



Queensland

Public Service Act 2008

Public Service Regulation 2018

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Queensland

Public Service Regulation 2018

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Public Service Regulation 2018

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Public Service Regulation 2018*.

2 Definitions

The dictionary in schedule 15 defines particular words used in this regulation.

Part 2 Public service offices

Division 1 Declared public service offices, heads of office, applied provisions and applied rulings

3 Declared public service offices, their heads, applied provisions and applied rulings—Act ss 21 and 23

(1) Schedules 2 to 13 state—

- (a) the entities declared to be public service offices under section 21(1)(b) of the Act; and
- (b) for each office—
 - (i) the person declared to be the head of the office under section 21(2)(b) of the Act; and
 - (ii) the applied provisions under section 23(2)(a)(i) of the Act for the office; and

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- (iii) the applied provisions under section 23(2)(a)(ii) of the Act for the persons, other than public service employees, who are employed in the office; and
 - (iv) the rulings (each an *applied ruling*) about matters that apply, with all necessary changes, for a declared public service office and stated employees.
- (2) The application of an applied ruling for a Hospital and Health Service or Queensland Health is subject to division 3.

Division 2 Application of applied provisions and applied rulings

4 Application of applied provisions

- (1) The applied provisions apply to a declared public service office and its employees as if—
- (a) the office were a department; and
 - (b) the declared head of the office were the chief executive of the department; and
 - (c) the office's employees were public service employees.
- (2) If the declared public service office is a Hospital and Health Service or Queensland Health, the application of an applied provision is subject to division 3.

5 Transfer or redeployment of employees under applied provisions

- (1) On the transfer or redeployment of an employee of a declared public service office to the public service under an applied provision—
- (a) the employee is employed under the Act; and
 - (b) the employee retains and is entitled to all rights that have accrued to the employee because of the person's employment with the declared public service office; and

-
- (c) the employee's service as an employee of the declared public service office is taken to be service of a like nature in the public service for deciding the employee's rights as a public service employee; and
 - (d) the transfer or redeployment does not break the employee's continuity of service.
- (2) On the transfer or redeployment of a public service employee to or into a declared public service office under an applied provision—
- (a) the employee is employed—
 - (i) if the office is Queensland Health—under the *Hospital and Health Boards Act 2011*; or
 - (ii) if the office is the Gasfields Commission—under the Act; or
 - (iii) otherwise—under the Act under which the entity is established; and
 - (b) the employee retains and is entitled to all rights that have accrued to the employee because of the person's employment as a public service employee; and
 - (c) the employee's service as a public service employee is taken to be service of a like nature with the declared public service office for deciding the employee's rights as an employee of the declared public service office; and
 - (d) the transfer or redeployment does not break the employee's continuity of service.

6 Application of applied provisions to particular appeals

- (1) This section applies to a declared public service office if chapter 7 of the Act is an applied provision for the office.
- (2) The commission chief executive must declare, under a directive, the employees of the office to whom section 195(1)(g) of the Act applies as if the employees were senior executives or senior officers.

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- (3) A declaration under subsection (2) may only be made if the commission chief executive considers that the employee is performing duties that would, if the employee were a public service officer, be duties of—
 - (a) for an employee to whom the section is to apply as if the employee were a senior executive—a senior executive; or
 - (b) for an employee to whom the section is to apply as if the employee were a senior officer—a senior officer.
- (4) For applying chapter 7 of the Act to an office or an employee (other than a health service employee) of the office—
 - (a) the reference in section 194(1)(b) to a disciplinary law is taken to include a reference to a law, other than the Act, under which employees of the office are disciplined (*prescribed disciplinary law*); and
 - (b) the reference in section 194(1)(b)(ii) to a disciplinary declaration made under section 188A is taken to include a reference to a declaration made under the prescribed disciplinary law that states the disciplinary action that would have been taken against the employee if the employee's employment had not ended.

7 References to repealed rulings

- (1) This section applies if a ruling about a matter mentioned in this regulation is repealed and a new ruling dealing with substantially the same subject matter is made.
- (2) A reference in this regulation to the repealed ruling is taken to be a reference to the new ruling.

Division 3 Application of particular applied provisions and rulings—health service employees

8 Application of Act, s 133 (Chief executive’s power to transfer or redeploy)

- (1) Section 133 of the Act does not apply in relation to the transfer or redeployment of a health service employee to another position as a health service employee, unless the employee is an employee requiring placement under a directive.
- (2) To remove any doubt, it is declared that section 133 applies in relation to the transfer or redeployment of—
 - (a) a public service officer to a position as a health service employee; and
 - (b) a health service employee to the public service.

9 Application of Act, ch 7 (Appeals and reviews) and rulings about appeals

Chapter 7 of the Act and rulings about appeals apply to decisions made in relation to health service employees under the *Hospital and Health Boards Regulation 2012*, part 3 as if a reference to a transfer decision includes a decision about the movement of a health service employee under that part.

10 Rulings about change of pay date for Queensland Health employees

- (1) For applying a ruling about change of pay date for employees of Queensland Health to a health service employee employed by a Hospital and Health Service, a reference in the ruling to Queensland Health is taken to be a reference to the Hospital and Health Service.
- (2) This section does not limit section 3(2).

11 Rulings about transfer and appointment expenses

A ruling about transfer and appointment expenses applies to a health service employee only if the employee is a member of a class of employees declared by the chief executive (health) in writing as being a class of employees to whom the ruling applies.

