



*Public Service Act 2008*

# **Public Service Regulation 2008**

**Current as at 27 June 2014**

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Queensland

# Public Service Regulation 2008

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# Public Service Regulation 2008

[as amended by all amendments that commenced on or before 27 June 2014]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Public Service Regulation 2008*.

### 2 Commencement

This regulation commences on 1 July 2008.

### 3 Definitions

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

## Part 2 Public service offices

### Division 1 Declared public service offices and applied provisions generally

#### 4 Declared public service office—Act, s 21

- (1) For section 21(1)(b) of the Act, an entity mentioned in schedule 1, column 1 is declared to be a public service office.

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- (2) The person mentioned in schedule 1, column 2, opposite the name of the office, is declared to be the head of the office.

## **5 Provisions of the Act applied under the Act, s 23**

- (1) This section applies to a declared public service office mentioned in schedule 1.
- (2) The provisions of the Act (the *applied provisions*) stated in schedule 1, column 3, paragraph (a) opposite the declared public service office's name apply to the office.
- (3) The provisions of the Act (also the *applied provisions*) stated in schedule 1, column 3, paragraph (b) opposite the declared public service office's name apply to the office's employees.
- (4) The applied provisions apply to a declared public service office or its employees as if—
  - (a) the office were a department; and
  - (b) the head of the office stated in schedule 1, column 2 opposite the office's name were the chief executive of the department; and
  - (c) the employees were public service employees.

## **Division 1A Declared public service offices and applied provisions—health service employees**

### **5A Declared public service office and heads of office—Act, s 21**

- (1) For section 21(1)(b) of the Act—
  - (a) for a health service employee employed by a Hospital and Health Service, the Service is declared to be a public service office for the employee; and

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- (b) for a health service employee employed by the Department of Health, that department is declared to be a public service office for the employee.
- (2) For section 21(2)(b) of the Act, the head of a public service office mentioned in subsection (1) is declared to be—
- (a) for a Hospital and Health Service—the health service chief executive of the Service; and
  - (b) for the department—the chief executive (health).

### **5B Provisions of the Act applied under the Act, s 23**

- (1) The provisions of the Act stated in schedule 2, part 1 are applied to—
- (a) for a health service employee employed by a Hospital and Health Service—the Service in which the employee is employed; and
  - (b) for a health service employee employed by the Department of Health—that department.
- (2) The provisions of the Act stated in schedule 2, part 2 are applied to health service employees.
- (3) A provision applied to a Hospital and Health Service and its employees under subsections (1)(a) and (2) applies to the Service and the employees as if—
- (a) the Service were a department; and
  - (b) the health service chief executive for the Service were the chief executive of the department; and
  - (c) the health service employees of the Service were public service employees of the department.
- (4) A provision applied to the Department of Health and its health service employees under subsection (1)(b) and (2) applies to the department and the employees as if the employees were public service employees.
- (5) The application of a provision mentioned in this section is subject to division 3.

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## **Division 2**                    **Things prescribed because of the declaration of public service offices or the application of applied provisions**

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

- (1) On the transfer or redeployment of an employee of a declared public service office to the public service 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 with the declared public service office; and
  - (c) the employee's service as an employee of the declared public service office is taken to be 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 declared public service office under an applied provision—
  - (a) the employee is employed—
    - (i) if the office is the Department of Health—under the *Hospital and Health Boards Act 2011*; or
    - (ii) if the office is the Gasfields Commission—under the Act; or
    - (iii) otherwise—under 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



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- (c) the employee's service as a public service employee is taken to be service of a like nature with the declared public service office for deciding the employee's rights as an employee of the declared public service office; and
  - (d) the transfer or redeployment does not break the employee's continuity of service.

## 7 Application of appeal provisions

- (1) This section applies to a declared public service office to which chapter 7 of the Act applies.
- (2) The commission chief executive must declare, under a directive, the employees of the declared public service office to whom section 195(1)(g) of the Act applies as if they were senior executives or senior officers.

*Editor's note—*

section 195 (Decisions against which appeals can not be made) of the Act

- (3) The commission chief executive may make the declaration only if he or she 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.
- (4) For applying chapter 7 of the Act to a declared public service office or an employee (other than a health service employee) of a declared public service office—
  - (a) the reference in section 194(1)(b) of the Act to a disciplinary law is taken to include a reference to a law, other than the Act, under which employees of the declared public service office are disciplined (*prescribed disciplinary law*); and

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- (b) the reference in section 194(1)(b)(ii) to a disciplinary declaration made under section 188A is taken to include a reference to a declaration made under the prescribed disciplinary law that states the disciplinary action that would have been taken against the employee if the employee's employment had not ended.

