



Queensland

**Criminal Code and Other
Legislation (Misconduct,
Breaches of Discipline and
Public Sector Ethics)
Amendment Bill 2009**



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Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of Criminal Code	
3	Act amended	12
4	Insertion of new s 92A	12
	92A Misconduct in relation to public office	12
Part 3	Amendment of Public Service Act 2008	
5	Act amended	14
6	Amendment of s 12 (Application of Act to various types of employees etc.)	14
7	Amendment of s 47 (Types of ruling)	14
8	Amendment of s 53 (Rulings by commission chief executive) . . .	14
9	Amendment of s 65 (Disclosure of interests)	14
10	Amendment of s 101 (Declaration of interests)	15
11	Amendment of s 102 (Conflicts of interest)	15
12	Insertion of new s 179A	15
	179A Requirement to disclose previous history of serious disciplinary action	15
13	Amendment of s 185 (Declaration of interests)	16
14	Amendment of s 186 (Conflicts of interest)	16
15	Amendment of ch 6, hdg (Disciplinary action for public service officers)	17
16	Insertion of new ch 6, pt 1 and new pt 2 hdg	17

Contents

	Part 1	Preliminary	
	186A	Definitions for ch 6	17
17		Amendment of s 187 (Grounds for discipline)	18
18		Insertion of new s 187A	18
	187A	How disciplinary action may be taken against a public service officer after the officer changes employment	19
19		Amendment of s 188 (Disciplinary action that may be taken) . . .	20
20		Insertion of new ss 188A–188B	20
	188A	Disciplinary action that may be taken against a former public service officer	20
	188B	Information about disciplinary action to be given by chief executive	22
21		Amendment of s 190 (Procedure for disciplinary action)	23
22		Amendment of s 194 (Decisions against which appeals may be made)	23
23		Amendment of s 196 (Who may appeal)	23
24		Amendment of s 207 (Lapse of appeal)	23
25		Amendment of s 211 (Attendance at an appeal is part of an employee’s duties)	24
26		Amendment of s 212 (Public service employee’s entitlements for attending appeal as part of duties)	24
27		Amendment of s 213 (Entitlement of non-public service employees)	24
28		Amendment of ch 9, pt 2, hdg (Transitional provisions)	24
29		Insertion of new ch 9, pt 3	25
	Part 3	Transitional provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	
	252	Definition for pt 3	25
	253	Disciplinary action	25
	254	Former public service officer	25
30		Amendment of sch 2 (Statutory office holders who are not term appointees)	25
31		Amendment of sch 4 (Dictionary)	26
32		Amendment relating to the operation of QCAT	27
	Part 4	Amendment of Police Service Administration Act 1990	
33		Act amended	27
34		Amendment of s 1.4 (Definitions)	28

35	Amendment of s 5AA.8 (Requirements for disclosure)	29
36	Insertion of new s 5AA.10A	29
	5AA.10A Information about disciplinary action to be given by chief executive	29
37	Amendment of s 5AA.11 (Assessment of suitability)	30
38	Amendment of s 5AA.14 (Secrecy)	30
39	Insertion of new pt 7A.	31
	Part 7A Disciplinary declarations against former officers	
	7A.1 Power to conduct disciplinary investigation against a former officer	31
	7A.2 Disciplinary action that may be taken against a former officer	32
	7A.3 Procedure.	33
	7A.4 Commissioner to notify former officer of decision . . .	33
	7A.5 Notice of misconduct finding to Crime and Misconduct Commission	34
40	Amendment of s 9.3 (Application for review)	34
41	Insertion of new pt 10, div 1, sdiv 2A	34
	Subdivision 2A Disclosure provisions about disciplinary information	
	10.2CA Information about disciplinary action to be given by commissioner	35
42	Insertion of new pt 11, div 4.	35
	Division 4 Transitional and declaratory provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	
	11.7 Amendment of regulations by Governor in Council unaffected.	36
	11.8 Former officer	36
43	Amendment of schedule (Relevant information)	36
44	Amendment relating to the operation of QCAT.	37
Part 5	Amendment of Police Service (Discipline) Regulations 1990	
45	Regulations amended	38
46	Amendment of s 9 (Grounds for disciplinary action)	38
47	Insertion of new s 13	38
	13 Matters for disciplinary investigation of a former officer	39

Contents

Part 6	Amendment of Police Service Administration (Review of Decisions) Regulation 1990	
48	Regulation amended	39
49	Amendment of s 4 (Definitions)	39
50	Amendment of s 6A (Application for review).	40
51	Amendment of s 11 (Withdrawal of application for review).	40
Part 7	Amendment of Crime and Misconduct Act 2001	
Division 1	Act amended	
52	Act amended	41
Division 2	Amendments having effect before the operation of QCAT	
53	Amendment of s 50 (Commission may prosecute official misconduct)	41
54	Insertion of new ch 8, pt 8	42
	Part 8 Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	
	392 Transitional provision for prescribed person	43
55	Potential repeal before commencement.	43
Division 3	Amendments relating to the operation of QCAT	
56	Amendment of s 50 (Commission may prosecute official misconduct)	43
57	Amendment of s 219B (Definitions for pt 2)	45
58	Insertion of new s 219BA	45
	219BA Meaning of reviewable decision	45
59	Insertion of new s 219DA	46
	219DA QCAT hearing in relation to prescribed person whose employment or appointment has ended.	46
60	Amendment of s 219G (Proceedings relating to reviewable decisions)	47
61	Amendment of s 219I (Powers for official misconduct).	47
62	Insertion of new s 219IA.	47
	219IA QCAT powers for prescribed persons whose employment or appointment ends	47
63	Amendment of s 219J (Additional power for reviewable decisions)	48
64	Amendment of s 219L (QCAT's power to suspend orders)	49
65	Amendment of s 219M (Appeal from QCAT exercising original jurisdiction).	49
66	Insertion of new ch 8, pt 8 and potential repeal	50

	Part 8	Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	
	392	Transitional provision for prescribed person and potential repeal	51
Part 8		Amendment of Misconduct Tribunals Act 1997	
67		Act amended	51
68		Insertion of new s 14A	51
	14A	Tribunal hearing in relation to a prescribed person whose employment or appointment has ended	51
69		Amendment of s 15 (What is a reviewable decision)	52
70		Amendment of s 18 (Proceedings—appellate jurisdiction).	53
71		Amendment of s 25 (Misconduct tribunal decisions—original jurisdiction)	53
72		Insertion of new s 25A	53
	25A	Misconduct tribunal decisions for prescribed persons whose employment or appointment has ended	53
73		Amendment of s 26 (Misconduct tribunal decisions—appellate jurisdiction)	54
74		Amendment of s 28 (Misconduct tribunal's power to suspend punishment)	55
75		Amendment of s 37 (Appeal from misconduct tribunal in original jurisdiction)	56
76		Insertion of new pt 7, div 3	57
	Division 3	Provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	
	49	Original jurisdiction unaffected	57
77		Potential repeal before commencement	58
Part 9		Amendment of Public Sector Ethics Act 1994	
78		Act amended	58
79		Amendment of s 27 (Who are designated persons).	58
80		Amendment of s 34 (Authorisation of particular disclosures—conflict of interest issue)	58
81		Amendment of schedule (Dictionary)	59
Part 10		Amendments of Acts in schedule	
82		Acts amended in schedule	59
Schedule		Consequential amendments of other Acts	60
		Aboriginal Land Act 1991	60

Contents

Agent-General for Queensland Act 1975	60
Agricultural College Act 2005	60
Ambulance Service Act 1991	61
Anti-Discrimination Act 1991	61
Architects Act 2002	61
Body Corporate and Community Management Act 1997	62
Building and Construction Industry (Portable Long Service Leave) Act 1991	62
Building Units and Group Titles Act 1980	62
Business Names Act 1962	62
Chemical Usage (Agricultural and Veterinary) Control Act 1988	63
Child Protection Act 1999	63
Child Protection (Offender Prohibition Order) Act 2008	63
Child Protection (Offender Reporting) Act 2004	64
Children Services Tribunal Act 2000	64
Classification of Computer Games and Images Act 1995	64
Coal Mining Safety and Health Act 1999	65
Collections Act 1966	65
Commercial and Consumer Tribunal Act 2003	65
Commission for Children and Young People and Child Guardian Act 2000	65
Cooperatives Act 1997	66
Coroners Act 2003	66
Corrective Services Act 2006	67
Crime and Misconduct Act 2001	67
Director of Public Prosecutions Act 1984	67
Disability Services Act 2006	67
Disaster Management Act 2003	68
Dispute Resolution Centres Act 1990	68
Education (Queensland College of Teachers) Act 2005	68
Education (Queensland Studies Authority) Act 2002	68
Electoral Act 1992	69
Electrical Safety Act 2002	69
Energy Ombudsman Act 2006	69
Fair Trading Act 1989	69
Family Responsibilities Commission Act 2008	70

Fire and Rescue Service Act 1990	70
Food Production (Safety) Act 2000	70
Forestry Act 1959	71
Forestry Plantations Queensland Act 2006	71
Freedom of Information Act 1992	72
Gene Technology Act 2001	72
Guardianship and Administration Act 2000	72
Health Practitioner Registration Boards (Administration) Act 1999	73
Health Quality and Complaints Commission Act 2006	73
Health Services Act 1991	73
Hire-purchase Act 1959	74
Judicial Review Act 1991	74
Justices of the Peace and Commissioners for Declarations Act 1991	75
Juvenile Justice Act 1992	75
Land and Resources Tribunal Act 1999	75
Land Court Act 2000	75
Land Tax Act 1915	76
Land Title Act 1994	76
Law Reform Commission Act 1968	76
Legal Aid Queensland Act 1997	76
Legislative Standards Act 1992	77
Libraries Act 1988	77
Local Government Act 1993	77
Local Government (Community Government Areas) Act 2004	78
Magistrates Act 1991	78
Maintenance Act 1965	78
Major Sports Facilities Act 2001	78
Marine Parks Act 2004	79
Maritime Safety Queensland Act 2002	79
Medical Board (Administration) Act 2006	79
Mental Health Act 2000	80
Mineral Resources Act 1989	80
Mining and Quarrying Safety and Health Act 1999	80
Misconduct Tribunals Act 1997	80

Contents

Motor Accident Insurance Act 1994	81
Nursing Act 1992	81
Parliamentary Service Act 1988	81
Plant Protection Act 1989	81
Police Powers and Responsibilities Act 2000	82
Police Service Administration Act 1990	82
Professional Engineers Act 2002	83
Prostitution Act 1999	83
Public Health Act 2005	83
Public Records Act 2002	84
Public Sector Ethics Act 1994	84
Public Trustee Act 1978	85
Queensland Art Gallery Act 1987	85
Queensland Building Services Authority Act 1991	86
Queensland Competition Authority Act 1997	86
Queensland Heritage Act 1992	86
Queensland Museum Act 1970	87
Queensland Performing Arts Trust Act 1977	87
Queensland Theatre Company Act 1970	87
Queensland Treasury Corporation Act 1988	88
Security Providers Act 1993	88
Small Claims Tribunals Act 1973	88
Solicitor-General Act 1985	88
South Bank Corporation Act 1989	89
South East Queensland Water (Restructuring) Act 2007	89
State Buildings Protective Security Act 1983	90
State Penalties Enforcement Act 1999	90
Stock Act 1915	90
Superannuation (State Public Sector) Act 1990	90
Supreme Court of Queensland Act 1991	91
Survey and Mapping Infrastructure Act 2003	91
Taxation Administration Act 2001	91
Terrorism (Preventative Detention) Act 2005	91
Torres Strait Islander Land Act 1991	92
Tourism Queensland Act 1979	92
Trade Measurement Administration Act 1990	92

