioner must give a copy of the notice to—
  - (a) each other party to the appeal; and
  - (b) for an appeal against a promotion decision involving an officer's promotion to employment in a different public sector unit to the unit in which the officer was employed immediately before the promotion (the *former unit*)—the former unit's chief executive.
- (3) As soon as possible after receiving a notice under this section, the commissioner must give written notice of its receipt to the appellant.

### **19            Withdrawing an appeal**

- (1) An appellant may withdraw the appeal by written notice given to the commissioner.
- (2) The notice must be given to the commissioner before the commissioner gives the appellant the commissioner's decision on the appeal.
- (3) The commissioner must give written notice of the withdrawal to the other parties to the appeal and to anyone else the commissioner considers has an interest in the appeal.

### **20            Lapse of appeal**

An appeal lapses if the appellant stops being—

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4 See section 96 (Who may appeal against decisions) of the Act.

- (a) a public sector unit employee; or
- (b) a person who may appeal against the decision.<sup>5</sup>

## **21 Commissioner's decision on appeal**

- (1) The commissioner's decision on an appeal must be written, stating—
  - (a) whether the appeal is allowed or dismissed; and
  - (b) why it is allowed or dismissed.
- (2) The commissioner must give a copy of the decision to the parties to the appeal as soon as possible after it is available.

## **Division 3 General**

### **22 Attendance at an appeal is part of an employee's duties**

Attendance at an appeal proceeding is part of a public sector employee's duties if the employee—

- (a) is a party to the appeal; or
- (b) is requested or directed by the commissioner to attend the proceeding.

### **23 Employee's entitlement to travelling and other expenses and allowances**

- (1) A public sector employee must be paid travelling expenses and allowances reasonably incurred in attending an appeal proceeding as part of the employee's duties.
- (2) The amount payable to the employee under subsection (1) is to be decided by the commissioner.
- (3) However, this section does not apply to an employee who is the appellant and is suspended from duty without pay, unless the employee's appeal is allowed.

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<sup>5</sup> See section 96 (Who may appeal against decisions) of the Act.

**24 Reimbursement of expenses**

- (1) A person, other than a public sector employee, who is requested by the commissioner to attend an appeal proceeding must be reimbursed for any expenses reasonably incurred by the person in attending the proceeding.
- (2) The amount payable to the person under subsection (1) is to be decided by the commissioner.

**25 Public sector unit must pay costs, expenses, allowances and other amounts**

- (1) The public sector unit whose decision is appealed against must pay—
  - (a) the costs of the appeal, including—
    - (i) the commissioner's reasonable costs attributable to the appeal; and
    - (ii) reasonable costs incurred by the Office of the Public Service for the appeal; and
  - (b) the travelling expenses and allowances payable under section 23; and
  - (c) the amount reimbursed under section 24.
- (2) An amount payable under subsection (1)(a)—
  - (a) is the amount the commissioner considers to be reasonable; and
  - (b) is not to be more than the reasonable cost incurred.
- (3) The unit's chief executive must ensure prompt payment of amounts payable by the unit under this division.

## **Part 4            Miscellaneous**

### **Division 1            Declared public sector units and applied provisions**

#### **26            Declared public sector units—Act, s 20**

An entity mentioned in schedule 1, column 1 (*column 1 entity*) that is not a public sector unit at the commencement of this section is declared to be a public sector unit.

#### **27            Provisions of the Act applied under the Act, s 22**

- (1) The provisions of the Act applied to a column 1 entity declared to be a public sector unit under section 26 are stated in schedule 1, column 3, paragraph (a) opposite the entity's name.
- (2) The provisions of the Act applied to a column 1 entity's public sector unit employees stated in schedule 1, column 3, paragraph (b) opposite the entity's name are stated in the paragraph.
- (3) A provision applied to an entity under subsection (1) applies to the entity and its public sector unit employees as if—
  - (a) the entity were a department; and
  - (b) the head of the entity stated in schedule 1, column 2 opposite the entity's name were the chief executive of the department; and
  - (c) the employees were public service employees.
- (4) A provision applied to an entity's public sector unit employees under subsection (2) applies to the entity and employees as if—
  - (a) the entity were a department; and
  - (b) the head of the entity stated in schedule 1, column 2 opposite the entity's name were the chief executive of the department; and
  - (c) the employees were public service employees.