12 Rulings about individual employee grievances

- (1) For applying an individual employee grievance ruling in relation to managing a health service grievance, a reference in the ruling to the commission chief executive is taken to be a reference to the Hospital and Health Board for the Service.

- (2) In this section—

health service grievance means a grievance by an employee in a Hospital and Health Service about the health service chief executive of the Service.

Hospital and Health Board, for a Service, see the *Hospital and Health Boards Act 2011*, schedule 2.

individual employee grievance ruling means a ruling about managing an individual employee grievance.

13 Rulings about recruitment and selection

- (1) For applying a ruling about recruitment and selection in relation to deciding whether a mandatory qualification is required for a position as a health service employee, a qualification consultation requirement in the ruling—
 - (a) for a position as an employee in Queensland Health, including as an employee in a Hospital and Health Service—does not apply to the chief executive (health); or
 - (b) for a position as an employee in a Hospital and Health Service—applies to the health service chief executive of the service as if a reference in the ruling to the

commission or the commission chief executive were a reference to the chief executive (health).

- (2) Subsection (1) does not apply to the extent the qualification is required—
 - (a) to comply with an industrial instrument; or
 - (b) to satisfy a requirement under a law of the Commonwealth or the State, including a requirement for accreditation or registration.
- (3) In this section—

qualification consultation requirement means a requirement to consult with, or report to, the commission or the commission chief executive about deciding whether a mandatory qualification is required for a position.

Part 3 Provisions about employment

Division 1 Application of part to health service employees

14 Application of part to health service employees

In this part, a reference to—

- (a) a public service employee includes a reference to a health service employee; and
- (b) a public service employee's chief executive includes a reference to the head of the public service office in which the health service employee is employed; and
- (c) a department includes a Hospital and Health Service; and
- (d) a chief executive of a department includes a health service chief executive.

Division 2 Employee records

15 Meaning of *employee record*

- (1) Subject to subsection (2), each of the following documents is, to the extent the document contains information about a public service employee, an *employee record*—
 - (a) a report, correspondence item or other document about the employee’s work performance, work conduct or work history;
 - (b) a medical report about the employee;
 - (c) a written allegation of misconduct by the employee.
- (2) None of the following documents is an employee record about the public service employee—
 - (a) a medical report about the employee indicating that disclosure of information in the report to the employee might be prejudicial to the employee’s mental or physical health or wellbeing;
 - (b) a document created by an appropriately qualified person for the primary purpose of providing a professional counselling service to another public service employee that contains information about the employee;
 - (c) a document about the employee that—
 - (i) is a public interest disclosure, or record of a public interest disclosure, made under the *Public Interest Disclosure Act 2010*; or
 - (ii) was brought into existence for that Act’s administration;
 - (d) a document about the employee relating to suspected corrupt conduct under the *Crime and Corruption Act 2001* or an investigation of the conduct;
 - (e) a document about the employee relating to a suspected criminal offence or an investigation of the offence;

(f) a document that is subject to legal professional privilege.

(3) In this section—

misconduct see the Act, section 187(4).

16 When an employee record is in an entity's *possession*

(1) An employee record is in an entity's *possession* if—

(a) the entity has the record in its possession, under its control, or is otherwise entitled to have access to the record; or

(b) the record is in the possession, or under the control, of an employee of the entity in the employee's official capacity.

(2) For subsection (1)—

(a) if the entity is the Minister, a person is an employee of the entity if the person is an employee of the department administered by the Minister; or

(b) if the entity is the chief executive of a department, a person is an employee of the entity if the person is an employee of the department.

17 Dealing with employee record if detrimental to employee's interests

(1) This section applies if a public service employee's chief executive intends to take either of the following actions (each a *detrimental action*)—

(a) use an employee record about the employee in a way that could reasonably be considered to be detrimental to the employee's interests;

(b) place on the employee's employment file an employee record about the employee that could reasonably be considered to be detrimental to the employee's interests.

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- (2) Subject to subsection (3), the chief executive must ensure that, at least 14 days before taking the detrimental action—
 - (a) the employee is given the opportunity to read the record and to acknowledge having read it by initialling it; and
 - (b) the employee is given a copy of the record; and
 - (c) if the employee has refused to read the record or to acknowledge having read it by initialling it, the refusal is noted on the record; and
 - (d) the employee is given the opportunity to respond in writing at any time to the record's contents; and
 - (e) any written response by the employee is attached to the record.
- (3) Subsection (4) applies if the chief executive reasonably considers that giving the employee access to the record under subsection (2) would be likely to prejudice an existing relevant investigation or inquiry.
- (4) The chief executive must give the employee access to the record in the way mentioned in subsection (2)(a) to (e) immediately after whichever of the following happens first—
 - (a) the chief executive no longer reasonably considers that giving the employee access to the record would be likely to prejudice a relevant investigation or inquiry;
 - (b) the end of the period of 6 months after the detrimental action is taken.

18 Employee record in possession of another chief executive

- (1) This section applies to a chief executive of a department (the *relevant chief executive*) if—
 - (a) an employee record about a public service employee is in the relevant chief executive's possession; and
 - (b) the relevant chief executive is not the employee's chief executive.

- (2) The relevant chief executive must give the record to the employee's chief executive as soon as practicable.
- (3) However, if the employee has been seconded to another department for a total period of less than 6 months, subsection (2) only applies if the relevant chief executive and the employee's chief executive agree in writing that the relevant chief executive give the record to the employee's chief executive.

