

**Parliamentary Committee Briefing Note
for the Economics and Governance Committee
Public Sector Bill 2022**

1. Background

The Queensland Government is committed to ensuring the public sector is a fair employer and is responsive to the needs of the community and the government.

In September 2018, the Premier and then Minister for Trade commissioned Mr Peter Bridgman to conduct an independent review of Queensland's public sector employment laws to ensure fairness and to ensure that Queenslanders have the most responsive, consistent, and reliable public service possible (the Bridgman Review).

The Bridgman Review made 99 recommendations to meet the Government's objectives of fairness, responsiveness and inclusiveness of public sector employment.

In 2020, the Government endorsed a two-stage approach to implement the Bridgman Review:

- Stage 1 public sector reforms resulted in amendments to the *Public Service Act 2008* (PS Act) on 14 September 2020 to ensure the immediate implementation of recommendations relating to (1) maximising the Government's commitment to employment security including through temporary conversion processes, and (2) providing public service employees with access to positive performance management.
- Stage 2 public sector reforms to replace the *Public Service Act 2008* (PS Act) with the Public Sector Bill 2022 (the Bill) to give effect to the primary recommendation to introduce new public sector employment legislation to be drafted in plain language and be employee focused.

Amendments made to the PS Act as part of the stage 1 reforms are carried forward in the Bill and applied to the broader public sector where appropriate to achieve Government objectives.

The Bill will give effect to the remaining legislative Bridgman Review recommendations, including the primary recommendation to provide all public sector employees with a modern, simplified and employee-focused legislative framework that can further the Queensland Government's commitment to being fair, responsive and a leader in public administration. This is achieved by repealing the PS Act and replacing it with the new *Public Sector Act 2022*.

The Bill also incorporates amendments to implement and complement the recommendations and findings of Professor Coaldrake's report *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (the Coaldrake Report).

The Bill was developed also having regard to other developments in public administration, including understanding the lessons learned from the COVID-19 response.

2. Consultation

The Public Sector Reform Joint Advisory Committee (JAC), comprised of public sector unions and senior central agency departmental officers, was consulted throughout the development of the Bill, including in relation to policy positions arising from the Coaldrake Report.

JAC members included Together Queensland, Queensland Council of Unions, Queensland Teachers Union, United Firefighters Union Queensland, Queensland Nurses & Midwives Union, United Worker's Union, and the Australian Workers Union. The Public Sector Reform Office (PSRO), the Public Service Commission (PSC), and the Office of Industrial Relations represent the Queensland Government.

To support the Statement of Commitment to a Reframed Relationship (and key reforms such as the Path to Treaty), the Bill recognises the unique role that public sector entities have in supporting the Government to reframe its relationship with Aboriginal peoples and Torres Strait Islander peoples.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) undertook targeted consultation with Aboriginal and Torres Strait Islander stakeholders and peak representatives, including those advising Local Thriving Communities and the Path to Treaty, to inform development of the Bill.

All government departments were consulted in the preparation of the Bill. Line agencies were primarily responsible for ensuring relevant portfolio entities were consulted.

3. Purpose and key policy drivers

The Bill modernises public sector employment laws and seeks to rejuvenate the capability and capacity of the public sector workforce, in response to the Bridgman Review and Coaldrake Report.

The Bill also supports the State Government's commitment to reframing its relationship with Aboriginal and Torres Strait Islander Queenslanders.

4. Key proposals and Differences between PS Act and Bill arrangements

Coaldrake Report

The Bill implements and supports the public sector workforce renewal envisaged by the Coaldrake Report, and drives a culture dedicated to whole-of-sector-governance, accountability and performance, by:

- supporting recommendation 1 of the Coaldrake Report by strengthening the independence of certain integrity bodies who do not employ public servants by not including the Queensland Ombudsman (Ombudsman) and the Crime and Corruption Commission (CCC) in scope of the Bill and introducing an alternative mechanism to allow public sector employment arrangements to be applied to their staff.
- driving recommendation 5 of the Coaldrake Report by establishing the PSC's role as the key system leadership, oversight and central human resources agency, with functions to promote an ethical public sector culture and to facilitate the development of a highly-skilled chief executive service (CES) and senior executive service (SES);
- implementing Professor Coaldrake's recommendation that agency Chief Executives be appointed on fixed term, five-year contracts, unaligned to the election cycle. The Bill provides that contract terms must be 5 years, unless the individual requests a shorter term. This is also consistent with *Public Service Act 1999* (Cwlth);