## **8 Application of rulings**

- (1) A ruling (an *applied ruling*) about a matter mentioned in schedule 3 for a declared public service office and stated employees of the office applies to the office and employees with all necessary changes.
- (2) If section 53 or 54 of the Act apply to a declared public service office or a declared public service office's employees, the section applies only to the extent that a ruling made under the section applies to the office and its employees under subsection (1).
- (3) The application of a ruling mentioned in subsection (1) for a Hospital and Health Service or the Department of Health is subject to division 3.

## **9 References to replaced rulings**

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

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**Division 3**                      **Application of particular applied provisions and rulings—health service employees**

**9A      Act, s 133 (Chief executive’s power to transfer or redeploy)**

- (1) Section 133 of the Act does not apply in relation to the transfer or redeployment of a health service employee to another position as a health service employee, unless the employee is an employee requiring placement under a directive.

*Note—*

A health service employee may be transferred or redeployed to another position as a health service employee under the *Hospital and Health Boards Act 2011*, part 5.

- (2) To remove any doubt, it is declared that section 133 applies in relation to the transfer or redeployment of—
- (a) a public service officer to a position as a health service employee; and
  - (b) a health service employee to the public service.

**9B      Act, ch 7 (Appeals and reviews) and directive 19/10 (Appeals)**

Chapter 7 of the Act and directive 19/10 applies to decisions made in relation to health service employees under the *Hospital and Health Boards Regulation 2011*, part 3 as if a reference to a transfer decision includes a decision about the movement of a health service employee under that part.

**9C      Directive 11/11 (Transfer and appointment expenses)**

Directive 11/11 applies to a health service employee only if the employee is a member of a class of employees declared by the chief executive (health) in writing as being a class of employees to whom the directive applies.

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**9D Directive 03/12 (Change of pay date for employees of Queensland Health)**

- (1) For applying directive 03/12 to a health service employee employed by a Service, a reference in the directive to Queensland Health is taken to be a reference to the Service.
- (2) This section does not limit section 8(2) and (3).

## **Part 3 Provisions about employment**

### **Division 1 Employee records**

#### **10 Meaning of *employee record***

- (1) Subject to subsection (2), an *employee record* about a public service employee, means each of the following documents to the extent the document contains information 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 that 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 Public Interest Disclosure Act document about the employee;

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- (d) a document about the employee relating to suspected official misconduct under the *Crime and Misconduct Act 2001* or its investigation;
  - (e) a document about the employee relating to a suspected criminal offence or its investigation;
  - (f) a document to which legal professional privilege applies.

(3) In this section—

***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.

***misconduct*** see the Act, section 187(4).

***Public Interest Disclosure Act document*** means a document that—

- (a) is a public interest disclosure, or record of a public interest disclosure, made under the *Public Interest Disclosure Act 2010*; or
- (b) was brought into existence for that Act's administration.

## 11 When an employee record is in an entity's ***possession***

- (1) An employee record is in an entity's ***possession*** if the entity has the record in its possession, under its control, or is otherwise entitled to have access to the record.
- (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 Minister, a person is an employee of the entity if the person is an employee of the department administered by the Minister; or

[s 11A]

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- (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.

## **11A Application of part to health service employees**

In this part, a reference to—

- (a) a public service employee includes a reference to a health service employee; and
- (b) a public service employee's chief executive includes a reference to the head of the public service office in which the health service employee is employed; and
- (c) a department includes a Hospital and Health Service; and
- (d) a chief executive of a department includes a health service chief executive.'.

## **12 Dealing with employee record if detrimental to employee's interests**

- (1) This section applies if a public service employee's chief executive intends to—
  - (a) use an employee record about the employee in a way that could reasonably be considered to be detrimental to the employee's interests; or
  - (b) place on the employee's employment file an employee record about the employee that could reasonably be considered to be detrimental to the employee's interests.
- (2) Subject to subsection (3), the chief executive must ensure that, at least 14 days before taking the action mentioned in subsection (1) (the *detrimental action*)—
  - (a) the employee is given the opportunity to read the record and to acknowledge having read it by initialling it; and
  - (b) the employee is given a copy of the record; and

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- (c) if the employee has refused to read the record or to acknowledge having read it by initialling it, the refusal is noted on the record; and
  - (d) the employee is given the opportunity to respond in writing at any time to the record's contents; and
  - (e) any written response by the employee is attached to the record.
- (3) Subsection (4) applies if the chief executive reasonably considers that giving the employee access to the record under subsection (2) would be likely to prejudice an existing relevant investigation or inquiry.
- (4) The chief executive must give the employee access to the record in the way mentioned in subsection (2)(a) to (e) immediately after whichever of the following happens first—
- (a) the chief executive no longer reasonably considers that giving the employee access to the record would be likely to prejudice a relevant investigation or inquiry;
  - (b) the end of the period of 6 months after the detrimental action is taken.

