Parliamentary Committees



Public Sector Bill 2022

Report No. 37, 57th Parliament
Economics and Governance Committee
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Economics and Governance Committee

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Acknowledgements

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All web address references are current at the time of publishing.

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Chair's foreword

This report presents a summary of the Economics and Governance Committee's examination of the Public Sector Bill 2022.

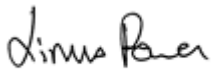
The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Public Sector Bill 2022 seeks to modernise the laws which govern our public sector workforce including clarifying how equity and diversity considerations may factor into recruitment and selection decision making. This Bill aims to not only maintain the primacy of merit selection, but also to ensure that conscious or unconscious bias in hiring or promotion decisions mean that some equally meritorious workers are not overlooked or not encouraged to apply.

Queensland has made enormous changes to work towards a diverse and representative public service, already almost 70% of public servants and 51% of leadership roles are women, and since 2019, almost 60% of Senior Executive Service appointments are women. However, women workers while paid equally in the same positions earn 6.5% less this has come down from 10.4% less in 2011, this gap is higher for women over 35 years of age in the public service. This bill continues to ensure that we have a public service based on merit appointments that is reflective of the diversity of our State.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff and the Department of the Premier and Cabinet.

I commend this report to the House.



Linus Power MP

Chair

Recommendations

Executive Summary

An independent review of public sector employment laws by Mr Peter Bridgman entitled *A Fair and Responsive Public Service for All* (the Bridgman Review) made 99 recommendations to ensure a fair, responsive and inclusive public sector.

The Queensland Government accepted all recommendations in full or in principle, and on 6 July 2020 endorsed a two-stage approach to implement the recommendations.

Stage 1 public sector reforms were implemented through the passage of the *Public Service and Other Legislation Amendment Act 2020* to ensure the immediate implementation of recommendations related to:

- maximising the Government's commitment to employment security
- providing public service employees with access to positive performance management.

The Public Sector Bill 2022 (the Bill) proposes to implement Stage 2 public sector reforms by replacing the Public Service Act 2008 (PS Act) and giving effect to the Bridgman Review's primary recommendation to provide all public sector employees with a modern, simplified and employee-focused legislative framework.

To ensure that public sector employment arrangements are cohesive, the Bill amends other Acts that regulate the employment of particular public sector employees including the *Ambulance Service Act 1991* and the *Fire and Emergency Services Act 1990*.

The Bill seeks to strengthen the Government's relationship with Aboriginal peoples and Torres Strait Islander peoples in the public sector by requiring public sector entities to recognise the importance of the right to self-determination to Aboriginal and Torres Strait Islander peoples.

The Bill also incorporates amendments to implement the recommendations of the independent review of public sector culture and accountability by Professor Peter Coaldrake entitled *Let the sunshine in: Review of culture and accountability in the Queensland Public Sector* (the Coaldrake Report).

Submitters raised concerns that neither the Bridgman Review nor the Coaldrake Report introduced a fifth diversity target group for the LGBTIQ+ cohort of the public service.

Submitters also outlined potential issues with the proposal to reverse policy for deemed refusals for decisions relating to conversion to permanent employment not made within the required timeframe; the exemption from public sector review for Queensland Human Rights Commission and the Electoral Commission of Queensland and a further review of appeal provisions.

The Office of the Public requested delayed commencement of provisions relating to reviews of employment status.

The committee was satisfied that these issues would be addressed following its public briefing with the Department of the Premier and Cabinet and subsequent interactions.

The committee recommends the Public Sector Bill 2022 be passed.

1 Introduction

1.1 Policy objectives of the Bill

The object of the Bill is to modernise public sector employment laws and to rejuvenate the capability and capacity of the public sector workforce in response to the Bridgman Review and the Coaldrake Report.[1]

The Bill proposes to achieve this by:

- outlining the entities and employees to which it applies
- supporting the Government's commitment to reframing its relationship with Aboriginal peoples and Torres Strait Islander peoples
- creating a nation-leading framework requiring chief executives of public sector entities to take steps to promote and have oversight of equity, diversity, respect and inclusion
- reforming recruitment and selection processes, including clarifying how equity and diversity considerations may factor into recruitment and selection decisions
- establishing public sector employment conditions and arrangements, including employment security, with universal application to all public sector employees within the scope of the Bill
- simplifying or amalgamating existing concepts and arrangements in the current Act, including:
  - rulings and guidelines
  - work performance and interchange arrangements
  - commission reviews and administrative inquiries
- creating a Public Sector Governance Council as the central oversight body for whole-of-sector governance and the Public Sector Commission (PSC) as the central human resources agency.[2]

1.2 Background

The Bill will give effect to the remaining legislative Bridgman Review recommendations, in particular to establish an employee-focused legislative framework that can further the Queensland Government's commitment to being fair, responsive and a leader in public administration.[3]

The Bill also responds to recommendations of the Coaldrake Report, advice of the Joint Advisory Committee[4] (JAC) and government stakeholders, together with approaches taken in other jurisdictions, including the New Zealand public service legislation.[5]

1 Explanatory notes, pp 1-3.

2 Explanatory notes, pp 1-3.

3 Explanatory notes, p 1.

4 Members included Together Queensland Industrial Union of Employees, Queensland Council of Unions, Queensland Teachers Union, United Firefighters' Union Queensland, Queensland Nurses & Midwives' Union, United Workers Union, and the Australian Workers' Union.

5 Explanatory notes, p 2.

1.2.1 Coaldrake Report

In response to the Coaldrake Report, the Bill proposes to drive a culture dedicated to whole-of-sector-governance, accountability and performance by: [6]

- strengthening the independence of integrity bodies who do not employ public servants, by not including the Queensland Ombudsman and the Crime and Corruption Commission (CCC) in the scope of the Bill
- establishing the PSC's role as the key oversight and central human resources agency to promote an ethical public sector culture, and facilitate the development of a highly-skilled chief executive service (CES) and senior executive service (SES)
- implementing the recommendation that agency chief executives be appointed on fixed term five-year contracts, unaligned to the election cycle (consistent with the *Public Service Act 1999* (Cth))
- implementing Professor Coaldrake's suggestion to appoint two external community members to the new Public Sector Governance Council (PSGC) to ensure the PSGC has access to commercial and community insights
- establishing the shared public sector stewardship roles of the PSGC, the Public Sector Commission, the Public Sector Commissioner (Commissioner), Special Commissioners and chief executives
- strengthening leadership and stewardship by establishing the purpose of the CES to enable mobile, highly-skilled chief executives to promote collaboration across the public service
- outlining principles applicable to all public sector employees in relation to ethical conduct and empowering the Premier to make a framework for the way chief executives perform their functions
- requiring chief executives to support a culture of respect and inclusion in their workplaces to further cultural change and promote safe and respectful environments
- empowering the Premier to establish a taskforce to promote better cross-agency collaboration in tackling emerging, priority or regional issues facing Queenslanders.[7]

1.3 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Public Sector Bill 2022 be passed.

[6] The Integrity and Other Legislation Amendment Bill 2022 is under concurrent inquiry by the Economics and Governance Committee, with a reporting date of 25 November 2022.

[7] Department of the Premier and Cabinet, correspondence, 18 October 2022, p 3.

2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

2.1 Scope and application

The Bill defines the entities and employees that comprise the public sector, and within this, the core public service. A public service employee is defined as a person employed by a department, or an existing Public Service Office (PSO).[8]

The Bill introduces the concept of the public sector, comprising public sector entities and public sector employees. Public sector entities are a broad range of Queensland departments and entities established under an Act for a state or public purpose.[9]

A public sector employee is a public service employee or a person employed under an Act or law in a public sector entity.[10]

It is intended that the Bill:

- will operate concurrently alongside other legislative frameworks, and
- will not alter the statutory head of power or instrument under which public sector employees are employed.[11]

2.1.1 Exclusions for public sector entities and other persons

The Bill provides for the exclusion of certain entities or other persons from being public sector entities or employees.

The Bill proposes to strengthen the independence of core integrity bodies that do not employ public service employees, by not including the Queensland Ombudsman (Ombudsman) and the CCC in the scope of the Bill and establishing alternative mechanisms to enable public sector employment arrangements to be applied to their staff.[12]

Other exclusions apply to entities due to their special nature, functions or statutory context in which they are established or operate. For example, Legal Aid Queensland (LAQ) has been excluded from the Bill, and by regulation made under its establishing legislation, may apply provisions of the Bill or directives to staff. This is to protect LAQ's public benevolent institution status under Commonwealth legislation.[13]

Together Queensland Industrial Union of Employees (TQ) submitted that it supports the provisions seeking to provide greater independence for core integrity agencies. However, TQ does not 'fully support' the arrangements proposed for integrity agencies and their staff, including the ability for regulations made under the establishing Acts for the Ombudsman, the CCC and LAQ to apply particular provisions of the new Act or directive made under the Act.