- implementing Professor Coaldrake’s suggestion to provide two external community members to be appointed to the new Public Sector Governance Council (PSGC) to ensure the PSGC has access to valuable 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 is to enable a group of mobile, highly skilled chief executives to promote collaboration across the public service;
- outlining principles applicable to all public sector employees (including executives) in relation to ethical conduct and empowering the Premier to make a framework for the way particular chief executives must perform their functions;
- requiring chief executives to support a culture of respect and inclusion in their workplaces, to further cultural change to 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.

Chapter 1: Introduction

The purpose of the Bill is to provide a framework for a fair and integrated public sector that serves the people of Queensland and the State.

Scope of the Bill

Chapter 1 defines the entities and employees that comprise the public sector, and within this, the core public service.

The Bill retains the concept of the public service. A public service employee is defined as a person employed under chapters 4 or 5 of the Bill in a public service entity, being a department, or an entity mentioned in Schedule 1 (capturing existing public service offices (PSOs)).

The Bill introduces the concept of the public sector, consisting of public sector entities and public sector employees. Public sector entities consist of a broad range of Queensland entities including departments and entities established under an Act for a state or public purpose.

It is intended that the arrangements in the Bill will operate concurrently and cohesively alongside other legislative frameworks to the extent possible. The Bill will not alter the statutory head of power or instrument under which public sector employees are employed.

Public sector entities

The Bill retains the exclusions under section 24 of the existing PS Act for certain entities that are not considered to be part of Queensland’s public sector.

These exclusions are extended under the Bill to additional entities including national system employers to ensure that employment and governance arrangements are not applied to these entities and their employees.

A small number of entities were identified for exclusion from the Bill as a result of consultation. Legal Aid Queensland (LAQ) has been excluded from the Bill, but instead, a regulation may be made under its establishing legislation to apply provisions of the Bill or directives to staff (i.e. an opt-in approach). This approach is considered appropriate to protect LAQ's public benevolent institution (PBI) status under Commonwealth legislation.

Other exclusions from being a 'public sector entity' recognise that the Bill should not apply to some entities because of their special nature or functions, or the statutory context in which they are established or operate. For example, the Bill does not apply to:

- a community justice group established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and other Matters) Act 1984*; and parents and citizens association formed under the *Education (General Provisions) Act 2006*, whose activities benefit the community;
- incorporated associations under the *Associations Incorporation Act 1981* because these are not-for-profit entities whose activities often benefit the community; and
- the Supreme Court Library Committee and the Parole Board due to their specialised nature and roles.

The Bill also provides that an entity may be excluded by regulation or through another Act.

Public sector employees

The Bill also excludes certain other persons from being public sector employees, such as board members.

The Bill amends the *Corrective Services Act 2006* to exclude 'official visitors' from scope of the Bill due to the specialised nature of these arrangements.

Fire auxiliaries under the *Fire and Emergency Services Act 1990* (FES Act) are excluded from the conversion provisions as a fire auxiliary is typically secondary employment, rather than primary public sector employment, and due to the units of competence difference between auxiliaries and full-time urban firefighters. All other rights and conditions under the Bill are extended to this cohort.

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

The Bill seeks to strengthen State Government's commitment to reframing its relationship with Aboriginal and Torres Strait Islander Queenslanders by:

- recognising the unique role that public sector entities and the police service have to support Government in reframing the relationship; and
- 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, among other things:

- 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; and
- recognising the importance to Aboriginal peoples and Torres Strait Islander peoples of the right to self-determination; and
- promoting cultural safety and cultural capability at all levels of the public sector.

Currently reconciliation action plans and cultural capability action plans are operational requirements of departments, not founded in the PS Act. Chief executives of departments and hospital and health services 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, and additionally fulfilling the responsibilities outlined above when providing advice to the Government and delivering services to the community.

Chapter 2: Equity, diversity, respect and inclusion

The Bill requires chief executives of public sector entities, the police service and other entities to take steps to promote equity, diversity, respect and inclusion. This establishes a nation leading, responsive and forward-looking legislative framework to support a high performing and societally representative Queensland public sector.

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. The Bill also introduces requirements for chief executives to ensure programs, policies and practices promote a culture of respect and inclusion in their entity.