### **13 Employee record in possession of another chief executive**

- (1) This section applies to a chief executive of a department (the *relevant chief executive*) if—
- (a) an employee record about a public service employee is in the relevant chief executive's possession; and
  - (b) the relevant chief executive is not the employee's chief executive.
- (2) The relevant chief executive must give possession of the record to the employee's chief executive as soon as practicable.
- (3) However, if the employee has been seconded to another department for a total period of less than 6 months, subsection (2) only applies if the relevant chief executive and the

[s 14]

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employee's chief executive agree in writing that the relevant chief executive give possession of the record to the employee's chief executive.

*Note—*

The relevant chief executive may still need to comply with a commission chief executive directive about giving the employee's personal and employment details to the employee's chief executive.

- (4) Also, 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.

## **14 Access to employee record**

- (1) This section applies if an employee record about a public service employee is in the possession of any chief executive.
- (2) The employee may, on request—
- (a) inspect the record; or
  - (b) take an extract from, or obtain a copy of details in, the record.
- (3) Subject to subsections (4) to (7), the inspection, taking of the extract or obtaining of the copy (the *requested action*) must be allowed at a time and place convenient to the chief executive within 21 days after the request.
- (4) Subsection (5) applies if the record contains personal information of a person (the *other person*) other than the employee.
- (5) The chief executive may refuse the employee access to all or part of the record—
- (a) if the chief executive is satisfied the access—
    - (i) would be an unreasonable invasion of the privacy of the other person or someone else; or
    - (ii) may cause harm to the other person or someone else; or
    - (iii) would be contrary to a law; or



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- (iv) is likely to be refused if the request for access was an access application made by the employee under the *Information Privacy Act 2009* or the *Right to Information Act 2009*; or
- (b) in other circumstances stated under a relevant directive of the commission chief executive.
- (6) Subsection (7) applies if the chief executive reasonably considers the requested action would be likely to prejudice an existing relevant investigation or inquiry.
- (7) The chief executive must allow the requested action immediately after whichever of the following happens first—
- (a) the chief executive no longer reasonably considers the requested action would be likely to prejudice the relevant investigation or inquiry;
- (b) the end of the period of 6 months after the employee requests the requested action.
- (8) In taking the requested action, the employee must not remove anything from the record.
- (9) In this section—
- personal information* see the *Information Privacy Act 2009*, section 12.

## Division 2                      General provision

### 14A    Prescribed State employees

- (1) For the Act, section 26B(1)(g), a person who is an employee or a member of the board or a committee of the board of the Gold Coast 2018 Commonwealth Games Corporation is prescribed.
- (2) In this section—
- Gold Coast 2018 Commonwealth Games Corporation* means the corporation established under the *Commonwealth Games Arrangements Act 2011*.

## **Part 4 Repeal**

### **17 Repeal of Public Service Regulation 2007**

The Public Service Regulation 2007, SL No. 213 is repealed.

## **Part 5 Transitional provisions**

### **18 References to Public Service Regulation 2007**

A reference in any document to the repealed *Public Service Regulation 2007* is, if the context permits, taken to be a reference to this regulation.

### **19 Officer employed in a department on probation**

- (1) This section applies to an officer employed in a department on probation immediately before 1 July 2008.
- (2) Part 2, division 2, of the repealed *Public Service Regulation 1997* continues to apply to the officer despite the repeal of that regulation.

# Schedule 1 Public service offices, their heads and applied provisions

sections 4 and 5

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Public service office</b>	<b>Public service office head</b>	<b>Applied provisions</b>
1	Australian Agricultural College Corporation ABN 65 259 790 558 or Australian Agricultural College Employing Office under the <i>Agricultural College Act 2005</i>	director or executive officer	(a) chapter 3 part 3, section 138 and chapter 5 part 6 divisions 1, 2, 4 and 5 (other than section 172) and chapter 7; and  (b) all of the office's employees—chapter 3 part 3, section 138, chapter 5 part 6, divisions 1, 2, 4 and 5 and chapter 7.
2	Gasfields Commission under the <i>Gasfields Commission Act 2013</i>	general manager	(a) the provisions of the Act, other than sections 35 to 42; and  (b) nil.  <i>Note—</i> Staff of the commission, other than the general manager, are employed under the <i>Public Service Act 2008</i> . See the <i>Gasfields Commission Act 2013</i> , section 31(2).