TQ recommended that the public sector conditions in the Bill be applied to the staff of the excluded entities.[14]

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8 See Schedule 1.

9 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 3.

10 Public Sector Bill 2022, cl 12.

11 Explanatory notes, p 1.

12 Explanatory notes, p 3.

13 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 4.

14 Submission 10, p 3.

In response, the Department of the Premier and Cabinet (the department) advised the committee:

- the Ombudsman and the CCC are unique in that they do not employ public servants, instead their staff are employed under their own legislation
- to preserve this independence the agencies are excluded, however a regulation-making power has been included to enable each entity to 'opt-in' to aspects of the Bill, including public sector employment arrangements
- each of the core integrity agencies were consulted on, and indicated their agreement with their treatment in the Bill
- this approach balances the objectives of the Bridgman Review and the Coaldrake Report by ensuring public sector employees can access the benefits and protections of the public sector employment framework without jeopardising the functions and independence of Queensland's integrity framework.[15]

2.2 Reframing the State Government's relationship with Aboriginal peoples and Torres Strait Islander peoples

The Bill also seeks to establish the role of the public sector in supporting the Government's Statement of Commitment by:

- recognising the unique role public sector entities and the police service have to support Government in reframing the relationship
- introducing a planning framework for developing the cultural capability of departments, hospital and health services, the police service and other entities prescribed by regulation.

Chief executives are responsible for ensuring their public sector entity fulfils this role by:

- recognising and honouring Aboriginal peoples and Torres Strait Islander peoples as the First Peoples of Queensland
- engaging in truth-telling about the shared history of all Australians
- recognising the importance to First Peoples of the right to self-determination
- promoting cultural safety and cultural capability at all levels of the public sector.[16]

Reconciliation action plans and cultural capability action plans are currently operational requirements of departments. Under the Bill, chief executives will have a statutory responsibility to develop and publish a 'reframing the relationship plan' which identifies measures for developing the cultural capability of the entity.[17]

2.2.1 Support for efforts to reframe the government's relationship with Aboriginal and Torres Strait Islander peoples

The Queensland Indigenous Family Violence Service (QIFVLS):

- supported the Bill's stated objectives for reframing the Government's relationship with Aboriginal peoples and Torres Strait Islander peoples

[15] Department of the Premier and Cabinet, correspondence, 2 November 2022, pp 7-8.

[16] Department of the Premier and Cabinet, correspondence, 18 October 2022, pp 4-5.

[17] Department of the Premier and Cabinet, correspondence, 18 October 2022, pp 4-5.

- advocated for the inclusion of a separate definition of cultural capability in recognition of the unique historical issues facing Aboriginal and Torres Strait Islander peoples which has been included in the Bill.[18]

The Queensland Council of Unions (QCU) and TQ also expressed support for the Bill's stated objectives in reframing the State Government's relationship with Aboriginal peoples and Torres Strait Islander peoples.

2.3 Equity, diversity, respect and inclusion

The Bill seeks to strengthen existing equality of employment opportunity requirements and places positive duties on chief executives of public sector entities, the police service and other prescribed entities to ensure programs, policies and practices promote equity, diversity, respect and inclusion (see Clauses 27 and 33).[19]

2.3.1 Diversity target groups

Chief executives must undertake an annual audit and make a plan for improving equity and diversity in relation to employment matters in their entity, including for diversity target group members, defined as any of the following groups:

- Aboriginal peoples and Torres Strait Islander peoples
- people from culturally and linguistically diverse backgrounds
- people with disability
- women
- a group prescribed by regulation for this definition.[20]

As part of their oversight role, the Commissioner and Special Commissioner (Equity and Diversity) may:

- request information and recommend action to improve a chief executive's compliance
- exempt a chief executive from obligations where it is not reasonably practicable.[21]

Committee comment

The Committee notes the Special Commissioner has a role in making recommendations and also in granting exemptions, for example it may be difficult for a chief executive to include disabled workers in some front line emergency service response roles.

2.3.2 The Lesbian, Gay, Bisexual, Trans, Intersex and Queer (LGBTIQ+) community

In response to the discrimination or harassment experienced by LGBTIQ+ community in their employment, visibility of the LGBTIQ+ cohort is enhanced under the Bill by:

- requiring entities to promote a workplace culture of respect and inclusion, including for 'people of diverse sexual orientations, gender identities or intersex variations'[22]
- enabling equity and diversity plans to address matters for LGBTIQ+ people, including to promote their respect and inclusion.[23]

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18 Submission 4; Department of the Premier and Cabinet, correspondence, 2 November 2022, p 3.

19 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

20 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

21 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

22 Clause 28 (5).

23 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

The equity and diversity framework refers to members of '1 or more diversity target groups'. This acknowledges the concept of intersectionality, and in particular, that people may belong to multiple diversity target groups and may experience different or compounded disadvantage because of this.[24]

2.3.3 A fifth diversity target group and strengthening positive duties

Submitters voiced their support for a dedicated chapter of the Bill that promotes equity, diversity, respect and inclusion in the public sector.[25]

Submitters also proposed:

- the inclusion of the LGBTIQ+ community as an equity and diversity target group, including additional data collection to identify 'a baseline and demonstrated need' for the additional diversity target group[26]
- that the wording of the positive duties placed on chief executives to promote equity, diversity, respect and inclusion be strengthened to reflect the principles of substantive equality.[27]

In relation to the inclusion of a fifth diversity target group, the department advised the committee:

- that the findings of the Bridgman Review did not recommend the inclusion of a new target group, and that the LGBTIQ+ cohort is not a target group in other state territories, the Commonwealth or New Zealand
- that the Government's response as included in the Bill, is that diversity target groups are linked to employment targets, to support a diversity balance in agencies' workforces
- it was submitted during consultation that there is presently insufficient evidence of under-representation of LGBTIQ+ people in public sector employment that would warrant a new employment target.[28]

The department also stated that this part of the Bill was developed in consultation with the JAC and the PSC, including the Special Commissioner (Equity and Diversity), and that efforts have been made to respond to JAC feedback in relation to the use of active, positive language.[29]

Committee comment

We acknowledge the discrimination and harassment experienced by members of the LGBTIQ+ community reported by submitters, including in the workplace.

We understand that the diversity target groups in the Bill were subject to significant consultation and consideration. We accept that there is not currently evidence of the underrepresentation of the LGBTIQ+ cohort employed in the public service, and that diversity target groups are not established under the Bill to prevent discrimination.

We note however, that should evidence emerge of the need for additional diversity target groups, the Bill provides that additional groups may be prescribed by regulation.

2.4 Public Sector arrangements

The Bill sets out the following key employment arrangements for public sector employees:

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24 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

25 Submissions 2, 6, 4 and 7.

26 See submissions 2, 3 and 7.

27 Submission 7, p 5.

28 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 5.

29 Department of the Premier and Cabinet, correspondence, 2 November 2022, pp 5-6.

- contemporary, values based public sector principles to guide public sector entities in their service to the Queensland community and as public sector employers
- the retention of merit as the primary criteria for selection, and may also note the policy intent that recruitment and selection processes have a role in supporting equity, diversity, respect and inclusion
- the retention of existing policy position for pre-employment screening with expansion to all public sector entities
- strengthening the Government's ongoing commitment to maximising employment security
- expanding the reach of the positive performance management framework and the requirement to disclose conflicts of interest to all public sector employees
- the retention of the disciplinary scheme for the public service and expansion of its application to apply consistently in the broader public sector
- the expansion of the suspension power, including the power to suspend with pay for non-disciplinary reasons, to all public sector employees where appropriate
- the retention and expansion of the ability of a chief executive to act in relation to a public sector employee where it is reasonably suspected the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability
- the retention and expansion of existing rights to seek conversion to permanent employment to the public sector to further maximise employment security
- the expansion of public sector employees' access to the Queensland Industrial Relations Commission to appeal decisions made under the new Act
- in accordance with Bridgman Recommendation 10, the expansion of provisions relating to surplus employees and clarification that chief executives have the power to terminate employment for redundancy.[30]

2.4.1 Principles

The Bill contains contemporary, values based public sector principles to guide public sector entities in their service as public sector employers.[31]

The principles maintain elements of the existing PS Act, including the Stage 1 Reform that employment on a permanent basis should be the default basis of employment. This provision will be extended application to all public sector employees.

2.4.1.1 Proposal to expand public sector principles

The QIFVLS submitted that consideration should be given to including references to 'cultural safety' and 'cultural capability' in the public sector employment principles and current work performance and personal conduct (WPPC) principles.[32]

The department advised the committee that:

- provisions of the Bill support entities to embed cultural capability across all aspects of their employment arrangements, including in recruitment and selection process[33]

30 Explanatory notes, pp 2-3.

31 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 5.

