



*Public Service Act 2008*

# Public Service Regulation 2008

**Current as at 27 April 2018**

**Reprint note**

This is the last reprint before repeal. Repealed on 24 August 2018 by 2018 SL No. 124 s 22.

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Queensland

# Public Service Regulation 2008

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# Public Service Regulation 2008

## 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.
- (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.

[s 5A]

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- (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
  - (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).

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**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.

## **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

- (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 rulings about appeals**

Chapter 7 of the Act and rulings about appeals apply to decisions made in relation to health service employees under the *Hospital and Health Boards Regulation 2012*, 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      Rulings about change of pay date for Queensland Health employees**

- (1) For applying a ruling about change of pay date for employees of Queensland Health to a health service employee employed

[s 9D]

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by a Service, a reference in the ruling to Queensland Health is taken to be a reference to the Service.

- (2) This section does not limit section 8(2) and (3).

## **9D Rulings about transfer and appointment expenses**

A ruling about transfer and appointment expenses 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 ruling applies.

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

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

- (2) In this section—

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

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

- (1) For applying a ruling about recruitment and selection in relation to deciding whether a mandatory qualification is required for a position as a health service employee, a qualification consultation requirement in the ruling—
- (a) for a position as an employee in the Department of Health, including as an employee working for a Hospital and Health Service—does not apply to the chief executive (health); or
- (b) for a position as an employee in a Hospital and Health Service—applies to the health service chief executive of the service as if a reference in the ruling to the

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commission or the commission chief executive were a reference to the chief executive (health).

- (2) Subsection (1) does not apply to the extent the qualification is required—
  - (a) to comply with an industrial instrument; or
  - (b) to satisfy a requirement under a law of the Commonwealth or the State, including a requirement for accreditation or registration.
- (3) In this section—

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

## 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;
  - (d) a document about the employee relating to suspected corrupt conduct under the *Crime and Corruption 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
  - (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.

[s 13]

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- (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
  - (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 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
    - (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—Act, s 26B

For section 26B(1)(g) of the Act, each person mentioned in schedule 3A, other than a person mentioned in section

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26B(1)(a), (b), (c), (d), (e) or (f) of the Act, is a State employee.

## **Part 3A                      Miscellaneous provision**

### **15            External agencies**

Each of the following is an external agency for section 88K of the Act—

- (a) the Crime and Corruption Commission;
- (b) the Queensland Police Service.

## **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	Queensland Agricultural Training Colleges ABN 65 259 790 558	principal executive officer	<p>(a) section 25, chapter 3 parts 3 and 6, section 138, chapter 5 part 6 division 1, division 2 subdivision 1, divisions 3, 4 and 5 (other than section 172), chapter 7 and section 219A; and</p> <p>(b) all of the office's employees—sections 25 and 26, chapter 3 part 3, section 138, chapter 5 part 6 division 1, division 2 subdivision 1, divisions 3, 4 and 5 and chapter 7.</p>

	<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>
1A	Crime and Corruption Commission	chairperson	<p>(a) sections 170, 186A (for applying section 187A, 188 or 188AB), 187A (to the extent it provides for taking disciplinary action against a public service employee who changes employment from a department to the Crime and Corruption Commission), 188 (for applying section 187A or 188AB), 188AB and 188B; and</p> <p>(b) all of the office's employees—the provisions mentioned in paragraph (a) to the extent mentioned in paragraph (a).</p>
2	Gasfields Commission under the <i>Gasfields Commission Act 2013</i>	chief executive officer	<p>(a) the provisions of the Act, other than sections 35 to 42; and</p> <p>(b) nil.</p> <p><i>Note—</i></p> <p>Staff of the commission, other than the chief executive officer, are employed under the <i>Public Service Act 2008</i>. See the <i>Gasfields Commission Act 2013</i>, section 31(2).</p>

