



Queensland

# Ministerial and Other Office Holder Staff Bill 2010





Queensland

# Ministerial and Other Office Holder Staff Bill 2010

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
3	Dictionary . . . . .	6
4	Main purposes . . . . .	6
<b>Part 2</b>	<b>Employment of staff members</b>	
5	Functions of staff member . . . . .	6
6	Employment of ministerial staff member . . . . .	7
7	Employment of staff member of Leader of the Opposition . . . . .	7
8	Employment of staff member of other non-government member . . . . .	7
9	No entitlement to staffing of office . . . . .	8
10	Basis of employment . . . . .	8
11	Nature of employment . . . . .	8
12	Superannuation . . . . .	9
13	Preservation of public service employee's rights . . . . .	9
<b>Part 3</b>	<b>Work performance and conduct of staff members</b>	
<b>Division 1</b>	<b>Directions</b>	
14	Staff members subject to direction . . . . .	10
15	Staff members not empowered to direct public service employees . . . . .	10
<b>Division 2</b>	<b>Guiding principles and values</b>	
16	Work performance and personal conduct principles . . . . .	11
17	Ethics values . . . . .	11
18	Purpose and application of principles and values . . . . .	12
<b>Division 3</b>	<b>Codes of conduct</b>	
19	Codes of conduct . . . . .	12

Contents

---

20	Purpose of codes . . . . .	13
21	Consultation about, and review of, codes. . . . .	13
22	Compliance with codes . . . . .	13
<b>Division 4</b>	<b>Declaration of interests and dealing with conflicts</b>	
23	References to interest or conflict of interest. . . . .	14
24	Declaration of interests. . . . .	14
25	Conflicts of interest. . . . .	14
<b>Part 4</b>	<b>Miscellaneous</b>	
<b>Division 1</b>	<b>Rulings</b>	
26	Chief executive may make directives . . . . .	15
27	Relationship with legislation. . . . .	16
28	Relationship between directives and industrial instruments. . . . .	16
29	Chief executive may make guidelines. . . . .	16
30	Replaced public service rulings . . . . .	17
<b>Division 2</b>	<b>Application of Acts</b>	
31	Application of Crime and Misconduct Act 2001 . . . . .	17
32	Application of Ombudsman Act 2001 . . . . .	17
<b>Division 3</b>	<b>Other matters</b>	
33	Advisory committees . . . . .	18
34	Annual report . . . . .	18
35	Delegations . . . . .	19
36	Effect of Act on the State . . . . .	19
37	Regulation-making power. . . . .	19
<b>Part 5</b>	<b>Transitional</b>	
38	Meaning of commencement. . . . .	20
39	Currently appointed staff members . . . . .	20
40	Declaration of interests of currently appointed staff members . . . . .	20
41	Codes of conduct . . . . .	21
42	Rulings . . . . .	21
<b>Part 6</b>	<b>Amendments</b>	
<b>Division 1</b>	<b>Amendment of Criminal Code</b>	
43	Act amended . . . . .	23
44	Amendment of s 1 (Definitions) . . . . .	23
45	Amendment of s 89 (Public officers interested in contracts) . . . . .	23
<b>Division 2</b>	<b>Amendment of Industrial Relations Act 1999</b>	
46	Act amended . . . . .	24

		Contents
47	Amendment of s 686 (Application of Act to State) . . . . .	24
48	Amendment of s 687 (Conflict between industrial instruments etc. and statutory decision) . . . . .	24
<b>Division 3</b>	<b>Amendment of Integrity Act 2009</b>	
49	Act amended . . . . .	25
50	Amendment of sch 2 (Dictionary) . . . . .	25
<b>Division 4</b>	<b>Amendment of Parliamentary Service Act 1998</b>	
51	Act amended . . . . .	26
52	Insertion of new s 26AA . . . . .	26
	26AA Electorate office staff . . . . .	26
<b>Division 5</b>	<b>Amendment of Public Service Act 2008</b>	
53	Act amended . . . . .	26
54	Amendment of s 26 (Work performance and personal conduct principles) . . . . .	26
<b>Schedule</b>	<b>Dictionary</b> . . . . .	28



