

Public Sector Bill 2022

Amendments during consideration in detail to be moved by
The Honourable the Minister for Education, Minister for Industrial
Relations and Minister for Racing

1 **Clause 12 (Who is a *public sector employee*)**

Page 31, line 25, ‘subsection (2)’—

omit, insert—

subsection (1) or (2)

2 **Clause 81 (Basis of employment—generally on permanent basis)**

Page 72, lines 5 to 7, from ‘under this Act’ to ‘another basis’—

omit, insert—

on a non-permanent basis under this Act or another Act that enables the person to be employed on a non-permanent basis

3 **Clause 81 (Basis of employment—generally on permanent basis)**

Page 72, line 12, ‘a person’—

omit, insert—

the employee

4 **Clause 112 (Application of division)**

Page 98, after line 22—

insert—

- (3) Also, if the chief executive of a public sector employee mentioned in subsection (1)(b) is permitted or required to offer to convert the employee’s employment to a permanent basis under this division, despite anything in another Act, the employee may be employed on a

permanent basis.

5 Clause 254 (Minister or council may ask for public sector review)

Page 176, after line 22—

insert—

(ea) the Electoral Commission of Queensland established under the *Electoral Act 1992*;

(eb) the Queensland Human Rights Commission established under the *Anti-Discrimination Act 1991*;

6 Clause 268 (Application of part)

Page 185, lines 20 and 21, from ‘or’ to ‘*Industrial Relations Act 2016*’—

omit, insert—

, commissioner under the *Industrial Relations Act 2016*, or judge or member of another court of record

7 After clause 336

Page 218, after line 6—

insert—

**Part 2A Amendment of
Anti-Discrimination Act
1991**

336A Act amended

This part amends the *Anti-Discrimination Act 1991*.

Note—

See also the amendments in schedule 3.

336B Insertion of new ch 9, pt 2

Chapter 9—

insert—

Part 2 Strategic reviews

247 Strategic review of commission

- (1) Strategic reviews of the commission are to be conducted under this part.
- (2) A strategic review is to be conducted at least every 5 years, counting from when the report (the *earlier report*) for the most recent earlier strategic review was given to the Minister and the commissioner under section 249(4), up to when the reviewer is appointed under subsection (4) to undertake the latest strategic review.
- (3) However, if the parliamentary committee reported to the Legislative Assembly about the earlier report, and the committee's report made recommendations to which a Minister was required to respond under the *Parliament of Queensland Act 2001*, section 107, the 5 years is counted from when the Minister's response was tabled under that section.
- (4) Each strategic review is to be undertaken by an appropriately qualified person (*reviewer*), appointed by the Governor in Council, who is to give a report on the review under section 249.
- (5) For subsection (4), a corporation is an appropriately qualified person if a director,

employee or other staff member of the corporation is appropriately qualified to undertake the review.

- (6) The terms of reference for a strategic review are to be decided by the Governor in Council.
- (7) Before a reviewer is appointed to conduct a strategic review, the Minister must consult with the parliamentary committee and the commissioner about—
 - (a) the appointment of the reviewer; and
 - (b) the terms of reference for the review.
- (8) The remuneration and other terms of appointment of the reviewer are as decided by the Governor in Council.
- (9) In this section—

strategic review includes—

 - (a) a review of the commission's functions; and
 - (b) a review of the commission's performance of the functions to assess whether they are being performed economically, effectively and efficiently.

248 Conduct of strategic review

In conducting a strategic review—

- (a) the reviewer has the powers an authorised auditor has under the *Auditor-General Act 2009* for an audit of an entity; and
- (b) that Act and other Acts apply to the reviewer as if the reviewer were an

authorised auditor conducting an audit of an entity.

249 Report of strategic review

- (1) The reviewer for a strategic review must give a copy of the proposed report on the review to the Minister and the commissioner.
- (2) The commissioner may, within 21 days after receiving the proposed report, give the reviewer written comments on anything in the proposed report.
- (3) If the commissioner comments under subsection (2), the reviewer must—
 - (a) if the reviewer and commissioner can agree about how to dispose of a comment—incorporate into the report any agreed amendment necessary to dispose of the comment; or
 - (b) if the reviewer and commissioner can not agree about how to dispose of a comment—include the comment, in full, in the report.
- (4) After complying with subsections (1) and (3), the reviewer must give the report (**review report**) to the Minister and the commissioner.
- (5) The review report must be the same as the proposed report given to the Minister and the commissioner under subsection (1), apart from the changes made under subsection (3).
- (6) The Minister must table the review report in the Legislative Assembly within 3 sitting days after the Minister receives the report.
- (7) For the *Parliament of Queensland Act 2001*, section 92(2), the report is referred to the parliamentary committee.

336C Insertion of new ch 11, pt 8

Chapter 11—

insert—

**Part 8 Transitional
provision for Public
Sector Act 2022**

**280 First strategic review of commission after
commencement**

Despite section 247(2), the first strategic review of the commission under chapter 9, part 2 is to be conducted within 4 years after the commencement.

336D Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

parliamentary committee means—

- (a) if the Legislative Assembly resolves that a particular committee of the Assembly is to be the parliamentary committee under this Act—that committee; or
- (b) if paragraph (a) does not apply and the standing rules and orders state that the portfolio area of a portfolio committee includes the commissioner—that committee; or
- (c) otherwise—the portfolio committee whose portfolio area includes the department, or the part of a department, in which this Act is administered.