Transport Operations (Marine Safety) Act 1994	93
Transport Operations (TransLink Transit Authority) Act 2008	93
Transport Planning and Coordination Act 1994	93
Trust Accounts Act 1973.	94
Urban Land Development Authority Act 2007	94
Valuers Registration Act 1992	94
Veterinary Surgeons Act 1936	95
Vocational Education, Training and Employment Act 2000	95
Water Act 2000.	95
Wet Tropics World Heritage Protection and Management Act 1993	96
Workers' Accommodation Act 1952	96

2009

A Bill

for

An Act to amend the Criminal Code, the *Public Service Act 2008*, the *Police Service Administration Act 1990* and regulations under that Act, the *Crime and Misconduct Act 2001*, the *Misconduct Tribunals Act 1997* and the *Public Sector Ethics Act 1994* for particular purposes and to amend other Acts mentioned in the schedule to update references to the *Public Service Act 2008*

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*. 4
5
6

Clause 2 Commencement 7

Subject to sections 55(2) and 77(2), this Act commences on a day to be fixed by proclamation. 8
9

Part 2 Amendment of Criminal Code 10

Clause 3 Act amended 11

This part amends the Criminal Code. 12

Clause 4 Insertion of new s 92A 13

After section 92— 14

insert— 15

‘92A Misconduct in relation to public office 16

‘(1) A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person— 17
18
19

(a) deals with information gained because of office; or 20

(b) performs or fails to perform a function of office; or 21

-
- (c) without limiting paragraphs (a) and (b), does an act or
makes an omission in abuse of the authority of office;
is guilty of a crime.
Maximum penalty—7 years imprisonment.
- ‘(2) A person who ceases to be a public officer in a particular
capacity is guilty of a crime if, with intent to dishonestly gain
a benefit for the person or another person or to dishonestly
cause a detriment to another person, the person deals with
information gained because of the capacity.
Maximum penalty—7 years imprisonment.
- ‘(3) Subsection (2) applies whether or not the person continues to
be a public officer in some other capacity.
- ‘(4) A reference in subsections (1) and (2) to information gained
because of office or a particular capacity includes information
gained because of an opportunity provided by the office or
capacity.
- ‘(5) In this section—
authority, of office, includes the trust imposed by office and
the influence relating to office.
deals with includes the following—
(a) uses;
(b) supplies;
(c) copies;
(d) publishes.
function includes power.
information includes knowledge.
office, in relation to a person who is a public officer, means
the position, role or circumstance that makes the person a
public officer.
performs includes purportedly performs and in relation to a
power, exercises and purportedly exercises.’.

Part 3	Amendment of Public Service Act 2008	1 2
Clause 5	Act amended	3
	This part amends the <i>Public Service Act 2008</i> .	4
Clause 6	Amendment of s 12 (Application of Act to various types of employees etc.)	5 6
	Section 12—	7
	<i>insert—</i>	8
	‘(4) Also, chapters 6 and 7 have provisions relating to the discipline of former public service officers.’.	9 10
Clause 7	Amendment of s 47 (Types of ruling)	11
	Section 47(1), after ‘become,’—	12
	<i>insert—</i>	13
	‘or were,’.	14
Clause 8	Amendment of s 53 (Rulings by commission chief executive)	15 16
	Section 53—	17
	<i>insert—</i>	18
	‘(ba) a matter relating to the application of chapter 6 or 7 to a former public service officer; or’.	19 20
Clause 9	Amendment of s 65 (Disclosure of interests)	21
	(1) Section 65(1)(a), ‘a direct or indirect’—	22
	<i>omit, insert—</i>	23
	‘an’.	24

	(2) Section 65—	1
	<i>insert—</i>	2
	‘(4) A reference to an interest or to a conflict of interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the <i>Acts Interpretation Act 1954</i> , section 36, does not apply.’	3 4 5 6 7
Clause 10	Amendment of s 101 (Declaration of interests)	8
	Section 101—	9
	<i>insert—</i>	10
	‘(7) For the interpretation of a reference to an interest, see section 65(4).’	11 12
Clause 11	Amendment of s 102 (Conflicts of interest)	13
	Section 102—	14
	<i>insert—</i>	15
	‘(3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).’	16 17
Clause 12	Insertion of new s 179A	18
	Chapter 5, part 8, before section 180—	19
	<i>insert—</i>	20
	‘179A Requirement to disclose previous history of serious disciplinary action	21 22
	‘(1) If a chief executive of a department proposes to appoint or second a person to the department, the chief executive, under a directive, may require the person to disclose to the chief executive particulars of any serious disciplinary action taken against the person.	23 24 25 26 27

- ‘(2) The person must comply with the requirement before the appointment or secondment takes effect and within the time and in the way stated by the chief executive. 1
2
3
- ‘(3) The chief executive is not required to further consider the person for appointment or secondment if the person— 4
5
- (a) fails to comply with the requirement; or 6
- (b) gives false or misleading information in response to the requirement. 7
8
- ‘(4) In this section— 9
- serious disciplinary action* means— 10
- (a) disciplinary action under a public sector disciplinary law involving— 11
12
- (i) termination of employment; or 13
- (ii) reduction of classification level or rank; or 14
- (iii) transfer or redeployment to other employment; or 15
- (iv) reduction of remuneration level; or 16
- (b) a disciplinary declaration under a public sector disciplinary law that states a disciplinary action mentioned in paragraph (a)(i) or (ii) as the disciplinary action that would have been taken against the person if the person’s employment had not ended.’. 17
18
19
20
21

Clause 13 Amendment of s 185 (Declaration of interests) 22

Section 185— 23

insert— 24

- ‘(7) For the interpretation of a reference to an interest, see section 65(4).’ 25
26

Clause 14 Amendment of s 186 (Conflicts of interest) 27

Section 186— 28

insert— 29

‘(3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).’ 1
2

Clause 15 Amendment of ch 6, hdg (Disciplinary action for public service officers) 3
4

Chapter 6, heading, after ‘officers’— 5

insert— 6

‘and former public service officers’. 7

Clause 16 Insertion of new ch 6, pt 1 and new pt 2 hdg 8

Chapter 6, before section 187— 9

insert— 10

‘Part 1 Preliminary 11

‘186A Definitions for ch 6 12

‘In this chapter— 13

changes employment includes changes employment by promotion, transfer, redeployment or secondment. 14
15

employing chief executive, for a public service officer, means the chief executive of the department in which the officer holds an appointment after the officer changes employment from one department to another department. 16
17
18
19

former public service officer means a public service officer whose employment ends for any reason after a disciplinary ground arises. 20
21
22

previous chief executive, for a public service officer, means the chief executive of the department in which the public service officer holds an appointment before— 23
24
25

(a) the officer changes employment from the department to another department; or 26
27

- (b) the employment of the officer as a public service officer ends for any reason. 1
2

‘Part 2 Disciplinary action’. 3

Clause 17 Amendment of s 187 (Grounds for discipline) 4

- (1) Section 187(1)— 5

insert— 6

‘(ea) contravened, without reasonable excuse, a requirement of the chief executive under section 179A(1) in relation to the officer’s appointment or secondment by, in response to the requirement— 7
8
9
10

(i) failing to disclose a serious disciplinary action; or 11

(ii) giving false or misleading information; or’. 12

- (2) Section 187— 13

insert— 14

‘(1A) A disciplinary ground arises when the act or omission constituting the ground is done or made. 15
16

‘(1B) Also, a chief executive may discipline, on the same grounds mentioned in subsection (1)— 17
18

(a) a public service officer under section 187A; or 19

(b) a former public service officer under section 188A.’. 20

- (3) Section 187(1A) to (2)— 21

renumber as section 187(2) to (4). 22

Clause 18 Insertion of new s 187A 23

After section 187— 24

insert— 25

‘187A How disciplinary action may be taken against a public service officer after the officer changes employment	1 2 3
‘(1) This section applies if—	4
(a) a public service officer holds an appointment with a department and a disciplinary ground arises in relation to the officer; and	5 6 7
(b) after the disciplinary ground arises the officer changes employment from the department to another department.	8 9 10
‘(2) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the officer holds an appointment with the other department.	11 12 13
‘(3) The previous chief executive may not take disciplinary action about the disciplinary ground other than to the extent provided under subsection (4).	14 15 16
‘(4) If—	17
(a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and	18 19
(b) the previous chief executive and the employing chief executive agree that disciplinary action against the officer is reasonable in the circumstances;	20 21 22
the employing chief executive may take disciplinary action against the officer under section 188.	23 24
‘(5) Despite subsection (2) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the officer.	25 26 27 28 29
‘(6) If—	30
(a) the previous chief executive delegates to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the officer; and	31 32 33

(b) the employing chief executive makes a disciplinary finding about the officer; 1
2

the employing chief executive may take disciplinary action against the officer under section 188 without the agreement of the previous chief executive. 3
4
5

‘(7) The previous chief executive may give to the employing chief executive any information about a public service officer or a disciplinary ground relating to the officer to help the employing chief executive to perform a function under subsection (4) or (5) in relation to the officer.’. 6
7
8
9
10

Clause 19 Amendment of s 188 (Disciplinary action that may be taken) 11
12

(1) Section 188, heading, after ‘taken’— 13

insert— 14

‘**against a public service officer**’. 15

(2) Section 188— 16

insert— 17

‘(1A) If the disciplinary action is taken following an agreement under section 187A(4) between the previous chief executive and the employing chief executive mentioned in the section, the chief executives must agree on the disciplinary action.’. 18
19
20
21

Clause 20 Insertion of new ss 188A–188B 22

After section 188— 23

insert— 24

‘188A Disciplinary action that may be taken against a former public service officer 25
26

‘(1) This section applies if— 27

(a) a disciplinary ground arises in relation to a public service officer; and 28
29

-
- (b) after the disciplinary ground arises the officer's employment as a public service officer ends for any reason. 1
2
3
- '(2) The previous chief executive may make a disciplinary finding or take or continue to take disciplinary action against the former public service officer in relation to the disciplinary ground. 4
5
6
7
- '(3) The disciplinary finding or disciplinary action must be made or taken within a period of 2 years after the end of the officer's employment. 8
9
10
- '(4) However, subsection (3) does not stop disciplinary action being taken following an appeal or review. 11
12
- '(5) Subsection (3) does not affect— 13
- (a) an investigation of a suspected criminal offence; or 14
- (b) an investigation of a matter for the purpose of notifying the Crime and Misconduct Commission of suspected official misconduct under the *Crime and Misconduct Act 2001*. 15
16
17
18
- '(6) In disciplining the former public service officer, the previous chief executive may make a disciplinary declaration and may not take any other disciplinary action. 19
20
21
- '(7) The previous chief executive may only make a disciplinary declaration if the disciplinary action that would have been taken against the officer if the officer's employment had not ended would have been— 22
23
24
25
- (a) termination of employment; or 26
- (b) reduction of classification level. 27
- '(8) The making of the disciplinary declaration does not affect the way in which the officer's employment ended, or any benefits, rights or liabilities arising because the employment ended. 28
29
30
- '(9) In this section— 31
- disciplinary declaration*** means a declaration of— 32