- (5) If section 34 of the Act applies to an entity or an entity's public sector unit employees under subsection (1) or (2), the section applies only to the extent that a ruling made under the section applies to the entity and its public sector unit employees under section 27C.

## **Division 2                    Things prescribed because of the    declaration of public sector entities    or the application of applied    provisions**

### **27A    Transfer or redeployment of employees under applied          provisions**

- (1) On the transfer or redeployment of a public sector unit employee of a column 1 entity under an applied provision—
- (a) the employee is employed under the Act; and
  - (b) the employee retains and is entitled to all rights that have accrued to the employee because of the person's employment by the column 1 entity; and
  - (c) the employee's service as an employee of the column 1 entity is to be regarded as service of a like nature in the public service for deciding the employee's rights as a public service employee; and
  - (d) the transfer or redeployment does not break the employee's continuity of service.
- (2) On the transfer or redeployment of a public service employee to or into a column 1 entity under an applied provision—
- (a) the employee is employed in accordance with the Act under which the entity is established; and
  - (b) the employee retains and is entitled to all rights that have accrued to the employee because of the person's employment as a public service employee; and
  - (c) the employee's service as a public service employee is to be regarded as service of a like nature with the column 1 entity for deciding the employee's rights as an employee of the column 1 entity; and

- (d) the transfer or redeployment does not break the employee's continuity of service.

### **27B Application of appeal provisions**

- (1) This section applies to a column 1 entity to which part 7 of the Act applies.
- (2) The commissioner must declare, under a directive, the employees of the column 1 entity to whom section 95(1)(g)<sup>6</sup> of the Act applies as if they were senior executives or senior officers.
- (3) The commissioner may make the declaration only if the commissioner considers that the employee is performing duties that would, if the employee were a public service officer, be duties of—
  - (a) for an employee to whom the section is to apply as if the employee were a senior executive—a senior executive; or
  - (b) for an employee to whom the section is to apply as if the employee were a senior officer—a senior officer.

### **27C Application of rulings**

For a column 1 entity, a ruling stated in schedule 1, column 3, paragraph (c) opposite the entity's name applies to the entity and its public sector unit employees mentioned in column 3, paragraph (b) with all necessary changes.

### **27D References to replaced rulings**

- (1) This section applies if a ruling mentioned in schedule 1 is repealed and a new ruling dealing with substantially the same subject matter is made to replace it.
- (2) A reference in schedule 1 to the repealed ruling is taken to be a reference to the new ruling.

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6 Section 95 (Decisions against which appeals may not be made) of the Act

**Division 3                      General****28        Declared office holders—Act, s 109**

An office holder mentioned in schedule 2 is declared for section 109(3)(i)<sup>7</sup> of the Act.

**29        Declared public service offices and their heads—Act, sch 1, item 13**

- (1) An entity specified in schedule 3, column 1 is declared to be a public service office.
- (2) The person specified in schedule 3, column 2 opposite the name of the office is declared to be the head of the office.
- (3) If a day is specified in schedule 3, column 1 as the day until which an entity is a public service office, the entity is declared to be a public service office only until the end of the specified day.

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<sup>7</sup> Section 109 (Who is a *term appointee*) of the Act



## **Schedule 1      Public sector units, their heads and applied provisions and rulings**

sections 26, 27 and 27C

	<b>column 1</b>	<b>column 2</b>	<b>column 3</b>
	<b>Public sector units</b>	<b>Public sector unit heads</b>	<b>Applied provisions and rulings</b>
1	AUSTA Energy	chief executive officer	(a) sections 34 and 81 and part 7; (b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a); (c) rulings 11/96, part 3 and 31/99.
2	Australian College of Tropical Agriculture	director	(a) sections 34, 81, 114 and 117 and part 7; (b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a); (c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.