## 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) section 25, chapter 1 part 4, chapter 3 parts 3 and 6, sections 103(1) and (3), 128, 133, 134, 138, 149 and 149A and chapter 5 part 7, chapter 6, chapter 7 and section 219A; and  (b) all of the office's employees—the provisions mentioned in paragraph (a) and section 26.
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) section 25, chapter 1 part 4, chapter 3 parts 3 and 6, sections 120, 133, 134, 138 and 181 to 184, chapter 5 parts 6 and 7, chapter 7 and section 219A; and  (b) all of the office's employees—the provisions mentioned in paragraph (a) and section 26.
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) section 25, chapter 3 parts 3 and 6, sections 133(2), (3) and (4), 134 and 149, chapter 5 part 6 division 1, division 2 subdivision 1, divisions 4 and 5 and part 7, sections 185 and 186, chapter 7 and section 219A; and  (b) all of the office's employees—the provisions mentioned in paragraph (a) and section 26.

	<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>
7	Queensland Fire and Emergency Service under the <i>Fire and Emergency Services Act 1990</i>	commissioner	(a) section 25, chapter 1 part 4, chapter 3 parts 3 and 6, sections 120, 133, 134 and 181 to 184, chapter 5 part 6, chapter 7 and section 219A; and  (b) all of the office's employees—the provisions mentioned in paragraph (a) and section 26.
8	Queensland Rural and Industry Development Authority under the <i>Rural and Regional Adjustment Act 1994</i>	chief executive officer	(a) chapter 3, part 3; and  (b) all of the office's employees—chapter 3, part 3
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) section 25, chapter 3 part 3 (other than section 55) and part 6, sections 101, 103(1) and (3), 133(2), (3) and (4), 149 and 149A, chapter 5 part 6 division 1, division 2 subdivision 1, divisions 4 and 5 and part 7, sections 183, 184, 185 and 186, chapters 6 and 7 and section 219A; and  (b) all of the office's employees—the provisions mentioned in paragraph (a) and section 26.

## 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>
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.
12A	Trade and Investment Queensland	chief executive officer	(a) chapter 3 part 3, sections 149 and 149A, chapter 5 part 6 divisions 1, 2, 4 and 5 and part 7, sections 185 and 186 and chapter 7; and (b) all of the office's employees other than TIQ contract employees and TIQ foreign employees—the provisions mentioned in paragraph (a).
13	an agency, authority, commission, corporation, instrumentality, office or another entity not listed in this schedule, that is 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, chapter 3 part 4 divisions 4 and 5, chapter 3 part 6 and section 219A; 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    chapter 3, part 6 (Functions of commission relating to work performance matters)
- 4    section 99 (How responsibilities must be discharged)
- 5    section 133 (Chief executive's power to transfer or redeploy)  
*Note—*  
    Section 9A modifies the application of this section.
- 6    section 134 (Consequence if transfer refused)
- 7    section 137 (Suspension other than as disciplinary action)
- 8    section 138 (Action because of surplus)
- 9    section 149 (Review of status of temporary employee)
- 9A   section 149A (Commission chief executive must make directive about casual employees)
- 10   chapter 5, part 6 (Assessing suitability of persons to be engaged in particular employment)
- 11   chapter 5, part 7 (Mental or physical incapacity)
- 12   section 179A (Requirement to disclose previous history of serious disciplinary action)
- 13   section 183 (Work performance arrangements)



- 11 chapter 5, part 7 (Mental or physical incapacity)
- 12 section 179A (Requirement to disclose previous history of serious disciplinary action)
- 13 section 181 (Requirement to give notice of charge or conviction for indictable offence)
- 14 section 182 (Confidentiality of private information contained in notice)
- 15 section 183 (Work performance arrangements)
- 16 section 184 (Interchange arrangements)
- 17 section 186 (Conflicts of interest)
- 18 chapter 6 (Disciplinary action for public service employees and former public service employees)
- 19 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      Queensland Agricultural Training Colleges**