**2010**

---

**A Bill**

for

**An Act to provide for the employment and conduct of staff of  
Ministers and other particular members of Parliament**

---

[s 1]

---

<b>The Parliament of Queensland enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Short title</b>	3
This Act may be cited as the <i>Ministerial and Other Office Holder Staff Act 2010</i> .	4 5
<b>2 Commencement</b>	6
This Act commences on a day to be fixed by proclamation.	7
<b>3 Dictionary</b>	8
The dictionary in the schedule defines particular words used in this Act.	9 10
<b>4 Main purposes</b>	11
The main purposes of this Act are—	12
(a) to provide for the employment of staff in the offices of particular members of the Legislative Assembly; and	13 14
(b) to provide for the proper work performance and conduct of the staff members.	15 16
<b>Part 2 Employment of staff members</b>	17
<b>5 Functions of staff member</b>	18
The functions of a staff member are the functions given to the staff member, under the staff member's contract of	19 20



---

employment and by directions mentioned in section 14, to help the employing member to effectively discharge the employing member's duties.	1 2 3
<i>Examples of functions that may be given to a staff member—</i>	4
• providing advice	5
• providing administrative support	6
• developing policy proposals	7
• for a ministerial staff member, working with public sector units to implement government policies	8 9
• preparing communication materials	10
• liaising with stakeholders	11
<b>6 Employment of ministerial staff member</b>	12
The chief executive may, on the Premier's recommendation, employ a person as a staff member in the office of a stated Minister.	13 14 15
<b>7 Employment of staff member of Leader of the Opposition</b>	16
The chief executive may, on the recommendation of the Leader of the Opposition, employ a person as a staff member in the office of the Leader of the Opposition.	17 18 19
<b>8 Employment of staff member of other non-government member</b>	20 21
(1) This section applies to a non-government member, other than the Leader of the Opposition, who is—	22 23
(a) the leader of a political party; or	24
(b) an independent member.	25
(2) The chief executive may, on the member's recommendation, employ a person as a staff member in the member's office.	26 27

[s 9]

---

<b>9</b>	<b>No entitlement to staffing of office</b>	1
	Sections 6 to 8 do not confer an entitlement on any member of the Legislative Assembly to have a staff member, or any particular number of staff members, employed in the office of the member of the Legislative Assembly.	2 3 4 5
	<i>Notes—</i>	6
	1 Decisions about the employment of staff members depend on resources available to the chief executive for the purpose.	7 8
	2 The level of need for the employment of a staff member for a non-government member mentioned in section 8 may be affected, among other matters, by whether the member has an increased workload because of the particular composition of the Legislative Assembly.	9 10 11 12 13
<b>10</b>	<b>Basis of employment</b>	14
	(1) The employment of a person as a staff member is on the terms and conditions stated in the person's contract of employment.	15 16
	(2) The contract may include terms and conditions about any of the following matters—	17 18
	(a) remuneration;	19
	(b) the term of employment;	20
	(c) ending the employment before the end of the stated term;	21 22
	(d) suspension from duty or other disciplinary action.	23
	(3) Subsection (2) does not limit the matters that may be dealt with in the stated terms and conditions.	24 25
	(4) The employment may be full-time or part-time.	26
	(5) The employment may be on a temporary or casual basis.	27
<b>11</b>	<b>Nature of employment</b>	28
	A person employed as a staff member—	29
	(a) does not, only because of the employment, become a public service employee; and	30 31

- 
- (b) is an employee for the *Industrial Relations Act 1999*; 1  
and 2
- (c) is an employee of the State. 3
- Note for paragraph (c)—* 4
- A delegation may be made to a staff member under the *Financial 5*  
*Accountability Act 2009*, section 76. 6

