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FRIDAY 25 SEPTEMBER 2020

Queen's Birthday Public Holiday

Public holiday gazette deadlines 2020

October

Mon	Tue	Wed	Thu	Fri
05	06	07	08	09
Queen's Birthday Public Holiday	Appointments submitted before 12 noon Final approval by close of business	All other gazette notices submitted before 12 noon Final approval by close of business		Gazette released Friday morning

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EXTRAORDINARY

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FRIDAY 18 SEPTEMBER 2020

[No. 17

Acquisition of Land Act 1967
State Development and Public Works Organisation Act 1971

TAKING OF LAND NOTICE (No. 8) 2020

Short title

1. This notice may be cited as the *Taking of Land Notice (No. 8) 2020*.

Land taken

2. The land described in Schedule 1 is taken by the Coordinator-General pursuant to section 125(1)(a) of the *State Development and Public Works Organisation Act 1971* for the purpose of the establishment of the Gold Coast North Special School, and vests as an estate in fee simple in the State of Queensland (represented by the Department of Education).

SCHEDULE 1

Land Taken

Lot 16 on Registered Plan 167425 contained in Title Reference 50202639 and 50202640

ENDNOTES

1. Made by the Coordinator-General on 17 September 2020.
2. Published in the Gazette on 18 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of State Development, Tourism and Innovation.

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EXTRAORDINARY

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TUESDAY 22 SEPTEMBER 2020

[No. 18

State Development and Public Works Organisation Act 1971

EXTENSION OF A PRESCRIBED PROJECT DECLARATION

I, Glenn Butcher, appointed as the Minister for Regional Development and Manufacturing, do hereby extend the time when the prescribed project declaration for the Ravenswood Expansion Project ends by one year until 30 November 2021 pursuant to section 76F of the *State Development and Public Works Organisation Act 1971*.

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THURSDAY 24 SEPTEMBER 2020

[No. 19

State Development and Public Works Organisation Act 1971

EXTENSION OF A PRESCRIBED PROJECT DECLARATION

I, Kate Jones, appointed as the Minister for State Development, Tourism and Innovation, do hereby extend the time when the prescribed project declaration for the Hummock Hill Island Development ends by two years until 2 November 2022 pursuant to section 76F of the *State Development and Public Works Organisation Act 1971*.

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NATURAL RESOURCES, MINES AND ENERGY

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FRIDAY 25 SEPTEMBER 2020

[No. 20

Acquisition of Land Act 1967

TAKING OF LAND NOTICE BY THE MINISTER

(No 06) 2020

Short title

1. This notice may be cited as the *Taking of Land Notice by the Minister (No 06) 2020*.

Land taken [ss.9(7) and 13(1) of the Act]

2. The land described in the Schedule is taken by Sunshine Coast Regional Council for road purposes and purposes incidental to road purposes and vests in Sunshine Coast Regional Council on and from 25 September 2020.

SCHEDULE

South Region, Nambour Office

Land Taken for Road Purposes

An area of 390 m² of leasehold land shown as area required for road widening on Sunshine Coast Regional Council Acquisition Plan AP01-1 01 (deposited in the Department of Natural Resources, Mines and Energy), part of Lease 717239367 registered on Lot 1 on RP183483, Title Reference 16345115.

Land Taken for Purposes Incidental to Road Purposes

An area of 1431 m² of leasehold land shown as additional land to be taken under S.13(1) of the *Acquisition of Land Act 1967* on Sunshine Coast Regional Council Acquisition Plan AP01-1 01 (deposited in the Department of Natural Resources, Mines and Energy), part of Lease 717239367 registered on Lot 1 on RP183483, Title Reference 16345115.

ENDNOTES

1. Made by the delegate of the Minister under Acquisition of Land (Ministerial) Delegation (No 1) 2019 on 23 September 2020.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Natural Resources, Mines and Energy.
5. File Reference - 079/0025094.

Acquisition of Land Act 1967

TAKING OF LAND NOTICE BY THE MINISTER

(No 07) 2020

Short title

1. This notice may be cited as the *Taking of Land Notice by the Minister (No 07) 2020*.

Land taken [ss.9(7) and 13(1) of the Act]

2. The land described in the Schedule is taken by Logan City Council for sewerage purposes and purposes incidental to sewerage purposes and vests in Logan City Council on and from 25 September 2020.

SCHEDULE

South Region, Beenleigh Office

Land Taken for Sewerage Purposes and Purposes Incidental to Sewerage Purposes

Lot 243 on SP207501, area 22.23 ha, Title Reference 50729430.