## Schedule 1 (continued)

3	Dalby Agricultural College	director	<p>(a) sections 34, 81, 114 and 117 and part 7;</p> <p>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</p> <p>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</p>
4	Department of Health	chief executive	<p>(a) not applicable;</p> <p>(b) for health service employees—sections 34, 79, 80, 81, 84, 85, 114 and 117 and parts 6, 7 and 9A;</p> <p>(c) for health service employees—grievance procedure ruling and rulings 4/02, 4/03, 6/03 and 2/04.</p>
5	Emerald Agricultural College	director	<p>(a) sections 34, 81, 114 and 117 and part 7;</p> <p>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</p> <p>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</p>

## Schedule 1 (continued)

- |   |                                  |                               |   |
|---|----------------------------------|-------------------------------|---|
| 6 | Legal Aid<br>Queensland          | chief<br>executive<br>officer | <ul style="list-style-type: none"> <li>(a) sections 34, 57(1), 77, 78, 79(2), (3) and (5), 80, 81, 85, 114 and 117 and parts 6 and 7;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) grievance procedure ruling and rulings 18/97, 26/99 (other than schedule A, clause 1.1), 27/99, 8/00, 4/03, 6/03 and 1/04 (other than clause 6.4).</li> </ul> |
| 7 | Longreach<br>Pastoral<br>College | director                      | <ul style="list-style-type: none"> <li>(a) sections 34, 81, 114 and 117 and part 7;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</li> </ul>   |

## Schedule 1 (continued)

- |    |   |                    |  |
|----|---|--------------------|--|
| 8  | Queensland<br>Ambulance<br>Service              | commissioner       | <p>(a) sections 34, 78, 79(3) and (5), 81, 114 and 117 and part 7;</p> <p>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</p> <p>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 10/98, 4/99, 26/99 (other than schedule A, clause 1.1), 27/99 and 31/99.</p> |
| 9  | Queensland<br>Art Gallery                       | director           | <p>(a) sections 34, 81, 114 and 117 and part 7;</p> <p>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</p> <p>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</p>                                 |
| 10 | Queensland<br>Building<br>Services<br>Authority | general<br>manager | <p>(a) sections 34, 79(3) and (5), 80, 81, 114 and 117 and part 7;</p> <p>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</p> <p>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</p>              |

## Schedule 1 (continued)

- |    |   |                       |  |
|----|---|-----------------------|--|
| 11 | Queensland<br>Fire and<br>Rescue<br>Authority | chief<br>commissioner | (a) sections 34, 68, 78, 79(3) and (5), 80 to 82, 114 and 117 and part 7;<br><br>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);<br><br>(c) rulings—<br><br>(i) for employees other than auxiliary fire officers—11/96 (other than part 3 of the ruling), 5/97 (other than clause 5(e) and (k)), 18/97 clause 5(e), 1/98, 2/98, 4/98 and 7/98; or<br><br>(ii) for auxiliary fire officers—11/96, part 2. |
|----|---|-----------------------|--|

## Schedule 1 (continued)

- |    |  |                               |  |
|----|--|-------------------------------|--|
| 12 | Queensland<br>Livestock<br>and Meat<br>Authority | chief<br>executive<br>officer | <ul style="list-style-type: none"><li>(a) nil;</li><li>(b) for employees appointed as veterinary public health inspectors—sections 34, 79(3) and (5), 80, 81, 114 and 117 and part 7;</li><li>(c) for employees appointed as veterinary public health inspectors—<ul style="list-style-type: none"><li>(i) before 1 December 1997—grievance procedure ruling and rulings 11/96, 5/97, 18/97, 26/99 (other than schedule A, clause 1.1), 27/99 and 31/99; or</li><li>(ii) on or after 1 December 1997—grievance procedure ruling and rulings 11/96, 5/97, 18/97, 26/99 (other than schedule A, clause 1.1) and 27/99 (other than the parts of schedule B entitled ‘Incentive payment’ and ‘Incentive payment in lieu of notice’).</li></ul></li></ul> |
|----|--|-------------------------------|--|

## Schedule 1 (continued)

- |    |                                  |                      |  |
|----|----------------------------------|----------------------|--|
| 13 | Queensland<br>Museum             | director             | <ul style="list-style-type: none"> <li>(a) sections 34, 81, 114 and 117 and part 7;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</li> </ul>  |
| 14 | Queensland<br>Nursing<br>Council | executive<br>officer | <ul style="list-style-type: none"> <li>(a) sections 34, 63, 77, 81, 83 and 117 and parts 7 and 9;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) grievance procedure ruling and rulings 1/96, 8/96 to 11/96, 3/97, 5/97, 18/97, 19/97, 23/97, 8/98, 14/99, 16/99, 17/99, 18/99, 20/99, 21/99, 25/99, 26/99 (other than schedule A, clause 1.1), 27/99 and 30/99.</li> </ul> |