(a)	the disciplinary finding against the former public service officer; and	1 2
(b)	the disciplinary action that would have been taken against the officer if the officer's employment had not ended.	3 4 5
'188B	Information about disciplinary action to be given by chief executive	6 7
'(1)	This section applies if—	8
(a)	the chief executive of a department asks the chief executive of another department (the <i>other chief executive</i>) for disciplinary information that the other chief executive has about a person who is or was a public service employee; and	9 10 11 12 13
(b)	the information is reasonably necessary for the chief executive to make a decision about—	14 15
(i)	an appointment or continued appointment of the person to the chief executive's department; or	16 17
(ii)	a disciplinary finding, disciplinary action or disciplinary declaration the chief executive is considering in relation to the person.	18 19 20
'(2)	The other chief executive must give the disciplinary information to the chief executive unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.	21 22 23 24 25
'(3)	In this section—	26
	<i>disciplinary information</i> , in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity—	27 28 29 30 31
(a)	a current investigation into whether the person should be disciplined;	32 33

-
- (b) a finding that the person should be disciplined; 1
 - (c) possible disciplinary action under consideration; 2
 - (d) disciplinary action, including a disciplinary 3
declaration.’. 4

Clause 21 Amendment of s 190 (Procedure for disciplinary action) 5
Section 190(1), after ‘disciplining’— 6
insert— 7
‘a public service officer or former public service officer’. 8

Clause 22 Amendment of s 194 (Decisions against which appeals may be made) 9
Section 194(1)(b), after ‘to’— 10
omit, insert— 11
‘discipline— 12
(i) a person (other than by termination of 14
employment), including the action taken in 15
disciplining the person; or 16
(ii) a former public service officer by way of a 17
disciplinary declaration made under section 188A, 18
including if the disciplinary action that would have 19
been taken was termination of employment;’. 20

Clause 23 Amendment of s 196 (Who may appeal) 21
Section 196(b), after ‘a public service officer’— 22
insert— 23
‘or former public service officer’. 24

Clause 24 Amendment of s 207 (Lapse of appeal) 25
Section 207— 26

[s 25]

insert— 1

‘Note— 2

This section has no relevance to an appeal against a disciplinary
declaration.’. 3
4

**Clause 25 Amendment of s 211 (Attendance at an appeal is part of
an employee’s duties)** 5
6

Section 211— 7

insert— 8

‘Note— 9

This section has no relevance to an appeal against a disciplinary
declaration.’. 10
11

**Clause 26 Amendment of s 212 (Public service employee’s
entitlements for attending appeal as part of duties)** 12
13

Section 212, at the end— 14

insert— 15

‘Note— 16

This section has no relevance to an appeal against a disciplinary
declaration.’. 17
18

**Clause 27 Amendment of s 213 (Entitlement of non-public service
employees)** 19
20

Section 213— 21

insert— 22

‘(4) This section does not apply to a person who is appealing
against a disciplinary declaration.’. 23
24

Clause 28 Amendment of ch 9, pt 2, hdg (Transitional provisions) 25

Chapter 9, part 2, heading, after ‘provisions’— 26

	<i>insert—</i>	1
	‘for Public Service Act 2008’.	2
Clause 29	Insertion of new ch 9, pt 3	3
	Chapter 9—	4
	<i>insert—</i>	5
‘Part 3	Transitional provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	6 7 8 9 10 11
‘252	Definition for pt 3	12
	‘In this part—	13
	<i>commencement</i> means the commencement of this part.	14
‘253	Disciplinary action	15
	‘Section 187A only applies to a public service officer who changes from a department to another department after the commencement.	16 17 18
‘254	Former public service officer	19
	‘For section 188A, a person is a former public service officer only if the person’s employment as a public service officer ends after the commencement.’.	20 21 22
Clause 30	Amendment of sch 2 (Statutory office holders who are not term appointees)	23 24
	Schedule 2—	25

[s 31]

- insert—* 1
‘Public Sector Ethics Act 1994 2
• *the Queensland Integrity Commissioner’.* 3

Clause 31 Amendment of sch 4 (Dictionary) 4

(1) Schedule 4— 5

insert— 6

‘disciplinary declaration— 7

(a) for a disciplinary declaration made under a public sector 8
disciplinary law, means— 9

(i) a disciplinary declaration made under— 10

(A) section 188A(6); or 11

(B) the *Police Service Administration Act 1990*, 12
section 7A.2(2); or 13

(C) the *Misconduct Tribunals Act 1997*; or 14

(ii) a declaration under another public sector 15
disciplinary law that states the disciplinary action 16
that would have been taken against the person if 17
the person’s employment had not ended; or 18

(b) otherwise, means a disciplinary declaration made under 19
section 188A(6). 20

disciplinary finding means a finding that a disciplinary 21
ground exists. 22

disciplinary ground means a ground for disciplining a public 23
service officer under section 187. 24

disciplinary information see section 188B(3). 25

former public service officer, for chapter 6 or 7, see section 26
186A. 27

previous chief executive, for chapter 6, see section 186A. 28

public sector disciplinary law means— 29

	(a) this Act or any repealed Act regulating the public service; or	1 2
	(b) the <i>Police Service Administration Act 1990</i> or any repealed Act regulating police; or	3 4
	(c) the <i>Misconduct Tribunals Act 1997</i> ; or	5
	(d) a disciplinary provision of an award or industrial agreement; or	6 7
	(e) another Act prescribed under a regulation.	8
	<i>serious disciplinary action</i> see section 179A(4).’.	9
	(2) Schedule 4, definition <i>interest</i> —	10
	<i>omit</i> .	11
Clause 32	Amendment relating to the operation of QCAT	12
	(1) Schedule 4, definition <i>public sector disciplinary law</i> , paragraph (c), after ‘1997’—	13 14
	<i>insert</i> —	15
	‘or QCAT Act’.	16
	(2) Schedule 4, definition <i>disciplinary declaration</i> , paragraph (a)(i)(C), after ‘1997’—	17 18
	<i>insert</i> —	19
	‘or QCAT Act’.	20
Part 4	Amendment of Police Service Administration Act 1990	21 22
Clause 33	Act amended	23
	This part amends the <i>Police Service Administration Act 1990</i> .	24

Clause 34	Amendment of s 1.4 (Definitions)	1
	Section 1.4—	2
	<i>insert—</i>	3
	<i>‘disciplinary declaration—</i>	4
	(a) for a disciplinary declaration made under a public sector disciplinary law, means—	5 6
	(i) a disciplinary declaration made under—	7
	(A) section 7A.2(2); or	8
	(B) the <i>Public Service Act 2008</i> , section 188A(6); or	9 10
	(C) the <i>Misconduct Tribunals Act 1997</i> ; or	11
	(ii) a declaration under another public sector disciplinary law that states the disciplinary action that would have been taken against the person if the person’s employment had not ended; or	12 13 14 15
	(b) otherwise, means a disciplinary declaration made under section 7A.2(2).	16 17
	<i>disciplinary finding</i> means a finding that a disciplinary ground exists.	18 19
	<i>disciplinary ground</i> means a ground for disciplinary action prescribed under a regulation.	20 21
	<i>former officer</i> , for part 7A and any reference to a disciplinary declaration, see section 7A.1(1)(b).	22 23
	<i>public sector disciplinary law</i> means—	24
	(a) this Act or any repealed Act regulating police; or	25
	(b) the <i>Public Service Act 2008</i> or any repealed Act regulating the public service; or	26 27
	(c) the <i>Misconduct Tribunals Act 1997</i> ; or	28
	(d) a disciplinary provision of an award, industrial agreement or certified agreement under the <i>Industrial Relations Act 1999</i> ; or	29 30 31

- (e) another Act prescribed under a regulation. 1
public service employee see the *Public Service Act 2008*, 2
schedule 4.’. 3

Clause 35 Amendment of s 5AA.8 (Requirements for disclosure) 4

Section 5AA.8(2)— 5

insert— 6

- ‘(e) disciplinary action under a public sector disciplinary law 7
involving— 8
- (i) termination of employment; or 9
 - (ii) reduction of classification level or rank; or 10
 - (iii) transfer or redeployment to other employment; or 11
 - (iv) reduction of remuneration level; or 12
 - (v) a disciplinary declaration that states a disciplinary 13
action mentioned in subparagraph (i) or (ii) as the 14
disciplinary action that would have been taken 15
against the person if the person’s employment had 16
not ended.’. 17

Clause 36 Insertion of new s 5AA.10A 18

After section 5AA.10— 19

insert— 20

**‘5AA.10A Information about disciplinary action to be given by 21
chief executive 22**

‘(1) This section applies if— 23

- (a) the commissioner asks the chief executive of another 24
department (the *chief executive*) for disciplinary 25
information the chief executive has about a person who 26
is or was a public service employee; and 27
- (b) the information is reasonably necessary for the 28
commissioner to make a decision about the suitability of 29

	the person to be engaged, or continue to be engaged, as a member of the service.	1 2
	‘(2) The other chief executive must give the disciplinary information to the commissioner unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a contravention or possible contravention of the law in a particular case.	3 4 5 6 7
	‘(3) In this section— <i>disciplinary information</i> , in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity— (a) a current investigation into whether the person should be disciplined; (b) a finding that the person should be disciplined; (c) possible disciplinary action under consideration; (d) disciplinary action, including a disciplinary declaration.’.	8 9 10 11 12 13 14 15 16 17 18 19
Clause 37	Amendment of s 5AA.11 (Assessment of suitability)	20
	Section 5AA.11(2)— <i>insert</i> —	21 22
	‘(ba) disciplinary information given to the commissioner by a chief executive of another department under section 5AA.10A; and’.	23 24 25
Clause 38	Amendment of s 5AA.14 (Secrecy)	26
	Section 5AA.14(3)(a)(v), example— <i>omit, insert</i> —	27 28

‘Examples for subparagraph (v)—

- *Family Services Act 1987*, part 4
- *Public Service Act 2008*, section 188B’.

Clause 39 Insertion of new pt 7A

After section 7.4—

insert—

‘Part 7A Disciplinary declarations against former officers

‘7A.1 Power to conduct disciplinary investigation against a former officer

‘(1) This section applies if—

- (a) a disciplinary ground arises in relation to a police officer; and
- (b) after the disciplinary ground arises the employment of the person (the *former officer*) as a police officer ends for any reason.

‘(2) A disciplinary ground arises when the conduct constituting the ground happens.

‘(3) The commissioner may continue or start an investigation to decide whether the former officer is liable to disciplinary action in relation to the former officer’s conduct at any time when he or she was a police officer.

Note—

Under section 4.10 the commissioner may delegate powers under this part.

‘(4) The investigation and disciplinary action must be taken within a period of 2 years after the end of the former officer’s employment mentioned in subsection (1)(b).

‘(5) However, subsection (4) does not stop disciplinary action being taken following an appeal or review.

‘(6) Subsection (4) does not affect—	1
(a) an investigation of a suspected criminal offence; or	2
(b) an investigation of a matter for the purpose of notifying the Crime and Misconduct Commission of suspected official misconduct under the <i>Crime and Misconduct Act 2001</i> .	3 4 5 6
‘(7) In deciding whether to continue or start a disciplinary investigation the commissioner may have regard to the matters the commissioner reasonably considers to be relevant including matters prescribed under a regulation.	7 8 9 10
‘7A.2 Disciplinary action that may be taken against a former officer	11 12
‘(1) The commissioner may make a disciplinary finding and take disciplinary action against the former officer.	13 14
‘(2) In disciplining the former officer, the commissioner may make a disciplinary declaration and may not take any other disciplinary action.	15 16 17
‘(3) The commissioner may only make a disciplinary declaration if the disciplinary action that would have been taken against the former officer if the former officer’s employment had not ended would have been—	18 19 20 21
(a) termination of employment; or	22
(b) reduction of rank.	23
‘(4) The making of a disciplinary declaration against a former officer does not affect the way in which the former officer’s employment ends, or any benefits, rights or liabilities arising because the employment ends.	24 25 26 27
‘(5) In this section—	28
<i>disciplinary declaration</i> means a declaration of—	29
(a) a disciplinary finding against the former officer; and	30

-
- (b) the disciplinary action that would have been taken against the officer under section 7.4(3) if the former officer's employment had not ended.

