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Public Sector Act 2022 – new employment framework for public sector employees in Queensland

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On 1 March 2023, the *Public Sector Act 2022* (the Act) commenced, repealing and replacing the Public Service Act 2008 (previous PS Act). This new Act sets out a new legislative employment framework for the Queensland public sector.

The Act provides a modern, employee-focused legislative framework to ensure Queensland's public sector is fair, responsive, inclusive and a leader in public administration. It applies to public service departments and, more broadly, to public sector entities. This increases the scope to include additional entities that were not covered under the *Public Service Act 2008*.

Who is covered by the Public Sector Act 2022?

The Act applies to all public service departments, public sector entities (including formerly declared public service offices) and public service entities (formerly scheduled public service offices). The Act does not apply to government-owned corporations.

The Public Sector Act 2022 is in response to two reviews of the sector

The Act responds to two reviews:

1. The Review of public sector employment laws – "A fair and responsive public service for all", held in 2019; and
2. The Review of culture and accountability in the Queensland public sector, held in 2022.

The first review provided 99 recommendations and outlined how the laws should be changed to meet the objectives of fairness in the employment relationship, responsiveness of employees to the community and to government, and inclusiveness of public sector employment.

The second review provided 14 recommendations to ensure a culture and accountability framework that is:

- contemporary, fit-for-purpose and future-focused;
- effective in supporting an ethical public sector culture;
- underpinned by robust systems; and
- maintains the public's trust in the decisions of the Queensland Government and its public sector agencies.

The Act also introduces a new public sector framework, consistent with the primary recommendation of the review by Peter Bridgman, "A Fair and Responsive Public Service for All" (the Bridgman Review in 2019), to implement a modern and simplified legislative framework for all Queensland public sector employees.

This means that public sector employees in Queensland will now be subject to a new legislative employment framework that is modern, employee-focused and designed to ensure fairness, responsiveness and inclusiveness in public sector employment.

Key changes in the *Public Sector Act 2022*

Some of the key changes brought about by the Act include:

- **Broader public sector coverage:** The Act applies to public service departments and, more broadly, to public sector entities. This increases the scope to include additional entities that were not covered under the *Public Service Act 2008*.
- **Equity, diversity, respect, and inclusion:** The Act introduces new provisions to promote equity, diversity, respect and inclusion in the public sector.
- **Recruitment and selection**: The Act introduces new provisions governing recruitment and selection processes in the public sector.
- **Security of employment:** The Act introduces new provisions governing security of employment for public sector employees.
- **Common law rights for end of employment:** The Act introduces new provisions governing common law rights for end of employment for public sector employees.
- **Governance and oversight:** The Act introduces new provisions governing governance and oversight in the public sector.
- **Confidentiality provisions:** The Act introduces new confidentiality provisions for public sector employees.

Get help from an employment lawyer

These are significant changes for employers and employees alike.

It is important for employers to review their employment contracts and ensure they are compliant with these new rules. We recommend that if employers or employees have any questions or concerns regarding the changes to the legislation or any other employment law issues, they should seek legal advice.

Our employment law team is able to assist both employers and employees in obtaining comprehensive legal advice.

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