

Public Service and Other Legislation Amendment Bill 2012

Amendments agreed to during Consideration

1 After clause 3

Page 4, after line 11—

insert—

‘3A Amendment of s 23 (Application of Act to public service offices declared under a regulation)

Section 23(3)—

omit.

‘3B Amendment of s 53 (Rulings by commission chief executive)

Section 53, after paragraph (b)—

insert—

‘(baa)the remuneration and conditions of employment of public service employees other than persons mentioned in paragraph (b)(i) or (ii); or’.

2 After clause 22

Page 10, after line 18—

insert—

‘22A Amendment of s 89 (When this division applies)

‘Section 89—

insert—

‘(2) However, this division does not apply in relation to an employee to whom a relevant industrial instrument under chapter 15, part 2 applies.’.

3 After clause 23

Page 11, after line 19—

insert—

‘23A Insertion of new ch 15, pt 1, hdg

Chapter 15, before section 686—

insert—

‘Part 1 General’.

‘23B Insertion of new ch 15, pt 2

Chapter 15—

insert—

‘Part 2 Particular provisions of industrial instruments

‘691A Definitions for pt 2

‘In this part—

industrial instrument see the *Public Service Act 2008*, schedule 4.

relevant industrial instrument means an industrial instrument to which this part applies under section 691B.

TCR provision see section 691D(4).

‘691B Industrial instruments to which this part applies

‘(1) This part applies to an industrial instrument (whether made or certified before or after the commencement of this part) to the extent the instrument applies to the employment of persons in a government entity.

‘(2) In this section—

government entity—

- (a) has the meaning given by the *Public Service Act 2008*, section 24; and
- (b) despite the *Public Service Act 2008*, section 23(4), includes a public service office for which an application provision has been made under that section.

‘691C Particular provisions are of no effect

‘(1) The following provisions of a relevant industrial instrument are of no effect—

- (a) a contracting provision;
- (b) an employment security provision;
- (c) an organisational change provision.

‘(2) In this section—

contracting provision—

- (a) means a provision about the contracting out, or in, of services; but
- (b) does not include a TCR provision.

Examples—

The following provisions, as in force on 30 July 2012, are examples of contracting provisions—

- clause 7.3 of the State Government Departments Certified Agreement 2009
- appendix 22: Queensland Government Policy on the Contracting-out of Services, of the State Government Departments Certified Agreement 2009
- clauses 4.2 and 4.3 of the Transport and Main Roads Operational Employees’ Certified Agreement 2011
- clauses 2.3(1) and 2.3.2 of the QBuild Field Staff Certified Agreement 8 (2011)
- clauses 6.2 and 6.3 of the Queensland Public Health Sector Certified Agreement (No.8) 2011 (EB8)
- clause 3.1(b) of the Queensland Ambulance Service - Determination 2010.

employment security provision—

- (a) means a provision about job security or maximising permanent employment, including a provision that applies all or part of a government policy about employment security; but
- (b) does not include a TCR provision.

Examples—

The following provisions, as in force on 30 July 2012, are examples of employment security provisions—

- clauses 7.1 and 7.2 of the State Government Departments Certified Agreement 2009
- appendix 21 of the State Government Departments Certified Agreement 2009
- clause 2 contained in Appendix 5 of the State Government Departments Certified Agreement 2009: New Provisions Applicable to Employees Engaged in Operations in Youth Detention Centres
- clause 4.1.1 of Part 4 of the Transport and Main Roads Operational Employees' Certified Agreement 2011
- clause 2.3 of the QBuild Field Staff Certified Agreement 8 (2011)
- clauses 6.1, 6.6 and 6.7 of the Queensland Public Health Sector Certified Agreement (No.8) 2011 (EB8).

organisational change provision does not include a TCR provision.

Examples—

The following provisions, as in force on 30 July 2012, are examples of organisational change provisions—

- clause 7.3 of the State Government Departments Certified Agreement 2009
- clauses 4.1 and 4.2 of the Queensland Public Health Sector Certified Agreement (No.8) 2011 (EB8).

'691D Termination, change and redundancy provisions

- '(1) This section applies if a relevant industrial instrument includes a TCR provision about notifying an entity of a decision or consulting with an entity about a decision.
- '(2) The following principles apply—

- (a) the employer is not required to notify the entity of the decision until the time the employer considers appropriate;
- (b) the employer is not required to consult with the entity about the decision until the employer notifies the entity of the decision;
- (c) the employer is not required to consult with the entity about the decision other than in relation to implementation of the decision.

‘(3) The TCR provision is of no effect to the extent it is inconsistent with any of the principles mentioned in subsection (2).

‘(4) In this section—

TCR provision means a termination, change and redundancy provision of a relevant industrial instrument that is an award.

Examples—

The following provisions, as in force on 30 July 2012, are examples of termination, change and redundancy provisions—

- clauses 4.1, 4.7 and 4.8 of the Queensland Public Service Award - State 2012
- clauses 4.5, 4.6 and 4.7 of the District Health Services Employees’ Award - State 2012
- clauses 4.11, 4.12 and 4.13 of the Ambulance Service Employees’ Award - State 2012.

‘691E Restriction on giving personal employee information

‘(1) This section applies if a relevant industrial instrument includes provision for giving personal information about an employee to an entity other than the employee or a government entity.

‘(2) Despite the provision of the industrial instrument, an employer may give the information to the entity only with the express written consent of the employee.

‘(3) In this section—

giving information to an entity includes—

- (a) releasing information to the entity; and
- (b) providing the entity with access to the information.

personal information means information about an individual whose identity is apparent, or can reasonably be ascertained, from the information.’.’

4 After clause 25

Page 12, after line 12—

insert—

‘Part 6 Amendment of Industrial Relations (Tribunals) Rules 2011

‘26 Rules amended

This part amends the *Industrial Relations (Tribunals) Rules 2011*.

‘27 Amendment of rule 79 (Application to refer matter to full bench)

Section 79, ‘president’—

omit, insert—

‘vice president’.’.

5 Schedule (Minor amendments of Industrial Relations Act 1999)

Page 13, after line 9—

insert—

‘2A Section 246A—

omit.

'2B Section 252—

insert—

- '(1B) The vice president must prepare, and give to the president, a report for the year on the working of the commission for inclusion in the president's report under subsection (1).'.'

6 Schedule (Minor amendments of Industrial Relations Act 1999)

Page 15, lines 2 to 4—

omit, insert—

'15 Section 299(3)—

omit, insert—

- '(3) In performing a function or exercising a power, the registrar must comply with a direction given by—
- (a) the president in relation to the court; and
 - (b) the vice president in relation to the commission.'.'

7 Schedule (Minor amendments of Industrial Relations Act 1999)

Page 16, lines 10 to 12—

omit.

8 Schedule (Minor amendments of Industrial Relations Act 1999)

Page 16, lines 16 to 18—

omit, insert—

'27 Section 708—

insert—

- '(1A) When acting under subsection (1), in relation to forms for use by or in the commission or registry, the president must consult with the vice president.'.'

9 Schedule (Minor amendments of Industrial Relations Act 1999)

Page 16, after line 22—

insert—

‘30 Schedule 2, section 4A(1), after ‘president’—

insert—

‘, the vice president’.

‘31 Schedule 2, section 4A(2), ‘president’—

omit, insert—

‘vice president’.’.

10 Long title

Long title, ‘and the *Industrial Relations Act 1999*’—

omit, insert—

‘, the *Industrial Relations Act 1999* and the *Industrial Relations (Tribunals) Rules 2011*’.