32 Submission 4, p 1.

33 Public Sector Bill 2022, Chapter 1, Part 3; Chapter 2 and Chapter 3, Part 3.

- promoting cultural safety and cultural capability is an important step towards achieving aspirational goals and cultural competence and cultural security
- as reframing entities mature on the journey to cultural competence and security, there may be further opportunities to characterise these concepts as part of the entity's operational workplace standards, policies and practices.[34]

The QCU's supplementary submission recommended inserting 'achieving work health and safety best practice of public sector entities' into the employment principles.[35]

Committee comment

The committee notes the QCU's supplementary submission and TQ's support for recommended inserting 'achieving work health and safety best practice of public sector entities' into the employment principles. The committee notes that some public services are difficult and in some cases dangerous workplaces and efforts should be made to achieve best safety practice.

2.4.2 Conduct in a private capacity

The Bill seeks to clarify expectations of employees' conduct in a private capacity and the extent to which employees may be liable for discipline regarding this conduct.[36]

The WPPC principles under the PS Act place an aspirational and positive duty on an employee to ensure an employee's personal conduct does not reflect adversely on the reputation of the public service.[37] However, it has been narrowed in the Bill to ensure the conduct does not reflect adversely on the reputation of the public sector entity in which the employee is employed.[38]

The disciplinary provisions in the Bill have been drafted to ensure that an employee cannot be disciplined for failing to meet the aspirational statements in the WPPC principles. However, actual conduct that meets the discipline threshold may be addressed through a disciplinary process, including conduct in a private capacity that reflects adversely on the public sector entity.[39]

2.4.3 Recruitment and selection

As envisaged by the Bridgman Review, the Bill retains the primacy of merit, while also signalling that selection processes have a role in supporting equity, diversity, respect and inclusion in the public sector.

The Bill provides an approach to recruitment and selection decisions which:

- includes a principles-based approach and consideration of merit and also may consider equity factors to ensure that the public sector workforce reflects a broad range of experience and backgrounds
- focuses selection for the person best suited to the position. This approach is informed by the approach under the New Zealand *Public Service Act 2020* which provides that merit-based appointment is achieved by giving preference to the person who is best suited to the position.

The Bill also provides a clear ability for decision-makers to consider:

- each applicant's potential to make future contribution to the entity

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34 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 4.

35 Supplementary submission 6, pp 1-2.

36 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 6.

37 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 6.

38 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 10.

39 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 6.

- the extent to which the selection decision would contribute to fulfilment of the entity's equity, diversity, respect and inclusion obligations.

2.4.3.1 Proposal for further recruitment and selection reform

TQ submitted that significant recruitment and selection reform is still required to give full effect to the Coaldrake Report, and the Government has committed to a Review of Recruitment and Selection, which has been delayed at the request of unions to fully consider the findings of the Coaldrake Report.[40]

The department advised on this matter that:

- the Public Sector Reform Office (PSRO) and the PSC have worked collaboratively with the JAC in reviewing the policy underpinning recruitment in the public sector
- it is proposed the PSC will continue to work with union and employer stakeholders and deliver the Review of Recruitment and Selection by issuing a new recruitment and selection directive implementing the new policy setting and supporting the sector to improve practices, decision making, fairness and transparency.[41]

Committee Comment.

The committee supports the Bill's maintaining the primacy of strong merit-based selection processes, the selection process for those in front line roles where health and safety is a concern should also be a primary concern when selecting or recruiting.

The Committee further notes that diverse candidates of merit should not be overlooked in the recruitment and selection process, departments should continue to promote recruitment and training of diverse candidates to ensure equal merit.

2.4.4 Work performance and conduct

The Bill implements recommendation 7 of the *Strategic Review of the Integrity Commissioner's Functions* 2021 by removing the requirement for chief executive declarations of interest to be provided to the Integrity Commissioner, as it is unnecessarily duplicative and does not assist performance of the Integrity Commissioner's functions.[42]

The Bill also proposes to:

- expand the reach of the Stage 1 Reforms to apply the positive performance management framework to all public sector employees
- expand the requirement to disclose conflicts of interest to apply to all public sector employees (other than chief executives)
- continue the disciplinary scheme for the public service and expands its application to apply consistently across the broader public sector, codifying disciplinary procedures available to employers at common law
- clarify that the power to transfer or redeploy as disciplinary action is a standalone power, separate to the general power to transfer public service officers.[43]

40 Submission 10, p 4.

41 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 9.

42 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 8.

43 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 8.

The existing definition of misconduct is maintained for the purposes of disciplinary grounds available in the Bill.[44]

The Bill seeks to clarify that an employee's current chief executive may make a disciplinary finding, and take disciplinary action, about the employee's conduct in a former entity if the former entity or its chief executive no longer exist, for example, where the former entity has been abolished or amalgamated within another public sector entity.[45]

The suspension power, including the power to suspend with pay for non-disciplinary reasons, has been expanded to all public sector employees (including all public service employees). This is purportedly appropriate given all employees are required to disclose conflicts of interests and non-disciplinary suspension may be used where a conflict cannot otherwise be managed. This is balanced with requirements for normal remuneration during the suspension.[46]

The Bill also retains and expands to the sector:

- the ability of a chief executive to act in relation to a public sector employee where it is reasonably suspected the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability
- the requirement for the Commissioner to make a directive about how public sector entities must deal with employee grievances.[47]

2.4.4.1 Interaction between mental and physical incapacity provisions with anti-discrimination legislation

TQ submitted that:

- medical retirement of a public sector employee should never be taken lightly and should be heavily constrained to ensure fairness and a high performing independent public service
- the mental and physical incapacity provisions in the Bill should be amended to incorporate the obligations placed on chief executives when exercising these powers under the *Anti-Discrimination Act 1991*, the *Disability Discrimination Act 1992* (Cth), and the current Directive and guideline.[48]

In response to these matters, the department advised:

- the Bill makes clear that a public sector employee may only be retired under these provisions where it is not reasonably practicable to transfer or redeploy the employee
- it is the PSRO's understanding that case law confirms the mental and physical incapacity provisions of the PS Act, on which the correspondence Bill provisions are modelled, are subject to certain protections in anti-discrimination legislation
- in accordance with the Commonwealth Constitution, any inconsistencies between Commonwealth anti-discrimination legislation and the Bill's mental and physical incapacity provisions will be resolved in favour of the Commonwealth legislation.[49]

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44 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 8.

45 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 8.

46 Department of the Premier and Cabinet, correspondence, 18 October 2022, pp 8-9.

47 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 9.

48 Submission 10, p 10.

49 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 11.

The department also advised the committee that a new directive will be made by the Public Sector Commissioner which will support good practice and be consistent with obligations set out in anti-discrimination and human rights legislation.[50]

2.4.5 Employment security and mobility

With respect to employment security the Bill:

- extends the application of relevant employment arrangements beyond the public service to the broader public sector
- aims to strengthen the Government's ongoing commitment to maximising employment security, by:
    - specifying that employment is on a permanent basis unless another Act or law provides otherwise in the public sector, and
    - clarifying that this provision applies to employment on a temporary basis for a fixed term if the employment is extended under the new Act or another Act
- simplifies work performance and interchange arrangements to create a new mobility arrangement that aims to be more efficient and effective to use for public sector employees.[51]

With an employee's consent, chief executives can authorise mobility arrangements so public sector employees can temporarily move flexibly within, across or outside the sector to meet surge or emerging priorities and provide professional development opportunities.[52]

2.4.6 Reviews of non-permanent employment

The Bill expands existing rights to seek conversion to permanent employment to the public sector to further maximise employment security for all public sector employees.

The Bill extends this to any public sector employee who is employed 'on a non-permanent basis' to ensure that arrangements in the broader public sector are not excluded merely due to naming conventions for those arrangements. This intends to capture eligible employees engaged on a casual or temporary basis for a fixed term, for a fixed task or for the duration of a particular season.[53]

The Bill also:

- maintains the non-appealable right to request conversion after one year and the mandatory 2 year conversion review, and corresponding appeal right, for non-permanent employees[54]
- maintains the requirement to issue reasons for a conversion decision, including information about the total period of employment and the number of extensions
- extends conversion rights for employees acting in, or seconded to, a higher classification level in a public sector entity, for a continuous period of at least 1 year.[55]

An employee's chief executive must decide the request within 28 days after receiving it.[56]

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50 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 11.

51 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 7.

52 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 7.

53 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 9.

54 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 9.

55 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 9.