**12 Superannuation** 7

For the *Superannuation (State Public Sector) Act 1990*, a staff 8  
member is taken to be an employee of the department. 9

**13 Preservation of public service employee's rights** 10

- (1) This section applies if, immediately before being employed as 11  
a staff member, a person was employed on tenure as a public 12  
service employee. 13
- (2) The person keeps all rights accrued or accruing to the person 14  
as a public service employee as if service as a staff member 15  
were a continuation of service as a public service employee. 16
- (3) If the person's contract of employment as a staff member ends 17  
other than by disciplinary action, or the contract expires and is 18  
not renewed or replaced by another contract of employment as 19  
a staff member— 20
- (a) the person becomes a public service employee 21  
employed on tenure— 22
- (i) at the classification level at which the person 23  
would have been employed if the person had 24  
continued in employment as a public service 25  
employee on tenure; and 26
- (ii) on the remuneration to which the person would 27  
have been entitled if the person had continued in 28  
employment as a public service employee on 29  
tenure; and 30
- (iii) in the department in which the person was 31  
employed immediately before being employed as a 32

[s 14]

---

	staff member or, if the department has changed, the department that is the nearest practical equivalent; and	1 2 3
(b)	the person's service as a staff member is taken to be service as a public service employee for working out the person's rights as a public service employee.	4 5 6
<b>Part 3</b>	<b>Work performance and conduct of staff members</b>	7 8
<b>Division 1</b>	<b>Directions</b>	9
<b>14</b>	<b>Staff members subject to direction</b>	10
(1)	A ministerial staff member is subject to the direction of his or her employing member and the Premier.	11 12
(2)	A staff member other than a ministerial staff member is subject to the direction of his or her employing member.	13 14
(3)	A staff member may also be subject to the direction of other persons under the staff member's contract of employment (for example, a more senior staff member).	15 16 17
<b>15</b>	<b>Staff members not empowered to direct public service employees</b>	18 19
(1)	A public service employee is not subject to the direction of a staff member.	20 21
(2)	Subsection (1) does not prevent a staff member giving a direction to a public service employee on behalf of a person who may lawfully give the direction.	22 23 24

---

*Example of a person who may lawfully give a direction to a public service employee—*

The Minister administering a department may give a direction to the chief executive of the department under the *Public Service Act 2008*, section 100.

## **Division 2                      Guiding principles and values**                      6

### **16            Work performance and personal conduct principles**                      7

A staff member's work performance and personal conduct must be directed towards—

- (a) acting honestly, fairly and in the public interest; and                      10
- (b) ensuring the effective, efficient and appropriate use of public resources; and                      11  
12
- (c) interacting with public service employees respectfully, collaboratively and with integrity; and                      13  
14
- (d) observing all laws relevant to the staff member's employment; and                      15  
16
- (e) ensuring the staff member's personal conduct does not reflect adversely on the reputation of his or her employing member; and                      17  
18  
19
- (f) complying with any code of conduct that applies to the staff member under division 3.                      20  
21

### **17            Ethics values**                      22

- (1) The ethics values stated in the *Public Sector Ethics Act 1994*, part 3, division 2 apply to staff members as if a reference in the division to a public official included a staff member.                      23  
24  
25
- (2) However, ethics values about providing advice, or acting in relation to policies, apply to staff members subject to the way they may reasonably be expected to honestly and properly carry out their functions helping Ministers, the Leader of the Opposition or other non-government members.                      26  
27  
28  
29  
30

[s 18]

