

Queensland



PUBLIC SERVICE AMENDMENT ACT 1996

Act No. 44 of 1996

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Public Service Amendment Act 1996

Act No. 44 of 1996

An Act to amend the Public Service Act 1996

[Assented to 15 November 1996]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Public Service Amendment Act 1996*.

Act amended

2. This Act amends the *Public Service Act 1996*.

Renumbering of s 116 (Application of Industrial Relations Act to public service employees)

3. Section 116—
renumber as section 116A.

Insertion of new s 116

4. After section 115—
insert—

‘Exclusion of certain matters from review under other Acts

- ‘116.(1)** In this section—

“excluded matter” means—

- (a) a decision to appoint, or not to appoint, a person under this Act or as a statutory office holder; or
- (b) the contract of employment of, or the application of this Act or a provision of this Act to, any of the following persons (an **“excluded person”**)—
 - (i) the commissioner;
 - (ii) a chief executive or other senior executive;
 - (iii) a senior officer;
 - (iv) another officer whose employment is on contract for a fixed

term; or

(c) the removal of a statutory office holder under this Act.

‘(2) An excluded matter, or a matter affecting or relating to an excluded matter, other than in relation to dismissal of an officer who is employed on tenure, is not an industrial matter for the *Industrial Relations Act 1990*.

‘(3) However, this section has no effect on the *Industrial Relations Act 1990*, section 40.

‘(4) Without limiting subsection (2), awards and industrial agreements do not apply to an excluded person.

‘(5) A decision about an excluded matter can not be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991*.

‘(6) Subsection (5) does not apply to a decision about an officer who is employed on tenure and referred to in subsection (1), definition “excluded matter”, paragraph (a) or (b).’.