56 Clause 114 (2).

To further strengthen employment security, the Bill also:

- clarifies that a temporary engagement can only be extended where the chief executive again determines that permanent employment is not viable or appropriate, and
- requires chief executives to have workforce and human resource planning and practices, including systems for the regular review of employment arrangements.[57]

2.4.6.1 Proposal to reverse deemed refusal decisions

TQ and QCU, supported by Queensland Teachers' Union (QTU), also made submissions to the committee proposing the reversal of deemed decisions.[58]

The department advised that the proposal to reverse deemed conversions:

- could lead to unintended consequences such as decision makers hurriedly making a decision not to convert an employee to permanent employment in order to manage workforce risks
- may also result in the potentially difficult circumstances where an employing agency would be required to appeal against a conversion of their employee to maintain effective management of their workforce.[59]

As conversion reviews generally result in a positive outcome for the employee, the Bill seeks to address stakeholders' issues by providing:

- employees with the right to request an additional conversion review within 3 months of a deemed decision being made
- a chief executive with discretion to make a subsequent conversion review decision, if they consider it appropriate, and the employee has been continuously employed in the entity on a non-permanent basis for at least 2 years.

These additional review mechanisms:

- are intended to reduce the incidence of deemed decisions and appeals, and increase the rate of conversions by allowing for a review to be decided in favourable circumstances, such as when a position becomes available or a performance issue is resolved
- provide employees and employers with an additional safeguard if they are unaware at the time a deemed decision is made.[60]

2.4.6.2 Proposal to reduce timeframe for requirement to review non-permanent employment

QCU proposed an amendment to reduce the initial timeframe in which a chief executive must review the employment status of a non-permanent employee from 2 years of consecutive service, to 1 year.[61]

The department's response advised that this proposal is not supported as the Bill retains:

- the Stage 1 amendment, introducing a right to request a review for conversion after one year, in addition to the compulsory reviews undertaken by a chief executive after two years and then annually

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57 Department of the Premier and Cabinet, correspondence, 18 October 2022, pp 9-10.

58 Submissions 2, 6 and 10.

59 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 12.

60 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 9.

61 Submission 6.

- the ability for an employee to make a further request for review every 12 months they remain continuously employed as a non-permanent employee in an entity, in addition to the compulsory reviews required to be undertaken by chief executives.

Providing a right to request a review at 12 months was designed to support agencies who were already undertaking regular reviews as part of their workforce planning and to help drive good practice in workforce planning in other agencies.[62]

2.4.6.3 Proposal to convert appointment to a higher classification level

TQ submitted that there is no policy rationale that should prevent an employee who has been acting for more than a year in a higher duties role, being converted to the vacant role and that the criteria for conversion to permanency should be broadly consistent with the criteria for non-permanent reviews.[63]

TQ also proposed:

- the employee should be considered for permanent employment in any suitable role at the higher classification level, as opposed to the current policy of considering the employee for employment in the role they are in at the time a request for review is made
- reclassifying the classification level of a role an employee has been acting in should not preclude an employee from requesting permanent employment at the higher classification level.[64]

The department advised that this proposal is not supported as the Bill retains the policy setting approved by Parliament during the Stage 1 reforms. The department also explained:

- it is intended that the chief executive only consider the employee for permanent employment in the role in which the employee is acting in or seconded to at the time the request is made
- it is not intended that the chief executive be required to consider other similar roles to minimise the administrative burden on agencies and reduce the risk of employing a permanent employee to a role at the higher classification level that would have otherwise been a suitable option for conversion of a non-permanent employee to permanent employment.[65]

2.4.6.4 Proposal to limit consideration of operational requirements

TQ proposed that the Bill and/or Directives should determine a much higher threshold for when agencies can decline to convert an employee on the basis of operational requirements.[66]

The Queensland Nurses & Midwives' Union (QNMU) submitted that the status of employment as the default form of employment is compromised by the continued use of 'genuine operational requirements' in the determination of conversion requests, and that the ability to have regard to operational requirements should be removed.[67]

In response, the department advised the committee:

62 Department of the Premier and Cabinet, correspondence, 2 November 2022, 13.

63 Submission 10, pp 9-10.

64 Submission 10, pp 9-10.

65 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 14.

66 Submission 10, p 9.

67 Submission 3, p 3.

- the Bridgman Review did not contemplate the removal of the consideration of genuine operational requirements when considering an employee for conversion to permanent employment or appointment to a higher classification level
- options to define genuine operational requirements were considered by the JAC during the Stage 1 reforms, however an agreed definition could not be reached.[68]

2.4.6.5 Proposal to delay commencement and consequential amendment to Public Guardian Act 2014

The Office of the Public Guardian (OPG) requested that the period for making a decision about non-permanent employment status be extended from 28 days to 90 days immediately following the commencement of the Bill to reduce the impact of the initial implementation requirements.

The OPG stated implementation is particularly problematic for public sector entities with large numbers of casually employed staff, who will either require a decision to be made, or be eligible to request that a decision be made.[69]

The OPG also requested a consequential amendment to the *Public Guardian Act 2014 to* provide that only community visitors employed on non-permanent basis hold office for a term of no longer than three years.[70]

Committee comment

The committee notes that public sector employers have been consulted on the development of the Bill and are aware of the impending changes to their employment framework, allowing time to prepare for implementation of the conversion arrangements.

2.4.7 Appeals

The Bill expands access to the Queensland Industrial Relations Commission (QIRC) for all public sector employees to appeal decisions about conversion, directives, discipline, fair treatment, promotion, suspension without pay and work performance procedural decisions.[71]

The right to appeal transfer decisions remains limited to public service officers, and any other public sector employee prescribed by regulation subject to transfer powers.[72]

A decision to promote, transfer, redeploy or second a person as a chief executive, senior executive or senior officer remains non-appealable.[73]

Probation requirements are not maintained in the Bill. The department advised that:

- the *Industrial Relations Act 2016* (IR Act) and industrial instrument probation provisions will now be relied upon to reduce duplication and confusion for the public sector
- probation decisions remain referenced as non-appealable to ensure no appeal right is available where an employee is terminated, including during their probationary period
- unfair dismissal under the IR Act is the appropriate avenue for recourse.[74]

68 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 15.

69 Submission 8, pp 1-3.

70 Submission 8, p 3.

71 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 10.

72 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 10.

73 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 10.

74 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 10.

2.4.7.1 Issues raised in relation to appeals provisions

TQ considers the current and proposed arrangements for appeal rights a 'patchwork of industrial matters' under the IR Act, for which the QIRC has significant jurisdiction and powers, however direct appeal rights from the PS Act to the QIRC being very limited in jurisdiction, with significantly limited powers and appeal rights provided for through the application of directives.[75]

Among other issues, the TQ expressed concern in relation to:

- the concept of a 'fair treatment appeal', which TQ argues 'has been read down over the last decade and conversion appeals are severely limited in their utility by the current drafting'
- the lack of clarity as to the meaning of a 'review' and what makes a decision 'fair and reasonable'.[76]

TQ also submitted that the explanatory notes to the Bill suggested that all recommendations of the Bridgman Review were accepted by Government, and that this would include recommendation 6 below, contrary to the appeal provisions in the Bill:

> Conversion decisions should be reviewable by the Public Sector Commissioner as a merits review with no further appeal. The Commissioner should be able to make an Employment Direction about the conduct of merits reviews, including management of deemed refusals and possible remit of the matter back to the chief executive.[77]

In response to these matters, the department advised the committee that:

- the Stage 1 reforms amended appeal processes to enable public service appeals to be heard under the IR Act by the QIRC, prior to which, appeals were heard by members of the QIRC performing functions under the PS Act
- as a consequence of these amendments, all public service appeals are published and publicly assessable, which has contributed to increased transparency and consistency in relation to the application of the appeals framework
- the Government made no commitment to undertake further reform to the appeal framework as part of the Stage 2 reform agenda, aside from the expansion of the scope to the sector.[78]

In response to TQ's concerns about fair treatment appeals and the lack of clarity in relation to 'fair and reasonable', the department advised that:

- during an appeal it is the responsibility of the QIRC to determine whether a decision by an agency is fair and reasonable
- the department considers this appropriate because the QIRC is independent of government and governed by the industrial relations framework, not public sector employment legislation.[79]

The department advised the committee that TQ's submission identifies an inaccuracy in the explanatory notes with respect to the acceptance of the Bridgman Review recommendations.

The department requested to clarify for the committee that, in consultation with JAC:

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75 Submission 10, p 6.

76 Submission 10, p 6-7.

77 Submission 10, p 8.

78 Department of the Premier and Cabinet, correspondence, 2 November 2022, pp 18-19.

79 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 19.

- it was determined as part of the Stage 1 reforms, that recommendation 6 was not accepted and would not be implemented as proposed by the Bridgman Review
- instead, it was determined that the appropriate mechanism would be a QIRC appeal rather than a PSC review in order to have matters determined by an independent umpire.[80]

Committee comment

The committee notes that in regard to appeal provisions, the department, in consultation with JAC, determined the appropriate mechanism for appeal would be a QIRC appeal rather than a PSC review in order to have matters determined by an independent umpire.