---

<i>Examples—</i>	1
1 A staff member’s function may include providing advice that is not apolitical.	2 3
2 The functions of a staff member employed in the office of a non-government member may not be directed towards developing or giving effect to policies of the government.	4 5 6
(3) In this section—	7
<i>policies</i> includes priorities and decisions.	8
<b>18 Purpose and application of principles and values</b>	9
(1) The principles and values applying to staff members under sections 16 and 17 are intended to guide staff members in their work performance and personal conduct and are not of themselves legally enforceable.	10 11 12 13
(2) The chief executive may have regard to the principles and values when making a decision under this Act relating to the work performance or personal conduct of staff members.	14 15 16
<i>Example of a decision for subsection (2)—</i>	17
a decision about including a particular condition in a staff member’s contract of employment	18 19
<b>Division 3 Codes of conduct</b>	20
<b>19 Codes of conduct</b>	21
(1) The chief executive may approve a code of conduct applying to—	22 23
(a) ministerial staff members; or	24
(b) staff members employed in the office of the Leader of the Opposition; or	25 26
(c) staff members employed under section 8.	27

---

(2)	In deciding whether to approve a code of conduct, the chief executive must have regard to the principles and ethics values applying to staff members under division 2.	1 2 3
(3)	Subsection (1) applies subject to section 21(2).	4
<b>20</b>	<b>Purpose of codes</b>	5
	The purpose of a code of conduct is to provide standards of conduct for the staff members to whom it applies.	6 7
<b>21</b>	<b>Consultation about, and review of, codes</b>	8
(1)	For this section, the <i>relevant person</i> for a code of conduct is—	9 10
(a)	for a code applying to ministerial staff members—the Premier; or	11 12
(b)	for a code applying to staff members employed in the office of the Leader of the Opposition—the Leader of the Opposition; or	13 14 15
(c)	for a code applying to staff members employed under section 8—each person who is an employing member for a staff member employed under section 8.	16 17 18
(2)	The chief executive must consult with the relevant person, or each relevant person, for a code of conduct before approving the code under section 19.	19 20 21
(3)	The chief executive must review a code of conduct if requested by a person who is, at the time of the request, a relevant person for the code.	22 23 24
<b>22</b>	<b>Compliance with codes</b>	25
(1)	A staff member must comply with an approved code of conduct that applies to the staff member.	26 27
(2)	Contravention of an approved code of conduct by a staff member may give rise to disciplinary action under the staff member’s contract of employment.	28 29 30

[s 23]

---

<b>Division 4</b>	<b>Declaration of interests and dealing with conflicts</b>	1 2
<b>23</b>	<b>References to interest or conflict of interest</b>	3
	A reference in this division 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.	4 5 6 7 8
<b>24</b>	<b>Declaration of interests</b>	9
(1)	A staff member must give his or her employing member a statement about the staff member's interests—	10 11
(a)	within 1 month after starting employment; and	12
(b)	whenever there is a change to the staff member's interests that is of a type prescribed under a directive of the chief executive; and	13 14 15
(c)	during June in each year.	16
(2)	The statement must include the information required under a directive of the chief executive.	17 18
(3)	The statement required under subsection (1)(b) must be given as soon as practicable after the relevant facts about the change come to the staff member's knowledge.	19 20 21
<b>25</b>	<b>Conflicts of interest</b>	22
(1)	If a staff member has an interest that conflicts or may conflict with the discharge of the staff member's responsibilities, the staff member—	23 24 25
(a)	must disclose the nature of the interest and conflict to his or her employing member as soon as practicable after the relevant facts come to the staff member's knowledge; and	26 27 28 29



- 
- (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by his or her employing member. 1  
2  
3
- (2) The employing member for a staff member may direct the staff member to resolve a conflict or possible conflict between an interest of the staff member and the staff member's responsibilities. 4  
5  
6  
7

## **Part 4                      Miscellaneous** 8

### **Division 1                Rulings** 9

#### **26      Chief executive may make directives** 10

- (1) The chief executive may, by gazette notice, make a directive about a matter relating to the employment of staff members, including, for example, a directive about standards of conduct applying to staff members. 11  
12  
13  
14
- (2) A directive may provide for a matter by applying, adopting or incorporating the provisions of a public service directive, as in force at a particular time or from time to time, with any necessary changes to apply the public service directive in relation to staff members, and with or without any other modification. 15  
16  
17  
18  
19  
20
- (3) A directive binds the persons to whom it applies. 21
- (4) In this section— 22
- public service directive* means a directive made under the *Public Service Act 2008*. 23  
24