7A.3 Procedure

- (1) Before making a disciplinary declaration against a former officer, the commissioner must do 1 or both of the following—
- (a) give the former officer a notice in relation to the disciplinary ground asking the former officer to respond in writing within 28 days;
- (b) hold a disciplinary hearing in relation to the disciplinary ground after giving the former officer a notice asking the former officer to attend the hearing.
- (2) A notice under subsection (1) must be in the form approved by the commissioner and include a statement of the disciplinary ground alleged.
- (3) A notice under subsection (1)(b) must be given at least 28 days before the hearing.
- (4) The commissioner may take disciplinary action against the former officer after complying with subsection (1) whether or not the former officer responds in writing to the commissioner's notice or attends the disciplinary hearing.

7A.4 Commissioner to notify former officer of decision

- (1) This section applies if—
- (a) the commissioner makes a disciplinary declaration against a former officer; or
- (b) otherwise makes a decision in relation to the disciplinary matter after giving notice under section 7A.3.

- ‘(2) The commissioner must give written notice of the disciplinary declaration or decision to the former officer. 1
2
- ‘(3) The notice must be in a form approved by the commissioner. 3

**‘7A.5 Notice of misconduct finding to Crime and Misconduct Commission 4
5**

- ‘(1) This section applies if the commissioner— 6
- (a) decides a disciplinary charge of misconduct brought against a former officer; or 7
8
- (b) when deciding a charge of breach of discipline brought against a former officer, finds the former officer is guilty of misconduct. 9
10
11
- ‘(2) The commissioner must give written notice of the decision, including any disciplinary declaration made against the officer, to the Crime and Misconduct Commission within 14 days after making the decision.’. 12
13
14
15

Clause 40 Amendment of s 9.3 (Application for review) 16

Section 9.3— 17

insert— 18

- ‘(1C) Also, a former officer who is aggrieved by a disciplinary declaration made against the former officer under section 7A.2(2) for a breach of discipline may apply to have the disciplinary decision reviewed by a commissioner for police service reviews.’. 19
20
21
22
23

Clause 41 Insertion of new pt 10, div 1, sdiv 2A 24

After section 10.2C— 25

insert— 26

**‘Subdivision 2A Disclosure provisions about disciplinary information 27
28**

‘10.2CA Information about disciplinary action to be given by commissioner	1
	2
‘(1) This section applies if—	3
(a) the chief executive of a department asks the commissioner for disciplinary information the commissioner has about a person who is or was a member of the service; and	4 5 6 7
(b) the information is reasonably necessary for the chief executive to make a decision about an appointment or continued employment of the person to the chief executive’s department.	8 9 10 11
‘(2) The commissioner must give the disciplinary information to the chief executive unless the commissioner is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.	12 13 14 15 16
‘(3) In this section—	17
<i>disciplinary information</i> , in relation to a request made of the commissioner about a person who is or was a member of the service, includes the following made or taken against the person—	18 19 20 21
(a) a disciplinary finding;	22
(b) disciplinary action, including a disciplinary declaration.’.	23 24
Clause 42 Insertion of new pt 11, div 4	25
Part 11—	26
<i>insert</i> —	27

‘Division 4	Transitional and declaratory provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	1 2 3 4 5
‘11.7 Amendment of regulations by Governor in Council unaffected		6 7
	‘The amendment of any regulation by the <i>Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	8 9 10 11 12
‘11.8 Former officer		13
	‘For part 7A, a person is a former officer only if the person’s employment ends after the commencement of the part.’	14 15
Clause 43 Amendment of schedule (Relevant information)		16
(1) Schedule, entry for information about police officers, recruits and applicants to become police officers or recruits—		17 18
<i>insert—</i>		19
‘13 Information about the person supplied to the commissioner by a chief executive of a department if the person is or was a public service employee about—		20 21 22
• any disciplinary finding made against the person		23
• disciplinary action taken against the person, including a disciplinary declaration under the <i>Public Service Act 2008</i> , section 188A.’		24 25 26
(2) Schedule, entry for information about staff members, applicants to become staff members, volunteers and students on work experience—		27 28 29
<i>insert—</i>		30

-
- ‘9 Information about the person supplied to the commissioner by a chief executive of a department if the person is or was a public service employee about—
- any disciplinary finding made in relation to the person
 - disciplinary action taken against the person, including a disciplinary declaration made under the *Public Service Act 2008*, section 188A.’

Clause 44	Amendment relating to the operation of QCAT	8
(1)	Section 1.4 (of the <i>Police Service Administration Act 1990</i>), definition <i>public sector disciplinary law</i> , paragraph (c), after ‘1997’—	9
	<i>insert</i> —	10
	‘or QCAT Act’.	11
(2)	Section 1.4 (of the <i>Police Service Administration Act 1990</i>), definition <i>disciplinary declaration</i> , paragraph (a)(i)(C), after ‘1997’—	12
	<i>insert</i> —	13
	‘or QCAT Act’.	14
(3)	Section 7A.4(3) (of the <i>Police Service Administration Act 1990</i>) as inserted by section 39—	15
	<i>omit, insert</i> —	16
‘(3)	The notice must be—	17
(a)	if the allegation is of misconduct or there is a finding of misconduct—a QCAT information notice; or	18
(b)	otherwise—in a form approved by the commissioner.’.	19
(4)	Section 7A.5 (of the <i>Police Service Administration Act 1990</i>) as inserted by section 39—	20
	<i>omit, insert</i> —	21
		22
		23
		24
		25
		26
		27
		28

7A.5 Notice of misconduct finding to Crime and Misconduct Commission	1 2
‘(1) This section applies if the commissioner—	3
(a) decides an allegation of misconduct brought against a former officer; or	4 5
(b) when deciding an allegation of a breach of discipline brought against a former officer, finds the former officer is guilty of misconduct.	6 7 8
‘(2) The commissioner must give a QCAT information notice for the decision, including any disciplinary declaration made against the officer, to the Crime and Misconduct Commission within 14 days after making the decision.’.	9 10 11 12

Part 5	Amendment of Police Service (Discipline) Regulations 1990	13 14
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Clause 45	Regulations amended	15
	This part amends the <i>Police Service (Discipline) Regulations 1990</i> .	16 17
Clause 46	Amendment of s 9 (Grounds for disciplinary action)	18
	Section 9(1), after ‘7.4’—	19
	<i>insert—</i>	20
	‘or part 7A’.	21
Clause 47	Insertion of new s 13	22
	After section 12—	23
	<i>insert—</i>	24

‘13	Matters for disciplinary investigation of a former officer	1 2
	‘For deciding whether to continue or start an investigation under section 7A.1 of the Act against a former officer mentioned in the section, the commissioner may consider the following matters—	3 4 5 6
	(a) the seriousness of the grounds for disciplinary action;	7
	(b) how far advanced the investigation is;	8
	(c) the cost implications of continuing the investigation;	9
	(d) access to the former officer;	10
	(e) the former officer’s previous disciplinary history;	11
	(f) any benefit to the service in proceeding or not proceeding with an investigation;	12 13
	(g) whether the matter is being considered or investigated by the Crime and Misconduct Commission or any other authority;	14 15 16
	(h) any associated criminal offence;	17
	(i) any other relevant matter.’	18

Part 6	Amendment of Police Service Administration (Review of Decisions) Regulation 1990	19 20 21
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Clause 48	Regulation amended	22
	This part amends the <i>Police Service Administration (Review of Decisions) Regulation 1990</i> .	23 24

Clause 49	Amendment of s 4 (Definitions)	25
	(1) Section 4—	26

insert— 1

‘former officer means a former officer under part 7A of the Act.’. 2
3

(2) Section 4, definition *party to a review*, before paragraph (a)— 4

insert— 5

‘(aa) the former officer who applied for the review; or’. 6

(3) Section 4, definition *party to a review*, paragraphs (aa) to (e)— 7
8

renumber as paragraphs (a) to (f). 9

Clause 50 Amendment of s 6A (Application for review) 10

Section 6A— 11

insert— 12

‘(4) In this section— 13

officer includes a former officer.’. 14

Clause 51 Amendment of s 11 (Withdrawal of application for review) 15

Section 11— 16

insert— 17

‘(3) In this section— 18

police officer includes a former officer.’. 19

Part 7	Amendment of Crime and Misconduct Act 2001	1 2
Division 1	Act amended	3
Clause 52	Act amended	4
	This part amends the <i>Crime and Misconduct Act 2001</i> .	5
Division 2	Amendments having effect before the operation of QCAT	6 7
Clause 53	Amendment of s 50 (Commission may prosecute official misconduct)	8 9
	(1) This section only has effect if the <i>Misconduct Tribunals Act 1997</i> is not repealed by the <i>Queensland Civil and Administrative Tribunal Act 2009</i> before this division is commenced.	10 11 12 13
	(2) Section 50(4)— <i>omit, insert—</i>	14 15
	‘(4) For the definition <i>prescribed person</i> , paragraph (b)—	16
	(a) a regulation may not declare a court or the police service to be a unit of public administration that is subject to the jurisdiction of a misconduct tribunal; and	17 18 19
	(b) for subparagraph (ii), a regulation may declare an appointment, or unit of public administration in which an appointment is or was, to be subject to the jurisdiction of a misconduct tribunal before or after the appointment ends as mentioned in the subparagraph.	20 21 22 23 24
	<i>Example—</i>	25
	The commission is notified by the chief executive of a unit of public administration about possible official misconduct by A. The commission assumes responsibility for the investigation. A resigns before the investigation is finalised but the commission’s investigation	26 27 28 29

continues. The investigation later establishes that A's conduct is so serious that proceedings should be taken against A for official misconduct. At that time, a regulation is made prescribing A's appointment.'

(3) Section 50(5), definition *prescribed person*—

omit, insert—

'***prescribed appointment*** means an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to the jurisdiction of a misconduct tribunal.

prescribed person means—

(a) a person—

(i) who is a member of the police service; or

(ii) being a member of the police service, whose employment as a member of the police service ends after the official misconduct happens, regardless of whether the employment ends before or after a charge is laid; or

(b) a person (other than a judge or holder of judicial office, or a member of the police service)—

(i) who holds a prescribed appointment; or

(ii) being the holder of a prescribed appointment, whose appointment ends after the official misconduct happens, regardless of whether the appointment ends before or after a charge is laid.'