2.4.8 Summary dismissal and ending of employment

To give effect to Bridgman Recommendation 53, the Bill provides clarity that chief executives of public sector entities may end employment or consider employment ended under the common law, where an employee has abandoned their employment (repudiation) or is imprisoned or remanded in custody (frustration).[81]

The Bill also preserves the ability for a public sector employer to summarily terminate an employee's employment, including where an employee has engaged in serious misconduct. Serious misconduct may arise where an employee's conduct causes serious and imminent risk to the health and safety of a person, or to the reputation of the public sector entity in which the person is employed. [82]

This aims to strike an appropriate balance between ensuring employees are treated fairly and provided procedural fairness in the appropriate circumstances, while also ensuring chief executives can make decisions to protect the risk and reputation of their entity and to ensure their public financial accountability obligations are met.[83]

2.4.9 Surplus

The Bill retains existing arrangements permitting the Commissioner to make a directive about action a chief executive may take, including termination of employment, where an entity has surplus staff, and applies this arrangement to the public sector.[84]

In accordance with Bridgman Review Recommendation 10, the Bill expands these provisions and provides clarification that chief executives of public sector entities have the power to terminate employment for redundancy. The Bill is drafted to enable an individual employee to be deemed surplus and made redundant, as well as enabling redundancies to give effect to larger workforce change.[85]

This power must be exercised subject to any directive, for example directives about supporting employees affected by workplace change and early retirement, redundancy and retrenchment, which have application to the public service. A directive can also provide for other action to be taken in these circumstances, embedding additional safeguards.[86]

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80 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 19.

81 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 10.

82 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 11.

83 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 11.

84 Explanatory notes, p 5.

85 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 11.

86 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 11.

2.5 Public service employment framework, chief executives and senior executives

The Bill establishes a public service within the public sector and provides the employment arrangements for public service employees in departments and other public sector entities to the extent their employees are employed under the Bill.[87]

The Bill retains:

- the ability for a chief executive of a department, PSO, or other prescribed entity to second a public service officer or employee prescribed by regulation into or within the public sector entity
- the current provisions relating to public service resignation and retirement.[88]

The Bill also establishes employment arrangements for the chief executives and senior executives to ensure the continuation of the key structures, roles and accountabilities that are necessary to ensure the effective governance and administration of the public service.[89]

The Bill proposes to:

- expand chief executives' functions and responsibilities, including additional responsibilities such as providing stewardship of the public sector and a policy coordination role to ensure integrated policy development and comprehensive advice
- provide that a chief executive may employ a senior executive in the department.[90]

Currently, appointments and secondments of senior executives are made by the Commissioner. It is intended that a directive will require a chief executive to obtain Commissioner approval to employ a person as a senior executive. Following approval, the chief executive enters into a written contract with the SES officer to set the terms and conditions of employment. It is anticipated the Commissioner will set out the contractual requirements in a directive.[91]

In furtherance of Bridgman Review recommendations 84 and 85, the PSRO amended the Bill to allow the PSGC to fix the maximum number and classification levels of full time equivalent senior executive roles within a public sector entity.[92]

2.6 Governance of public sector

The Bill seeks to establish a responsive public sector through a clear and transparent governance arrangements that establish vertical accountabilities, collaborative governance and system oversight. These arrangements propose to support the public sector in responding to complex issues that cross agency boundaries and provide wraparound services based on need.[93]

The Premier retains the overarching responsibility for the administration of the public sector and appointment of chief executives to departments of government.[94]

The roles of the PSC, Commissioner and Special Commissioner are retained with expanded functions for the broader public sector. However, to further the objectives of the Bridgman Review and the

87 Explanatory notes, p 3.

88 Department of the Premier and Cabinet, correspondence, 18 October 2022, 11.

89 Explanatory notes, p 3.

90 Department of the Premier and Cabinet, correspondence, 18 October 2022, 12.

91 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 12.

92 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 12.

93 Explanatory notes, p 3.

94 Explanatory notes, p 3.

Coaldrake Report, the Bill establishes the PSGC as an oversight body for whole-of-sector governance and the PSC as the central human resources agency.[95]

The Bill proposes to give effect to Bridgman Review recommendation 73 by empowering the PSGC to appoint a public sector employee as a head of practice area.[96]

2.6.1 Role of the Public Sector Commission

TQ proposed that the role of central agencies responsible for human resources and industrial relations issues across the public sector should be strengthened to intervene where employing agencies are not complying with the Act, directives and policies, industrial instruments or government policy.[97]

TQ also submitted that the Bridgman review recommended a system of external case management for these matters (i.e. where case managers would have power to impose time frames for production of documents, or attendance at meetings, and facilitate resolution or agreement) that does not appear to have been implemented in the Bill.[98]

TQ recommended that the Bill should:

- codify the role of these agencies in greater alignment with the Bridgman Review
- do more to facilitate intervention by the PSC into individual or systemic failure by agencies.[99]

The department advised that the Bill supports the public sector reforms envisaged by the Bridgman Review and the Coaldrake Report by establishing the shared public sector stewardship roles of the Public Sector Commission, the Public Sector Commissioner (Commissioner), Special Commissioners, the PSGC and chief executives.

The department noted that it will be a matter for the PSGC and PSC to determine the most appropriate arrangements to support implementation and consistent application of the Bill.[100]

With respect to agency compliance the department advised:

- there are a range of existing mechanisms in place for employees to raise concerns, including lodging an individual employee grievance under the relevant directive, lodging a grievance under the relevant award, and commencing a fair treatment or other appeal to the QIRC
- the QIRC is best placed to consider individual matters because it has processes in place to hear evidence, provide natural justice and has a range of powers available to under legislation that allow it to make a decision that is binding on both the employee and the employer
- the Bill enables the PSGC to initiate a public sector review which is formal and appropriate mechanism to effect systemic change to an aspect of public administration or more broadly to the sector.[101]

The committee notes that recommendations of the Bridgman Review relating to external case management were considered during Stage 1 reforms, and have been implemented using a different approach.[102]

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95 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 12.

96 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 12.

97 Submission 10, p 4.

98 Submission 10, p 5.

99 Submission 10, pp 4-5.

100 Department of the Premier and Cabinet, correspondence, 2 November 2022, pp 21-22.

101 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 22.

102 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 22.

2.6.2 Public sector review powers

The Bill amalgamates administrative inquiries and commission reviews under the PS Act into a single process called a 'public sector review'.[103]

For the purpose of public sector reviews, the Minister and the PSGC are referring entities empowered to seek a review about a matter or aspect of public administration including about the effectiveness, efficiency, functions or activities of a public sector entity.[104]

To maintain their independence, all five core integrity bodies identified by the Coaldrake Report are excluded from public sector review powers and the Premier's statutory functions, being the Queensland Audit Office, the CCC, the Office of the Ombudsman, the Office of the Information Commissioner and the Integrity Commissioner.[105]

2.6.3 Directives

The Bill preserves the existing directive-making powers of the industrial relations Minister and the Commissioner, with extended application to the public sector.[106]

The Bill also provides that failure to comply with directive consultation requirements under the Act does not invalidate a directive if the Commissioner or Minister made a reasonable attempt to act in compliance. This is considered an appropriate safeguard given the broad scope of public sector entities captured by the Act.[107]

The department advised that the Bill contains protections to ensure employers comply with their obligations including obligations included in directives. For instance, clause 41 (b) of the Bill requires a chief executive of a public sector entity to comply with all relevant laws, industrial instruments and directives in performing functions and discharging responsibilities under an Act.[108]

2.6.3.1 Proposals to exempt certain entities from public sector review

The Queensland Human Rights Commission (QHRC) and the Electoral Commission of Queensland (ECQ) are each seeking exemptions from public sector reviews on the grounds that this type of review has the potential to undermine their independence.[109]

The QHRC submitted that the justification for the current exclusions under the Bill, are informed by the identification of 'core integrity bodies' by the Coaldrake Report, and no further explanation is provided.

The QHRC noted the classification of integrity agencies referenced in the Coaldrake Report considers:

> 'Core' integrity institutions are those that are established solely or primarily to carry out integrity functions, whereas 'distributed' integrity institutions are 'embedded in the internal accountability and governance systems of every organisation.[110]

The QHRC makes the following arguments to support the proposed exemption:

- at its core, the *Human Rights Act 2019* compels Executive government to consider the human rights of all Queenslanders when making decisions

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103 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 13; explanatory notes, p 71.

104 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 23.

105 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 13.

106 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 13.

107 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 23.

108 Department of the Premier and Cabinet, correspondence, 2 November 2022, p 28.

109 Department of the Premier and Cabinet, correspondence, 18 October 2022, p 23.

110 Submission 7, p 9.

- the QHRC may be required to take actions that are critical of decisions of the government, ministers, and/or public entities, where those decisions (in the QHRC's view) disproportionally and unreasonably impact on human rights
- the QHRC performs functions that are a key part of the integrity system as a 'distributed integrity institution'
- the potential for public sector review powers to be misused and the 'chilling effect' of the mere presence of the powers, would seriously undermine the QHRC's statutory independence from the Executive and as an inherent part of the state's integrity system.[111]

The QHRC submitted that the proposed powers also have potential implications for its obligations in relation to information disclosure under the section 220 of the *Anti-Discrimination Act 1991* (AD Act).