## Schedule 1

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Public service office</b>	<b>Public service office head</b>	<b>Applied provisions</b>
3	Legal Aid Queensland under the <i>Legal Aid Queensland Act 1997</i>	chief executive officer	(a) chapter 1 part 4, chapter 3 part 3, sections 103(1) and (3), 128, 133, 134 and 138 and chapter 5 part 7, chapter 6 and chapter 7; and (b) all of the office's employees—the provisions mentioned in paragraph (a).
3A	QRAA under the <i>Rural and Regional Adjustment Act 1994</i>	chief executive officer	(a) chapter 3, part 3; and (b) all of the office's employees—chapter 3, part 3.
4	Queensland Ambulance Service under the <i>Ambulance Service Act 1991</i>	chief executive of the department in which the <i>Ambulance Service Act 1991</i> is administered	(a) chapter 1 part 4, chapter 3 part 3, sections 120, 133, 134, 138 and 181 to 184, chapter 5 parts 6 and 7 and chapter 7; and (b) all of the office's employees—the provisions mentioned in paragraph (a).

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Public service office</b>	<b>Public service office head</b>	<b>Applied provisions</b>
6	Queensland Building and Construction Commission or Queensland Building and Construction Employing Office under the <i>Queensland Building and Construction Commission Act 1991</i>	commissioner or executive officer	(a) chapter 3 part 3, sections 133(2), (3) and (4), 134 and 152 to 155 and chapter 7; and  (b) all of the office's employees—the provisions mentioned in paragraph (a).
7	Queensland Fire and Emergency Service under the <i>Fire and Emergency Services Act 1990</i>	commissioner	(a) chapter 1 part 4, chapter 3 part 3, sections 120, 133, 134 and 181 to 184, chapter 5 part 6 and chapter 7; and  (b) all of the office's employees—the provisions mentioned in paragraph (a).

## Schedule 1

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Public service office</b>	<b>Public service office head</b>	<b>Applied provisions</b>
11	Residential Tenancies Authority or Residential Tenancies Employing Office under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	chief executive officer or executive officer	(a) chapter 3 part 3 (other than section 55), sections 101, 103(1) and (3), 133(2), (3) and (4), 183, 184, 185 and 186 and chapter 5 part 7, chapter 6 and chapter 7; and (b) all of the office's employees—the provisions mentioned in paragraph (a).
12	Safe Food Production QLD under the <i>Food Production (Safety) Act 2000</i>	chief executive officer	(a) chapter 3, part 3; and (b) all of the office's employees—chapter 3, part 3.
13	an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act or under State authorisation for a public or State purpose	the person who, under the Act or State authorisation under which the entity is established, has the functions that most closely resemble the functions of a chief executive	(a) chapter 3 part 1, section 46 and chapter 3 part 4 division 4 and 5; and (b) all of the entity's employees—the provisions mentioned in paragraph (a).

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## **Schedule 2      Applied provisions for health service employees**

section 5B

### **Part 1                      Provisions of the Act applied to Hospital and Health Services and Department of Health**

- 1 section 25 (The management and employment principles)
- 2 chapter 3, part 3 (Rulings by the commission chief executive and industrial relations Minister)
- 3 section 99 (How responsibilities must be discharged)
- 4 section 133 (Chief executive's power to transfer or redeploy)

*Note—*

Section 9A modifies the application of this section.

- 5 section 134 (Consequence if transfer refused)
- 6 section 137 (Suspension other than as disciplinary action)
- 7 section 138 (Action because of surplus)
- 8 section 149 (Review of status of temporary employee)
- 9 chapter 5, part 6 (Assessing suitability of persons to be engaged in particular employment)
- 10 chapter 5, part 7 (Mental or physical incapacity)
- 11 section 179A (Requirement to disclose previous history of serious disciplinary action)
- 12 section 183 (Work performance arrangements)
- 13 section 184 (Interchange arrangements)
- 14 section 186 (Conflicts of interest)
- 15 chapter 6 (Disciplinary action for public service employees and former public service employees)





- 15 section 186 (Conflicts of interest)
- 16 chapter 6 (Disciplinary action for public service employees and former public service employees)
- 17 chapter 7 (Appeals and reviews)

*Note—*

Section 9B modifies the application of this section.

## **Schedule 3      Applied rulings for declared public service offices**

section 8

### **1      Australian Agricultural College Corporation and employing office**

- (1) This section applies to the Australian Agricultural College Corporation ABN 65 259 790 558 (the *Agricultural College*) and Australian Agricultural College Employing Office under the *Agricultural College Act 2005* (the *employing office*).
- (2) For all employees of the Agricultural College and the employing office, rulings about the following matters—
  - (a) appeals;
  - (b) early retirement, redundancy and retrenchment;
  - (c) employees requiring placement;
  - (d) employment screening;
  - (e) protection of personal employee information;
  - (f) recruitment and selection;
  - (g) workforce establishment management.
- (3) Also, for employees of the Agricultural College and the employing office, other than domestic and general staff, rulings about the following matters—
  - (a) domestic travelling and relieving expenses;
  - (b) higher duties;
  - (c) hours, overtime and excess travel, to the extent the ruling provides for overtime meal allowances;
  - (d) international travelling, relieving and living expenses;
  - (e) locality allowance;
  - (f) paid parental leave;
  - (g) recognition of previous service and employment;

- (h) recreation and long service leave;
- (i) special leave, to the extent the ruling provides for bereavement leave;
- (j) transfer and appointment expenses.