[s 27]

---

<b>27</b>	<b>Relationship with legislation</b>	1
	If a directive is inconsistent with an Act or subordinate legislation, the Act or subordinate legislation prevails to the extent of the inconsistency.	2 3 4
<b>28</b>	<b>Relationship between directives and industrial instruments</b>	5 6
	(1) This section applies if a directive deals with a matter all or part of which is dealt with under an industrial instrument of the IRC.	7 8 9
	(2) The directive prevails over the industrial instrument, unless a regulation provides otherwise.	10 11
	<i>Note—</i>	12
	See however, the <i>Industrial Relations Act 1999</i> , section 687 (Conflict between industrial instruments etc. and statutory decision).	13 14
	(3) In this section—	15
	<i>directive</i> includes a decision made in the exercise of a discretion under a directive.	16 17
	<i>IRC</i> means the Industrial Relations Commission under the <i>Industrial Relations Act 1999</i> .	18 19
<b>29</b>	<b>Chief executive may make guidelines</b>	20
	(1) The chief executive may make a guideline about a matter relating to the employment of staff members.	21 22
	(2) A guideline may be made in the way the chief executive considers appropriate.	23 24
	(3) A guideline may provide for a matter by applying, adopting or incorporating the provisions of a public service guideline, as in force at a particular time or from time to time, with any necessary changes to apply the public service guideline in relation to staff members, and with or without any other modification.	25 26 27 28 29 30

---

(4)	A guideline is for the guidance only of the persons to whom it applies.	1 2
(5)	In this section—	3
	<i>public service guideline</i> means a guideline made under the <i>Public Service Act 2008</i> .	4 5
<b>30</b>	<b>Replaced public service rulings</b>	6
(1)	This section applies if, under section 26(2) or 29(3), a directive or guideline provides for a matter by applying, adopting or incorporating the provisions of a public service ruling (the <i>first public service ruling</i> ).	7 8 9 10
(2)	The directive or guideline may provide that, if the first public service ruling is repealed and a new public service ruling dealing with substantially the same subject matter is made to replace it, the directive or guideline continues to operate as if a reference in it to the first public service ruling were a reference to the new public service ruling.	11 12 13 14 15 16
(3)	In this section—	17
	<i>public service ruling</i> means a public service directive or public service guideline made under the <i>Public Service Act 2008</i> .	18 19 20
<b>Division 2</b>	<b>Application of Acts</b>	21
<b>31</b>	<b>Application of Crime and Misconduct Act 2001</b>	22
	For the <i>Crime and Misconduct Act 2001</i> , a staff member is taken to hold an appointment in the department.	23 24
<b>32</b>	<b>Application of Ombudsman Act 2001</b>	25
	For the <i>Ombudsman Act 2001</i> , a staff member is taken to be an officer of the department.	26 27

[s 33]

---

<b>Division 3</b>	<b>Other matters</b>	1
<b>33</b>	<b>Advisory committees</b>	2
(1)	The chief executive may establish advisory committees to advise the Premier on issues relevant to this Act.	3 4
(2)	The chief executive may appoint a person as a member of an advisory committee if the chief executive is satisfied the person has skills or experience appropriate to the committee's terms of reference or functions.	5 6 7 8
(3)	A member of an advisory committee is entitled to the remuneration and allowances, if any, stated in the member's terms of appointment.	9 10 11
(4)	The chief executive may decide matters about an advisory committee that are not provided for under this section including, for example, the way a committee must conduct meetings or report to the Premier.	12 13 14 15
<b>34</b>	<b>Annual report</b>	16
(1)	At the end of each financial year, the chief executive must prepare and give to the Premier a report about the operation of this Act during the financial year.	17 18 19
(2)	The report must include details of the staff members employed under this Act for all or part of the financial year.	20 21
(3)	The chief executive must give the report to the Premier by an agreed date that allows the Premier to table the report under this section.	22 23 24
(4)	The report may be included in the department's annual report for the financial year.	25 26
	<i>Note—</i>	27
	The <i>Financial Accountability Act 2009</i> , section 63 states the requirement for tabling the department's annual report.	28 29
(5)	If the report is not included in the department's annual report for the financial year, the Premier must table the report in the	30 31