Clause 54 **Insertion of new ch 8, pt 8**

Chapter 8—

insert—

‘Part 8	Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009	1 2 3 4 5
‘392	Transitional provision for prescribed person	6
	‘For section 50(5), definition <i>prescribed person</i> , paragraph (a)(ii) or (b)(ii) of the definition only applies to a person whose employment or appointment ends after the commencement of this section.’	7 8 9 10
Clause 55	Potential repeal before commencement	11
	(1) This section applies if the <i>Misconduct Tribunals Act 1997</i> is repealed by the <i>Queensland Civil and Administrative Tribunal Act 2009</i> before this division is commenced.	12 13 14
	(2) This division is repealed.	15
Division 3	Amendments relating to the operation of QCAT	16 17
Clause 56	Amendment of s 50 (Commission may prosecute official misconduct)	18 19
	(1) Subsections (2) and (3) only have effect if, before this section commences, the <i>Misconduct Tribunals Act 1997</i> is repealed by the <i>Queensland Civil and Administrative Tribunal Act 2009</i> and the amendments to section 50 (of the <i>Crime and Misconduct Act 2001</i>) under division 2 have not commenced.	20 21 22 23 24
	(2) Section 50(3)— <i>omit, insert—</i>	25 26
	‘(3) For the definition <i>prescribed person</i> , paragraph (b)—	27

- (a) a regulation may not declare a court or the police service to be a unit of public administration that is subject to QCAT's jurisdiction; and
- (b) for subparagraph (ii), a regulation may declare an appointment, or unit of public administration in which an appointment is or was, to be subject to QCAT's jurisdiction before or after the appointment ends as mentioned in the subparagraph.
- Example—*
- The commission is notified by the chief executive of a unit of public administration about possible official misconduct by A. The commission assumes responsibility for the investigation. A resigns before the investigation is finalised but the commission's investigation continues. The investigation later establishes that A's conduct is so serious that proceedings should be taken against A for official misconduct. At that time, a regulation is made prescribing A's appointment.'
- (3) Section 50(4), definition *prescribed person—*
- omit, insert—*
- 'prescribed appointment** means an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to QCAT's jurisdiction.
- prescribed person** means—
- (a) a person—
- (i) who is a member of the police service; or
- (ii) being a member of the police service, whose employment as a member of the police service ends after the official misconduct happens, regardless of whether the employment ends before or after the start of a disciplinary proceeding for the official misconduct; or
- (b) a person (other than a judge or holder of judicial office, or a member of the police service)—
- (i) who holds a prescribed appointment; or
- (ii) being the holder of a prescribed appointment, whose appointment ends after the official

	misconduct happens, regardless of whether the appointment ends before or after the start of a disciplinary proceeding for the official misconduct.’	1 2 3 4
(4)	Subsections (2) and (3) are repealed on the commencement of this section if the <i>Misconduct Tribunals Act 1997</i> is not repealed by the <i>Queensland Civil and Administrative Tribunal Act 2009</i> before this section is commenced or the amendments of section 50 (of the <i>Crime and Misconduct Act 2001</i>) under division 2 have been commenced before this section is commenced.	5 6 7 8 9 10 11
Clause 57	Amendment of s 219B (Definitions for pt 2)	12
	Section 219B, definition <i>reviewable decision</i> —	13
	<i>omit, insert</i> —	14
	‘ <i>reviewable decision</i> see section 219BA.’	15
Clause 58	Insertion of new s 219BA	16
	After section 219B—	17
	<i>insert</i> —	18
	‘219BA Meaning of <i>reviewable decision</i>	19
	‘(1) A <i>reviewable decision</i> means—	20
	(a) a decision made in relation to an allegation of misconduct against a prescribed person, other than a decision made by a court or QCAT; or	21 22 23
	(b) a finding mentioned in the <i>Police Service Administration Act 1990</i> , section 7.4(2A)(b) or 7A.5(1)(b) that misconduct is proved against an officer.	24 25 26
	‘(2) In this section—	27
	<i>decision</i> , made in relation to a disciplinary allegation of misconduct, if a disciplinary declaration is made, includes the disciplinary declaration.	28 29 30

<i>Note</i> —	1
A reviewable decision may also involve a failure to make a disciplinary declaration.	2 3
<i>disciplinary declaration</i> means a disciplinary declaration made under—	4 5
(a) the <i>Public Service Act 2008</i> , section 188A; or	6
(b) the <i>Police Service Administration Act 1990</i> , section 7A.2(2).	7 8
<i>prescribed person</i> , in relation to a prescribed person mentioned in section 50(4), definition <i>prescribed person</i> , paragraphs (a)(ii) and (b)(ii), means—	9 10 11
(a) a prescribed person against whom a disciplinary declaration has been made; or	12 13
(b) in relation to an appeal started by the commission under section 219G—	14 15
(i) a prescribed person mentioned in paragraph (a); or	16
(ii) a prescribed person against whom a disciplinary declaration has not been made if a ground of appeal states that a disciplinary declaration should have been made.’.	17 18 19 20

Clause 59	Insertion of new s 219DA	21
	After section 219D—	22
	<i>insert</i> —	23
	‘219DA QCAT hearing in relation to prescribed person whose employment or appointment has ended	24 25
	‘To remove any doubt, it is declared that QCAT may hear and decide, or continue to hear and decide, an allegation of official misconduct brought against a prescribed person defined in section 50(4), definition <i>prescribed person</i> , paragraph (a)(ii) or (b)(ii), despite the person’s employment or appointment having ended—	26 27 28 29 30 31

-
- (a) before or during the QCAT hearing; or 1
(b) after the hearing and before QCAT makes its decision.’. 2

Clause 60 Amendment of s 219G (Proceedings relating to reviewable decisions) 3
4

Section 219G(2)(a), after ‘section 7.4(2A)’— 5
insert— 6
, 7A.4 or 7A.5’. 7

Clause 61 Amendment of s 219I (Powers for official misconduct) 8

Before section 219I(1)— 9
insert— 10
(1AA) This section applies to a prescribed person defined in section 11
50(4), definition *prescribed person*, paragraph (a)(i) or 12
(b)(i).’ 13

Clause 62 Insertion of new s 219IA 14

After section 219I— 15
insert— 16
‘219IA QCAT powers for prescribed persons whose employment or appointment ends 17
18
(1) This section applies to a prescribed person defined in section 19
50(4), definition *prescribed person*, paragraph (a)(ii) or 20
(b)(ii). 21
(2) QCAT may, on a finding of official misconduct being proved 22
against a prescribed person, make a disciplinary declaration 23
and may not take any other disciplinary action. 24
(3) QCAT may only make a disciplinary declaration if the order 25
QCAT would have made under section 219I(1) if the 26
prescribed person’s employment or appointment had not 27
ended would have been that the prescribed person— 28
(a) be dismissed; or 29

(b) be reduced in rank. 1

‘(4) A disciplinary declaration made under this section does not 2
affect the way in which the prescribed person’s employment 3
or appointment ended or the benefits, rights and liabilities 4
arising because the employment ended. 5

‘(5) In this section— 6

disciplinary declaration means a declaration of— 7

(a) the disciplinary finding against the prescribed person; 8
and 9

(b) the order QCAT would have made under section 219I(1) 10
if the prescribed person’s employment or appointment 11
had not ended.’. 12

**Clause 63 Amendment of s 219J (Additional power for reviewable 13
decisions) 14**

Section 219J— 15

insert— 16

‘(3) No action may be taken to enforce a penalty or fine mentioned 17
in a disciplinary declaration made under subsection (2). 18

‘(4) A disciplinary declaration may only be made under subsection 19
(2) if the order QCAT would have made under subsection (2), 20
if the prescribed person’s employment or appointment had not 21
ended, would have been that the prescribed person— 22

(a) be dismissed; or 23

(b) be reduced in rank. 24

‘(5) A disciplinary declaration made under subsection (2) does not 25
affect the way in which the prescribed person’s employment 26
or appointment ended or the benefits, rights and liabilities 27
arising because the employment ended. 28

‘(6) In this section— 29

decision, for subsection (1), in relation to a decision appealed 30
against, if the decision appealed against involved the making 31

- of a disciplinary declaration, includes the disciplinary
declaration. 1
2
- disciplinary declaration* means— 3
- (a) for a decision appealed against, a disciplinary
declaration as defined under section 219BA(2); or 4
5
- (b) for a decision substituted on appeal, a declaration of— 6
- (i) the disciplinary finding against the prescribed
person; and 7
8
- (ii) the discipline that would have been imposed by
QCAT under subsection (2) if the prescribed
person’s employment or appointment had not
ended. 9
10
11
12
- discipline*, for subsection (2), if the decision appealed against
involved the making of, or the failure to make, a disciplinary
declaration, means the making of a disciplinary declaration.’. 13
14
15

- Clause 64 Amendment of s 219L (QCAT’s power to suspend orders)** 16
- Section 219L— 17
- insert—* 18
- ‘(7) This section does not apply to a disciplinary declaration.’. 19

- Clause 65 Amendment of s 219M (Appeal from QCAT exercising original jurisdiction)** 20
21
- (1) Section 219M, after ‘may appeal’— 22
- insert—* 23
- ‘under the QCAT Act, chapter 2, part 8’. 24
- (2) Section 219M— 25
- insert—* 26
- ‘(2) Subsections (3) to (7) apply for the QCAT Act, chapter 2, part
8. 27
28

- ‘(3) A reference to a party to a proceeding includes a reference to a person who may appeal under subsection (1). 1
2
- ‘(4) A reference to a decision, if the decision involves the making of a disciplinary declaration, includes the disciplinary declaration. 3
4
5
- Note—* 6
- The decision may also involve a failure to make a disciplinary decision. 7
- ‘(5) If a decision set aside involved the making of, or a failure to make, a disciplinary declaration, the power to substitute another decision involving disciplinary action is limited to the making of, or the making of another, disciplinary declaration and does not include the taking of any other disciplinary action. 8
9
10
11
12
13
- ‘(6) A disciplinary declaration may only be made if the order the appeal tribunal or the Court of Appeal would have made under the QCAT Act, chapter 2, part 8, if the prescribed person’s employment or appointment had not ended would have been that the prescribed person— 14
15
16
17
18
- (a) be dismissed; or 19
- (b) be reduced in rank. 20
- ‘(7) A disciplinary declaration made under subsection (5) does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.’. 21
22
23
24

Clause 66 Insertion of new ch 8, pt 8 and potential repeal 25

- (1) Chapter 8— 26
- insert—* 27

**‘Part 8 Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 28
29
30
31
32**

‘392	Transitional provision for prescribed person and potential repeal	1
		2
‘(1)	For section 50(4), definition <i>prescribed person</i> , paragraph (a)(ii) or (b)(ii) of the definition only applies to a person whose employment or appointment ends after the commencement of the relevant provisions.	3
		4
		5
		6
‘(2)	In this section—	7
	<i>relevant provisions</i> means the <i>Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009</i> , section 56(2) and (3).’.	8
		9
		10
(2)	This section is repealed if section 56(2) and (3) is repealed under section 56(4).	11
		12

Part 8	Amendment of Misconduct Tribunals Act 1997	13
		14

Clause 67	Act amended	15
(1)	This part amends the <i>Misconduct Tribunals Act 1997</i> .	16
(2)	This part only has effect if the <i>Misconduct Tribunals Act 1997</i> is not repealed by the <i>Queensland Civil and Administrative Tribunal Act 2009</i> before this part is commenced.	17
		18
		19

Clause 68	Insertion of new s 14A	20
	After section 14—	21
	<i>insert—</i>	22

‘14A	Tribunal hearing in relation to a prescribed person whose employment or appointment has ended	23
		24
	‘To remove any doubt, it is declared that a misconduct tribunal may hear and decide, or continue to hear and decide, a charge under section 14(1) against a prescribed person defined in the <i>Crime and Misconduct Act 2001</i> , section 50(5), definition	25
		26
		27
		28

prescribed person, paragraph (a)(ii) or (b)(ii), despite the person's employment or appointment having ended—

(a) before or during the tribunal's hearing; or

(b) after the hearing and before the tribunal makes its decision.'

Clause 69 Amendment of s 15 (What is a *reviewable decision*)

(1) Section 15(b), after 'section 7.4(2A)(b)'—

insert—

'or 7A.5(1)(b).'

(2) Section 15—

insert—

'(2) In this section—

decision, made in relation to a disciplinary charge of misconduct, if a disciplinary declaration is made, includes the disciplinary declaration.