## **2 Gasfields Commission**

- (1) This section applies to the Gasfields Commission under the *Gasfields Commission Act 2013*.
- (2) For all employees of the Gasfields Commission, rulings about the following matters—
  - (a) appeals;
  - (b) court attendance and jury service;
  - (c) critical incident entitlements and conditions;
  - (d) declaration of interests for chief executives;
  - (e) declarations of interests for public service employees;
  - (f) domestic travelling and relieving expenses;
  - (g) early retirement, redundancy and retrenchment;
  - (h) employees requiring placement;
  - (i) employment screening;
  - (j) employment separation procedures;
  - (k) engaging officers on fixed term contracts of employment;
  - (l) executive remuneration package, motor vehicles and allowances;
  - (m) existing rulings;
  - (n) field staff;
  - (o) gifts and benefits;
  - (p) higher duties;
  - (q) hours, overtime and excess travel, including overtime meal allowances;

- (r) international travelling, relieving and living expenses;
- (s) leave and travel concessions for isolated centres;
- (t) leave without salary credited as service;
- (u) locality allowances;
- (v) motor vehicle allowances;
- (w) paid parental leave;
- (x) protection of personal employee information;
- (y) recognition of previous service and employment;
- (z) recreation and long service leave;
- (za) recruitment and selection;
- (zb) relocation expenses for officers retiring from the service;
- (zc) rewards for creating commercially valuable intellectual property;
- (zd) sick leave;
- (ze) senior executive officers' employment conditions;
- (zf) senior officers' employment conditions;
- (zg) special leave;
- (zh) State wage cases and certified agreements;
- (zi) temporary employment, including end of contract payments;
- (zj) transfer and appointment expenses;
- (zk) transfer within and between classification levels and systems.

### **3 Hospital and Health Services and Department of Health**

- (1) This section applies to—
  - (a) a Hospital and Health Service; and
  - (b) the Department of Health.

- 
- (2) For all health service employees of the Hospital and Health Service or Department of Health, rulings about the following matters—
- (a) appeals;
  - (b) change of pay date for employees of Queensland Health;
  - (c) domestic travelling and relieving expenses;
  - (d) early retirement, redundancy and retrenchment;
  - (e) employees requiring placement;
  - (f) employment screening;
  - (g) international travelling, relieving and living expenses;
  - (h) leave without salary credited as service;
  - (i) paid parental leave;
  - (j) protection of personal employee information;
  - (k) recognition of previous service and employment;
  - (l) recruitment and selection;
  - (m) transfer and appointment expenses;
  - (n) transfer within and between classification levels and systems;
  - (o) workforce establishment management.

#### **4 Legal Aid Queensland**

- (1) This section applies to Legal Aid Queensland under the *Legal Aid Queensland Act 1997*.
- (2) For all employees of Legal Aid Queensland, rulings about the following matters—
- (a) appeals;
  - (b) domestic travelling and relieving expenses;
  - (c) early retirement, redundancy and retrenchment;
  - (d) hours, overtime and excess travel, only to the extent a ruling provides for overtime meal allowances;

- (e) international travelling, relieving and living expenses;
- (f) locality allowances;
- (g) motor vehicle allowances;
- (h) paid parental leave;
- (i) protection of personal employee information;
- (j) recognition of previous service and employment;
- (k) recreation and long service leave, to the extent a ruling provides for long service leave;
- (l) recruitment and selection, except to the extent to which the ruling provides for—
  - (i) advertising vacancies, including exceptions; and
  - (ii) gazette notification;
- (m) sick leave;
- (n) special leave;
- (o) transfer and appointment expenses;
- (p) workforce establishment management.

## **5 QRAA**

- (1) This section applies to the QRAA under the *Rural and Regional Adjustment Act 1994*.
- (2) For all employees of the QRAA, rulings about the following matters—
  - (a) early retirement, redundancy and retrenchment;
  - (b) motor vehicle allowances;
  - (c) paid parental leave;
  - (d) recreation and long service leave, to the extent a ruling provides for recreation leave.