## Schedule 1 (continued)

- |    |   |                               |  |
|----|---|-------------------------------|--|
| 15 | Residential<br>Tenancies<br>Authority     | chief<br>executive<br>officer | <ul style="list-style-type: none"> <li>(a) sections 34, 55, 57(1), 79(3) and (5), 82 to 85 and 117 and parts 6 and 7;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) grievance procedure ruling and rulings 1/96, 8/96, 10/96, 11/96 and 3/97.</li> </ul>               |
| 16 | Royal<br>Queensland<br>Theatre<br>Company | director                      | <ul style="list-style-type: none"> <li>(a) sections 34, 81, 114 and 117 and part 7;</li> <li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li> <li>(c) rulings 11/96 (other than part 3 of the ruling), 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</li> </ul> |



## Schedule 1 (continued)

- |    |                                   |                 |   |
|----|-----------------------------------|-----------------|---|
| 17 | State Library<br>of<br>Queensland | state librarian | <ul style="list-style-type: none"><li>(a) sections 34, 79, 81, 114 and 117 and part 7;</li><li>(b) all of the entity's public sector unit employees—the provisions mentioned in paragraph (a);</li><li>(c) grievance procedure ruling and rulings 11/96, 5/97, 18/97, 23/97, 26/99 (other than schedule A, clause 1.1) and 27/99.</li></ul> |
|----|-----------------------------------|-----------------|---|

## **Schedule 2      Declared office holders**

section 28

- 1      **Aboriginal Land Act 1991**  
Member of the Land Tribunal.
  
- 2      **Anti-Discrimination Act 1991**  
Anti-discrimination commissioner.  
Member of the Anti-Discrimination Tribunal.
  
- 3      **Australian Financial Institutions Commission Code [1992]**  
Member of the Appeals Tribunal.
  
- 4      **Children Services Tribunal Act 2000**  
Member of the Children Services Tribunal.
  
- 5      **Classification of Computer Games and Images (Interim)  
Regulation 1995**  
Member of the Computer Games and Images Appeals Tribunal.
  
- 6      **Classification of Films Regulation 1992**  
Member of the Films Appeals Tribunal.
  
- 7      **Classification of Publications Regulation 1992**  
Member of the Publications Appeals Tribunal.
  
- 8      **Commission for Children and Young People and Child  
Guardian Act 2000**  
Commissioner for Children and Young People and Child Guardian.

## Schedule 2 (continued)

- 9 Electoral Act 1992  
Deputy electoral commissioner.
- 10 Fisheries Act 1994  
Member of the Fisheries Tribunal.
- 12 Gaming Machine Act 1991  
Commissioner of the Queensland Machine Gaming Commission.
- 13 Health Rights Commission Act 1991  
Health rights commissioner.
- 14 Law Reform Commission Act 1968  
Member of the Law Reform Commission.
- 15 Legal Aid Queensland Act 1997  
Chief executive officer of Legal Aid Queensland.
- 16 Legislative Standards Act 1992  
Parliamentary counsel.
- 17 Meat Industry Act 1993  
Member of the Meat Industry Tribunal.
- 17A Powers of Attorney Act 1998  
Adult guardian.
- 18 Public Trustee Act 1978  
Public trustee.

## Schedule 2 (continued)

- 19 Queensland Building Services Authority Act 1991  
Member of the Queensland Building Tribunal.
- 20 Queensland Competition Authority Act 1997  
Member of the Queensland Competition Authority.
- 21 Torres Strait Islander Land Act 1991  
Member of the Land Tribunal.

## **Schedule 3      Declared public service offices and their heads**

section 29

<b>column 1</b>	<b>column 2</b>
<b>Public service offices</b>	<b>Heads of offices</b>
1    Office of the Adult Guardian	Adult guardian
2    Building and Construction Industry (Portable Long Service Leave) Authority	General manager
4    Office of the Board of Teacher Registration	Director of the office
7    Queensland Crime Commission	Crime commissioner
8    National Transport Secretariat	Executive director

## Schedule 4      Dictionary

### section 3

***appellant*** means a person who has given the commissioner a notice under section 18.

***applied provision*** means a provision applied to a column 1 entity or the entity's public sector unit employees under section 27(1) or (2).