Note—

The relevant chief executive may still need to comply with a commission chief executive directive about giving the employee's personal and employment details to the employee's chief executive.

- (4) Also, subsection (2) does not apply to a referee's report or other document received for a selection process to fill an employment vacancy in the department.

19 Access to employee record

- (1) This section applies if a chief executive has possession of an employee record about a public service employee.
- (2) The employee may, on request—
 - (a) inspect the record; or
 - (b) take an extract from, or copy, the record.
- (3) Subject to subsections (4) to (7), the inspection, taking of the extract or copying (the ***requested action***) must be allowed at a time and place convenient to the chief executive within 21 days after the request.
- (4) Subsection (5) applies if the record contains personal information of a person (the ***other person***) other than the employee.
- (5) The chief executive may refuse the employee access to all or part of the record—
 - (a) if the chief executive is satisfied the access—
 - (i) would be an unreasonable invasion of the privacy of the other person or someone else; or

- (ii) may cause harm to the other person or someone else; or
 - (iii) would be contrary to a law; or
 - (iv) is likely to be refused if the request for access was an access application made by the employee under the *Information Privacy Act 2009* or the *Right to Information Act 2009*; or
 - (b) in other circumstances stated under a relevant directive of the commission chief executive.
- (6) Subsection (7) applies if the chief executive reasonably considers the requested action would be likely to prejudice an existing relevant investigation or inquiry.
- (7) The chief executive must allow the requested action immediately after whichever of the following happens first—
- (a) the chief executive no longer reasonably considers the requested action would be likely to prejudice the relevant investigation or inquiry;
 - (b) the end of the period of 6 months after the employee requests the requested action.
- (8) In taking the requested action, the employee must not remove anything from the record.
- (9) In this section—
- personal information* see the *Information Privacy Act 2009*, section 12.

Division 3 General provision

20 Prescribed State employees—Act, s 26B

For section 26B(1)(g) of the Act, each person mentioned in schedule 14, other than a person mentioned in section 26B(1)(a) to (f) of the Act, is a State employee.

Part 4 **Miscellaneous provision**

21 **External agencies—Act, s 88K**

For section 88K(4) of the Act, definition *external agency*, each of the following is an external agency—

- (a) the Crime and Corruption Commission;
- (b) the Queensland Police Service.

Part 5 **Repeal**

22 **Repeal**

The Public Service Regulation 2008, SL No. 209 is repealed.

Schedule 2 Gasfields Commission

section 3(1)

1 Declared public service office

The Gasfields Commission established under the *Gasfields Commission Act 2013*, section 6 is declared to be a public service office.

2 Head of the declared public service office

The chief executive officer is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the provisions of the Act, other than sections 35 to 42 and chapter 3, part 7.

4 Applied provisions—declared public service office's employees

nil

Note—

Staff of the Gasfields Commission, other than the chief executive officer, are employed under the *Public Service Act 2008*. See the *Gasfields Commission Act 2013*, section 31(2).

5 Applied rulings

The applied rulings for the declared public service office are rulings about the following matters—

- (a) appeals;
- (b) appointing a public service employee to a higher classification level;

- (c) attendance recording and reporting;
- (d) attraction and retention incentives;
- (e) casual employment;
- (f) court attendance and jury service;
- (g) critical incident entitlements and conditions;
- (h) declarations of interests for public service employees;
- (i) discipline;
- (j) domestic travelling and relieving expenses;
- (k) early retirement, redundancy and retrenchment;
- (l) employees affected by workplace change;
- (m) employment arrangements in the event of a health pandemic;
- (n) employment screening;
- (o) employment separation procedures;
- (p) engaging officers on fixed term contracts of employment;
- (q) executive remuneration package, motor vehicles and allowances;
- (r) existing rulings;
- (s) fixed term temporary employment;
- (t) gifts and benefits;
- (u) higher duties;
- (v) hours, overtime and excess travel, including overtime meal allowances;
- (w) independent medical examinations;
- (x) individual employee grievances other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
- (y) international travelling, relieving and living expenses;
- (z) investigations;

- (za) leave and travel concessions for isolated centres;
- (zb) leave without salary credited as service;
- (zc) locality allowances;
- (zd) long service leave;
- (ze) motor vehicle allowances;
- (zf) paid parental leave;
- (zg) positive performance management;
- (zh) recognition of previous service and employment;
- (zi) recreation leave;
- (zj) recruitment and selection;
- (zk) relocation expenses for officers retiring from the service;
- (zl) rewards for creating commercially valuable intellectual property;
- (zm) sick leave;
- (zn) senior executive officers' employment conditions;
- (zo) senior officers' employment conditions;
- (zp) special leave;
- (zq) State wage cases and certified agreements;
- (zr) study and examination leave;
- (zs) support for employees affected by domestic and family violence;
- (zt) suspension;
- (zu) temporary employment, end of contract payments;
- (zv) transfer and appointment expenses;
- (zw) transfer within and between classification levels and systems;
- (zx) workforce profile and work performance information.

Schedule 3 Hospital and Health Services and Queensland Health

section 3(1)

1 Declared public service office

- (1) For a health service employee employed by a Hospital and Health Service, the Service is declared to be a public service office.
- (2) For a health service employee employed by Queensland Health, Queensland Health is declared to be a public service office.

2 Head of the declared public service office

The following person is declared to be the head of the declared public service office—

- (a) for a Hospital and Health Service—the health service chief executive of the Service;
- (b) for Queensland Health—the chief executive (health).

