

Public Service and Another Regulation Amendment Regulation (No.1) 2015

Explanatory notes for 2015 SL No. 189

made under the

Public Service Act 2008
Public Sector Ethics Act 1994

General Outline

Short title

Public Service and Another Regulation Amendment Regulation (No.1) 2015

Authorising law

Section 222 of the *Public Service Act 2008*
Section 25 of the *Public Sector Ethics Act 1994*

Policy objectives and the reasons for them

The policy objective of the *Public Service Regulation 2008* (PS Regulation) is to apply 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 *Public Sector Ethics Regulation 2010* (PSE Regulation) prescribes entities as public service agencies to ensure the Code of Conduct for the Queensland Public Service (Single Code) applies to them.

The amendments are required to:

- Update the schedules to the PS Regulation to apply sections of the PSA or directives, including the application of the directive providing support for employees affected by domestic and family violence, to a number of declared public service offices (PSOs).
- Prescribe nominated persons or office holders as persons to whom the civil liability protections apply under the PSA.
- Ensure compliance with the requirement under the *Public Sector Ethics Act 1994* that government entities are covered by a code of conduct.

Achievement of policy objectives

The policy objectives will be achieved by amending Schedule 1 of the PS Regulation to apply additional provisions of the PSA to nominated PSOs.

The Regulation will make a number of amendments to the applied provisions and rulings that apply to declared public service offices, including:

- Applying the directive providing support for employees affected by domestic and family violence to a number of declared PSOs
- applying the management and employment principles in sections 25 and 26 of the PSA to a number of declared public service offices to provide greater consistency in the application of the Queensland Government values, conduct and ethics framework across the sector
- extending the provisions that apply to the management of employees with a mental, or physical illness or disability to the Queensland Building and Construction Commission and employing office
- applying section 219A of the PSA to the Queensland Agricultural Training Colleges, which requires the Colleges to implement a system for dealing with customer complaints
- making minor amendments to the extent that the directives relating to recruitment and selection issued by the Commission Chief Executive, applies to Legal Aid Queensland
- ensuring the Veterinary Surgeons Board of Queensland is covered by the Single Code.

The amendment Regulation also amends the PS Regulation to prescribe a number of office holders appointed under legislation administered by Arts Queensland as persons to whom the civil liability protections under the PSA apply.

On 31 March 2014, amendments to the PSA came into effect to provide State employees with protection from civil liability. The PSA provides a definition of 'State employee', which includes public servants and employees and members of entities that represent the State.

Consistency with policy objectives of authorising law

The amendments to the PS Regulation are consistent with the objectives of the PSA to ensure a high performing public service, that promotes the effectiveness and efficiency of government entities and provides for the administration of the public service.

The amendments to the PSE Regulation are consistent with the objectives of the PSEA to promote public sector ethics and conduct by ensuring compliance with obligations by public service and public sector entities to have a code of conduct.

Inconsistency with policy objectives of other legislation

The Public Service and Another Regulation Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The application of the directive providing support for employees affected by domestic and family violence will provide benefits to employees affected by violence in the home and assist in promoting workplace cultural change about domestic and family violence. The application of the directive may increase costs of leave accessed by public sector employees.

The application of the management and employment principles and personal conduct principles in the PSA will provide greater consistency in the application of the Queensland Government conduct and ethics framework across the sector.

The application of other applied provisions will provide for greater consistency in the management of public sector employees and allow for a broader application of the civil liability protection provisions of the PSA.

The amendments to the PSE Regulation will ensure consistent application of the ethical framework established under the PSEA across government.

No other 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. Employee organisations are being consulted about the implementation of selected amendments.

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