



*Legal Aid Queensland Act 1997*

# **Legal Aid Queensland Regulation 2023**

**Current as at 1 March 2023**

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Queensland

# Legal Aid Queensland Regulation 2023

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# Legal Aid Queensland Regulation 2023

## 1 Short title

This regulation may be cited as the *Legal Aid Queensland Regulation 2023*.

## 2 Commencement

This regulation commences on 1 March 2023.

## 3 Applied provisions—Act, s 42B

For section 42B(1)(a) and (b) of the Act, the following provisions of the *Public Sector Act 2022* apply to Legal Aid, its chief executive officer and employees in the way stated—

- (a) section 24—
  - (i) as if a reference to chapter were a reference to sections 24, 25, 27, 32 and 33(1) and (2); and
  - (ii) as if a reference to each prescribed entity were a reference to Legal Aid; and
  - (iii) other than the reference in subsection (1)(b) to conducting an annual equity and diversity audit;
- (b) section 25—
  - (i) definitions *culture of respect and inclusion*, *diversity target group*, *employee* and *unlawful discrimination*; and
  - (ii) as if a reference to chapter were a reference to sections 24, 25, 27, 32 and 33(1) and (2); and
  - (iii) as if a reference to a prescribed entity were a reference to Legal Aid;
- (c) sections 27, 32 and 33(1) and (2), as if a reference to prescribed entity were a reference to Legal Aid;
- (d) chapter 3, part 2, other than section 40(1)(c) to (e);
- (e) chapter 3, part 3, other than—

- (i) section 44(1); and
- (ii) the reference in section 45(2)(b)(iii) to the entity's equity and diversity plan;
- (f) chapter 3, part 4;
- (g) chapter 3, part 5, other than section 80;
- (h) chapter 3, part 6, division 1;
- (i) section 83;
- (j) section 85(1);
- (k) chapter 3, part 8, division 3, other than section 100;
- (l) section 101;
- (m) chapter 3, part 8, division 5, other than section 109(1);
- (n) chapter 3, part 9, division 1—
  - (i) other than sections 113 and 114(1), (2) and (5) to (8); and
  - (ii) with section 114(3) and (4) applying to the extent that section is relevant to the making of a decision by the chief executive under section 115(3);
- (o) chapter 3, part 9, division 2, as if a reference in section 120 to 1 year were a reference to 2 years;
- (p) chapter 3, parts 10 to 12, other than section 131(1)(h), part 10, division 5 and section 147(3);
- (q) chapter 4, part 4, division 2, other than section 160(1)(b);
- (r) chapter 4, part 4, division 3, other than section 161(1)(b);
- (s) sections 228 and 229;
- (t) chapter 6, part 9;
- (u) chapter 7, part 2;
- (v) chapter 8, part 3;
- (w) section 282.

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#### 4 Applied directives—Act, s 42B

- (1) For section 42B(1)(a) and (b) of the Act, directives made under the *Public Sector Act 2022* about the following matters apply to Legal Aid and its employees in the way stated—
- (a) appeals;
  - (b) attendance recording and reporting, other than to the extent the directive provides for a class of employees to be exempted from keeping a record;
  - (c) casual employment, other than to the extent the directive refers to casual employees having a right to request a review of employment status after 1 year;
  - (d) court attendance and jury service;
  - (e) discipline, other than to the extent the directive provides for periodic review by the commissioner;
  - (f) domestic travelling and relieving expenses;
  - (g) early retirement, retrenchment and redundancy;
  - (h) suitability for employment;
  - (i) employment arrangements in the event of a health pandemic;
  - (j) fixed term temporary employment, other than to the extent the directive refers to fixed term temporary employees having a right to request a review of employment status after 1 year;
  - (k) higher duties;
  - (l) hours, overtime and excess travel—
    - (i) to the extent the directive provides for undertaking overtime, overtime meal allowances and the calculation of excess travel time; and
    - (ii) as if a reference in the directive to the ordinary spread of hours were a reference to the spread of ordinary hours of duty stated in the Legal Aid Queensland Employees Award—State 2015, clause 15.2;

- (m) independent medical examinations, other than to the extent the directive provides for internal review;
- (n) employee grievances, other than to the extent the directive provides for grievances to the commissioner about the chief executive of an agency;
- (o) international travelling, relieving and living expenses;
- (p) leave without salary credited as service;
- (q) locality allowances;
- (r) long service leave;
- (s) motor vehicle allowances;
- (t) paid parental leave;
- (u) recognition of previous service;
- (v) recreation leave;
- (w) recruitment and selection, other than to the extent the directive 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 the *Public Sector Act 2022*, sections 41 and 177 when deciding whether or not to limit advertising for a vacancy or to exempt a vacancy from advertisement;
- (x) sick leave;
- (y) special leave;
- (z) support for employees affected by domestic and family violence;
- (za) suspension, other than to the extent the directive provides for periodic review by the commissioner;



(zb) transfer and appointment expenses;

(zc) work performance information.

(2) In this section—

***casual employee*** see the *Public Sector Act 2022*, schedule 2.

***commission*** means the Public Sector Commission continued in existence under the *Public Sector Act 2022*, section 204.

***commissioner*** means the Public Sector Commissioner under the *Public Sector Act 2022*.

***fixed term temporary employee*** see the *Public Sector Act 2022*, schedule 2.