In summary, the QHRC considers that under the proposed public sector review powers, the reviewing entity and referring entity can obtain information that the QHRC is prohibited from disclosing under the AD Act, and could then potentially include that material in a public report.[112]

The Queensland Law Society (QLS) also made a submission advocating for the exclusion of the QHRC from public sector review due to the broad the broad scope of the public sector review, which includes a review about the effectiveness, efficiency, functions or activities of a public sector entity.[113]

The QLS submitted that:

- it is concerned about how this provision might affect the ability of the Queensland Human Rights Commission to perform its functions
- the quasi-judicial and integrity features of the QHRC should exclude the Commission from the scope of public sector reviews
- should the QHRC not be omitted, the 'anomalous and problematic' situation may arise where concurrently:
    - a referring entity is the subject of a human rights review by the QHRC, and
    - the QHRC is subject of public sector review at the behest of the subject referring entity.[114]

The ECQ submitted that while there are numerous independent statutory bodies in the Queensland public sector, the ECQ is unique due to its role in conducting free, fair and transparent elections, including regulating the operations of registered political parties and supporting regular reviews of electoral boundaries.

With respect to its functions, the ECQ submitted:

- it undertakes audits and compliance reviews of registered political parties' and candidates' finances which inevitably involves examination of the personal and financial dealings of candidates, including elected representatives
- it also conduct audits of political party preselection ballots for State elections which involves the collection and detailed examination of sensitive documents regarding the political activities of ordinary Queenslanders, as well as elected representatives and other candidates

111 Submission 7, pp 9-10.

112 Submission 7, pp 12-13.

113 Submission 5, pp 1-3.

114 Submission 5, pp 1-3.

- given the sensitivity of these audits, there must be confidence they are conducted with independence and impartiality.[115]

The ECQ considers that the significant powers granted to a reviewing entity in a public sector review could have unintended consequences. Specifically:

> An inappropriately timed public sector review could, at best, undermine the independence of the ECQ and, at worst, result in a chilling effect on the ECQ discharging its important regulatory and compliance functions in accordance with section 7 of the *Electoral Act 1992*, or undermine public confidence in ECQ's perceived ability to conduct free and fair elections.[116]

In response to these matters, the department advised that the Bill provides that the QHRC and the ECQ are subject to public sector reviews on the following basis:

- these entities are both subject to similar review provisions under the current Public Service Act and have been since their establishment as public service offices
- it is important for there to be a review mechanism
- exemptions for the OHRC and ECO would result in different treatment for some distributed integrity bodies.[117]

While exemptions from review are not extended to 'distributed' integrity bodies, as a result of consultation with entities such as ECQ and QHRC, the department advised that the Bill's proposed review arrangements have been strengthened through the following changes:

- a public sector review cannot be about an individual, which would include an individual officer or head of an entity
- before a referring entity (being the Premier or the PSGC) asks for a review to be conducted, the referring entity must consult with, and have regard to the views of, the entity subject to the review about the proposed terms of reference for the review.[118]

With respect to the QHRC's concerns about the implications for information disclosure, the department advised:

- section 220(2)(b) of the AD Act provides that the prohibition in relation to making a record of information, communicating information or producing a document referred to in the QHRC's submission does not apply if that disclosure is required or permitted by another Act.
- the QHRC's concern is mitigated given:
    - a reviewing entity would only be to take action reasonably required to conduct the review
    - the requirement to consult with, and have regard to the views of, the chief executive of the public sector entity about the proposed terms of reference for the review
    - the duty of confidentiality (clause 278) provides that a reviewing entity must not use or disclose confidential information other than in accordance with the Bill.[119]

[115] Submission 9, pp 1-2.

[116] Submission 9, p 2.

[117] Department of the Premier and Cabinet, correspondence, 2 November 2022, p 25.

[118] Department of the Premier and Cabinet, correspondence, 18 October 2022, p 13.

[119] Department of the Premier and Cabinet, correspondence, 2 November 2022, pp 25-26.

Committee comment

The Committee notes that the comments from statutory office holders about review functions, the Committee has not formed a view, as there was not strong evidence provided as to why Public Sector Reviews designed to enhance public sector effectiveness, efficiency and functions of the statutory office should not continue. However it is open to government to enable that this important review function to occur via an alternate structure.

3 Compliance with the *Legislative Standards Act 1992*

3.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that 'fundamental legislative principles' are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals
- the institution of Parliament.

We bring the following to the attention of the Legislative Assembly.

3.1.1 Rights and liberties of individuals

Section 4(2)(a) of the *Legislative Standards Act 1992* requires that legislation has sufficient regard to the rights and liberties of individuals.

3.1.1.1 Natural justice—Clause 101 (suspension)

Clause 101 provides a chief executive may, by notice, suspend an employee from duty if they reasonably believe the employee is liable to discipline under a disciplinary law, or the proper and efficient management of the entity might be prejudiced if the employee is not suspended.

Clause 101(10) specifies procedural fairness is not required if the employee is entitled to normal remuneration during the suspension.

Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation is consistent with the principles of natural justice.[120]

The explanatory notes provide the following justification:

> This position is justified as the employee retains the benefit of receiving remuneration. Other arrangements included under the suspension provision aimed at protecting the rights and liberties of an employee who is suspended from duty with normal remuneration include:
>
> - that an employee's continuity of service is taken not to be broken because of the suspension;
> - before suspending an employee, the employee's chief executive must consider all reasonable alternatives available to the employee such as the employee performing alternative duties; and
> - the employer must provide the employee with a notice advising of the dates of the suspension and other matters relevant such as the effect that alternative employment the employee may engage in while suspended will have on the employee's entitlement to remuneration.

The committee notes that in *Re Minister for Immigration and Multicultural Affairs; Ex parte Miah*[121] McHugh J observed that, the common rules of natural justice 'are taken to apply to the exercise of

[120] Amongst other things, the principles of natural justice require procedural fairness. Procedural fairness requires 'fair procedures that are appropriate and adapted to the circumstances of the particular case': Office of Queensland Parliamentary Counsel (OQPC), *Fundamental legislative principles: The OQPC Notebook*, p 27 (OQPC Notebook).

[121] (2001) 206 CLR 57, at 93.

public power unless clearly excluded'. Thus, the legislature can exclude the obligation to accord natural justice. Express words are generally required.[122]

3.1.1.2 Natural justice—Clause 145 (summary dismissal and ending of employment)

Clause 144 provides that a chief executive may end an employee's employment under the common law or consider that an employee's employment has ended by operation of the law, including if the employee has seriously breached the employee's contract of employment.

Clause 145 refers to the principle that 'at common law, and apart from statute, Crown servants hold office at the pleasure of the Crown, and may be dismissed at any time without notice, and for any reason, or for no reason'.[123]

The principles of natural justice require that something should not be done to a person that will deprive the person of some right, interest, or legitimate expectation of a benefit, without the person being given an adequate opportunity to present the person's case to the decision-maker.[124]

The explanatory notes observe that:

> … the proposed arrangement has the potential to increase the likelihood that common law principles relating to ending employment contracts (including for abandonment and imprisonment) are preserved and this may strengthen an agency's ability to rely on the common law in particular circumstances.
>
> … through the proposed arrangement an employer may consider an employment contract is frustrated (automatically terminating by operation of law) if an employee is imprisoned and cannot attend work for a significant period. In these cases, unfair dismissal is most likely unavailable as there is no "decision" of the employer.[125]

The explanatory notes acknowledge the amendments may 'lead to concerns over whether the provision has sufficient regard to the liberties of individuals' and argue that:

> … certain common law protections, including in relation to frustration of employment, already exist although they are not specially referenced in current legislation. In these instances, the proposed provisions clarify certain arrangements rather than diminish existing rights and/or liberties.[126]

Committee comment

Given the circumstances in which the application of these provisions may apply in the management of employment arrangements proposed in the Bill, we are satisfied the provisions have sufficient regard for the rights and liberties of individuals, such that any breach of fundamental legislative principle is justified.

3.1.1.3 Privacy

The clauses listed below would allow for or require the collection, use and disclosure of personal information, as well as submitting to a medical examination:

- clauses 29 and 30 (equity and diversity)
- clauses 52, 54, 66 and 68 (criminal history checks)
- clause 71 (serious disciplinary action)
- clause 73 and 74 (change in criminal history)

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122 *Commissioner of Police v Tanos* (1958) 98 CLR 383.

123 *Barratt v Howard* (1999) 165 ALR 605; (1999) 92 IR 350; [1999] FCA 1132; BC9905003.