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## 6 Queensland Ambulance Service

- (1) This section applies to the Queensland Ambulance Service under the *Ambulance Service Act 1991*.
- (2) For all employees of the Queensland Ambulance Service, rulings about the following matters—
  - (a) appeals;
  - (b) court attendance and jury service;
  - (c) early retirement, redundancy and retrenchment;
  - (d) employees requiring placement;
  - (e) employment screening;
  - (f) paid parental leave;
  - (g) protection of personal employee information;
  - (h) recruitment and selection;
  - (i) workforce establishment management.

## 7 Queensland Building and Construction Commission and employing office

- (1) This section applies to the Queensland Building and Construction Commission (the *commission*) and the Queensland Building and Construction Employing Office (the *employing office*) under the *Queensland Building and Construction Commission Act 1991*.
- (2) For all employees of the commission and the employing office, rulings about the following matters—
  - (a) appeals;
  - (b) domestic travelling and relieving expenses;
  - (c) early retirement, redundancy and retrenchment;
  - (d) higher duties;
  - (e) locality allowances;
  - (f) paid parental leave;
  - (g) protection of personal employee information;

- (h) recreation and long service leave;
- (i) recruitment and selection;
- (j) sick leave;
- (k) special leave;
- (l) transfer and appointment expenses.

## **8 Queensland Fire and Emergency Service**

- (1) This section applies to the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*.
- (2) For all employees of the Queensland Fire and Emergency Service, other than auxiliary fire officers, rulings about the following matters—
  - (a) appeals to the extent a ruling provides for appeals about promotion and discipline decisions;
  - (b) early retirement, redundancy and retrenchment;
  - (c) employees requiring placement;
  - (d) employment screening;
  - (e) protection of personal employee information;
  - (f) recruitment and selection, except to the extent a ruling provides for role evaluation;
  - (g) workforce establishment management.
- (3) For all auxiliary fire officers employed by the Queensland Fire and Emergency Service, rulings about the following matters—
  - (a) appeals to the extent a ruling provides for appeals about discipline decisions;
  - (b) employment screening;
  - (c) protection of personal employee information;
  - (d) workforce establishment management.



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**9 Residential Tenancies Authority and employing office**

- (1) This section applies to the Residential Tenancies Authority (the *authority*) and the Residential Tenancies Employing Office (the *employing office*) under the *Residential Tenancies and Rooming Accommodation Act 2008*.
- (2) For all employees of the authority and the employing office, rulings about the following matters—
  - (a) appeals;
  - (b) declarations of interests for chief executives;
  - (c) declarations of interests for public service employees;
  - (d) domestic travelling and relieving expenses;
  - (e) early retirement, redundancy and retrenchment;
  - (f) higher duties;
  - (g) hours, overtime and excess travel, only to the extent a ruling provides for overtime meal allowances;
  - (h) motor vehicle allowances;
  - (i) paid parental leave;
  - (j) protection of personal employee information;
  - (k) recognition of previous service and employment;
  - (l) recreation and long service leave, to the extent a ruling provides for long service leave;
  - (m) recruitment and selection, only to the extent a ruling provides for a job evaluation methodology;
  - (n) sick leave;
  - (o) special leave to the extent a ruling provides for bereavement leave and paid leave for work-related study;
  - (p) transfer and appointment expenses.

**10 Safe Food Production QLD**

- (1) This section applies to Safe Food Production QLD under the *Food Production (Safety) Act 2000*.
- (2) For all employees of Safe Food Production QLD, rulings about the following matters—
  - (a) domestic travelling and relieving expenses;
  - (b) early retirement, redundancy and retrenchment;
  - (c) hours, overtime and excess travel, only to the extent a ruling provides for overtime meal allowances;
  - (d) international travelling, relieving and living expenses;
  - (e) locality allowances;
  - (f) motor vehicle allowances.

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## Schedule 4 Dictionary

## section 3

*applied provisions* see section 5(2) and (3).

*applied ruling* see section 8(1).

*chief executive (health)* means the chief executive of the Department of Health.

*declared public service office* means the following—

- (a) an entity declared to be a public service office under section 4(1);
- (b) for a health service employee employed by a Hospital and Health Service—the Service;
- (c) for a health service employee employed by the Department of Health—that department.

*Department of Health* means the department administering the *Hospital and Health Boards Act 2011*.

*employee*, of a declared public service office, means—

- (a) if the office is a Hospital and Health Service or the Department of Health—a health service employee of the office; or
- (b) otherwise—a person employed by or in the entity who is not a public service employee.

*employee record* see section 10(1).

*health service chief executive* see the *Hospital and Health Boards Act 2011*, schedule 2.

*health service employee* see the *Hospital and Health Boards Act 2011*, schedule 2.

*Hospital and Health Service* means a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*.

