

# ***Public Service (Rulings and Other Matters) Amendment Regulation 2020***

Explanatory notes for SL 2020 No. 115

made under the *Public Service Act 2008*

## **General Outline**

### **Short title**

*Public Service (Rulings and Other Matters) Amendment Regulation 2020*

### **Authorising law**

Sections 21, 22 and 222 of the *Public Service Act 2008* (PS Act).

### **Policy objectives and the reasons for them**

The PS Act establishes the Queensland public service and provides for the rights and responsibilities of chief executives and employees. The PS Act is supplemented by rulings (directives and guidelines) issued by the commission chief executive and the industrial relations Minister under sections 53 and 54 of the Act respectively.

The PS Act provides at section 21(1)(b) that a public service office is a designated entity, or part of an entity, declared under a regulation to be a public service office (known as a declared public service office or DPSO), and at section 21(2)(b) that the head of the declared public service office is the person declared under a regulation to be the head of the office. Section 23 sets out the application of the PS Act to declared public service offices, and provides that a regulation under this section may specify what provisions of the Act apply to the office and the way in which the provisions are to apply.

The policy objective of the amendments to the *Public Service Regulation 2018* is to apply the directive relating to employment arrangements in the event of a health pandemic to declared public service offices and their employees that are not otherwise subject to the PS Act. The declared public service offices currently listed in the Regulation are:

- Gasfields Commission
- Hospital and Health Services and Queensland Health
- Legal Aid Queensland
- Queensland Ambulance Service
- Queensland Building and Construction Commission

- Queensland Fire and Emergency Service
- Queensland Rural and Industry Development Authority
- Residential Tenancies Authority
- Safe Food Production Queensland
- Trade and Investment Queensland.

The amendments also establish the National Injury Insurance Agency Queensland (NIIAQ) and WorkCover Queensland as declared public service offices for the purpose of applying the directive relating to employment arrangements in the event of a health pandemic.

## **Achievement of policy objectives**

The objective is achieved by making the *Public Service (Rulings and Other Matters) Amendment Regulation 2020* which amends the current Regulation.

The amendments will establish two new DPSOs, (NIIAQ and WorkCover Queensland) and apply the new directive relating to employment arrangements in the event of a health pandemic to all DPSOs listed in the amended regulation.

## **Consistency with policy objectives of authorising law**

The *Public Service (Rulings and Other Matters) Amendment Regulation 2020* is consistent with the policy objectives of the authorising provisions in the Act, ensuring a high performing public service that promotes the effectiveness and efficiency of government entities, and providing for the administration of the public service.

## **Inconsistency with policy objectives of other legislation**

The *Public Service (Rulings and Other Matters) Amendment Regulation 2020* is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the *Public Service (Rulings and Other Matters) Amendment Regulation 2020* is that the regulation will formally apply the directive relating to employment arrangements in the event of a health pandemic to declared public service offices.

The directive prescribes the specific employment conditions to apply in case of disruption caused by the occurrence of a health pandemic, including the potential provision of up to 20 days “special pandemic leave” for an employee who is unable to perform work due to specific circumstances.

While it is understood that all declared public service offices are already applying the directive administratively, formally applying it via regulation will help ensure a clear

and consistent sector wide approach to managing the industrial and workforce scenarios that are likely to occur as a result of the pandemic.

Any costs associated with implementing the directive will be met by the individual declared public service office from existing resources.

## **Consistency with fundamental legislative principles**

The *Public Service (Rulings and Other Matters) Amendment Regulation 2020* is consistent with the fundamental legislative principles.

## **Consultation**

All declared public service offices, NIIAQ, WorkCover Queensland and unions were consulted did not raise any concerns with the proposed Regulation.

Further regulatory impact assessment under the Queensland Government Guide to Better Regulation is not required. This is because the proposed regulation affects the management of employees of declared public service offices and thus an agency-assessed exclusion applies (under category (c) - regulatory proposals for the internal management of the public sector or statutory authority).