124 OQPC Notebook, pp 25–26.

125 Explanatory notes, p 7.

126 Explanatory notes, pp 7-8.

- clause 78 (evidence of identity)
- clauses 103-109 (mental or physical incapacity)

The right to privacy, and the disclosure of private or confidential information (including criminal history information) are relevant to considering whether legislation has sufficient regard to the rights and liberties of the individual.[127]

Committee comment

Given the purposes for which personal information may be collected and used in the administration of public sector employment arrangements proposed in the Bill, and the intent of the Bill with respect to equity and diversity audits, we are satisfied that the provisions have sufficient regard to the rights and liberties of individuals.

3.1.1.4 Penalties should be reasonable and proportionate, and reversal of onus of proof—Clauses 75–77 and 278

A penalty should be proportionate and relevant to the offence.[128] Also, legislation should not reverse the onus of proof in criminal proceedings without adequate justification.[129] For a reversal to be justified, the relevant fact must be something inherently impractical to test by alternative evidential means and the defendant would be particularly well positioned to disprove guilt.[130]

The Bill creates the following offences, each with a maximum penalty of 100 penalty units:

- clauses 75—failure to give a notice under clause 73 to the chief executive, unless the person has a reasonable excuse
- clause 76—giving the chief executive false or misleading information in a notice under clause 73
- clause 77—giving the chief executive a false or misleading statement in a written consent or other document
- clause 278—using or disclosing confidential information other than as authorised under part 3 of chapter 8.

Clause 75 could be seen to reverse the onus of proof as a person would bear the onus of proving they had a reasonable excuse for failing to give the required notice.

Committee comment

Given the offences for which penalties are proposed, we are satisfied that the penalties are reasonable and proportionate. In circumstances where a failure to give notice arises, we consider that the onus of proving an employee had a reasonable excuse should be borne by an employee. Therefore, we are satisfied the above provisions have sufficient regard to the rights and liberties of individuals.

3.1.1.5 Immunity from proceedings or prosecution—Clauses 268, 269 and 270

One of the fundamental legal principles is that everyone is equal before the law. Accordingly, everyone should be fully liable for their acts or omissions.[131] If immunity from proceeding or prosecution is to be conferred, adequate justification should be provided.[132]

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127 *OQPC Notebook*, pp 95, 113-115. See also LSA, s 4(2)(a).

128 OQPC Notebook, p 120.

129 LSA, s 4(3)(d).

130 *OQPC Notebook*, p 36.

131 See for example, Scrutiny of Legislation Committee, Alert Digest, 1998, vol 1, p 5.

132 *Legislative Standards Act 1992*, s 4(3)(h).

Clause 269 provides that a prescribed person (as defined under clause 268) does not incur civil liability for engaging, or for the result of engaging, in conduct in an official capacity. If the prescribed person was a member or an employee of the body corporate, the liability attached to the body corporate. If, there is no body corporate, the liability attaches to the State. However, the body corporate or State may recover contributions from the prescribed person if the conduct was engaged in other than in good faith, and with gross negligence.

Committee comment

Noting the requirement for prescribed persons to be acting in good faith and without gross negligence, and particularly noting any liability is shifted to the State or body corporate, we are satisfied that the immunity conferred on prescribed persons is adequately justified.

3.1.2 Institution of Parliament

Section 4(2)(b) of the *Legislative Standards Act 1992* requires legislation to have sufficient regard to the institution of Parliament.

3.1.2.1 Delegation of legislative power—Directives—several clauses including 46, 100, 102, 109, 110, 147, 222, 223

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons.[133]

The Bill delegates from the Parliament to the PSC and the Minister the power to make directives in relation to a range of matters, and to the chief executive the power to terminate an employee's employment.

Clause 222 allows the commissioner to make directives on a range of matters, such as the functions of the commission and the overall employment conditions for public service employees and public sector executives. In addition, one of the commission's functions under clause 217 includes making directives.

The Bill also specifies various matters for which the commissioner may or must make directives; for example, directions about recruitment and selection (clause 46), disciplinary action (clause 100), suspension (clause 102), mental or physical incapacity (clause 109), employee grievances (clause 110), employing an employee at a higher classification level (clause 120), and action that a chief executive of a public sector entity must take if the chief executive believes a public sector employee is surplus to the entity's needs (clause 147).

Clause 223 allows the industrial relations Minister to make a directive about the overall employment conditions of public sector employees. However, the Minister may not make a directive about the overall employment conditions of public sector employees or a public sector executive.

Under clause 147, the chief executive of a public sector entity may terminate an employee's employment (subject to any directive by the commissioner) if the chief executive believes the employee is surplus to the entity's needs. In exercising the power, the chief executive is to act in a way compatible with the purpose of the Act. As noted above, the commissioner may also make a directive about the chief executive's actions.

The explanatory notes provide the following justification for clauses 222 and 223:

> It is considered that the powers and responsibilities of the [industrial relations] Minister and commissioner make them highly suitable to make directives about permitted matters.
>
> The inclusion of directive making provisions is justified on the basis that the empowering provisions are not designed to erode legislated protections. Rather, matters to be included in directives are aimed at

[133] LSA, s4(4)(a).

> facilitating the application of arrangements contained in the proposed Act or supporting administrative flexibility of legislated provisions.
>
> The Bill's interaction clauses, which provide that legislation (including subordinate legislation) and industrial instruments prevail over a directive to the extent of any inconsistency, provide a safety net against a directive usurping legislated arrangements and other statutory entitlements.
>
> ... The Bill's consultation requirements for the making of directives, including that failure to consult or to make reasonable attempts to consult with affected parties has the potential to invalidate a directive, protect employee rights included in the primary legislation and promote transparency. Similarly, the legislative requirement to publish directives on relevant government websites ensures sufficient transparency and accountability is achieved.[134]

In relation to clause 147, the explanatory notes state:

> The ability to alter the Bill's statutory power in relation to treatment of surplus employees, through a directive, may be regarded as a breach of the fundamental legislative principle that legislation has sufficient regard to the institution of Parliament. However, it is noted that the primary legislation permits termination of employment and the ability to apply a directive is intended to afford greater opportunities to develop alternatives to termination or impose additional conditions where termination is necessary.
>
> It is also noted that this specific directive making provision includes an additional safeguard which requires chief executives to act in a way that is compatible with the main purpose of the Act and how the main purpose is primarily achieved, which includes the objective of "maximising employment security and permanency of employment".[135]

Committee comment

Given the use of directives is to facilitate the flexible management of a range of administrative and employment functions and arrangements for the public sector, we are satisfied that the provisions are justified and appropriate in the circumstances.

3.1.2.2 Delegation of legislative power—Regulation-making powers (various clauses)

Whether a Bill has sufficient regard to the institution of Parliament depends on whether the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons.[136] The appropriateness of delegation of additional powers under regulation depends on the subject matter of the legislation.[137]

The Bill has numerous clauses allowing for matters to be prescribed by regulation, for instance:

- clause 8 (entities that may be prescribed as a public sector entity, or prescribed not to be a public sector entity)
- clause 25 (a group that can be prescribed as a diversity target group, or an entity that is a prescribed entity)
- clause 30 (information the commissioner may ask a chief executive to provide in relation to the chief executive's compliance with promoting equity and diversity, the diversity plan, and equity and diversity audit).

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134 Explanatory notes, p 4–5. As regards the reference to 'interaction clauses', see clause 228 (Relationship with legislation) and clause 229 (Relationship with industrial instruments).

135 Explanatory notes, p 5.

136 LSA, s 4(4)(a).

137 OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, p 153.

Committee comment

We are satisfied that the provisions are justified and appropriate in the circumstances.

3.1.2.3 Amendment of an Act only by an Act—Clauses 129, 159, 341 (new section 221D), 354 (new section 75C)

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill authorises the amendment of an Act only by another Act.[138]

Clause 129 provides that a transfer decision means a decision to transfer a public sector employee if a regulation has prescribed that chapter 4, part 4, division 3, and chapter 3, part 10 apply to the public sector employee with or without modification.

Clause 159 allows a regulation to apply provisions of the Bill that relate to secondment, and transfer or redeployment to apply to a public sector employee in a public sector entity.

Clauses 341 (new section 221D), 352 (new section 42B) and 354 (new section 75C) allows a regulation to apply particular provisions, including particular directives, of the Bill to the Crime and Corruption Commission, Legal Aid and the Ombudsman respectively.