Note—

A reviewable decision may also involve a failure to make a disciplinary declaration.

disciplinary declaration means a disciplinary declaration made under—

(a) the *Public Service Act 2008*, section 188A; or

(b) the *Police Service Administration Act 1990*, section 7A.2(2).

prescribed person, in relation to a prescribed person mentioned in the *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, paragraphs (a)(ii) and (b)(ii), means—

(a) a prescribed person against whom a disciplinary declaration has been made; or

(b) in relation to an appeal started by the commission under section 18—

	(i) a prescribed person mentioned in paragraph (a); or	1
	(ii) a prescribed person against whom a disciplinary declaration has not been made if a ground of appeal states that a disciplinary declaration should have been made.’.	2 3 4 5
Clause 70	Amendment of s 18 (Proceedings—appellate jurisdiction)	6
	Section 18(2)(a), after ‘section 7.4’—	7
	<i>insert—</i>	8
	‘, 7A.4 or 7A.5’.	9
Clause 71	Amendment of s 25 (Misconduct tribunal decisions—original jurisdiction)	10 11
	Before section 25(1)—	12
	<i>insert—</i>	13
	‘(1AA) This section applies to a prescribed person defined in the <i>Crime and Misconduct Act 2001</i> , section 50(5), definition <i>prescribed person</i> , paragraph (a)(i) or (b)(i).’.	14 15 16
Clause 72	Insertion of new s 25A	17
	After section 25—	18
	<i>insert—</i>	19
‘25A	Misconduct tribunal decisions for prescribed persons whose employment or appointment has ended	20 21
	‘(1) This section applies to a prescribed person defined in the <i>Crime and Misconduct Act 2001</i> , section 50(5), definition <i>prescribed person</i> , paragraph (a)(ii) or (b)(ii).	22 23 24
	‘(2) A misconduct tribunal exercising original jurisdiction may, if it finds the charge proved, make a disciplinary declaration and may not take any other disciplinary action.	25 26 27
	‘(3) The tribunal may only make a disciplinary declaration if the order the misconduct tribunal would have made under section	28 29

25(1) if the prescribed person's employment or appointment had not ended would have been that the prescribed person— 1
2

(a) be dismissed; or 3

(b) be reduced in rank. 4

'(4) A disciplinary declaration made under this section does not affect the way in which the prescribed person's employment or appointment ended or the benefits, rights and liabilities arising because the employment ended. 5
6
7
8

'(5) The tribunal may publish its reasons for decision. 9

'(6) In this section— 10

disciplinary declaration means a declaration of— 11

(a) the disciplinary finding against the prescribed person; and 12
13

(b) the order the misconduct tribunal would have made under section 25(1) if the prescribed person's employment or appointment had not ended.' 14
15
16

**Clause 73 Amendment of s 26 (Misconduct tribunal decisions—appellate jurisdiction) 17
18**

Section 26— 19

insert— 20

'(4) No action may be taken to enforce a penalty or fine mentioned in a disciplinary declaration made under subsection (1) or (2). 21
22

'(5) The tribunal may only make a disciplinary declaration under subsection (1) or (2) if the order the tribunal would have made if the prescribed person's employment or appointment had not ended would have been that the prescribed person— 23
24
25
26

(a) be dismissed; or 27

(b) be reduced in rank. 28

'(6) A disciplinary declaration made under subsection (1) or (2) does not affect the way in which the prescribed person's 29
30

employment or appointment ended or the benefits, rights and liabilities arising because the employment ended. 1
2

‘(7) In this section— 3

decision— 4

(a) for a decision appealed against, if the decision involved the making of a disciplinary declaration, includes the disciplinary declaration; or 5
6
7

(b) for a decision substituted on appeal, if the decision involves a disciplinary declaration, includes the disciplinary declaration. 8
9
10

disciplinary declaration means— 11

(a) for a decision appealed against, a disciplinary declaration as defined under section 15(2); or 12
13

(b) for a decision substituted on appeal, a declaration of— 14

(i) the disciplinary finding against the prescribed person; and 15
16

(ii) the punishment that would have been imposed by the misconduct tribunal under subsection (1) if the prescribed person’s employment or appointment had not ended. 17
18
19
20

punishment, for subsection (2), if the decision appealed against included the making of, or the failure to make, a disciplinary declaration, means the making of a disciplinary declaration.’. 21
22
23
24

**Clause 74 Amendment of s 28 (Misconduct tribunal’s power to suspend punishment) 25
26**

Section 28(1), after ‘punishment’— 27

insert— 28

‘, other than the making of a disciplinary declaration,’. 29

Clause 75	Amendment of s 37 (Appeal from misconduct tribunal in original jurisdiction)	1 2
(1)	Section 37(2)(a)(iii)—	3
	<i>omit, insert—</i>	4
	‘(iii) for an appeal against a decision other than under section 25A—manifestly excessive or inadequate level of penalty;	5 6 7
	(iv) for an appeal against a decision under section 25A—	8 9
	(A) manifestly excessive or inadequate level of penalty stated in the order stated in a disciplinary declaration made under the section; or	10 11 12 13
	(B) a failure to make a disciplinary declaration under the section; or’.	14 15
(2)	Section 37(8), ‘of manifestly excessive or inadequate level of penalty’—	16 17
	<i>omit, insert—</i>	18
	‘under subsection (2)(a)(iii) or (iv)’.	19
(3)	Section 37(9), ‘specified in’—	20
	<i>omit, insert—</i>	21
	‘under’.	22
(4)	Section 37—	23
	<i>insert—</i>	24
‘(10)	If an appeal on the ground under subsection (2)(a)(iv) is allowed, the court may—	25 26
	(a) set aside a disciplinary declaration and substitute another disciplinary declaration; or	27 28
	(b) if there was a failure to make a disciplinary declaration, make a disciplinary declaration;	29 30
	that the misconduct tribunal was authorised to make and the court considers should have been made by the tribunal.	31 32

-
- ‘(11) No action may be taken to enforce a penalty or fine mentioned in a disciplinary declaration made under subsection (10). 1
2
- ‘(12) The court may only make a disciplinary declaration under subsection (10) if the order the court would have made if the prescribed person’s employment or appointment had not ended would have been that the prescribed person— 3
4
5
6
- (a) be dismissed; or 7
- (b) be reduced in rank. 8
- ‘(13) A disciplinary declaration made under subsection (10) does not affect the way in which the prescribed person’s employment or appointment ended or the benefits, rights and liabilities arising because the employment ended.’. 9
10
11
12

Clause 76 **Insertion of new pt 7, div 3** 13

 Part 7— 14

insert— 15

‘Division 3 **Provisions for the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009** 16
17
18
19

- ‘49** **Original jurisdiction unaffected** 20
- ‘(1) This section applies to— 21
- (a) a prescribed person; and 22
- (b) a misconduct tribunal proceeding that has not been finalised before the commencement of this section. 23
24
- ‘(2) The *Crime and Misconduct Act 2001*, section 50(5), definition *prescribed person*, as in force before its amendment by the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*, continues to apply. 25
26
27
28
29

- ‘(3) Section 25, as in force before its amendment by the *Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009*, continues to apply.’. 1
2
3
4

Clause 77 Potential repeal before commencement 5

- (1) This section applies if the *Misconduct Tribunals Act 1997* is 6
repealed by the *Queensland Civil and Administrative Tribunal* 7
Act 2009 before this part is commenced. 8
- (2) This part is repealed. 9

Part 9 Amendment of Public Sector Ethics Act 1994 10
11

Clause 78 Act amended 12
This part amends the *Public Sector Ethics Act 1994*. 13

Clause 79 Amendment of s 27 (Who are designated persons) 14
Section 27(1)(d)— 15
omit, insert— 16
‘(d) a member of the Legislative Assembly;’. 17

Clause 80 Amendment of s 34 (Authorisation of particular disclosures—conflict of interest issue) 18
Section 34(4), after ‘other than’— 20
insert— 21
‘a non-government member.’. 22

Clause 81	Amendment of schedule (Dictionary)	1
	(1) Schedule, definition <i>government member</i> —	2
	<i>omit.</i>	3
	(2) Schedule—	4
	<i>insert</i> —	5
	<i>‘non-government member</i> means a member of the Legislative Assembly who is not a member of a political party recognised in the Legislative Assembly as being in government.’.	6
		7
		8
	Part 10	9
	Amendments of Acts in schedule	10
Clause 82	Acts amended in schedule	11
	The schedule amends the Acts it mentions.	12

Schedule	Consequential amendments of other Acts	1 2
	section 82	3
	Aboriginal Land Act 1991	4
1	Sections 90(3) and 127, ‘Public Service Act 1996’— <i>omit, insert—</i> <i>‘Public Service Act 2008’.</i>	5 6 7
	Agent-General for Queensland Act 1975	8
1	Section 8, ‘Public Service Act 1996’— <i>omit, insert—</i> <i>‘Public Service Act 2008’.</i>	9 10 11
	Agricultural College Act 2005	12
1	Sections 19(3), 20A(5), 20C(2)(b) and 37(5), ‘Public Service Act 1996’— <i>omit, insert—</i> <i>‘Public Service Act 2008’.</i>	13 14 15 16

2	Schedule 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	1
	<i>omit, insert—</i>	2
	‘ <i>Public Service Act 2008</i> , section 24’.	3
		4
	Ambulance Service Act 1991	5
1	Section 15, ‘<i>Public Service Act 1996</i>’—	6
	<i>omit, insert—</i>	7
	‘ <i>Public Service Act 2008</i> ’.	8
	Anti-Discrimination Act 1991	9
1	Sections 238(3), 246 and 257(1), ‘<i>Public Service Act 1996</i>’—	10
	<i>omit, insert—</i>	11
	‘ <i>Public Service Act 2008</i> ’.	12
		13
	Architects Act 2002	14
1	Section 100(2), ‘<i>Public Service Act 1996</i>’—	15
	<i>omit, insert—</i>	16
	‘ <i>Public Service Act 2008</i> ’.	17

Body Corporate and Community Management Act 1997	1 2
1 Sections 231 and 236, ‘Public Service Act 1996’—	3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Building and Construction Industry (Portable Long Service Leave) Act 1991	6 7
1 Section 26, ‘Public Service Act 1996’—	8
<i>omit, insert—</i>	9
<i>‘Public Service Act 2008’.</i>	10
Building Units and Group Titles Act 1980	11
1 Section 69, ‘Public Service Act 1996’—	12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Business Names Act 1962	15
1 Section 4, ‘Public Service Act 1996’—	16
<i>omit, insert—</i>	17
<i>‘Public Service Act 2008’.</i>	18

Chemical Usage (Agricultural and Veterinary) Control Act 1988	1 2
1 Section 4B, ‘Public Service Act 1996’—	3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Child Protection Act 1999	6
1 Schedule 3, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	7 8
<i>omit, insert—</i>	9
<i>‘Public Service Act 2008, section 24’.</i>	10
Child Protection (Offender Prohibition Order) Act 2008	11
1 Schedule, definition <i>government entity</i>—	12
<i>omit, insert—</i>	13
<i>‘government entity see the Public Service Act 2008, section 24.’.</i>	14 15

	Child Protection (Offender Reporting) Act 2004	1
1	Schedule 3, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	2 3
	<i>omit, insert—</i>	4
	‘ <i>Public Service Act 2008</i> , section 24’.	5
	Children Services Tribunal Act 2000	6
1	Sections 10(3) and 26, ‘<i>Public Service Act 1996</i>’—	7
	<i>omit, insert—</i>	8
	‘ <i>Public Service Act 2008</i> ’.	9
2	Schedule, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	10 11
	<i>omit, insert—</i>	12
	‘ <i>Public Service Act 2008</i> , section 24’.	13
	Classification of Computer Games and Images Act 1995	14 15
1	Schedule 2, definition <i>computer games classification officer</i>, ‘under the <i>Public Service Act 1996</i>’—	16 17
	<i>omit, insert—</i>	18
	‘appointed under the <i>Public Service Act 2008</i> ’.	19