The diversity target groups provided for in the Bill materially reflect the existing target groups in the PS Act. These groups are Aboriginal peoples and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, people with disability, and women. Additional groups may be prescribed by regulation.

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

- request information and recommend action to improve a chief executive’s compliance; and
- exempt a chief executive from obligations where it is not reasonably practicable due to the number of staff or resources of their entity.

Diversity target groups and LGBTIQ+

The Bridgman Review did not recommend new target groups.

In recognition of stakeholders’ submissions that many people in the LGBTIQ+ community experience discrimination or harassment in their employment, measures in the Bill acknowledge the LGBTIQ+ cohort and promote their respect and inclusion in the workplace.

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”.

The Bill also enables equity and diversity plans to address matters for LGBTIQ+ people, including to promote their respect and inclusion.

Intersectionality

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.

Chapter 3: Public Sector arrangements

Application of chapter 3

Chapter 3 of the Bill sets the key employment arrangements for all public sector employees. These arrangements currently apply to public service employees in departments and Public Service Offices (PSOs) under Schedule 1 of the PS Act.

While a number of these arrangements also apply to declared public service offices (DPSOs) and their employees through the *Public Service Regulation 2018* (PS Regulation), the majority of employment and governance arrangements will now apply to public sector entities and their employees 'by default' through the primary legislation.

Principles

The Bill contains contemporary, values based public sector principles to guide public sector entities in their service to the Queensland community and as public sector employers.

The principles maintain elements of the existing PS Act, including the Stage 1 Reform that employment on a permanent basis (tenure) should be the default basis of employment. However, this provision now has extended application to all public sector employees.

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.

The current work performance and personal conduct principles (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. 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.

The disciplinary provisions 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 discipline process, including conduct in a private capacity that reflects seriously and adversely on the public sector entity in which the employee is employed.

Recruitment and selection

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

The Bill provides a holistic approach to recruitment and selection decisions which:

- includes a principles-based approach and consideration of both merit and equity factors to ensure that the public sector workforce reflects a broad range of experience and backgrounds; and
- focuses recruitment and selection in the public sector towards selecting 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.

When determining which applicant is best suited, a decision maker must consider the person's ability to perform the requirements of the position. This could include consideration of existing merit criteria under the PS Act.

In accordance with the existing merit criteria, the decision-maker may also consider the way in which the applicant carried out any previous employment.

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

- each applicant's potential to make future contribution to the entity, rather than limiting considerations to specific role requirement; and
- the extent to which the selection decision would contribute to fulfilment of the entity's equity, diversity, respect and inclusion obligations under chapter 2, including, for example, the objectives, strategies and targets stated in the equity and diversity plan.

Eligibility and suitability for employment

The Bill retains the PS Act provisions, with expansion to all public sector employees, to allow persons who reside in Australia and have permission under a Commonwealth law to work in Australia, eligibility to be a public sector employee. All people who reside in Australia and have a lawful right to work in Australia (including permanent residents, refugees and asylum seekers) are eligible for public sector employment.

The Bill generally retains the existing policy for pre-employment screening and expands this regime to all public sector entities. The provisions are strengthened to allow for a chief executive to request consent to obtain the criminal history of an existing public sector employee if the duties of their current role change to include relevant duties.

Employment security and mobility

The Bill strengthens employment security by extending application of relevant employment arrangements beyond the public service to the broader public sector. This recognises that permanent employment best positions employees to provide independent advice to government and deliver services to the community.

The Bill strengthens the Government's ongoing commitment to maximising employment security, by clearly specifying that employment is on a permanent basis unless another Act or law provides otherwise in the public sector. The Bill mandates that non-permanent forms of employment can only be used when permanent employment is not viable or appropriate.

The Bill further strengthens the PS Act by clarifying that this provision applies in relation to a public sector employee's employment on a temporary basis for a fixed term if the employment is extended under the *Public Sector Act 2022* or another Act.

The Bill no longer refers to employment on 'tenure' as the language has been simplified and modernised to employment on a permanent basis. To remove any doubt, the Bill clarifies the employment on a permanent basis includes employment on tenure.

The existing work performance and interchange arrangements have been simplified and enhanced to create a new mobility arrangement that aims to be more efficient and effective to use for public sector employees. Chief executives, with an employee's consent, 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. It also facilitates employees outside the sector to perform work for public sector entities.