Lot 73 on MAR619, area 21.246 ha, Title Reference 10518207.

Lot 74 on MAR619, area 21.246 ha, Title Reference 10182064.

Lot 75 on MAR619, area 25.9 ha, Title Reference 10238061.

Lot 251 on SL327, area 7.545 ha, Title Reference 11128078.

Lot 65 on MAR619, area 22.258 ha, Title Reference 10265176.

Lot 1 on RP25893 area 9.814 ha, Title Reference 10314217.

Lot 2 on RP25893 area 13.86 ha, Title Reference 10450096.

ENDNOTES

1. Made by the delegate of the Minister under Acquisition of Land (Ministerial) Delegation (No 1) 2019 on 23 September 2020.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Natural Resources, Mines and Energy.
5. File Reference - 079/0022215 Pt 2.

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TRANSPORT AND MAIN ROADS

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[No. 21

Acquisition of Land Act 1967
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994

TAKING OF LAND NOTICE (No. 3390) 2020

Short title

1. This notice may be cited as the *Taking of Land Notice (No. 3390) 2020*.

Land to be taken [s.9(6) of the *Acquisition of Land Act 1967*]

2. The land described in the Schedule is taken for the purpose of transport, in particular, road purposes and vests in the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland, for an estate in fee simple.

SCHEDULE

Land Taken

An area of about 1.772 hectares (including about 3937 square metres being part of Easement D on RP840418) being part of Lot 2 on RP818236 contained in Title Reference: 50011837.

An area of about 9815 square metres being part of Lot 2 on RP904086 contained in Title Reference: 50321593.

An area of about 8241 square metres (including about 1777 square metres being part of Easement A on RP718887 and about 2610 square metres being part of Easement D on RP743621) being part of Lot 902 on RP908334 contained in Title Reference: 50214501.

An area of about 3.173 hectares (including about 4416 square metres being part of Easement C on RP800668) being part of Lot 23 on SP209552 contained in Title Reference: 50737829.

An area of about 396.9 square metres being part of Lot 915 on SP280616 contained in Title Reference: 51002674.

An area of about 775.2 square metres being part of Lot 11 on SP222355 contained in Title Reference: 50785473.

An area of about 4.677 hectares (including about 4111 square metres being part of Easement A on RP718887 and about 1016 square metres being part of Easement D on RP808324) being part of Lot 200 on SP210992 contained in Title Reference: 50767364.

An area of about 3342 square metres being part of Lot 3 on RP818238 contained in Title Reference: 50011991.

As shown approximately on Plans R9-612(B), R9-613(B) and R9-614 to R9-616 held in the office of the Chief Executive, Department of Transport and Main Roads, Brisbane.

Townsville City
Bruce Highway (Townsville – Ingham)
Townsville Ring Road Stage 5 Project – Package 2
495/7230; 10299 to 10301 and 10303

ENDNOTES

1. Made by the Governor in Council on 17 September 2020.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Transport and Main Roads.

Acquisition of Land Act 1967
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994

AMENDING TAKING OF LAND NOTICE (No. 3404) 2020

Short title

1. This notice may be cited as the *Amending Taking of Land Notice (No. 3404) 2020*.

Amendment of Land to be taken [s. 11(1) and s. 11(3) of the *Acquisition of Land Act 1967*]

2. Schedule to the Taking of Land Notice (No. 3359) 2020 dated 7 May 2020 and published in the Gazette of 15 May 2020 at page 127 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland, is amended as described in the Schedule.

SCHEDULE

Amend Schedule to the Taking of Land Notice (No.3359) 2020 dated 7 May 2020 and published in the Gazette of 15 May 2020 at page 127 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland as follows -

Omit - “An area of about 1241 square metres being part of Lot 24 on Crown Plan MCH3845 contained in Title Reference: 15413022.

As shown approximately on Plan R412-779 held in the office of the Chief Executive, Department of Transport and Main Roads, Brisbane.

Gympie Region
Bruce Highway (Gympie – Maryborough)
Wide Bay Highway Intersection Upgrade
495/5441; 10169”

Insert - “An area of 1228 square metres being Lot 1 on SP320311 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 15413022.

Gympie Region
Bruce Highway (Gympie – Maryborough)
Wide Bay Highway Intersection Upgrade
495/5441; 10169”

ENDNOTES

1. Made by Director (Property Acquisitions and Disposals) on 17 September 2020, pursuant to delegation for Minister for Transport and Main Roads under section 36B of the *Acquisition of Land Act 1967*.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Transport and Main Roads.