8 After clause 341

Page 220, after line 28—

*insert—***Part 4A Amendment of
Electoral Act 1992****341A Act amended**This part amends the *Electoral Act 1992*.*Note—*

See also the amendments in schedule 3.

341B Insertion of new pt 2, div 4

Part 2—

*insert—***Division 4 Strategic reviews****33A Strategic review of commission and
commissioners**

- (1) Strategic reviews of the commission and commissioners are to be conducted under this division.
- (2) A strategic review is to be conducted at least every 5 years, counting from when the report (the *earlier report*) for the most recent earlier strategic review was given to the Minister and the electoral commissioner under section 33C(4), up to when the reviewer is appointed under subsection (4) to undertake the latest strategic review.
- (3) However, if the parliamentary committee reported to the Legislative Assembly about the earlier report, and the committee's report made recommendations to which a Minister

was required to respond under the *Parliament of Queensland Act 2001*, section 107, the 5 years is counted from when the Minister's response was tabled under that section.

- (4) Each strategic review is to be undertaken by an appropriately qualified person (*reviewer*), appointed by the Governor in Council, who is to give a report on the review under section 33C.
- (5) For subsection (4), a corporation is an appropriately qualified person if a director, employee or other staff member of the corporation is appropriately qualified to undertake the review.
- (6) The terms of reference for a strategic review are to be decided by the Governor in Council.
- (7) Before a reviewer is appointed to conduct a strategic review, the Minister must consult with the parliamentary committee and the electoral commissioner about—
 - (a) the appointment of the reviewer; and
 - (b) the terms of reference for the review.
- (8) The remuneration and other terms of appointment of the reviewer are as decided by the Governor in Council.
- (9) In this section—

strategic review includes—

 - (a) a review of the functions of the commission and commissioners; and
 - (b) a review of the performance of the functions of the commission and commissioners to assess whether they are being performed economically, effectively and efficiently.

33B Conduct of strategic review

In conducting a strategic review—

- (a) the reviewer has the powers an authorised auditor has under the *Auditor-General Act 2009* for an audit of an entity; and
- (b) that Act and other Acts apply to the reviewer as if the reviewer were an authorised auditor conducting an audit of an entity.

33C Report of strategic review

- (1) The reviewer for a strategic review must give a copy of the proposed report on the review to the Minister and the electoral commissioner.
- (2) The electoral commissioner may, within 21 days after receiving the proposed report, give the reviewer written comments on anything in the proposed report.
- (3) If the electoral commissioner comments under subsection (2), the reviewer must—
 - (a) if the reviewer and electoral commissioner can agree about how to dispose of a comment—incorporate into the report any agreed amendment necessary to dispose of the comment; or
 - (b) if the reviewer and electoral commissioner can not agree about how to dispose of a comment—include the comment, in full, in the report.
- (4) After complying with subsections (1) and (3), the reviewer must give the report (***review report***) to the Minister and the electoral commissioner.

- (5) The review report must be the same as the proposed report given to the Minister and the electoral commissioner under subsection (1), apart from the changes made under subsection (3).
- (6) The Minister must table the review report in the Legislative Assembly within 3 sitting days after the Minister receives the report.
- (7) For the *Parliament of Queensland Act 2001*, section 92(2), the report is referred to the parliamentary committee.

33D Power of Minister to postpone strategic review

- (1) The Minister may postpone a strategic review to be conducted under this division by not more than 2 years starting at the end of the 5-year period counted under section 33A(2) or (3).
- (2) The Minister may exercise the power under subsection (1) only if the Minister—
 - (a) is satisfied the postponement is necessary having regard to the commission's functions in conducting a general election or a quadrennial election; and
 - (b) has consulted with, and had regard to the views of, the electoral commissioner and the parliamentary committee about the postponement and the length of the postponement.
- (3) The Minister may exercise the power under subsection (1) only once in each 5-year period counted under section 33A(2) or (3).
- (4) If the Minister exercises the power under subsection (1), the Minister must table a

notice stating—

- (a) the length of the postponement; and
 - (b) the reasons for the postponement.
- (5) The Minister must table the notice before the end of the 5-year period counted under section 33A(2) or (3).
- (6) In this section—
- quadrennial election* see the *Local Government Electoral Act 2011*, schedule 2.

341C Insertion of new pt 13, div 12

Part 13—

insert—

Division 12 Transitional provision for Public Sector Act 2022

450 First strategic review of commission and commissioners after commencement

- (1) Despite section 33A(2), the first strategic review of the commission and commissioners under part 2, division 4 is to be conducted within 12 months after the day the writ is returned for the first general election after the commencement.
- (2) The power of the Minister to postpone a strategic review under section 33D applies to the first strategic review mentioned in subsection (1).

9 Schedule 1 (Public service entities under section 9(b))

Page 233, after entry for Family Responsibilities Commission Registry—

insert—

Gasfields Commission

chief executive officer
under the *Gasfields
Commission Act 2013*

10 Long title

Long title, after ‘the *Ambulance Service Act 1991*,’—

insert—

the *Anti-Discrimination Act 1991*,

11 Long title

Long title, before ‘the *Crime and Corruption Act 2001*,’—

insert—

the *Corrective Services Act 2006*,

12 Long title

Long title, after ‘the *Crime and Corruption Act 2001*,’—

insert—

the *Electoral Act 1992*,

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