---

	Legislative Assembly within 3 months after the end of the financial year.	1 2
<b>35</b>	<b>Delegations</b>	3
	(1) The Premier may delegate the Premier’s functions under section 6 to an appropriately qualified ministerial staff member.	4 5 6
	(2) The chief executive may delegate the chief executive’s functions under this Act to an appropriately qualified public service employee.	7 8 9
	(3) In this section—	10
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate for the function.	11 12
	<i>Example of standing for a public service employee—</i>	13
	the employee’s classification or level in a department	14
	<i>functions</i> includes powers.	15
<b>36</b>	<b>Effect of Act on the State</b>	16
	(1) Subject to subsection (3), this Act binds the State.	17
	(2) The chief executive employs persons under this Act as the authorised agent of the State.	18 19
	(3) The right or power of the State recognised at common law to dispense with the services of a person employed by the State is not abrogated or restricted by any provision of this Act.	20 21 22
<b>37</b>	<b>Regulation-making power</b>	23
	The Governor in Council may make regulations under this Act.	24 25

[s 38]

---

<b>Part 5</b>	<b>Transitional</b>	1
<b>38</b>	<b>Meaning of commencement</b>	2
	In this part—	3
	<i>commencement</i> means the commencement of the provision in which the term appears.	4 5
<b>39</b>	<b>Currently appointed staff members</b>	6
(1)	This section applies to a person who, immediately before the commencement, was employed by the chief executive under a contract of employment under the <i>Public Service Act 2008</i> , section 147 or 148 in the office of a Minister or the office of the Leader of the Opposition.	7 8 9 10 11
(2)	The person is not, only because of that employment, a public service employee.	12 13
(3)	While the person continues to be employed under the contract of employment—	14 15
(a)	the person is a staff member; and	16
(b)	this Act applies to the person as if the contract of employment had been entered into under this Act.	17 18
<b>40</b>	<b>Declaration of interests of currently appointed staff members</b>	19 20
(1)	A staff member mentioned in section 39 must give his or her employing member a statement complying with section 24 within 1 month after the commencement.	21 22 23
(2)	However, subsection (1) does not apply if—	24
(a)	the staff member gave a complying statement to his or her employing member on or after 1 June last occurring before the commencement; and	25 26 27

(b) there has been no material change to the staff member's interests since the last complying statement given to the employing member. 1  
2  
3

(3) In this section— 4

*complying statement* means a statement, given before the commencement, that included all information of the type required to be included in a statement under section 24 given immediately after the commencement. 5  
6  
7  
8

*material change* means a change of the type mentioned in section 24(1)(b) as in force immediately after the commencement. 9  
10  
11

#### 41 Codes of conduct 12

(1) A current code of conduct has effect, from the commencement until it is revoked under this Act, as if it were approved under part 3, division 3. 13  
14  
15

(2) In this section— 16

*current code of conduct* means a code of conduct that— 17

(a) is expressed to apply to— 18

(i) persons employed in ministerial offices; or 19

(ii) persons employed in the office of the Leader of the Opposition; and 20  
21

(b) was approved by the Premier before the commencement; and 22  
23

(c) was in force immediately before the commencement under administrative arrangements. 24  
25