***column 1 entity*** see section 26.

***grievance procedure ruling*** means the *Public Sector Management Standard for Grievance Procedures* dated June 1991.

***health service employee*** means a person appointed under the *Health Services Act 1991*, section 24.<sup>8</sup>

***performance***, of a public service employee, means performance of the employee's duties.

***public sector unit employee***, of a column 1 entity, means an employee of the entity who is not a public service employee.

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8 *Health Services Act 1991*, section 24 (Appointment of health service employees)

## Endnotes

### 1 Index to endnotes

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2 Date to which amendments incorporated . . . . .	37
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2005. Future amendments of the Public Service Regulation 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	5 July 1997	1 August 1997
1A	1997 SL No. 400	1 December 1997	10 December 1997
1B	1998 SL No. 72	9 April 1998	15 April 1998
1C	1998 SL No. 256	24 September 1998	19 March 1999
2	1999 SL No. 324	17 December 1999	3 March 2000
2A	2000 SL No. 164	30 June 2000	7 July 2000
2B	2001 SL No. 26	6 April 2001	20 April 2001
2C	2001 SL No. 125	3 August 2001	17 August 2001
2D	2002 SL No. 145	14 June 2002	26 June 2002

Reprint No.	Amendments included	Effective	Notes
2E	2002 SL No. 155	1 July 2002	
2F	2003 SL No. 344	19 December 2003	
2G	2004 SL No. 216	8 October 2004	
2H	2005 SL No. 25	25 February 2005	
2I	2005 Act No. 28	1 July 2005	

## 5 List of legislation

### **Public Service Regulation 1997 SL No. 203**

made by the Governor in Council on 3 July 1997

notfd gaz 4 July 1997 pp 1143–4

ss 1–2 commenced on date of notification

remaining provisions commenced 5 July 1997 (see s 2)

exp 1 September 2007 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Public Service Amendment Regulation (No. 2) 1997 SL No. 389**

notfd gaz 14 November 1997 pp 1164–5

ss 4 (to the extent it inserts s 29A) and 5 (to the extent it inserts sch 4) commenced 1 December 1997 (see s 2(1))

remaining provisions commenced 14 November 1997 (see s 2(2))

### **Public Service Amendment Regulation (No. 3) 1997 SL No. 400**

notfd gaz 28 November 1997 pp 1408–10

ss 1, 3 commenced on date of notification

remaining provisions commenced 1 December 1997 (see s 3)



**Public Service Amendment Regulation (No. 1) 1998 SL No. 72**

notfd gaz 9 April 1998 pp 1530–32  
commenced on date of notification

**Public Service Amendment Regulation (No. 2) 1998 SL No. 256**

notfd gaz 25 September 1998 pp 327–9  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 1999 SL No. 324**

notfd gaz 17 December 1999 pp 1586–9  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 2000 SL No. 164**

notfd gaz 30 June 2000 pp 736–48  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 2001 SL No. 26**

notfd gaz 6 April 2001 pp 1452–3  
commenced on date of notification

**Public Service Amendment Regulation (No. 2) 2001 SL No. 125**

notfd gaz 3 August 2001 pp 1297–9  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 2002 SL No. 145**

notfd gaz 14 June 2002 pp 697–700  
commenced on date of notification

**Education (Queensland Studies Authority) Regulation 2002 SL No. 155 ss 1–2, 99**

notfd gaz 28 June 2002 pp 876–83  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2002 (see s 2)

**Public Service Amendment Regulation (No. 1) 2003 SL No. 344**

notfd gaz 19 December 2003 pp 1307–13  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 2004 SL No. 216**

notfd gaz 8 October 2004 pp 477–8  
commenced on date of notification

**Public Service Amendment Regulation (No. 1) 2005 SL No. 25**

notfd gaz 25 February 2005 pp 674–7  
commenced on date of notification

**Freedom of Information and Other Legislation Amendment Act 2005 No. 28 ss 1–2(1), ch 2 pt 7**

date of assent 31 May 2005  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2005 (see s 2(1))