*possession*, for an employee record, see section 11.

***relevant investigation or inquiry*** means an investigation or inquiry into—

- (a) an allegation of conduct that, if proved, may make a public service employee liable to disciplinary action; or
- (b) a grievance involving a public service employee lodged under a directive or industrial instrument.

***Service*** means a Hospital and Health Service.

# Endnotes

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## 2 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 version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

## Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2008	
1A	2008 Act No. 73	1 July 2009	
1B	2010 SL No. 31	5 March 2010	
1C	2010 SL No. 54	1 April 2010	
1D	2010 SL No. 161	1 July 2010	
1E	2010 Act No. 37	1 November 2010	
1F	2010 Act No. 38	1 January 2011	R1F withdrawn, see R2
2	—	1 January 2011	
2A	2012 SL No. 90	1 July 2012	
2B	2012 SL No. 156	14 September 2012	

Current as at	Amendments included	Notes
1 December 2013	2013 SL No. 224	
21 May 2014	2014 Act No. 17	
27 June 2014	2014 SL No. 122	

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Public Service Regulation 2008 SL No. 209**

made by the Governor in Council on 26 June 2008

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provision commenced 1 July 2008 (see s 2)

exp 1 September 2018 (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—

**Residential Tenancies and Rooming Accommodation Act 2008 No. 73 ss 1–2, 554 sch 1**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 40)

**Public Service Amendment Regulation (No. 1) 2010 SL No. 31**

notfd gaz 5 March 2010 pp 532–3

commenced on date of notification

**Criminal History Screening Legislation Amendment Regulation (No. 1) 2010 SL No. 54 s 2(1) pt 3**

notfd gaz 26 March 2010 pp 722–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2010 (see s 2(1))

**Public Service Amendment Regulation (No. 2) 2010 SL No. 161**

notfd gaz 1 July 2010 pp 921–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

**Integrity Reform (Miscellaneous Amendments) Act 2010 No. 37 pts 1, 12**

date of assent 20 September 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 2010 (2010 SL No. 303)

**Public Interest Disclosure Act 2010 No. 38 ss 1–2, 78 sch 3**

date of assent 20 September 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2011 (2010 SL No. 305)

**Health and Hospitals Network and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 90 pts 1, 3**

notfd gaz 29 June 2012 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

**Public Service Amendment Regulation (No. 1) 2012 SL No. 156**

notfd gaz 14 September 2012 pp 63–6

commenced on date of notification

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 224 pts 1, 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 15 November 2013

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2013 on the commencement of s 4 of the Queensland Building Services Authority Amendment Act 2013 (see s 2)

**Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 4**

date of assent 21 May 2014

commenced on date of assent

**Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), pt 4, s 94(2) sch 2**

date of assent 21 May 2014

ss 1–2 commenced on date of assent

remaining provisions commence 1 July 2014 (2014 SL No. 107)

**Agricultural College Consequential Amendments Regulation (No. 1) 2014 SL No. 112 pts 1, 5**

notfd <www.legislation.qld.gov.au> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commence on 1 August 2014 (see s 2(2))

**Public Service Amendment Regulation (No. 1) 2014 SL No. 122**

notfd <www.legislation.qld.gov.au> 27 June 2014

commenced on date of notification

## 5 List of annotations

### Definitions

s 3 amd 2014 SL No. 122 s 3(4)

Note—s 3 contained definitions for this regulation. Definitions are now located in schedule 4 (Dictionary). Annotations for definitions contained in s 3 are located in annotations for sch 4.

### PART 2—PUBLIC SERVICE OFFICES

#### Division 1—Declared public service offices and applied provisions generally

div hdg amd 2012 SL No. 90 s 14; 2014 SL No. 122 s 4

#### Declared public service office—Act, s 21

s 4 amd 2014 SL No. 122 s 5

#### Provisions of the Act applied under the Act, s 23

s 5 amd 2014 SL No. 122 s 6

#### Division 1A—Declared public service offices and applied provisions—health service employees

div 1A (ss 5A–5B) ins 2012 SL No. 90 s 15

#### Division 2—Things prescribed because of the declaration of public service offices or the application of applied provisions