#### 42 Rulings 26

(1) This section applies to a ruling (a *current ruling*) that— 27

(a) was made under the *Public Service Act 2008* before the commencement; and 28  
29

[s 42]

---

- (b) immediately before the commencement, applied to a person employed by the chief executive under a contract of employment under the *Public Service Act 2008*, section 147 or 148 in the office of a Minister or the office of the Leader of the Opposition.
- (2) Subject to subsection (3), the current ruling applies in relation to staff members, during the transitional period, as if a reference in it to a public service employee included a staff member and with any other necessary changes.
- (3) The current ruling stops applying in relation to staff members under subsection (2) if—
- (a) the current ruling is revoked under the *Public Service Act 2008*; or
- (b) the chief executive makes a directive under section 26 or guideline under section 29, whichever is relevant, ending the application of the current ruling in relation to staff members.
- (4) This section does not affect the chief executive’s power to make a directive under section 26 or guideline under section 29 applying a current ruling in relation to staff members during or after the transitional period.
- (5) A reference in this Act to a directive of the chief executive includes a directive under the *Public Service Act 2008* applying in relation to a staff member under this section.
- (6) In this section—
- transitional period*** means the period of 3 months starting on the commencement.



---

<b>Part 6</b>	<b>Amendments</b>	1
<b>Division 1</b>	<b>Amendment of Criminal Code</b>	2
<b>43</b>	<b>Act amended</b>	3
	This division amends the Criminal Code.	4
<b>44</b>	<b>Amendment of s 1 (Definitions)</b>	5
	Section 1, definition <i>person employed in the public service</i> ,	6
	after ‘police officers,’—	7
	<i>insert—</i>	8
	‘staff members under the <i>Ministerial and Other Office Holder</i>	9
	<i>Staff Act 2010</i> ’.	10
<b>45</b>	<b>Amendment of s 89 (Public officers interested in contracts)</b>	11
	Section 89—	12
	<i>insert—</i>	13
	‘(2) A reference in subsection (1) to a person employed in the	14
	public service includes a ministerial staff member under the	15
	<i>Ministerial and Other Office Holder Staff Act 2010</i> and, for	16
	that purpose—	17
	(a) a ministerial staff member employed in the office of a	18
	Minister is taken to be employed in each department	19
	administered by the Minister; and	20
	(b) a ministerial staff member employed in the office of a	21
	Parliamentary secretary is taken to be employed in each	22
	department for which the Parliamentary Secretary is	23
	given responsibility under his or her functions.	24
		25

[s 46]

---

	<i>Note—</i>	1
	Under the <i>Constitution of Queensland 2001</i> , section 25, a Parliamentary Secretary has the functions decided by the Premier.’.	2 3 4
<b>Division 2</b>	<b>Amendment of Industrial Relations Act 1999</b>	5 6
<b>46 Act amended</b>		7
	This division amends the <i>Industrial Relations Act 1999</i> .	8
<b>47 Amendment of s 686 (Application of Act to State)</b>		9
(1) Section 686(4)—		10
	<i>renumber</i> as section 686(5).	11
(2) Section 686—		12
	<i>insert—</i>	13
‘(4) Subsections (2) and (3) also apply as if—		14
(a) a reference in those provisions to a public service employee included a staff member under the <i>Ministerial and Other Office Holder Act 2010</i> ; and		15 16 17
(b) a reference in those provisions to a ruling included a directive under the <i>Ministerial and Other Office Holder Act 2010</i> .’.		18 19 20
<b>48 Amendment of s 687 (Conflict between industrial instruments etc. and statutory decision)</b>		21 22
Section 687(1)(a)—		23
	<i>omit, insert—</i>	24
‘(a) any of the following directives—		25
(i) a directive under the <i>Public Service Act 2008</i> made by the chief executive of the Public Service		26 27