3 Applied provisions—declared public service office

- (1) The provisions of the Act stated in subsection (2) apply—
 - (a) for a health service employee employed by a Hospital and Health Service—to the Service in which the employee is employed; and
 - (b) for a health service employee employed by Queensland Health—to Queensland Health.
- (2) The applied provisions for the declared public service office are the following—
 - (a) sections 25 and 25A;
 - (b) chapter 3, parts 3 and 6;

- (c) section 99;
- (d) section 133;

Note—

Section 8 of this regulation modifies the application of this section.

- (e) section 134;
- (f) sections 137, 137A and 138;
- (g) sections 149, 149A, 149B and 149C;
- (h) chapter 5, parts 6 and 7;
- (i) section 179A;
- (j) sections 183 and 184;
- (k) section 186;
- (l) chapter 6;
- (m) chapter 7;

Note—

Section 9 of this regulation modifies the application of this chapter.

- (n) section 219A.

4 Applied provisions—health service employees

The applied provisions for health service employees are the following—

- (a) sections 25, 25A and 26;
- (b) chapter 3, parts 3 and 6;
- (c) section 133;

Note—

Section 8 of this regulation modifies the application of this section.

- (d) section 134;
- (e) sections 137, 137A and 138;
- (f) sections 149, 149A, 149B and 149C;

- (g) chapter 5, parts 6 and 7;
- (h) section 179A;
- (i) sections 181 to 184;
- (j) section 186;
- (k) chapter 6;
- (l) chapter 7.

Note—

Section 9 of this regulation modifies the application of this chapter.

5 Applied rulings

The applied rulings for all health service employees of a Hospital and Health Service or Queensland Health are rulings about the following matters—

- (a) appeals;

Note—

Section 9 of this regulation modifies the application of rulings about appeals.

- (b) appointing a public service employee to a higher classification level;
- (c) casual employment;
- (d) change of pay date for employees of Queensland Health;

Note—

Section 10 of this regulation modifies the application of rulings about change of pay date for employees of Queensland Health.

- (e) discipline;
- (f) domestic travelling and relieving expenses;
- (g) early retirement, redundancy and retrenchment;
- (h) employees affected by workplace change;
- (i) employment arrangements in the event of a health pandemic;

- (j) employment screening;
- (k) fixed term temporary employment;
- (l) hours, overtime and excess travel, only to the extent the ruling provides for excess travel;
- (m) individual employee grievance;

Note—

Section 12 of this regulation modifies the application of rulings about individual employee grievances.

- (n) international travelling, relieving and living expenses;
- (o) investigations;
- (p) leave without salary credited as service;
- (q) medical examinations as mentioned in section 175;
- (r) paid parental leave;
- (s) positive performance management;
- (t) recognition of previous service and employment;
- (u) recruitment and selection;

Note—

Section 13 of this regulation modifies the application of rulings about recruitment and selection.

- (v) support for employees affected by domestic and family violence;
- (w) suspensions;
- (x) transfer and appointment expenses;

Note—

Section 11 of this regulation modifies the application of rulings about transfer and appointment expenses.

- (y) transfer within and between classification levels and systems;
- (z) workforce establishment management;
- (za) work performance information.

Schedule 4 Legal Aid Queensland

section 3(1)

1 **Declared public service office**

Legal Aid Queensland established under the *Legal Aid Queensland Act 1997*, section 41 is declared to be a public service office.

2 **Head of the declared public service office**

The chief executive officer is declared to be the head of the declared public service office.

3 **Applied provisions—declared public service office**

The applied provisions for the declared public service office are the following—

- (a) sections 25 and 25A(1) and (2);
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;
- (d) section 103(1) and (3);
- (e) section 120;
- (f) section 128;
- (g) sections 133 and 134;
- (h) sections 137 and 138;
- (i) sections 149, 149A and 149B;
- (j) chapter 5, part 6, divisions 1, 2, 4 and 5 and part 7;
- (k) chapters 6 and 7;
- (l) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions for all of the declared public service office’s employees are the following—

- (a) the provisions mentioned in section 3 of this schedule;
- (b) section 26.

5 Applied rulings

The applied rulings for all of the declared public service office’s employees, other than the chief executive officer, are rulings about the following matters—

- (a) appeals;
- (b) attendance recording and reporting, other than to the extent the ruling provides for a class of employees to be exempted from keeping a record;
- (c) casual employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
- (d) court attendance and jury service;
- (e) domestic travelling and relieving expenses;
- (f) early retirement, redundancy and retrenchment;
- (g) employment screening, other than to the extent the ruling provides for—
 - (i) regulated employment; or
 - (ii) child-related duties;
- (h) employment arrangements in the event of a health pandemic;
- (i) fixed term temporary employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
- (j) higher duties;

-
- (k) hours, overtime and excess travel—
 - (i) to the extent the ruling provides for undertaking overtime, overtime meal allowances and the calculation of excess travel time; and
 - (ii) as if a reference in the ruling to the ordinary spread of hours were a reference to the spread of ordinary hours of duty stated in the Legal Aid Queensland Employee’s Award—State 2015, clause 15.2;
 - (l) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
 - (m) international travelling, relieving and living expenses;
 - (n) leave without salary credited as service;
 - (o) locality allowances;
 - (p) long service leave;
 - (q) motor vehicle allowances;
 - (r) paid parental leave;
 - (s) recognition of previous service and employment;
 - (t) recreation leave;
 - (u) recruitment and selection, other than to the extent the ruling provides for any of the following—
 - (i) gazette notification;
 - (ii) the filling of a vacancy to comply with a directive relating to employees affected by workplace change;
 - (iii) a chief executive to consult with the commission about advertising a vacancy and exemptions from advertising a vacancy;
 - (iv) a chief executive to consider sections 98 and 99 when deciding whether or not to limit advertising for a vacancy or to exempt a vacancy from advertisement;
 - (v) sick leave;

- (w) special leave;
- (x) support for employees affected by domestic and family violence;
- (y) transfer and appointment expenses;
- (z) workforce establishment management;
- (za) workforce performance information.