## **6 List of annotations**

### **Dictionary**

s 3 sub 1997 SL No. 400 s 4

### **PART 2—PROVISIONS ABOUT EMPLOYMENT**

#### **Resignation of senior executives employed on tenure**

s 8 om 1998 SL No. 72 s 3

#### **Division 6—Employee records**

div hdg sub 2001 SL No. 26 s 3

#### **Definitions for div 6**

s 15 sub 2001 SL No. 26 s 3

#### **Meaning of “employee record”**

s 16 sub 2001 SL No. 26 s 3  
amd 2004 SL No. 216 s 3

#### **Meaning of “possession”**

s 16A ins 2001 SL No. 26 s 3

#### **Detrimental employee record with employing authority**

s 16B ins 2001 SL No. 26 s 3

#### **Detrimental employee record with another chief executive**

s 16C ins 2001 SL No. 26 s 3

#### **Access to employee record**

s 16D ins 2001 SL No. 26 s 3

### **PART 4—MISCELLANEOUS**

#### **Division 1—Declared public sector units and applied provisions**

div hdg ins 1997 SL No. 400 s 5

#### **Declared public sector units—Act, s 20**

s 26 sub 1997 SL No. 400 s 5

#### **Provisions of the Act applied under the Act, s 22**

s 27 sub 1997 SL No. 400 s 5

#### **Division 2—Things prescribed because of the declaration of public sector entities or the application of applied provisions**

div hdg ins 1997 SL No. 400 s 5

#### **Transfer or redeployment of employees under applied provisions**

s 27A ins 1997 SL No. 400 s 5

#### **Application of appeal provisions**

s 27B ins 1997 SL No. 400 s 5

#### **Application of rulings**

s 27C ins 1997 SL No. 400 s 5

#### **References to replaced rulings**

s 27D ins 1999 SL No. 324 s 3

**Division 3—General****div hdg** ins 1997 SL No. 400 s 6**Declared public service offices and their heads—Act, sch 1, item 13****s 29 prov hdg** amd 2000 SL No. 164 s 3**Declared public sector units—Act, s 20****s 29A** ins 1997 SL No. 389 s 4  
om 1997 SL No. 400 s 7**Provisions of the Act applied under the Act, s 22****s 29B** ins 1997 SL No. 389 s 4  
om 1997 SL No. 400 s 7**Declared government entity and declared public sector unit—Act, ss 20 and 21****s 30** prev s 30 exp 21 October 1998 (see s 30(3))  
pres s 30 ins 2005 SL No. 25 s 3  
om 2005 Act No. 28 s 81**Regulation amended in sch 4****s 31** exp 6 July 1997 (see s 31(2))**Repeal****s 32** exp 6 July 1997 (see s 32(2))**SCHEDULE 1—PUBLIC SECTOR UNITS, THEIR HEADS AND APPLIED PROVISIONS AND RULINGS**sub 1997 SL No. 400 s 8  
amd 1998 SL No. 72 s 4; 1998 SL No. 256 s 3; 1999 SL No. 324 s 4; 2001 SL No. 26 s 4; 2001 SL No. 125 s 3; 2002 SL No. 145 s 3; 2003 SL No. 344 s 3; 2004 SL No. 216 s 4**SCHEDULE 2—DECLARED OFFICE HOLDERS**

amd 1998 SL No. 256 s 4; 1999 SL No. 324 s 5; 2004 SL No. 216 s 5

**SCHEDULE 3—DECLARED PUBLIC SERVICE OFFICES AND THEIR HEADS**

amd 1998 SL No. 72 s 5; 1998 SL No. 256 s 5; 1999 SL No. 324 s 6; 2000 SL No. 164 s 4; 2002 SL No. 155 s 99(2)

**SCHEDULE 4—DICTIONARY**prev sch 4 exp 6 July 1997 (see s 31(2))  
pres sch 4 ins 1997 SL No. 389 s 5  
sub 1997 SL No. 400 s 9**SCHEDULE 5—PROVISIONS OF THE ACT APPLIED UNDER THE ACT, SECTION 22**ins 1997 SL No. 389 s 5  
om 1997 SL No. 400 s 9