- (1) This section applies to the Queensland Agricultural Training Colleges College ABN 65 259 790 558 (the *Agricultural Colleges*).
- (2) For all employees of the Agricultural Colleges, rulings about the following matters—
  - (a) appeals;
  - (b) early retirement, redundancy and retrenchment;
  - (c) employees affected by workplace change;
  - (d) employment screening, except to the extent to which the ruling provides for persons engaged by the department of communities;
  - (f) recruitment and selection;
  - (g) support for employees affected by domestic and family violence;
  - (h) workforce establishment management;
  - (i) work performance information.
- (3) Also, for employees of the Agricultural Colleges, 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, other than the chief executive officer, rulings about the following matters—
  - (a) appeals;
  - (aa) attendance recording and reporting;
  - (ab) attraction and retention incentives;
  - (ac) conversion of casual employees to permanent employment;
  - (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 affected by workplace change;
  - (ha) employment arrangements in the event of a human influenza pandemic;
  - (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;
- (ua) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
- (v) motor vehicle allowances;
- (w) paid parental leave;
- (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;
- (zha) study and examination leave;

- (zi) support for employees affected by domestic and family violence;
- (zj) temporary employment, including end of contract payments;
- (zk) transfer and appointment expenses;
- (zl) transfer within and between classification levels and systems;
- (zm) workforce profile and work performance information.

### **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;  
*Note—*  
Section 9B modifies the application of rulings about appeals.
  - (b) change of pay date for employees of Queensland Health;  
*Note—*  
Section 9C modifies the application of rulings about change of pay date for employees of Queensland Health.
  - (ba) conversion of casual employees to permanent employment;
  - (c) domestic travelling and relieving expenses;
  - (d) early retirement, redundancy and retrenchment;
  - (e) employees affected by workplace change;
  - (f) employment screening;
  - (fa) hours, overtime and excess travel, only to the extent the ruling provides for excess travel;

- (g) international travelling, relieving and living expenses;
- (h) leave without salary credited as service;
- (ha) managing employee complaints;

*Note—*

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

- (hb) medical examinations as mentioned in section 175 of the Act;
- (i) paid parental leave;
- (k) recognition of previous service and employment;
- (l) recruitment and selection;

*Note—*

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

- (m) support for employees affected by domestic and family violence;
- (ma) temporary employment;
- (n) transfer and appointment expenses;

*Note—*

Section 9D modifies the application of rulings about transfer and appointment expenses.

- (o) transfer within and between classification levels and systems;
- (p) workforce establishment management;
- (q) work performance information.

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

- (1) This section applies to Legal Aid Queensland.
- (2) For all employees of Legal Aid Queensland, rulings about the following matters—
  - (a) appeals;



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- (aa) conversion of casual employees to permanent employment;
  - (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 undertaking overtime and overtime meal allowances;
  - (da) higher duties;
  - (e) international travelling, relieving and living expenses;
  - (f) locality allowances;
  - (fa) long service leave;
  - (fb) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
  - (g) motor vehicle allowances;
  - (h) paid parental leave;
  - (j) recognition of previous service and employment;
  - (l) recruitment and selection, except to the extent to which the ruling provides for any of the following—
    - (i) gazette notification;
    - (ii) the filling of a vacancy to comply with a directive relating to employees affected by workplace change;
    - (iii) a chief executive to consult with the commission about advertising a vacancy and exemptions from advertising a vacancy;
    - (iv) a chief executive to consider sections 98 and 99 of the Act when deciding whether or not to limit advertising for a vacancy or to exempt a vacancy from advertisement;
  - (m) sick leave;
  - (n) special leave;

- (o) support for employees affected by domestic and family violence;
- (oa) temporary employment;
- (p) transfer and appointment expenses;
- (q) workforce establishment management;
- (r) work performance information.

## **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 affected by workplace change;
  - (e) employment screening;
  - (ea) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
  - (f) paid parental leave;
  - (h) recruitment and selection;
  - (i) support for employees affected by domestic and family violence;
  - (j) workforce establishment management;
  - (k) work performance information.