Coal Mining Safety and Health Act 1999	1
1 Sections 80(7) and 188(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Collections Act 1966	5
1 Section 7(2), ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
Commercial and Consumer Tribunal Act 2003	9
1 Sections 11(6) and 21(2), ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
Commission for Children and Young People and Child Guardian Act 2000	13
1 Sections 21(5), 29(1) and 81(7), ‘Public Service Act 1996’—	15
<i>omit, insert—</i>	16
<i>‘Public Service Act 2008’.</i>	17
	18

2	Schedule 4, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	1
	<i>omit, insert—</i>	2
	‘ <i>Public Service Act 2008</i> , section 24’.	3
		4
	Cooperatives Act 1997	5
1	Section 435(1), ‘<i>Public Service Act 1996</i>’—	6
	<i>omit, insert—</i>	7
	‘ <i>Public Service Act 2008</i> ’.	8
	Coroners Act 2003	9
1	Sections 75, 84(2) and 85(3), ‘<i>Public Service Act 1996</i>’—	10
	<i>omit, insert—</i>	11
	‘ <i>Public Service Act 2008</i> ’.	12
2	Schedule 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	13
	<i>omit, insert—</i>	14
	‘ <i>Public Service Act 2008</i> , section 24’.	15
		16

Corrective Services Act 2006	1
1 Section 283(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Crime and Misconduct Act 2001	5
1 Sections 229(2), 230(5), 244(2), 245(2), 254(2), 255(2)(c)(i),	6
256(2) and 324(4), ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
Director of Public Prosecutions Act 1984	10
1 Sections 5(3), 19(2), 20(2), 23(2), 30 and 32(1), ‘Public	11
Service Act 1996’—	12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Disability Services Act 2006	15
1 Section 215(8), ‘Public Service Act 1996, section 19’—	16
<i>omit, insert—</i>	17
<i>‘Public Service Act 2008, section 22’.</i>	18

Disaster Management Act 2003	1
1 Section 145, ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Dispute Resolution Centres Act 1990	5
1 Section 26, ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
Education (Queensland College of Teachers) Act 2005	9
1 Sections 278(2) and 281, ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
Education (Queensland Studies Authority) Act 2002	13
1 Sections 59(5), 69(1) and 69A, ‘Public Service Act 1996’—	14
<i>omit, insert—</i>	15
<i>‘Public Service Act 2008’.</i>	16

Electoral Act 1992	1
1 Sections 10(5), 23(6) and 30(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
	5
Electrical Safety Act 2002	6
1 Sections 68(3) and 70(3), ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
Energy Ombudsman Act 2006	10
1 Sections 51(2), 56(3) and 61, ‘Public Service Act 1996’—	11
<i>omit, insert—</i>	12
<i>‘Public Service Act 2008’.</i>	13
Fair Trading Act 1989	14
1 Sections 19(1) and 109(3), ‘Public Service Act 1996’—	15
<i>omit, insert—</i>	16
<i>‘Public Service Act 2008’.</i>	17

	Family Responsibilities Commission Act 2008	1
1	Sections 12(5), 33(3) and 118(5), ‘Public Service Act 1996’—	2 3
	<i>omit, insert—</i>	4
	<i>‘Public Service Act 2008’.</i>	5
	Fire and Rescue Service Act 1990	6
1	Sections 9(4) and 25A, ‘Public Service Act 1996’—	7
	<i>omit, insert—</i>	8
	<i>‘Public Service Act 2008’.</i>	9
	Food Production (Safety) Act 2000	10
1	Schedule 1, section 10, heading, ‘Departmental officer’—	11
	<i>omit, insert—</i>	12
	<i>‘Senior executive’.</i>	13
2	Schedule 1, section 10(1), ‘senior officer’—	14
	<i>omit, insert—</i>	15
	<i>‘senior executive’.</i>	16
3	Schedule 1, section 10(2), ‘the officer’—	17
	<i>omit, insert—</i>	18
	<i>‘the senior executive’.</i>	19

4	Schedule 1, section 10(3), ‘The officer’—	1
	<i>omit, insert—</i>	2
	‘The senior executive’.	3
5	Schedule 1, section 10(4), ‘an officer’—	4
	<i>omit, insert—</i>	5
	‘a senior executive’.	6
6	Schedule 1, section 10(5)—	7
	<i>omit.</i>	8
Forestry Act 1959		9
1	Schedule 3, definition <i>FPQO</i>, ‘declared under the <i>Public Service Act 1996</i>’—	10
	<i>omit.</i>	11
		12
Forestry Plantations Queensland Act 2006		13
1	Section 34(6), definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	14
	<i>omit, insert—</i>	15
	‘ <i>Public Service Act 2008</i> , section 24’.	16
		17
2	Section 58, definition <i>FPQO</i>, ‘<i>Public Service Act 1996</i>’—	18
	<i>omit, insert—</i>	19
	‘repealed <i>Public Service Act 1996</i> .’	20

Schedule

	<i>Editor's note—</i>	1
	See also the <i>Public Service Act 2008</i> , schedule 1'.	2
	Freedom of Information Act 1992	3
1	Sections 101E(2), 101G(2), 101P(2), 101V and 101W(2), 'Public Service Act 1996'—	4 5
	<i>omit, insert—</i>	6
	' <i>Public Service Act 2008</i> '.	7
	Gene Technology Act 2001	8
1	Schedule 3, definition <i>State agency</i>, paragraph (c), 'Public Service Act 1996'—	9 10
	<i>omit, insert—</i>	11
	' <i>Public Service Act 2008</i> '.	12
	Guardianship and Administration Act 2000	13
1	Sections 96, 205, 219 and 231(6), '<i>Public Service Act 1996</i>'—	14 15
	<i>omit, insert—</i>	16
	' <i>Public Service Act 2008</i> '.	17

Health Practitioner Registration Boards (Administration) Act 1999	1 2
1 Sections 10(5) and 21, ‘Public Service Act 1996’—	3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Health Quality and Complaints Commission Act 2006	6
1 Sections 151(4), 177(5) and 187, ‘Public Service Act 1996’—	7 8
<i>omit, insert—</i>	9
<i>‘Public Service Act 2008’.</i>	10
2 Section 176, note, ‘Public Service Act 1996’—	11
<i>omit, insert—</i>	12
<i>‘Public Service Act 2008’.</i>	13
Health Services Act 1991	14
1 Section 2, definition <i>applied law</i>, ‘Public Service Act 1996 as applied, under a regulation under section 22’—	15 16
<i>omit, insert—</i>	17
<i>‘Public Service Act 2008 as applied, under a regulation under section 23’.</i>	18 19

2	Section 2, definition <i>directive</i>, paragraph (b), ‘Public Service Act 1996’—	1
	<i>omit, insert—</i>	2
	‘Public Service Act 2008’.	3
		4
3	Section 62F(4), ‘Public Service Act 1996, section 57’—	5
	<i>omit, insert—</i>	6
	‘Public Service Act 2008, section 103’.	7
	Hire-purchase Act 1959	8
1	Section 44(1), ‘Public Service Act 1996’—	9
	<i>omit, insert—</i>	10
	‘Public Service Act 2008’.	11
	Judicial Review Act 1991	12
1	Schedule 2, section 8(d), ‘Public Service Act 1996’—	13
	<i>omit, insert—</i>	14
	‘Public Service Act 2008’.	15

Justices of the Peace and Commissioners for Declarations Act 1991	1 2
1 Sections 12 and 12A(1), ‘Public Service Act 1996’—	3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Juvenile Justice Act 1992	6
1 Sections 31(1) and 316, ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
Land and Resources Tribunal Act 1999	10
1 Schedule 4, definition <i>Public Service Act</i>, ‘Public Service Act 1996’—	11 12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Land Court Act 2000	15
1 Sections 32B(3), 45(1) and 48(3), ‘Public Service Act 1996’—	16 17
<i>omit, insert—</i>	18
<i>‘Public Service Act 2008’.</i>	19

Land Tax Act 1915	1
1 Section 4, ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Land Title Act 1994	5
1 Section 6(3), ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
Law Reform Commission Act 1968	9
1 Sections 4(3) and 14, ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
Legal Aid Queensland Act 1997	13
1 Sections 49(5), 64(3) and 70(3), ‘Public Service Act 1996’—	14
<i>omit, insert—</i>	15
<i>‘Public Service Act 2008’.</i>	16
	17

Legislative Standards Act 1992	1
1 Section 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	2 3
<i>omit, insert—</i>	4
‘ <i>Public Service Act 2008</i> , section 24’.	5
2 Sections 11 and 14(4), ‘<i>Public Service Act 1996</i>’—	6
<i>omit, insert—</i>	7
‘ <i>Public Service Act 2008</i> ’.	8
Libraries Act 1988	9
1 Section 2(1), definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	10 11
<i>omit, insert—</i>	12
‘ <i>Public Service Act 2008</i> , section 24’.	13
2 Section 7(3), ‘<i>Public Service Act 1996</i>’—	14
<i>omit, insert—</i>	15
‘ <i>Public Service Act 2008</i> ’.	16
Local Government Act 1993	17
1 Section 188G, ‘<i>Public Service Act 1996</i>’—	18
<i>omit, insert—</i>	19
‘ <i>Public Service Act 2008</i> ’.	20

Local Government (Community Government Areas) Act 2004	1 2
1 Section 28, ‘Public Service Act 1996’—	3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Magistrates Act 1991	6
1 Sections 5(11), 7(2), 53B(2) and 53C(1), ‘Public Service Act 1996’—	7 8
<i>omit, insert—</i>	9
<i>‘Public Service Act 2008’.</i>	10
Maintenance Act 1965	11
1 Section 68(1), ‘Public Service Act 1996’—	12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Major Sports Facilities Act 2001	15
1 Sections 30AD(3) and 30AF(5), ‘Public Service Act 1996’—	16 17
<i>omit, insert—</i>	18
<i>‘Public Service Act 2008’.</i>	19

2	Schedule 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	1
	<i>omit, insert—</i>	2
	<i>‘Public Service Act 2008</i> , section 24’.	3
		4
	Marine Parks Act 2004	5
1	Section 144(6), definition <i>public authority</i>, paragraph (a), ‘<i>Public Service Act 1996</i>’—	6
	<i>omit, insert—</i>	7
	<i>‘Public Service Act 2008’.</i>	8
		9
	Maritime Safety Queensland Act 2002	10
1	Sections 7(2)(c), 10(2), 11(4) and 12(4), ‘<i>Public Service Act 1996</i>’—	11
	<i>omit, insert—</i>	12
	<i>‘Public Service Act 2008’.</i>	13
		14
	Medical Board (Administration) Act 2006	15
1	Sections 10(5) and 21, ‘<i>Public Service Act 1996</i>’—	16
	<i>omit, insert—</i>	17
	<i>‘Public Service Act 2008’.</i>	18

Mental Health Act 2000	1
1 Sections 390(4), 395(3), 440(6), 446 and 488(2), ‘Public Service Act 1996’—	2 3
<i>omit, insert—</i>	4
<i>‘Public Service Act 2008’.</i>	5
Mineral Resources Act 1989	6
1 Section 336(1), ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
Mining and Quarrying Safety and Health Act 1999	10
1 Sections 71(8), 108(5) and 185(2), ‘Public Service Act 1996’—	11 12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Misconduct Tribunals Act 1997	15
1 Section 40(2), ‘Public Service Act 1996’—	16
<i>omit, insert—</i>	17
<i>‘Public Service Act 2008’.</i>	18