Schedule 5 National Injury Insurance Agency Queensland

section 3(1)

1 **Declared public service office**

The National Injury Insurance Agency, Queensland established under the *National Injury Insurance Scheme (Queensland) Act 2016*, section 55 is declared to be a public service office.

2 **Head of the declared public service office**

The chief executive officer is declared to be the head of the declared public service office.

3 **Applied provision—declared public service office**

Chapter 3, part 3 is the applied provision for the declared public service office.

4 **Applied provision—declared public service office's employees**

Chapter 3, part 3 is the applied provision for all of the declared public service office's employees.

5 **Applied rulings**

The applied rulings for all of the declared public service office's employees are rulings about employment arrangements in the event of a health pandemic.

Schedule 6 Queensland Ambulance Service

section 3(1)

1 Declared public service office

The Queensland Ambulance Service established under the *Ambulance Service Act 1991*, section 3A is declared to be a public service office.

2 Head of the declared public service office

The chief executive of the department in which the *Ambulance Service Act 1991* is administered is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) sections 25 and 25A;
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;
- (d) section 120;
- (e) sections 133 and 134;
- (f) section 138;
- (g) chapter 5, parts 6 and 7;
- (h) sections 181 to 186;
- (i) chapter 7;
- (j) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions for all of the declared public service office’s employees are the following—

- (a) the provisions mentioned in section 3 of this schedule;
- (b) section 26.

5 Applied rulings

The applied rulings for all of the declared public service office’s employees, other than the chief executive officer, are rulings about the following matters—

- (a) appeals;
- (b) court attendance and jury service;
- (c) declaration of interests for public service employees;
- (d) early retirement, redundancy and retrenchment;
- (e) employees affected by workplace change;
- (f) employment arrangements in the event of a health pandemic;
- (g) employment screening;
- (h) employment separation procedures;
- (i) independent medical examinations;
- (j) individual employee grievances, other than to the extent the ruling provides for complaints to the commission chief executive about the chief executive of an agency;
- (k) paid parental leave;
- (l) positive performance management;
- (m) recruitment and selection;
- (n) support for employees affected by domestic and family violence;
- (o) workforce establishment management;
- (p) work performance information.

Schedule 7 **Queensland Building and Construction Commission and Queensland Building and Construction Employing Office**

section 3(1)

1 Declared public service offices

The Queensland Building and Construction Commission and the Queensland Building and Construction Employing Office established under the *Queensland Building and Construction Commission Act 1991*, sections 5(1) and 29A(1) are each declared to be a public service office.

2 Heads of the declared public service office

- (1) The commissioner of the Queensland Building and Construction Commission is declared to be the head of the declared public service office.
- (2) The executive officer of the Queensland Building and Construction Employing Office is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) section 25;
- (b) chapter 3, parts 3 and 6;
- (c) section 133(2), (3) and (4);
- (d) section 134;
- (e) sections 149, 149A and 149B;
- (f) chapter 5, part 6, division 1, division 2, subdivision 1, divisions 4 and 5 and part 7;

- (g) sections 185 and 186;
- (h) chapter 6;
- (i) chapter 7;
- (j) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions for all employees of each declared public service office are the following—

- (a) the provisions mentioned in section 3 of this schedule;
- (b) section 26.

5 Applied rulings

The applied rulings for all employees of each declared public service office are rulings about the following matters—

- (a) appeals;
- (b) attendance recording and reporting, but not to the extent the ruling provides for a class of employees to be exempted from keeping a record;
- (c) court attendance and jury service;
- (d) critical incident entitlements and conditions;
- (e) declarations of interests for public service employees;
- (f) domestic travelling and relieving expenses;
- (g) early retirement, redundancy and retrenchment;
- (h) employees affected by workplace change;
- (i) employment arrangements in the event of a health pandemic;
- (j) employment screening, other than to the extent the ruling provides for—
 - (i) persons engaged by the department of communities; or

- (ii) child-related duties;
- (k) employment separation procedures;
- (l) fixed term temporary employment, other than to the extent the ruling refers to casual employees having a right to request a review of employment status after 12 months;
- (m) gifts and benefits;
- (n) higher duties;
- (o) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
- (p) hours, overtime and excess travel;
- (q) leave without salary credited as service;
- (r) locality allowances;
- (s) long service leave;
- (t) paid parental leave;
- (u) recognition of previous service and employment;
- (v) recreation leave;
- (w) recruitment and selection;
- (x) sick leave;
- (y) special leave;
- (z) study and examination leave;
- (za) support for employees affected by domestic and family violence;
- (zb) transfer and appointment expenses;
- (zc) work performance information.

Schedule 8 Queensland Fire and Emergency Service

section 3(1)

1 Declared public service office

The Queensland Fire and Emergency Service established under the *Fire and Emergency Services Act 1990*, section 8 is declared to be a public service office.

