

Public Service Amendment Regulation (No.1) 2014

Explanatory notes for SL 2014 No. 122

made under the

Public Service Act 2008

General Outline

Short title

Public Service Amendment Regulation (No.1) 2014

Authorising law

Section 222 of the *Public Service Act 2008*

Policy objectives and the reasons for them

The policy objective of the *Public Service Regulation 2008* (PS Regulation) is to extend the application of specified provisions of the *Public Service Act 2008* (PSA) and nominated directives to public sector entities and their employees that are not otherwise subject to the PSA.

The amendments are required firstly to:

- Update the schedules to the PS Regulation to reflect machinery of government changes, repeal or reissuing of rulings and changes requested by declared public service offices (PSOs) to applicable sections of the PSA or directives.
- Provide that public service employees currently receiving directive entitlements through industrial awards can continue to receive these entitlements, notwithstanding the removal of directive references from modern awards.
- Include the Gasfields Commission, an independent government agency, as a declared PSO. The amendments will apply most of the PSA provisions and directives to the Commission to ensure the Commission has appropriate authority over their staff

- Clarify that a public service employee is only entitled to access those parts of employee records that contain information about the employee (not information about third parties).
- Prescribe employees or members of the Gold Coast 2018 Commonwealth Games Corporation committee or board as persons to whom the civil liability protections under the PSA apply.

Achievement of policy objectives

The policy objectives will be achieved by applying the revised provisions of the PSA and nominated rulings to all listed PSOs, including the recently created Gasfields Commission through the PS Regulation.

Two additional entities not previously listed in the PS Regulation will be declared PSOs for the sole purpose of applying the directives called up in their current respective awards. These agencies are QRAA and Safe Food Queensland. This is so these agencies and their employees can continue to receive the directive entitlements, notwithstanding the removal of directive references from modern awards.

The amendments will also ensure that agencies are able to manage requests for employee records, which also contain the information of third parties, in a sensitive way.

This approach to achieving the policy objectives is consistent with the relevant sections of the PSA that provide for rulings issued by the Commission Chief Executive and the Minister responsible for public sector industrial relations.

Consistency with policy objectives of authorising law

The PS Regulation is consistent with the main objects of the PSA to ensure a high performing public service, that promotes the effectiveness and efficiency of government entities and provide for the administration of the public service.

Inconsistency with policy objectives of other legislation

The PS Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of implementing the amended PS Regulation is providing an updated reference to rulings for government entities. There are currently a number of repealed or superseded references to directives in the PS Regulation which makes it confusing for agencies to apply the correct rulings.

Further, the amendments will only include a generic reference to the listed directives to ensure the PS Regulation does not require regular updating.

The benefit of having all references to directives included in the PS Regulation that were included in the award supports the intention of the award modernisation process to

provide a simplified framework to support a modern, flexible and responsive public service.

No costs of implementation have been identified.

Consistency with fundamental legislative principles

The legislation is consistent with fundamental legislative principles. It has sufficient regard to the rights and liberties of individuals and the institutions of parliament.

Consultation

The relevant government agencies that will be affected by the proposed amendments have been consulted and do not oppose the amendments.

The Office of Best Practice Regulation (OBPR) was consulted to receive exclusion for the requirement to prepare a Regulatory Impact Statement.

Consultation also occurred with the Queensland Industrial Relations Commission about the proposal to remove all references to directives and rulings when awards are modernised.