Notification of employment

The Bill expands the requirement to publicly notify (i.e. advertise) a proposed employment or secondment to public sector roles. The Bill retains the option for a directive to exclude certain employment from the requirement to advertise.

The Bill also expands the requirement to publicly notify the employment or secondment of a person to a role, that was required to be advertised under the Act, in the gazette or in another way the Commissioner considers appropriate. To provide greater flexibility, the PSC Commissioner may also issue a directive requiring publication of other types of employment or secondment of public sector employees.

While the Bridgman Review recommended that gazettal only be required for Governor in Council decisions, the Bill retains the requirement to publicly notify the employment or secondment of public sector employees in the gazette, or in another way the Commissioner considers appropriate. This is to increase the transparency of recruitment processes and outcomes, and provide certainty of appeal timeframe milestones.

However, the Bill streamlines gazettal requirements as directives will now be published on a government website instead of through the gazette, and the maximum number and classification levels of senior executive roles is no longer required to be fixed by gazette notice.

Work performance and conduct

The Bill also implements recommendation 7 of the *Strategic Review of the Integrity Commissioner's Functions* (the Yearbury Report – 30 September 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 Integrity Commissioner's functions. Chief executives of departments are still required to provide their Declarations of Interest to their Minister and the Public Sector Commissioner under chapter 5 of the Bill.

The Bill expands the reach of the Stage 1 Reforms to apply the positive performance management framework to all public sector employees.

The requirement to disclose conflicts of interest under chapter 3 is expanded to apply to all public sector employees (other than chief executives).

The Bill continues the disciplinary scheme for the public service and expands its application to apply consistently across the broader public sector. This codifies disciplinary procedures available to employers at common law. The Bill clarifies that the power to transfer or redeploy as disciplinary action is a standalone power, separate to the general power to transfer public service officers under chapter 4 of the Bill. The existing definition of misconduct is maintained for the purposes of disciplinary grounds available in the Bill.

The Bill also clarifies 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.

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 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.

The Bill retains and expands 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 Bill retains the requirement, with expansion to the sector, for the Commissioner to make a directive about how public sector entities must deal with employee grievances.

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.

To drive good practice in workforce and resource planning, the Bill maintains the non-appealable right to request conversion after one year and the mandatory two-year conversion review, and corresponding appeal right, for non-permanent employees.

The Bill goes a step further to recast the expression of this right 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.

The Bill maintains the requirement to issue reasons for a conversion decision, including information about the total period of employment and the number of extensions (where relevant). This continues to provide employees with transparency in decision making.

The Bill also extends to the sector 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.

Some stakeholders submitted that a failure to decide an employee's request for conversion to permanency or employment at a higher classification level, should result in a deemed decision to convert, or that conversion should generally occur automatically after two years' non-permanent employment. Alternatively, it was submitted that deemed decisions be replaced with an appeal right for a failure to make a conversion decision.

As conversion reviews which are undertaken generally result in a positive outcome for the employee, the Bill seeks to address stakeholders' issues by strengthening the existing policy settings through:

- providing employees with the right to request an additional conversion review in particular cases after a refusal or deemed decision; and
- enabling a chief executive to conduct an additional conversion review if a decision has previously been made not to convert the employee.

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. The provisions also provide employees and employers with an additional safeguard if they are unaware at the time a deemed decision is made.

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.

Review of work performance matters

The Bill retains the legislative ability for the PSC to conduct work performance reviews, as included in the Stage 1 Reforms, and broadens their application to the public sector.

Appeals

The Bill expands public sector employees' access to the Queensland Industrial Relations Commission (QIRC) to appeal decisions made under the new Act. The Bill will ensure fairness, transparency, and consistency in the employment experience by affording public sector employees access to these independent adjudication processes.

The policy settings for appeal rights have been expanded so all public sector employees can appeal decisions about conversion, directives, discipline, fair treatment, promotion, suspension without pay and work performance procedural decisions.

The right to appeal transfer decisions remain limited to public service officers, and any other public sector employee prescribed by Regulation subject to transfer powers. The intent is to preserve the application of the transfer and/or redeployment power for existing DPSONs who apply these powers.

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

Probation requirements are not maintained in the Bill. 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. However, 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.

