



Queensland

Parliamentary Service Rule 2021

Subordinate Legislation 2021 No. 136

made under the

Parliamentary Service Act 1988

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Part 1 Preliminary

1 Short title

This rule may be cited as the *Parliamentary Service Rule 2021*.

2 Definitions

In this rule—

appeal means an appeal under section 43(1) of the Act.

award means the Queensland Parliamentary Service Award – State 2015.

Note—

The award is available on the Queensland Industrial Relations Commission’s website.

ministerial directive means a directive made under the *Public Service Act 2008*, section 54.

redeploy, a parliamentary service officer, means employ the officer at a lower classification level whether or not on different duties.

transfer, a parliamentary service officer, means employ the officer at the same classification level on different duties or at a different location.

Part 2 Appeals

3 Starting appeal

- (1) A person may start an appeal in respect of disciplinary action or an appointment (each a ***decision***) only by giving written notice to the Speaker.
- (2) A notice given under subsection (1) must—
 - (a) state—

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- (i) details sufficient to identify the decision; and
 - (ii) why the person is appealing in respect of the decision; and
- (b) be given no later than 5p.m. on the twenty-first day after—
- (i) for an appeal in respect of disciplinary action—the appellant receives written advice about the disciplinary action to be taken against the appellant; or
 - (ii) for an appeal in respect of an appointment—notification of the appointment is published in the gazette.

4 Withdrawing appeal

- (1) An appellant may withdraw an appeal only by giving written notice to the Speaker.
- (2) A notice given under subsection (1) may only be given before the Speaker gives the appellant the Speaker’s written decision on the appeal.

5 Vexatious or frivolous appeal

- (1) The Speaker may decide not to proceed with an appeal if the Speaker considers the appeal is vexatious or frivolous.
- (2) Before deciding not to proceed with an appeal, the Speaker must give the appellant the opportunity to establish, by written submissions, an arguable case for the appeal.

6 Hearing appeal

The Speaker may—

- (a) decide the time, date and place for hearing an appeal; and
- (b) adjourn the hearing of an appeal.

7 Attendance at hearing by officer or employee

- (1) An officer of, or an employee in, the parliamentary service required to attend the hearing of an appeal is taken to be on official duty while attending the hearing.
- (2) This section does not apply to an officer or employee who is suspended from duty under section 41 of the Act.

8 Officer or employee to comply with request of Speaker

An officer of, or an employee in, the parliamentary service must comply with any reasonable request of the Speaker for the proper conduct of an appeal.

9 Offices or classes of office where no appeal in respect of appointment—Act, s 43

For section 43(1)(b)(ii) of the Act, each office or class of office mentioned in schedule 1 is declared to be an office or class of office for which no appeal lies in respect of an appointment to the office.

10 Requirements for appeal in respect of appointment—Act, s 43

- (1) For section 43(2)(b) of the Act, to exercise a right of appeal in respect of an appointment to an office, an officer must satisfy the following requirements—
 - (a) the officer applied for the office, whether or not the vacancy in the office was advertised;
 - (b) if the vacancy in the office was advertised—the officer’s application was received on or before the closing date for applications for the office;
 - (c) on the day on which the appointment was made—
 - (i) the officer was an officer of the parliamentary service; and

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- (ii) the maximum salary for the office applied for was more than the maximum salary for the office held by the officer.
- (2) An appeal lapses if the appellant stops being an officer of the parliamentary service.

11 Right of address by Clerk, appellant and appointee

On an appeal in respect of an appointment to an office, the Clerk or an officer for the Clerk, the appellant and the appointee may address the Speaker about—

- (a) the claims of the appellant and the appointee to appointment to the office, having regard to their qualifications and competence; and
- (b) the appropriateness of any procedures used for selecting the appointee.

12 Disciplinary action to be deferred until after appeal

- (1) If the Clerk makes an order under section 40(3) of the Act that a person be disciplined, no action may be taken to implement the order until—
 - (a) the time allowed for giving a notice of appeal in respect of the order under section 3(2)(b)(i) ends without the notice being given; or
 - (b) if an appeal is started—the appeal ends.
- (2) For subsection (1)(b), an appeal ends if—
 - (a) the appellant withdraws the appeal; or
 - (b) the Speaker decides not to proceed with the appeal under section 5; or
 - (c) the Speaker decides the appeal.

13 Successful appeal

- (1) This section applies if an appellant is appointed to an office as a result of a decision on an appeal.
- (2) The appellant is—
 - (a) entitled to be paid salary at the rate for the office on and after the date of the appellant's appointment, despite any delay in the appellant taking up duty in the office; and
 - (b) eligible to receive any applicable salary increment on the anniversary of the appointment of the officer originally appointed to the office.
- (3) The officer originally appointed to the office is to return to the office and classification from which the officer was appointed.
- (4) However, if the office from which the officer originally appointed was appointed is no longer vacant, the officer is to be retained at a salary level not less than the salary level for that office.
- (5) Notice of the revocation of the appointment of the officer originally appointed to the office must be published in the gazette.

14 Clerk to notify decision on appeal

As soon as practicable after the Speaker decides an appeal, the Clerk must notify the following persons of the Speaker's decision—

- (a) for an appeal in respect of disciplinary action—the appellant;
- (b) for an appeal in respect of an appointment—the appellant and the appointee.