## **7 Queensland Building and Construction Commission and employing office**

- (1) This section applies to the Queensland Building and Construction Commission (the *commission*) and the

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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;
  - (aa) attendance, to the extent to which the ruling provides for recording and reporting;
  - (ab) court attendance and jury service;
  - (ac) critical incident entitlements and conditions;
  - (ad) declarations of interests for public service employees;
  - (b) domestic travelling and relieving expenses;
  - (c) early retirement, redundancy and retrenchment;
  - (ca) employees affected by workplace change;
  - (cb) employment arrangements in the event of human influenza pandemic;
  - (d) employment screening, except to the extent to which the ruling provides for—
    - (i) persons engaged by the department of communities; or
    - (ii) child-related duties;
  - (da) employment separation procedures;
  - (db) gifts and benefits;
  - (e) higher duties;
  - (ea) hours, overtime and excess travel;
  - (eb) leave without salary credited as service;
  - (f) locality allowances;
  - (fa) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
  - (g) paid parental leave;

- (ga) recognition of previous service and employment;
- (i) recreation and long service leave;
- (j) recruitment and selection;
- (k) sick leave;
- (l) special leave;
- (la) study and examination leave;
- (m) support for employees affected by domestic and family violence;
- (ma) temporary employment;
- (n) transfer and appointment expenses;
- (o) work performance information.

## **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;
  - (aa) domestic travelling and relieving expenses;
  - (b) early retirement, redundancy and retrenchment;
  - (c) employees affected by workplace change;
  - (d) employment screening;
  - (da) international travelling, relieving and living expenses;
  - (f) recruitment and selection, except to the extent a ruling provides for role evaluation;
  - (g) support for employees affected by domestic and family violence;
  - (h) workforce establishment management;

- (i) work performance information.
- (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;
  - (d) support for employees affected by domestic and family violence;
  - (e) workforce establishment management;
  - (f) work performance information.

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

- (1) This section applies to the Queensland Rural and Industry Development Authority under the *Rural and Regional Adjustment Act 1994*.
- (2) For all employees of the Queensland Rural and Industry Development Authority, rulings about the following matters—
  - (a) early retirement, redundancy and retrenchment;
  - (b) motor vehicle allowances;
  - (c) paid parental leave;
  - (d) recreation leave;
  - (e) support for employees affected by domestic and family violence.

## **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;
- (aa) conversion of casual employees to permanent employment;
- (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) employment screening, except to the extent to which the ruling provides for—
  - (i) persons engaged by the department of communities; or
  - (ii) child-related duties;
- (g) higher duties;
- (h) hours, overtime and excess travel, only to the extent a ruling provides for overtime meal allowances;
- (ha) long service leave;
- (hb) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
  - (i) motor vehicle allowances;
  - (j) paid parental leave;
  - (l) recognition of previous service and employment;
  - (n) recruitment and selection, only to the extent a ruling provides for a job evaluation methodology;
  - (o) sick leave;
  - (p) special leave to the extent a ruling provides for bereavement leave;
  - (pa) study and examination leave;
  - (q) support for employees affected by domestic and family violence;
  - (qa) temporary employment;

- (r) transfer and appointment expenses;
- (s) work performance information.

## **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.

## **11 Trade and Investment Queensland**

- (1) This section applies to Trade and Investment Queensland.
- (2) For employees of the Trade and Investment Queensland, other than TIQ contract employees and TIQ foreign employees, rulings about the following matters—
  - (a) appeals;
  - (b) attendance, to the extent to which the ruling provides for recording and reporting;
  - (ba) conversion of casual employees to permanent employment;
  - (c) court attendance and jury service;
  - (d) critical incident entitlements and conditions;
  - (e) declarations of interests for public service employees;
  - (f) domestic travelling and relieving expenses;