Acquisition of Land Act 1967
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994

AMENDING TAKING OF LAND NOTICE (No. 3405) 2020

Short title

1. This notice may be cited as the *Amending Taking of Land Notice (No. 3405) 2020*.

Amendment of Land to be taken [s. 11(1) and s. 11(3) of the *Acquisition of Land Act 1967*]

2. Schedule to the Taking of Land Notice (No. 3346) 2020 dated 26 March 2020 and published in the Gazette of 3 April 2020 at page 337 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland, is amended as described in the Schedule.

SCHEDULE

Amend Schedule to the Taking of Land Notice (No. 3346) 2020 dated 26 March 2020 and published in the Gazette of 3 April 2020 at page 337 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland as follows -

Omit - “An area of about 9927 square metres being part of Lot 50 on Crown Plan YL764 contained in Title Reference: 15907042.

An area of about 150 square metres (exclusive of reservation for public purpose) being part of Lot 54 on Crown Plan YL764 contained in Title Reference: 1404006.

As shown approximately on Plan R412-769(B) held in the office of the Chief Executive, Department of Transport and Main Roads, Brisbane.

North Burnett Region
Burnett Highway (Gayndah – Monto)
Three Moon Creek Bridge Replacement
495/8874; 10112 and 10113”

Insert - “An area of 2177 square metres being Lot 2 on SP320313 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 15907042.

An area of 7742 square metres being Lot 3 on SP320313 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 15907042.

An area of 156 square metres being Lot 1 on SP316079 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 14040006.

North Burnett Region
Burnett Highway (Gayndah – Monto)
Three Moon Creek Bridge Replacement
495/8874; 10112 and 10113”

ENDNOTES

1. Made by Director (Property Acquisitions and Disposals) on 21 September 2020, pursuant to delegation for Minister for Transport and Main Roads under section 36B of the *Acquisition of Land Act 1967*.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Transport and Main Roads.

Acquisition of Land Act 1967
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994

AMENDING TAKING OF LAND NOTICE (No. 3406) 2020

Short title

1. This notice may be cited as the *Amending Taking of Land Notice (No. 3406) 2020*.

Amendment of Land to be taken [s. 11(1) and s. 11(3) of the *Acquisition of Land Act 1967*]

2. Schedule to the Taking of Land Notice (No. 3304) 2019 dated 7 November 2019 and published in the Gazette of 15 November 2019 at page 392 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland, is amended as described in the Schedule.

SCHEDULE

Amend Schedule to the Taking of Land Notice (No. 3304) 2019 dated 7 November 2019 and published in the Gazette of 15 November 2019 at page 392 relating to the taking of land by the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland as follows -

Omit - “An area of about 154 square metres being part of Lot 5 on RP158001 contained in Title Reference: 15698164.

An area of about 16 square metres being part of Lot 546 on RP13752 contained in Title Reference: 15993095.

As shown approximately on Plans R2-1473 and R2-1474 held in the office of the Chief Executive, Department of Transport and Main Roads, Brisbane.

Moreton Bay Region
Burpengary – Caboolture Road
(Torrens Road Intersection – Morayfield Road/Beerburum Road Route Safety Project)
495/9972; 9973 and 9974”

Insert - “An area of 154 square metres being Lot 101 on SP316216 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 15698164.

An area of 16 square metres being Lot 100 on SP316218 (being a plan to be registered in Queensland Land Registry, Department of Natural Resources, Mines and Energy), being part of the land contained in Title Reference: 15993095.

Moreton Bay Region
Burpengary – Caboolture Road
(Torrens Road Intersection – Morayfield Road/Beerburum Road Route Safety Project)
495/9972; 9973 and 9974”

ENDNOTES

1. Made by Director (Property Acquisitions and Disposals) on 22 September 2020, pursuant to delegation for Minister for Transport and Main Roads under section 36B of the *Acquisition of Land Act 1967*.
2. Published in the Gazette on 25 September 2020.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Transport and Main Roads.



Queensland Government Gazette

LOCAL GOVERNMENT

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[No. 22

Planning Act 2016

NOTICE OF ADOPTION AND COMMENCEMENT OF NOOSA PLAN 2020 – AMENDMENT 1

At its meeting of 17 September 2020, Noosa Council adopted Amendment 1 to Noosa Plan 2020.