2 Head of the declared public service office

The commissioner is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) sections 25 and 25A;
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;
- (d) section 120;
- (e) sections 133 and 134;
- (f) sections 137 and 137A;
- (g) chapter 5, parts 6 and 7;
- (h) sections 181 to 184;
- (i) section 186C;
- (j) section 192A;
- (k) chapter 7;
- (l) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions—

- (a) for all of the declared public service office’s employees are the following—
 - (i) the provisions mentioned in section 3 of this schedule;
 - (ii) section 26;
 - (iii) sections 185 and 186;
- (b) for employees, other than auxiliary fire officers, are the following—
 - (i) sections 133 and 134;
 - (ii) chapter 5, part 7.

5 Applied rulings

The applied rulings for the declared public service are rulings about the following matters—

- (a) for all employees, other than auxiliary fire officers, each of the following—
 - (i) appeals, to the extent the ruling provides for appeals about promotion, discipline, transfer or fair treatment decision;
 - (ii) attendance recording and reporting, other than to the extent the ruling provides for a class of employees to be exempted from keeping a record;
 - (iii) attraction and retention;
 - (iv) court attendance and jury service;
 - (v) declarations of interests for public service employees;
 - (vi) discipline;
 - (vii) domestic travelling and relieving expenses;
 - (viii) early retirement, redundancy and retrenchment;

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- (ix) employees affected by workplace change;
 - (x) employment arrangements in the event of a health pandemic;
 - (xi) employment screening;
 - (xii) employment separation procedures;
 - (xiii) gifts and benefits;
 - (xiv) independent medical examinations;
 - (xv) individual employee grievances;
 - (xvi) investigations;
 - (xvii) leave without salary credited as service;
 - (xviii) international travelling, relieving and living expenses;
 - (xix) motor vehicle allowances;
 - (xx) paid parental leave;
 - (xxi) positive performance management;
 - (xxii) recognition of previous service and employment;
 - (xxiii) recruitment and selection, other than to the extent the ruling provides for role evaluation;
 - (xxiv) special leave;
 - (xxv) support for employees affected by domestic and family violence;
 - (xxvi) suspension;
 - (xxvii) transfer within and between classification levels;
 - (xxviii) workforce establishment management;
 - (xxix) work performance information;
- (b) for auxiliary fire officers, each of the following—
- (i) appeals, to the extent the ruling provides for appeals about discipline decisions;

- (ii) attendance recording and reporting, other than to the extent the ruling provides for a class of employees to be exempted from keeping a record;
- (iii) declarations of interests for public service employees;
- (iv) discipline;
- (v) employment arrangements in the event of a health pandemic;
- (vi) employment screening;
- (vii) individual employees grievances;
- (viii) investigations;
- (ix) positive performance management;
- (x) gifts and benefits;
- (xi) support for employees affected by domestic and family violence;
- (xii) suspension;
- (xiii) workforce establishment management;
- (xiv) work performance information.

Schedule 9 Queensland Rural and Industry Development Authority

section 3(1)

1 **Declared public service office**

The Queensland Rural and Industry Development Authority established under the *Rural and Regional Adjustment Act 1994*, section 5 is declared to be a public service office.

2 **Head of the declared public service office**

The chief executive officer is declared to be the head of the declared public service office.

3 **Applied provisions—declared public service office**

The applied provisions for the declared public service office are the provisions of chapter 3, part 3.

4 **Applied provisions—declared public service office's employees**

The applied provisions for all of the declared public service office's employees are the provisions of chapter 3, part 3.

5 **Applied rulings**

The applied rulings for all of the declared public service office's employees are rulings about the following matters—

- (a) early retirement, redundancy and retrenchment;
- (b) employment arrangements in the event of a health pandemic;
- (c) motor vehicle allowances;
- (d) paid parental leave;

- (e) recreation leave;
- (f) support for employees affected by domestic and family violence.

Schedule 10 Residential Tenancies Authority and Residential Tenancies Employing Office

section 3(1)

1 Declared public service offices

The Residential Tenancies Authority and the Residential Tenancies Employing Office established under the *Residential Tenancies and Rooming Accommodation Act 2008*, sections 465 and 491(1) are each declared to be a public service office.

2 Heads of the declared public service office

- (1) The chief executive officer of the Residential Tenancies Authority is declared to be the head of the declared public service office.
- (2) The executive officer of the Residential Tenancies Employing Office is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) sections 25, 25A and 26;
- (b) chapter 1, part 4;
- (c) chapter 3, part 3 (other than section 55) and part 6;
- (d) section 127;
- (e) section 133;
- (f) section 134;
- (g) sections 135, 136, 137 and 137A;

- (h) sections 149, 149A and 149B;
- (i) chapter 5, part 6, division 1, division 2, subdivision 1, divisions 4 and 5 and part 7;
- (j) sections 179A and 181;
- (k) sections 183 to 186;
- (l) chapters 6 and 7;
- (m) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions for all of the declared public service office’s employees are the following—

- (a) the provisions mentioned in section 3 of this schedule;
- (b) section 26.