Excluded matters

The Bill maintains existing provisions which set out that Senior Officers (SO), SES and SES for the public service cannot bring proceedings about industrial matters in the QIRC in relation to their contract of employment and the application of the PS Act.

Corresponding limitations for 'public sector executives' (non-industrial instrument employees remunerating at SO level and above) have not been included in the Bill, so as not to disturb existing industrial entitlements for these employees in the broader sector.

Summary dismissal and ending of employment

To give effect to Bridgman Recommendation 53, an express provision in 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).

The level of public trust inherent in public sector employment exists to varying degrees, depending on the nature and scope of the position and duties. In recognition of this notion of public trust, 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.

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.

Surplus

The current PS Act provides that a chief executive must take the action required under a directive but does not expressly provide a head of power to terminate.

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.

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.

Chapter 4: Public service employment framework

Chapter 4 of the Bill establishes a public service within the public sector and provides the employment arrangements for public service employees in public service entities. Preserving the functions and structure of the public service is critical to continuing a Westminster style of government that is apolitical and professional.

Terminology has been streamlined by removing the distinction between public service officers being 'appointed' and other public service employees being 'employed'. All public service employees are referred to as 'employed', except for Chief Executives, Ministers and Commissioners, who continue to be 'appointed' in the traditional manner by Governor in Council.

The Bill retains the ability for a chief executive of a department, Schedule 1 PSO, or other prescribed entity to second a public service officer or employee prescribed by Regulation into or within the public sector entity.

The Bill retains the current provisions relating to public service resignation and retirement.

Treatment of general employees

The Bill retains the statutory distinction of general employees.

This is necessary to maintain existing industrial arrangements for general employees and public service officers. However, the Bill more closely aligns arrangements for general employees with that of public service officers by: enabling general employees to proceed on

mobility arrangements (including within their entity), expanding their appeal rights (including for promotion appeals), and strengthening their employment security (by clarifying that general employees may only be employed on a non-permanent basis if permanency is not viable or appropriate).

Chapter 5: Public service chief executives and senior executives

Chapter 5 of the Bill retains the concepts of a chief executive service (CES) and senior executive service (SES). Employment arrangements for chief executives and senior executives in the public service 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.

The Bill expands 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.

The Bill provides that a chief executive may employ a senior executive in the department. 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.

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.

Chapter 6: Governance of public sector

The Bill aims to ensure a responsive public sector through clear and transparent governance arrangements that establish vertical accountabilities, collaborative governance, and system oversight. This supports the Government's aim to ensure the public sector can respond to complex issues that cross agency boundaries and provide wraparound services based on the needs of Queenslanders

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

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

The Bill also gives effect to Bridgman Review recommendation 73 by empowering the PSGC to appoint a public sector employee as a head of practice area.

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".

All core integrity bodies are now expressly excluded from public sector review powers, being the Queensland Audit Office (QAO), the Crime and Corruption Commission (CCC), the Office of the Ombudsman, the Office of the Information Commissioner and the Integrity Commissioner. This builds upon the existing PS Act framework in light of the Coaldrake Review, which identifies these entities as the five core integrity bodies.

To maintain the independence of core integrity bodies, the Bill expressly prohibits public sector review powers, and the Premier's statutory functions, from being exercised in relation to these bodies.

These arrangements have been further strengthened, as a public sector review cannot be about an individual, which would include an individual officer or head of an entity.

As a result of stakeholder consultation, the Bill makes an additional change to public sector reviews to require that, 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.

Directives

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

The Bill 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.

Interaction rules between Acts, directives and instruments

Interaction rules between directives and other Acts, and directives and industrial instruments, including how to deal with inconsistencies, are established under the Bill.

The ability for health employment directives issued under the *Hospital and Health Boards Act 2011* to prevail over Commissioner Directives is maintained.

Chapter 7: Matters applying to public service employees and other individuals

The Bill continues existing civil liability protections for public service employees and other persons, including other persons who act for or represent the State.

The Stage 1 Reforms providing a right to reappointment for unsuccessful election candidates has been maintained.

Transitional provisions and consequential amendments

Transitional provisions largely enable things commenced under the repealed Act to be continued under the new Act, to transition employers and employees to the new framework as efficiently and effectively as possible.

The Bill amends the *Fire and Emergency Services Act 1990* and the *Ambulance Service Act 1991* to remove existing disciplinary frameworks, in anticipation of reliance on the disciplinary scheme established under the new Act.