div hdg amd 2012 SL No. 90 s 16

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

s 6 amd 2012 SL No. 90 s 17; 2014 SL No. 122 s 7

#### Application of appeal provisions

s 7 amd 2010 Act No. 37 s 173; 2012 SL No. 90 s 18; 2014 SL No. 122 s 8

#### Application of rulings

s 8 amd 2010 SL No. 90 s 19

sub 2014 SL No. 122 s 9



**References to replaced rulings**

s 9 amd 2012 SL No. 90 s 20; 2014 SL No. 122 s 10

**Division 3—Application of particular applied provisions and rulings—health service employees**

div hdg ins 2012 SL No. 90 s 21

**Act, s 133 (Chief executive’s power to transfer or redeploy)**

s 9A ins 2012 SL No. 90 s 21

**Act, ch 7 (Appeals and reviews) and directive 19/10 (Appeals)**

s 9B ins 2012 SL No. 90 s 21

**Directive 11/11 (Transfer and appointment expenses)**

s 9C ins 2012 SL No. 90 s 21

**Directive 03/12 (Change of pay date for employees of Queensland Health)**

s 9D ins 2012 SL No. 156 s 3

**PART 3—PROVISIONS ABOUT EMPLOYMENT****Division 1—Employee records**

div hdg sub 2014 SL No. 122 s 11

**Meaning of *employee record***

s 10 amd 2010 SL No. 31 s 3; 2010 Act No. 38 s 78 sch 3

**Application of part to health service employees**

s 11A ins 2012 SL No. 90 s 22

**Access to employee record**

s 14 amd 2010 SL No. 31 s 4; 2014 SL No. 122 s 13

**Division 2—General provision**

div hdg prev div 2 hdg om 2014 SL No. 122 s 12  
pres div 2 hdg ins 2014 SL No. 122 s 14

**Prescribed State employees**

s 14A ins 2014 SL No. 122 s 14

**Exemption from requirement for chief executive to obtain police information in particular circumstances—Act, s 157**

s 15 om 2010 SL No. 54 s 12

**Entities with whom chief executive may enter into arrangements about police information—Act, s 165**

s 16 om 2010 SL No. 54 s 12

**PART 6—AMENDMENT OF OTHER SUBORDINATE LEGISLATION**

pt 6 (s 20) om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE 1—PUBLIC SERVICE OFFICES, THEIR HEADS AND APPLIED PROVISIONS**

sch hdg amd 2014 SL No. 122 s 15(1)–(2)

Endnotes

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**sch 1** amd 2008 Act No. 73 s 554 sch 1; 2010 SL No. 161 s 4; 2012 SL No. 90 s 23; 2013 SL No. 224 s 20; 2014 Act No. 17 s 184 sch 1 pt 4; 2014 SL No. 122 s 15(3)–(9)

**SCHEDULE 2—APPLIED PROVISIONS FOR HEALTH SERVICE EMPLOYEES**

**sch hdg** amd 2014 SL No. 122 s 16(1)–(2)

**sch 2** prev sch 2 om R1 (see RA s 40)  
pres sch 2 ins 2012 SL No. 90 s 24  
amd 2012 SL No. 156 s 4; 2014 SL No. 122 s 16(3)

**SCHEDULE 3—APPLIED RULINGS FOR DECLARED PUBLIC SERVICE OFFICES**

ins 2014 SL No. 122 s 17

**SCHEDULE 4—DICTIONARY**

**sch hdg** ins 2014 SL No. 122 s 17

**sch 4** Note—definitions for this regulation were originally located in s 3.

def ***applied provisions*** ins 2014 SL No. 122 s 3(2)  
reloc 2014 SL No. 122 s 3(3)

def ***applied ruling*** ins 2014 SL No. 122 s 3(2)  
reloc 2014 SL No. 122 s 3(3)

def ***chief executive (health)*** ins 2012 SL No. 90 s 13(2)  
reloc 2014 SL No. 122 s 3(3)

def ***column 1 entity*** om 2014 SL No. 122 s 3(1)

def ***declared public service office*** ins 2014 SL No. 122 s 3(2)  
reloc 2014 SL No. 122 s 3(3)

def ***Department of Health*** ins 2012 SL No. 90 s 13(2)  
reloc 2014 SL No. 122 s 3(3)

def ***employee*** sub 2014 SL No. 122 s 3(1)–(2)  
reloc 2014 SL No. 122 s 3(3)

def ***employee record*** reloc 2014 SL No. 122 s 3(3)

def ***health service chief executive*** ins 2012 SL No. 90 s 13(2)  
reloc 2014 SL No. 122 s 3(3)

def ***health service employee*** sub 2012 SL No. 90 s 13  
reloc 2014 SL No. 122 s 3(3)

def ***Hospital and Health Service*** ins 2012 SL No. 90 s 13(2)  
reloc 2014 SL No. 122 s 3(3)

def ***possession*** reloc 2014 SL No. 122 s 3(3)

def ***relevant investigation or inquiry*** reloc 2014 SL No. 122 s 3(3)

def ***relevant public service office*** ins 2012 SL No. 90 s 13(2)  
om 2014 SL No. 122 s 3(1)

def ***Service*** ins 2012 SL No. 90 s 13(2)  
reloc 2014 SL No. 122 s 3(3)