Motor Accident Insurance Act 1994	1
1 Section 7(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Nursing Act 1992	5
1 Section 39, ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
Parliamentary Service Act 1988	9
1 Sections 26A and 39(2)(a), ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
Plant Protection Act 1989	13
1 Section 28(1A), ‘Public Service Act 1996’—	14
<i>omit, insert—</i>	15
<i>‘Public Service Act 2008’.</i>	16

	Police Powers and Responsibilities Act 2000	1
1	Section 740(4), ‘Public Service Act 1996’—	2
	<i>omit, insert—</i>	3
	<i>‘Public Service Act 2008’.</i>	4
2	Schedule 6, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	5
	<i>omit, insert—</i>	6
	<i>‘Public Service Act 2008, section 24’.</i>	7
		8
	Police Service Administration Act 1990	9
1	Section 2.5(1)(b)(ii), ‘Public Service Act 1996, part 9’—	10
	<i>omit, insert—</i>	11
	<i>‘Public Service Act 2008, chapter 5, part 5’.</i>	12
2	Sections 2.5A, 5.18, note, 5A.16(2)(f)(ii), 5A.17(2)(b) and 5A.21A(5), ‘Public Service Act 1996’—	13
	<i>omit, insert—</i>	14
	<i>‘Public Service Act 2008’.</i>	15
		16
3	Section 5AA.11(5), definition <i>merit provision</i>, paragraph (b), ‘Public Service Act 1996, section 78’—	17
	<i>omit, insert—</i>	18
	<i>‘Public Service Act 2008, chapter 1, part 4’.</i>	19
		20

Professional Engineers Act 2002	1
1 Section 100(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Prostitution Act 1999	5
1 Sections 102(3), 110B(5) and 110L, ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
2 Section 110A, note, ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
Public Health Act 2005	13
1 Sections 81(4), 109(4), 223(4) and 241(4), ‘Public Service Act 1996, section 57’—	14
<i>omit, insert—</i>	15
<i>‘Public Service Act 2008, section 103’.</i>	16
	17

Public Records Act 2002

1

1 Sections 22 and 29(3)(c), ‘Public Service Act 1996’—

2

omit, insert—

3

‘Public Service Act 2008’.

4

Public Sector Ethics Act 1994

5

1 Sections 24(a) and 37(4), ‘Public Service Act 1996’—

6

omit, insert—

7

‘Public Service Act 2008’.

8

2 Schedule, definition *government entity*, ‘Public Service Act 1996, section 21’—

9

omit, insert—

10

‘Public Service Act 2008, section 24’.

11

3 Schedule, definition *public service office*, ‘Public Service Act 1996, section 17’—

13

omit, insert—

14

‘Public Service Act 2008, section 21(1)’.

15

4 Schedule, definition *senior executive officer*—

17

omit, insert—

18

‘senior executive officer means an officer employed under the Public Service Act 2008 as a senior executive.’.

19

20

5 Schedule, definition *senior officer*—

21

omit, insert—

22

	<i>‘senior officer</i> means an officer employed under the <i>Public Service Act 2008</i> as a senior officer.’.	1 2
6	Schedule, definition <i>statutory office</i>, ‘<i>Public Service Act 1996</i>, section 108’—	3 4
	<i>omit, insert—</i>	5
	<i>‘Public Service Act 2008</i> , section 139’.	6
 Public Trustee Act 1978		 7
1	Sections 9(9) and 11, ‘<i>Public Service Act 1996</i>’—	8
	<i>omit, insert—</i>	9
	<i>‘Public Service Act 2008’.</i>	10
 Queensland Art Gallery Act 1987		 11
1	Section 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	12 13
	<i>omit, insert—</i>	14
	<i>‘Public Service Act 2008</i> , section 24’.	15
2	Section 6(3), ‘<i>Public Service Act 1996</i>’—	16
	<i>omit, insert—</i>	17
	<i>‘Public Service Act 2008’.</i>	18

	Queensland Building Services Authority Act 1991	1
1	Sections 29D(3) and 29F(5), ‘Public Service Act 1996’— <i>omit, insert—</i> <i>‘Public Service Act 2008’.</i>	2 3 4
2	Schedule 2, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’— <i>omit, insert—</i> <i>‘Public Service Act 2008, section 24’.</i>	5 6 7 8
	Queensland Competition Authority Act 1997	9
1	Section 223(3), ‘Public Service Act 1996’— <i>omit, insert—</i> <i>‘Public Service Act 2008’.</i>	10 11 12
	Queensland Heritage Act 1992	13
1	Schedule, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’— <i>omit, insert—</i> <i>‘Public Service Act 2008, section 24’.</i>	14 15 16 17

Queensland Museum Act 1970	1
1 Section 2, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	2 3
<i>omit, insert—</i>	4
‘ <i>Public Service Act 2008</i> , section 24’.	5
2 Section 6(3), ‘<i>Public Service Act 1996</i>’—	6
<i>omit, insert—</i>	7
‘ <i>Public Service Act 2008</i> ’.	8
Queensland Performing Arts Trust Act 1977	9
1 Sections 6(3) and 37(3), ‘<i>Public Service Act 1996</i>’—	10
<i>omit, insert—</i>	11
‘ <i>Public Service Act 2008</i> ’.	12
Queensland Theatre Company Act 1970	13
1 Sections 6(3) and 36(3), ‘<i>Public Service Act 1996</i>’—	14
<i>omit, insert—</i>	15
‘ <i>Public Service Act 2008</i> ’.	16

	Queensland Treasury Corporation Act 1988	1
1	Section 11(2), ‘Public Service Act 1996’—	2
	<i>omit, insert—</i>	3
	<i>‘Public Service Act 2008’.</i>	4
	Security Providers Act 1993	5
1	Section 6(5), definition <i>independent investigator</i>, ‘Public Service Act 1996’—	6
	<i>omit, insert—</i>	7
	<i>‘Public Service Act 2008’.</i>	8
	Small Claims Tribunals Act 1973	10
1	Sections 5(2) and 15(2), ‘Public Service Act 1996’—	11
	<i>omit, insert—</i>	12
	<i>‘Public Service Act 2008’.</i>	13
	Solicitor-General Act 1985	14
1	Sections 5(5), 7(5), 10 and 20(1), ‘Public Service Act 1996’—	15
	<i>omit, insert—</i>	16
	<i>‘Public Service Act 2008’.</i>	17
		18

South Bank Corporation Act 1989	1
1 Section 3, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	2
<i>omit, insert—</i>	3
‘ <i>Public Service Act 2008</i> , section 24’.	4
2 Sections 31E(3) and 31G(5), ‘<i>Public Service Act 1996</i>’—	5
<i>omit, insert—</i>	6
‘ <i>Public Service Act 2008</i> ’.	7
South East Queensland Water (Restructuring) Act 2007	8
1 Schedule 3, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	9
<i>omit, insert—</i>	10
‘ <i>Public Service Act 2008</i> , section 24’.	11
2 Schedule 3, definition <i>senior executive</i>, ‘<i>Public Service Act 1996</i>’—	12
<i>omit, insert—</i>	13
‘ <i>Public Service Act 2008</i> ’.	14
	15
	16
	17
	18

State Buildings Protective Security Act 1983	1
1 Section 11, ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
‘Public Service Act 2008’.	4
State Penalties Enforcement Act 1999	5
1 Section 10, ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
‘Public Service Act 2008’.	8
Stock Act 1915	9
1 Section 5(2), ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
‘Public Service Act 2008’.	12
Superannuation (State Public Sector) Act 1990	13
1 Sections 15I(3) and 31A(5), ‘Public Service Act 1996’—	14
<i>omit, insert—</i>	15
‘Public Service Act 2008’.	16

Supreme Court of Queensland Act 1991	1
1 Section 119C(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Survey and Mapping Infrastructure Act 2003	5
1 Schedule, definition <i>public authority</i>, paragraph (a),	6
‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
Taxation Administration Act 2001	10
1 Schedule 2, definition <i>senior executive</i>, ‘Public Service	11
Act 1996’—	12
<i>omit, insert—</i>	13
<i>‘Public Service Act 2008’.</i>	14
Terrorism (Preventative Detention) Act 2005	15
1 Section 62(2), third dot point, ‘Public Service Act, section	16
57’—	17
<i>omit, insert—</i>	18
<i>‘Public Service Act 2008, section 103’.</i>	19

Torres Strait Islander Land Act 1991	1
1 Sections 87(3) and 124, ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Tourism Queensland Act 1979	5
1 Section 2, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008, section 24’.</i>	8
	9
2 Sections 20A(3), 29AD(3) and 29AF(5), ‘Public Service Act 1996’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008’.</i>	12
	13
Trade Measurement Administration Act 1990	14
1 Section 5(1), ‘Public Service Act 1996’—	15
<i>omit, insert—</i>	16
<i>‘Public Service Act 2008’.</i>	17

Transport Operations (Marine Safety) Act 1994	1
1 Section 36, ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Transport Operations (TransLink Transit Authority) Act 2008	5
	6
1 Sections 20(3), 34(4) and 38(2), ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
	10
2 Schedule 2, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	11
<i>omit, insert—</i>	12
<i>‘Public Service Act 2008, section 24’.</i>	13
	14
Transport Planning and Coordination Act 1994	15
1 Section 23(1), note, first dot point, ‘Public Service Act 1996, especially section 51’—	16
<i>omit, insert—</i>	17
<i>‘Public Service Act 2008, especially section 98’.</i>	18
	19

Trust Accounts Act 1973	1
1 Section 26A(1), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Urban Land Development Authority Act 2007	5
1 Sections 105(4), 120(3) and 122(2), ‘Public Service Act 1996’—	6
<i>omit, insert—</i>	7
<i>‘Public Service Act 2008’.</i>	8
2 Schedule, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008, section 24’.</i>	12
Valuers Registration Act 1992	14
1 Section 17(2), ‘Public Service Act 1996’—	15
<i>omit, insert—</i>	16
<i>‘Public Service Act 2008’.</i>	17

Veterinary Surgeons Act 1936	1
1 Section 14(2), ‘Public Service Act 1996’—	2
<i>omit, insert—</i>	3
<i>‘Public Service Act 2008’.</i>	4
Vocational Education, Training and Employment Act 2000	5
	6
1 Section 220X(2)(b), ‘Public Service Act 1996’—	7
<i>omit, insert—</i>	8
<i>‘Public Service Act 2008’.</i>	9
2 Schedule 3, definition <i>government entity</i>, ‘Public Service Act 1996, section 21’—	10
<i>omit, insert—</i>	11
<i>‘Public Service Act 2008, section 24’.</i>	12
	13
Water Act 2000	14
1 Sections 147(3), 628(3) and 630(5), ‘Public Service Act 1996’—	15
<i>omit, insert—</i>	16
<i>‘Public Service Act 2008’.</i>	17
	18

2	Schedule 4, definition <i>government entity</i>, ‘<i>Public Service Act 1996</i>, section 21’—	1
	<i>omit, insert—</i>	2
	‘ <i>Public Service Act 2008</i> , section 24’.	3
		4
	Wet Tropics World Heritage Protection and Management Act 1993	5
		6
1	Sections 23 and 33, ‘<i>Public Service Act 1996</i>’—	7
	<i>omit, insert—</i>	8
	‘ <i>Public Service Act 2008</i> ’.	9
	Workers’ Accommodation Act 1952	10
1	Section 7(1), ‘<i>Public Service Act 1996</i>’—	11
	<i>omit, insert—</i>	12
	‘ <i>Public Service Act 2008</i> ’.	13