---

	Commission that is the subject of a regulation under section 52(2) of that Act;	1 2
(ii)	a directive under the <i>Public Service Act 2008</i> made by the Minister administering this Act;	3 4
(iii)	a directive under the <i>Ministerial and Other Office Holder Act 2010</i> that is the subject of a regulation under section 28(2) of that Act; and’.	5 6 7
<b>Division 3</b>	<b>Amendment of Integrity Act 2009</b>	8
<b>49</b>	<b>Act amended</b>	9
	This division amends the <i>Integrity Act 2009</i> .	10
<b>50</b>	<b>Amendment of sch 2 (Dictionary)</b>	11
(1)	Schedule 2, definitions <i>ministerial staff member</i> and <i>parliamentary secretary staff member</i> —	12 13
	<i>omit.</i>	14
(2)	Schedule 2—	15
	<i>insert—</i>	16
	‘ <i>ministerial staff member</i> means a person employed under the <i>Ministerial and Other Office Holder Staff Act 2010</i> as a staff member in the office of a Minister other than a Parliamentary Secretary.	17 18 19 20
	<i>parliamentary secretary staff member</i> means a person employed under the <i>Ministerial and Other Office Holder Staff Act 2010</i> as a staff member in the office of a Parliamentary Secretary.’.	21 22 23 24

[s 51]

---

<b>Division 4</b>	<b>Amendment of Parliamentary Service Act 1998</b>	1 2
<b>51 Act amended</b>		3
	This division amends the <i>Parliamentary Service Act 1998</i> .	4
<b>52 Insertion of new s 26AA</b>		5
	After section 26—	6
	<i>insert—</i>	7
<b>‘26AA Electorate office staff</b>		8
	‘(1) On the recommendation of a member, the Speaker may appoint a person under section 26(1) as an officer in the member’s electorate office to help the member to effectively discharge the member’s duties.	9 10 11 12
	‘(2) In this section—	13
	<i>member</i> means a member of the Legislative Assembly.	14
	<i>officer</i> means an officer or officer on probation of the parliamentary service.’.	15 16
<b>Division 5</b>	<b>Amendment of Public Service Act 2008</b>	17 18
<b>53 Act amended</b>		19
	This division amends the <i>Public Service Act 2008</i> .	20
<b>54 Amendment of s 26 (Work performance and personal conduct principles)</b>		21 22
	(1) Section 26—	23
	<i>insert—</i>	24
	‘(ga) acting honestly, fairly and in the public interest; and	25

- (gb) interacting with staff members under the *Ministerial and Other Office Holder Staff Act 2010* respectfully, collaboratively and with integrity; and'. 1  
2  
3
- (2) Section 26(ga) to (k)— 4  
*renumber* as section 26(h) to (m). 5

<b>Schedule</b>	<b>Dictionary</b>	1
	section 3	2
	<i>commencement</i> , for part 5, see section 38.	3
	<i>directive</i> , of the chief executive, includes a public service directive to the extent it applies in relation to a staff member under section 26(2).	4 5 6
	<i>employing member</i> , for a staff member, means the Minister or other member of the Legislative Assembly in whose office the staff member is employed.	7 8 9
	<i>independent member</i> means a non-government member who is not a member of the political party to which the Leader of the Opposition belongs.	10 11 12
	<i>Leader of the Opposition</i> means the member of the Legislative Assembly recognised in the Legislative Assembly as the Leader of the Opposition.	13 14 15
	<i>Minister</i> includes a Parliamentary Secretary.	16
	<i>ministerial staff member</i> means a person employed under this Act as a staff member in the office of a Minister.	17 18
	<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.	19 20 21
	<i>Parliamentary Secretary</i> means a member of the Legislative Assembly appointed as a Parliamentary Secretary under the <i>Constitution of Queensland 2001</i> , section 24.	22 23 24
	<i>remuneration</i> includes salary.	25
	<i>staff member</i> means a person employed under this Act as a staff member in the office of a Minister, the Leader of the Opposition or another non-government member.	26 27 28