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- (d) the person has undertaken the substantive office's role for a period totalling at least 12 months in the previous 24 months; and
 - (e) the Speaker is satisfied that the person has met the agreed performance objectives of the relevant office.
- (3) However, the Speaker may only fill an office by direct appointment under subsection (1) or (2) if the salary level of the office is less than equivalent to the salary level of a senior officer under the *Public Service Act 2008*.
 - (4) The Speaker may also fill an office (the *relevant office*) by direct appointment of a person if—
 - (a) the person has been temporarily employed in another office at the classification level of the relevant office and the employment was on merit after advertisement of a vacancy in the other office; and
 - (b) the person has undertaken the other office's role for a continuous period of 24 months; and
 - (c) the Speaker is satisfied that the person has met the agreed performance objectives of the relevant office.
 - (5) The Clerk must keep a record of the number, type and classification level of direct appointments made under this section in each financial year.
 - (6) For auditing and reporting purposes, a record mentioned in subsection (5) must be kept for at least 12 months after the end of the financial year to which it relates.
 - (7) In this section—

merit, as the basis for employment of a person, means merit taking into account the criteria mentioned in the *Public Service Act 2008*, section 28 as applied to the person.

17 Recurring vacancies

- (1) Subject to subsection (2), the Speaker may use an application to fill a vacancy in a permanent office (the *original office*) to consider the applicant for appointment to a relevant office if—

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- (a) the salary level of the original office is less than equivalent to the salary level of a senior officer under the *Public Service Act 2008*; and
 - (b) when the vacancy was advertised, the advertisement included a statement that an application to fill the vacancy—
 - (i) may be used to consider the applicant for appointment to a relevant office; and
 - (ii) would remain current for a stated period of not more than 12 months after the closing date for the receipt of applications for the vacancy; and
 - (c) the vacancy is filled within the period mentioned in paragraph (b)(ii).
- (2) The role descriptions of the original office and a relevant office may vary as to—
- (a) if the advertisement for the original office included a statement that the role for a relevant office could vary as to the location of employment—the location of employment; or
 - (b) if the advertisement for the original office included a statement that the role for a relevant office could vary as to whether employment is on a part-time or full-time basis—whether employment is on a part-time or full-time basis.
- (3) In this section—
- relevant office*** means a permanent office—
- (a) in which there is a vacancy after the vacancy in the original office; and
 - (b) that has the same title, classification level and role description as the original office.

18 Applied ministerial directives

A ministerial directive about a matter mentioned in schedule 3 applies, with necessary changes, to—

- (a) the parliamentary service; and
- (b) parliamentary service officers and employees.

19 Repeal

The Parliamentary Service Rule 2010, SL No. 215 is repealed.

Schedule 1 Offices or classes of office where no appeal in respect of appointment

section 9

- 1 an office designated to be—
 - (a) in the office of the Speaker; or
 - (b) in the electorate office of a member of the Legislative Assembly
- 2 the office of the Clerk of the Parliament
- 3 any of the following offices—
 - (a) administrative officer, classification level 1 or 2;
 - (b) administrative officer, classification level 7 (if the officer is a parliamentary policy officer);
 - (c) operational officer, classification level 1 or 2;
 - (d) professional officer, classification level 1 or 2;
 - (e) technical officer, classification level 1 or 2
- 4 an office filled under a provision of the award providing for an officer's appointment to the office without the vacancy for the office being advertised
- 5 an office filled by an officer seconded to the office—
 - (a) at the same classification level as the office from which the officer was seconded; or
 - (b) for a period of not more than 1 year
- 6 an office filled on a temporary basis
- 7 an office filled by the transfer or redeployment of an officer

Schedule 2 Classes of office where vacancy need not be advertised

section 15

- 1 an office designated to be—
 - (a) in the office of the Speaker; or
 - (b) in the electorate office of a member of the Legislative Assembly
- 2 any of the following offices—
 - (a) administrative officer, classification level 1 or 2;
 - (b) administrative officer, classification level 7 (if the officer is a parliamentary policy officer);
 - (c) operational officer, classification level 1 or 2;
 - (d) professional officer, classification level 1 or 2;
 - (e) technical officer, classification level 1 or 2
- 3 an office that may be filled under a provision of the award providing for an officer's appointment to the office without the vacancy for the office being advertised
- 4 an office that may be filled by an officer seconded to the office from another office at the same classification level as the office from which the officer was seconded
- 5 an office that may be filled by the transfer or redeployment of an officer
- 6 an office that may be filled by direct appointment under section 16

Schedule 3 Matters for applied ministerial directives

section 18

- 1 court attendance and jury service
- 2 domestic travelling and relieving expenses
- 3 entitlements for early retirement, redundancy and retrenchment
- 4 higher duties
- 5 hours, overtime and excess travel
- 6 leave without salary credited as service
- 7 motor vehicle allowances
- 8 paid parental leave
- 9 recognition of previous service and employment
- 10 recreation leave
- 11 long service leave
- 12 sick leave
- 13 special leave
- 14 transfer and appointment expenses

ENDNOTES

- 1 Made by the Speaker on 30 August 2021.
- 2 Notified on the Queensland legislation website on 1 September 2021.
- 3 The administering agency is the Department of the Premier and Cabinet.

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