5 Applied rulings

The applied rulings for all employees of each declared public service office are rulings about the following matters—

- (a) appeals;
- (b) attendance recording and reporting, other than to the extent the ruling provides for a class of employees to be exempted from keeping a record;
- (c) attraction and retention incentives;
- (d) casual employment;
- (e) court attendance and jury service;
- (f) declarations of interests for public service employees;
- (g) discipline;
- (h) domestic travelling and relieving expenses;
- (i) early retirement, redundancy and retrenchment;

-
- (j) employment arrangements in the event of a health pandemic;
 - (k) employment screening, other than to the extent the ruling provides for—
 - (i) persons engaged by the department of communities; or
 - (ii) child-related duties;
 - (l) fixed term temporary employment;
 - (m) higher duties;
 - (n) hours, overtime and excess travel, including overtime meal allowances;
 - (o) independent medical examinations;
 - (p) individual employee grievances, other than to the extent the ruling provides for grievances to the commission chief executive about the chief executive of an agency;
 - (q) leave without salary credited as service;
 - (r) long service leave;
 - (s) motor vehicle allowances;
 - (t) paid parental leave;
 - (u) positive performance management;
 - (v) recognition of previous service and employment;
 - (w) recreation leave;
 - (x) recruitment and selection, only to the extent the ruling provides for—
 - (i) a job evaluation methodology; or
 - (ii) a chief executive to exempt a vacancy from advertising or to limit the advertising;
 - (y) sick leave;
 - (z) special leave;
 - (za) State wage case and certified agreements;
 - (zb) study and examination leave;

- (zc) support for employees affected by domestic and family violence;
- (zd) suspensions;
- (ze) transfer and appointment expenses;
- (zf) transfer within and between classification levels and systems;
- (zg) work performance information.

Schedule 11 **Safe Food Production QLD**

section 3(1)

1 Declared public service office

Safe Food Production QLD established under the *Food Production (Safety) Act 2000*, section 13(1) is declared to be a public service office.

2 Head of the declared public service office

The chief executive officer is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the provisions of chapter 3, part 3.

4 Applied provisions—declared public service office's employees

The applied provisions for all of the declared public service office's employees are the provision of chapter 3, part 3.

5 Applied rulings

The applied rulings for all of the declared public service office's employees, other than the chief executive officer, are rulings about the following matters—

- (a) domestic travelling and relieving expenses;
- (b) early retirement, redundancy and retrenchment;
- (c) employment arrangements in the event of a health pandemic;
- (d) hours, overtime and excess travel, only to the extent the ruling provides for overtime meal allowances;

- (e) international travelling, relieving and living expenses;
- (f) locality allowances;
- (g) motor vehicle allowances.

Schedule 12 Trade and Investment Queensland

section 3(1)

1 Declared public service office

Trade and Investment Queensland established under the *Trade and Investment Queensland Act 2013*, section 7(1) is declared to be a public service office.

2 Head of the declared public service office

The chief executive officer is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) section 25A;
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;
- (d) sections 133 and 134;
- (e) sections 137 and 137A;
- (f) chapter 5, part 5, part 6, divisions 1, 2, 4 and 5 and part 7;
- (g) sections 185 and 186;
- (h) chapter 6;
- (i) chapter 7.

4 Applied provisions—declared public service office’s employees

The applied provisions mentioned in section 3 of this schedule apply to all of the declared public service office’s employees, other than—

- (a) an employee of the declared public service office employed under a contract of service—
 - (i) between the employee and the office; and
 - (i) providing for the employment conditions of the employee; and
- (b) an employee of the declared public service office employed under the law of a jurisdiction outside Australia.

5 Applied rulings

The applied rulings for all of the declared public service office’s employees, other than the chief executive officer, are rulings about the following matters—

- (a) appeals;
- (b) appointing a public service employee to a higher classification level;
- (c) attendance recording and reporting, other than to the extent the ruling provides for a class of employees to be exempted from keeping a record;
- (d) casual employment;
- (e) court attendance and jury service;
- (f) critical incident entitlements and conditions;
- (g) declarations of interests for public service employees;
- (h) discipline;
- (i) domestic travelling and relieving expenses;
- (j) early retirement, redundancy and retrenchment;

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- (k) employment arrangements in the event of a health pandemic;
 - (l) employment screening;
 - (m) employment separation procedures;
 - (n) fixed term temporary employment;
 - (o) gifts and benefits;
 - (p) higher duties;
 - (q) hours, overtime and excess travel;
 - (r) independent medical examinations;
 - (s) individual employee grievances;
 - (t) international travelling, relieving and living expenses;
 - (u) investigations;
 - (v) leave without salary credited as service;
 - (w) locality allowances;
 - (x) long service leave;
 - (y) motor vehicle allowances;
 - (z) paid parental leave;
 - (za) positive performance management;
 - (zb) recognition of previous service and employment;
 - (zc) recreation leave;
 - (zd) recruitment and selection;
 - (ze) sick leave;
 - (zf) special leave;
 - (zg) support for employees affected by domestic and family violence;
 - (zh) suspension;
 - (zi) temporary employment, end of contract payment;
 - (zj) transfer and appointment expenses;

(zk) transfer within and between classification levels and systems.

Schedule 12A WorkCover Queensland

section 3(1)

1 Declared public service offices

WorkCover Queensland and the WorkCover Employing Office established under the *Workers' Compensation and Rehabilitation Act 2003*, sections 380 and 475A are each declared to be a public service office.

2 Heads of the declared public service office

- (1) The chief executive officer of WorkCover is declared to be the head of the declared public service office.
- (2) The executive officer of WorkCover Employing Office is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The applied provisions for the declared public service office are the following—

- (a) section 25A;
- (b) chapter 1, part 4;
- (c) chapter 3, parts 3 and 6;
- (d) sections 137 and 137A;
- (e) chapter 5, part 5, part 6, divisions 1, 2, 4 and 5 and part 7;
- (f) chapter 6;
- (g) chapter 7.