The explanatory notes provide the following justification:

> The current [PSA] and the Public Service Regulation 2018 (PS Regulation) permit the application of certain Act provisions, including with modification, to prescribed entities (declared public service offices).
>
> Consistent with this approach, the Bill specifically calls out certain Bill provisions which will not apply sector-wide such as secondment and transfer or redeployment, that may be applied to other public sector employees employed in public sector entities prescribed by regulation. Relevant regulation making powers permit the application of Act provisions, with modification, to public sector entities. The ability to modify Act arrangements recognises that establishing legislation which applies to certain public sector entities may contain unique arrangements and modification of the proposed Act arrangements may be necessary so that the Act's arrangements can be appropriately applied to a particular entity.
>
> The inclusion of regulation making powers which will facilitate the retention of existing arrangements is necessary to ensure that the enactment of new legislation does not result in a diminution of current standards.
>
> The Bill also includes a regulation making power to permit access to appeal arrangements, including with modification, for transfer decisions for employees of a public sector entity. This regulation making power is necessary to maintain a current arrangement included in the PS Regulation which permits appeal arrangements to be applied with modification to certain public sector entities. Without the ability to apply this arrangement with modification, these employees have no access to corresponding appeal rights.[139]

Committee comment

Given the justification set out in the explanatory notes, we are satisfied that the provisions are justified and appropriate in the circumstances.

3.2 Explanatory notes

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes are fairly detailed and contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

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138 LSA, 4(4)(c).

139 Explanatory notes, pp 5-6.

Committee comment

We note the explanatory notes do not discuss a number of issues of fundamental legislative principle, including the reversal of the onus of proof and the proportionality and relevance of penalties, immunity from proceeding or prosecution, and privacy.

Furthermore, the explanatory notes do not refer to specific clause numbers in considering issues of fundamental legislative principle.

Bearing in mind the desirable outcome of better informing the Parliament, committees and the community about proposed legislation, best practice is for explanatory notes to clearly identify each specific clause giving rise to the issue or which is relevant to any discussion regarding justification for the breach of fundamental legislative principle. The explanatory notes otherwise comply with part 4 of the LSA.

4 Compliance with the *Human Rights Act 2019*

The portfolio committee responsible for examining a Bill must consider and report to the Legislative Assembly about whether the Bill is not compatible with human rights, and consider and report to the Legislative Assembly about the statement of compatibility tabled for the Bill.[140]

A Bill is compatible with human rights if the Bill:

(a) does not limit a human right, or
(b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA.[141]

The HRA protects fundamental human rights drawn from international human rights law.[142] Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The committee has examined the Bill for human rights compatibility. The committee brings the following to the attention of the Legislative Assembly.

4.1 Human rights compatibility

The Statement of Compatibility identifies the following provisions as relevant to the human rights of:

Privacy and Reputation (section 25 of the HRA)

Equity and diversity audit report

- requirement for the chief executive of a prescribed entity to gather information about the composition of the entity's workforce to promote equity, diversity, respect and inclusion, and prepare a report about the information gathered in the audit (clause 29).

Declarations and conflicts of interest

- requirement to disclose information relating to an individual's personal interests may limit the person's right to privacy and reputation (clauses 182 and 183).

140 HRA, s 39.

141 HRA, s 8.

142 The human rights protected by the HRA are set out in sections 15 to 37 of the Act. A right or freedom not included in the Act that arises or is recognised under another law must not be taken to be abrogated or limited only because the right or freedom is not included in this Act or is only partly included; HRA, s 12.

Review of work performance matters

- provisions concerning the review of work performance matters permit the sharing of information and documentation between the commissioner and a chief executive of an entity pertaining to individual employees (Chapter 3, Part 9, Division 3).

Privacy and Reputation (section 25 of the HRA), right to take part in public life (section 23 of the HRA), right to recognition and equality before the law (section 15 of the HRA)

Assessing suitability for employment

- requirements to assess suitability of employment, including consideration of a person's criminal and serious disciplinary history and whether they hold a working with children authority (Chapter 3, Part 5)
- a chief executive may obtain (with consent) a person's criminal history report (clause 265) and the requirement for an employee or prosecuting authority to notify charges of relevant offences (clauses 73 and 74).

Freedom of expression (section 21 of the HRA) & Freedom of thought, conscience, religion and belief (section 20 of the HRA)

Conduct in a private capacity

- requirement that a public sector employee must ensure their personal conduct does not reflect adversely on the reputation of the public sector entity in which the employee works (clause 40).

Taking part in public life (section 23 of the HRA)

Requirement for citizenship or residency

- requirement that a person is only eligible to be a public sector employee if the person is an Australian citizen or resides in Australia and has permission under a Commonwealth law to work in Australia (clause 47).

Suspension

- a chief executive may suspend and employee if they reasonably believe the employee is liable to discipline under a disciplinary law or the proper and efficient management of the entity might be prejudiced if the employee is not suspended (clause 101).

Termination and ending of employment

- the Bill retains the ability to terminate employees for various reasons, and introduces an express provision to clarify that the Act does not limit or affect a common law right to terminate an employee's employment, including summarily, or prevent an employee's employment contract from ending by operation of law (clause 145).

Right to a fair hearing (section 31 of the HRA)

Appeals to the QIRC

- disputes relating to decisions made under the Bill will be heard by the QIRC where legal representation is generally not permitted.

Privacy and reputation (section 25 of the HRA), taking part in public life (section 23 of the HRA), recognition and equality before the law

Independent medical examination

- if a public service employee is absent from duty or the employee's chief executive is reasonably satisfied the employee is not performing his or her duties satisfactorily, and the

chief executive reasonably suspects that the employee's absence or unsatisfactory performance is caused by a mental or physical illness or disability, the chief executive may require an employee to submit to an independent medical examination.

Committee comment

Upon examination of the Bill we consider that any minor limitations on the human rights identified are justified under section 13 of the HRA.

4.2 Statement of compatibility

Section 38 of the HRA requires that a member who introduces a Bill in the Legislative Assembly must prepare and table a statement of the Bill's compatibility with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by s 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

Appendix A – Submitters

Sub #	Submitter
001	Don Willis
002	Queensland Teachers' Union
003	Queensland Nurses & Midwives' Union
004	Queensland Indigenous Family Violence Legal Service
005	Queensland Law Society
006	Queensland Council of Unions
007	Queensland Human Rights Commission
008	Public Guardian
009	Electoral Commission Queensland
010	Together Queensland Industrial Union of Employees

Appendix B – Officials at public departmental briefing

Department of the Premier and Cabinet

- Mr Peter McKay Deputy Commissioner, Public Sector Reform Office
- Ms Kira Vardanega Director, Public Sector Reform Office

Appendix C – Witnesses at public hearing

Together Queensland Industrial Union of Employees

- Mr Daniel Goldman, Director, Industrial Policy

Queensland Teachers' Union

- Ms Kim Roy, Research Officer

Queensland Council of Unions

- Mr Ash Borg, Legal and Industrial Officer

Queensland Law Society

- Ms Kara Thomson, President
- Mr Matt Dunn, General Manager of Advocacy, Guidance and Governance
- Ms Binari De Saram, Manager and Solicitor, Legal Policy, Advocacy
- Mr Yale Hudson-Flux, Graduate Solicitor

Queensland Human Rights Commission

- Mr Scott McDougall, Commissioner
- Ms Neroli Holmes, Deputy Commissioner

Office of the Public Guardian

- Mr Nicholas Dwyer, Deputy Public Guardian
- Ms Lisa Pritchard, Deputy Public Guardian

Electoral Commission of Queensland

- Mr Pat Vidgen, Electoral Commissioner
- Mr Wade Lewis, Assistant Electoral Commissioner

Appendix D – Abbreviations

AD Act	*Anti-Discrimination Act 1991*
Bill	Public Sector Bill 2022
Bridgman Review	*A Fair and Responsive Public Service for All*
CCC	Crime and Corruption Committee
CES	Chief Executive Service
Coaldrake Report	*Let the sunshine in: Review of culture and accountability in the Queensland Public Sector*
Commissioner	Public Sector Commissioner
Department	The Department of the Premier and Cabinet
ECQ	Electoral Commission of Queensland
HRA	*Human Rights Act 2019*
IR Act	*Industrial Relations Act 2016*
JAC	Joint Advisory Committee
LAQ	Legal Aid Queensland
LGBTIQ+	Lesbian, Gay, Bisexual, Trans, Intersex and Queer community
LSA	*Legislative Standards Act 1992*
OPG	Office of the Public Guardian
OQPC	Office of Queensland Parliamentary Counsel
Ombudsman	Queensland Ombudsman
PS Act	*Public Service Act 2008*
PSC	Public Sector Commission
PSGC	Public Sector Governance Council
PSO	Public Service Office
PSRO	Public Sector Reform Office
QCU	Queensland Council of Unions
QHRC	Queensland Human Rights Commission
QIRC	Queensland Industrial Relations Commission
QLS	Queensland Law Society
QNMU	Queensland Nurses & Midwives' Union

QTU	Queensland Teachers' Union
QIFVLS	Queensland Indigenous Family Violence Service
SES	Senior Executive Service
TQ	Together Queensland Industrial Union of Employees
WPPC	Work performance and personal conduct