



Queensland

Public Service Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 122

made under the

Public Service Act 2008

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1 Short title

This regulation may be cited as the *Public Service Amendment Regulation (No. 1) 2014*.

2 Regulation amended

This regulation amends the *Public Service Regulation 2008*.

3 Amendment of s 3 (Definitions)

- (1) Section 3, definitions *column 1 entity*, *employee* and *relevant public service office*—

omit.

- (2) Section 3—

insert—

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

applied ruling see section 8(1).

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.

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.

- (3) Section 3, as amended, definitions—

relocate to schedule 4 as inserted under this regulation.

[s 4]

(4) Section 3, ‘In this regulation—’

omit, insert—

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

4 Amendment of pt 2, div 1, hdg (Declared public service offices and applied provisions—column 1 entities)

Part 2, division 1, heading, ‘—column 1 entities’—

omit, insert—

generally

5 Amendment of s 4 (Declared public service office—Act, s 21)

Section 4(1), ‘(column 1 entity),’—

omit.

6 Replacement of s 5 (Provisions of the Act applied under the Act, s 23)

Section 5—

omit, insert—

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.

7 Amendment of s 6 (Transfer or redeployment of employees under applied provisions)

- (1) Section 6, 'relevant'—
omit, insert—
declared
- (2) Section 6(2)(a)(ii)—
omit, insert—
 - (ii) if the office is the Gasfields Commission—under the Act; or
 - (iii) otherwise—under the Act under which the entity is established; and

8 Amendment of s 7 (Application of appeal provisions)

- (1) Section 7, 'relevant'—
omit, insert—
declared
- (2) Section 7(4), 'of a column 1 entity'—
omit, insert—
(other than a health service employee) of a declared public service office

[s 9]

9 Replacement of s 8 (Application of rulings)

Section 8—

omit, insert—

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.

10 Amendment of s 9 (References to replaced rulings)

Section 9(1), after 'if a ruling'—

insert—

about a matter

11 Replacement of pt 3, div 1, hdg (Key concepts)

Part 3, division 1, heading—

omit, insert—

Division 1 Employee records

12 Omission of pt 3, div 2, hdg (Dealing with employee records)

Part 3, division 2, heading—

omit.

13 Amendment of s 14 (Access to employee record)

(1) Section 14(4), after ‘a person’—

insert—

(the *other person*)

(2) Section 14(5)—

omit, insert—

(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.

14 Insertion of new pt 3, div 2

Part 3, after section 14—

insert—

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*.

15 Amendment of sch 1 (Public service offices, their heads and applied provisions and rulings)

(1) Schedule 1, heading, ‘and rulings’—

omit.

(2) Schedule 1, heading, ‘4, 5 and 8’—

omit, insert—

4 and 5

(3) Schedule 1, column 3, heading, ‘and rulings’—

omit.

(4) Schedule 1, item 4—

omit, insert—

- | | | | |
|---|--|--|---|
| 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 | <p>(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</p> <p>(b) all of the office’s employees—the provisions mentioned in paragraph (a).</p> |
|---|--|--|---|

- (5) Schedule 1, item 6, column 3, paragraph (a), ‘138’—

omit, insert—

152 to 155

- (6) Schedule 1, item 7, column 3, paragraph (a)—

omit, insert—

- (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

- (7) Schedule 1, items 1, 3, 6, 7 and 11, column 3, paragraph (b), ‘entity’s’—

omit, insert—

office’s

- (8) Schedule 1, items 1, 3, 6, 7 and 11, column 3, paragraph (c)—

omit.

- (9) Schedule 1—

[s 16]

insert—

- | | | | |
|----|---|-------------------------|--|
| 2 | Gasfields Commission under the <i>Gasfields Commission Act 2013</i> | general manager | <p>(a) the provisions of the Act, other than sections 35 to 42; and</p> <p>(b) nil.</p> <p><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).</p> |
| 3A | QRAA under the <i>Rural and Regional Adjustment Act 1994</i> | chief executive officer | <p>(a) chapter 3, part 3; and</p> <p>(b) all of the office's employees—chapter 3, part 3.</p> |
| 12 | Safe Food Production QLD under the <i>Food Production (Safety) Act 2000</i> | chief executive officer | <p>(a) chapter 3, part 3; and</p> <p>(b) all of the office's employees—chapter 3, part 3.</p> |

16 Amendment of sch 2 (Applied provisions and rulings for health service employees)

- (1) Schedule 2, heading, 'and rulings'—
omit.
- (2) Schedule 2, heading, 'sections 5B and 8'—
omit, insert—
section 5B
- (3) Schedule 2, part 3—
omit.

17 Insertion of new schs 3 and 4

After schedule 2—

*insert—***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

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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;

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- (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.

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.

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.

Schedule 4 Dictionary

section 3

ENDNOTES

- 1 Made by the Governor in Council on 26 June 2014.
- 2 Notified on the Queensland legislation website on 27 June 2014.
- 3 The administering agency is the Public Service Commission.

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