4 Applied provisions—declared public service office’s employees

The applied provisions mentioned in section 3 of this schedule apply to all of the declared public service office’s employees, other than—

- (a) an employee of the declared public service office employed under a contract of service—
 - (i) between the employee and the office; and
 - (ii) providing for the employment conditions of the employee; and
- (b) an employee of the declared public service office employed under the law of a jurisdiction outside Australia.

5 Applied rulings

The applied rulings for all of the declared public service office’s employees, other than the chief executive officer, are rulings about the following matters—

- (a) appeals;
- (b) appointing a public service employee to a higher classification level;
- (c) casual employment;
- (d) discipline;
- (e) employment arrangements in the event of a health pandemic;
- (f) fixed term temporary employment;
- (g) independent medical examinations;
- (h) individual employee grievances;
- (i) investigations;
- (j) positive performance management;
- (k) recruitment and selection;
- (l) suspension;

(m) workforce profile and work performance information.

Schedule 13 Other entities established under an Act or State authorisation

section 3(1)

1 Declared public service office

An agency, authority, commission, corporation, instrumentality, office or other entity established under an Act or under State authorisation for a public or State purpose is declared to be a public service office.

2 Head of the declared public service office

The person who, however called, under the Act or State authorisation under which the entity is established performs the functions of the entity's chief executive is declared to be the head of the declared public service office.

3 Applied provisions—declared public service office

The following are the applied provisions for the declared public service office—

- (a) chapter 3—
 - (i) part 1;
 - (ii) section 46;
 - (iii) part 4, divisions 4 and 5;
 - (iv) part 6;
- (b) section 219A.

4 Applied provisions—declared public service office’s employees

The applied provisions for all of the declared public service office’s employees are the provisions mentioned in section 3 of this schedule.

Schedule 14 Prescribed State employees

section 20

- 1 the head of a public service office mentioned in schedule 1 of the Act, other than the human rights commissioner under the *Anti-Discrimination Act 1991*
 - 2 the head or an employee of a declared public service office mentioned in section 1 of schedules 2 to 12
 - 3 the commissioner under the *Ambulance Service Act 1991*
 - 4 a member of the board or a committee of the board or an employee of the Gold Coast 2018 Commonwealth Games Corporation established under the *Commonwealth Games Arrangements Act 2011*
 - 6 the chairperson of the Queensland Redistribution Commission under the *Electoral Act 1992*
 - 7 the deputy electoral commissioner or the nonjudicial appointee under the *Electoral Act 1992*
- Note—*
- The electoral commissioner is also a State employee. See the entry for the Electoral Commission of Queensland in schedule 1 of the Act.
- 8 an electoral registrar, returning officer or assistant returning officer employed under the *Electoral Act 1992*
 - 9 an issuing officer or another person employed on a temporary basis under the *Electoral Act 1992* in connection with the conduct of a particular election or referendum
 - 10 the public advocate under the *Guardianship and Administration Act 2000*
 - 11 the privacy commissioner under the *Information Privacy Act 2009*
 - 12 a member of the Legal Aid Board under the *Legal Aid Queensland Act 1997*
 - 13 the commissioner under the *Legal Profession Act 2007*

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- 14 a returning officer, assistant returning officer, presiding officer or issuing officer under the *Local Government Electoral Act 2011*
 - 15 the ombudsman or an officer of the ombudsman under the *Ombudsman Act 2001*
 - 16 a member of the Queensland Sentencing Advisory Council established under the *Penalties and Sentences Act 1992*
 - 17 a member of the Prostitution Licensing Authority established under the *Prostitution Act 1999*
 - 18 a member of the foundation committee under the *Queensland Art Gallery Act 1987*, section 40C
 - 19 a member of the Queensland Building and Construction Board under the *Queensland Building and Construction Commission Act 1991*
 - 20 a person appointed to a committee of the Board of the Queensland Museum under the *Queensland Museum Act 1970*, section 24
 - 21 an honorary assistant under the *Queensland Museum Act 1970*, section 42C
 - 22 a person appointed to a committee of the Queensland Theatre Company under the *Queensland Theatre Company Act 1970*, section 38
 - 23 the Right to Information Commissioner under the *Right to Information Act 2009*

Schedule 15 Dictionary

section 2

applied ruling see section 3(1)(b)(iv).

chief executive (health) means the chief executive of Queensland Health.

declared public service office means an entity declared to be a public service office under section 3(1)(a).

employee, of a declared public service office, means—

- (a) if the office is a Hospital and Health Service or Queensland Health—a health service employee of the office; or
- (b) otherwise—a person employed by or in the entity who is not a public service employee.

employee record see section 15(1).

health service chief executive see the *Hospital and Health Boards Act 2011*, schedule 2.

health service employee see the *Hospital and Health Boards Act 2011*, schedule 2.

Hospital and Health Service means a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*.

possession, for an employee record, see section 16.

Queensland Health means the department, however named, in which the *Hospital and Health Boards Act 2011* is administered.

relevant investigation or inquiry means an investigation or inquiry into—

- (a) an allegation of conduct that, if proved, may make a public service employee liable to disciplinary action; or

- (b) a grievance involving a public service employee lodged under a directive or industrial instrument.

Service means a Hospital and Health Service.