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- (g) early retirement, redundancy and retrenchment;
- (h) employment screening;
- (i) employment separation procedures;
- (j) gifts and benefits;
- (k) higher duties;
- (l) hours, overtime and excess travel;
- (m) international travelling, relieving and living expenses;
- (n) leave without salary credited as service;
- (o) locality allowances;
- (oa) managing employee complaints, other than to the extent a ruling provides for complaints to the commission chief executive about the chief executive of an agency;
- (p) motor vehicle allowances;
- (q) paid parental leave;
- (r) recognition of previous service and employment;
- (s) recreation and long service leave;
- (t) recruitment and selection;
- (u) sick leave;
- (v) special leave;
- (w) support for employees affected by domestic and family violence;
- (x) temporary employment, including end of contract payments;
- (y) transfer and appointment expenses;
- (z) transfer within and between classification levels and systems.



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## Schedule 3A Prescribed State employees

### section 14A

- 1 the head of a public service office mentioned in schedule 1 of the Act, other than the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*
- 2 the head or an employee of a public service office mentioned in schedule 1, other than the Crime and Corruption Commission or a public service office to which schedule 1, item 13 applies
- 3 the commissioner under the *Ambulance Service Act 1991*
- 4 a member of the board or a committee of the board or an employee of the Gold Coast 2018 Commonwealth Games Corporation established under the *Commonwealth Games Arrangements Act 2011*
- 5 a commission officer under the *Crime and Corruption Act 2001*, schedule 2
- 6 the chairperson of the Queensland Redistribution Commission under the *Electoral Act 1992*
- 7 the deputy electoral commissioner or the nonjudicial appointee under the *Electoral Act 1992*

*Note—*

The electoral commissioner is also a State employee. See the entry for the Electoral Commission of Queensland in schedule 1 of the Act.

- 8 an electoral registrar, returning officer or assistant returning officer employed under the *Electoral Act 1992*
- 9 an issuing officer or another person employed on a temporary basis under the *Electoral Act 1992* in connection with the conduct of a particular election or referendum
- 10 the public advocate under the *Guardianship and Administration Act 2000*
- 11 the privacy commissioner under the *Information Privacy Act 2009*

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- 12 the commissioner under the *Legal Profession Act 2007*
- 13 a returning officer, assistant returning officer, presiding officer or issuing officer under the *Local Government Electoral Act 2011*
- 14 the ombudsman or an officer of the ombudsman under the *Ombudsman Act 2001*
- 15 a member of the Queensland Sentencing Advisory Council established under the *Penalties and Sentences Act 1992*
- 16 a commissioner for police service reviews under the *Police Service Administration Act 1990*, section 9.2A(1)
- 17 a member of the Prostitution Licensing Authority established under the *Prostitution Act 1999*
- 18 a member of the foundation committee under the *Queensland Art Gallery Act 1987*, section 40C
- 19 a member of the Queensland Building and Construction Board under the *Queensland Building and Construction Commission Act 1991*
- 20 a person appointed to a committee of the Board of the Queensland Museum under the *Queensland Museum Act 1970*, section 24
- 21 an honorary assistant under the *Queensland Museum Act 1970*, section 42C
- 22 a person appointed to a committee of the Queensland Theatre Company under the *Queensland Theatre Company Act 1970*, section 38
- 23 the Right to Information Commissioner under the *Right to Information Act 2009*

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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*.

***Legal Aid Queensland*** means Legal Aid Queensland established under the *Legal Aid Queensland Act 1997*, section 41.

***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.

***TIQ contract employee*** means an employee of Trade and Investment Queensland employed under a contract of service—

- (a) between the employee and Trade and Investment Queensland; and
- (b) providing for the employment conditions of the employee.

***TIQ foreign employee*** means an employee of Trade and Investment Queensland employed under the law of a jurisdiction outside of Australia.

***Trade and Investment Queensland*** means Trade and Investment Queensland established under the *Trade and Investment Queensland Act 2013*, section 7(1).