The commencement date for Noosa Plan 2020 – Amendment 1 is Friday 25 September 2020.

Noosa Plan 2020 – Amendment 1 is an administrative amendment which makes minor changes such as correcting general formatting, numbering, grammatical errors, spelling and referencing which does not materially affect the remainder of the instrument or make policy changes.

Noosa Plan 2020 is available in an electronic format, along with a range of supporting fact sheets and user guides. To view, visit www.noosa.qld.gov.au/noosa-plan-2020.

Hard copies of Noosa Plan 2020 are available for inspection at Noosa Council's office Pelican Street, Tewantin or at the Council libraries at Noosaville and Cooroy. Requests to purchase an electronic copy of the Noosa Plan can be directed to planning@noosa.qld.gov.au.

Brett de Chastel
Chief Executive Officer
Noosa Council

PUBLIC NOTICE OF ALIGNMENT AMENDMENT TO THE WUJAL WUJAL ABORIGINAL SHIRE COUNCIL PLANNING SCHEME MADE UNDER THE ALIGNMENT AMENDMENT RULES AND THE PLANNING ACT 2016, SECTION 293

Notice is hereby given that on 17 September 2020 the Wujal Wujal Aboriginal Shire Council made the Wujal Wujal Aboriginal Shire Council Planning Scheme alignment amendment under the Alignment Amendment Rules and section 293 of the *Planning Act 2016* to the Wujal Wujal Aboriginal Shire Council Planning Scheme (the **alignment amendment**). The alignment amendment will commence on 9 October 2020.

The alignment amendment has the purpose and general effect of aligning the terminology of the Wujal Wujal Aboriginal Shire Council Planning Scheme with the *Planning Act 2016* and making codes more robust for the purposes of development assessment using the new decision rules.

A copy of the alignment amendment may be inspected at and purchased from Lot 1 Hartwig Street, Wujal Wujal. The Wujal Wujal Aboriginal Shire Council Planning Scheme can also be viewed online and downloaded at <http://www.wujalwujalcouncil.qld.gov.au/>.

For further information, please either visit the council customer service centre or telephone or email council on (07) 4083 9108 or info@wujal.qld.gov.au.

Stephen Wilton
Chief Executive Officer
Wujal Wujal Aboriginal Shire Council

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DIRECTIVE 04/20

Supersedes: 03/18

**Minister for Industrial Relations Directive:
Higher Duties****1. Purpose:**

To prescribe conditions for the payment of higher duties when an employee subject to this directive assumes the duties and responsibilities of a higher classification level.

2. Effective date: 25 September 2020**3. Legislative authority:**

Section 54(1) of the *Public Service Act 2008*.

Sections 51 and 52 of the *Public Service Act 2008* and section 941 of the *Industrial Relations Act 2016* apply if there is a conflict with an act, regulation or industrial instrument.

4. Application:

This directive applies to:

- public service officers;
- temporary employees under section 148(2)(a) of the *Public Service Act 2008*; and
- general employees, including temporary general employees, under section 147(2)(a) of the *Public Service Act 2008*, who are engaged under the following awards:
 - *General Employees (Queensland Government Departments) and Other Employees Award – State 2015*, excluding employees engaged within the forestry stream;
 - *Parks and Wildlife Employees Award - State 2016*; and
 - only to the extent it covers employees engaged within the forepersons stream, the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016*.

This directive **does not apply** to –

- employees engaged on a casual basis under sections 147(2)(b) or 148(2)(b) of the *Public Service Act 2008*.

5. Previous References:

- Directive 3/18, 11/01, 4/11, 18/16: "Higher Duties";
- Directive 2/01, 18/99, 14/97: "Higher Duties Allowance"
- Sections 63 and 69 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995.
- Determination No. 13
- DEVETIR letter of 6 December 1993
- Administrative Instruction No. 1 I 32

6. Related information:

- Directives: “*Recruitment and Selection*”, “*Study and Examination Leave*”, “*Early Retirement, Redundancy and Retrenchment*”, “*Recreation Leave*”, “*Long Service Leave*”, “*Paid Parental Leave*” and “*Court Attendance and Jury Service*”

DIRECTIVE

7. Higher duties for 12 months or more

- 7.1 The Public Service Commission Directive: *Recruitment and Selection* is to be complied with where an employee is directed to assume the duties and responsibilities of a “higher classification level” for 12 months or more.

8. Higher duties across awards

- 8.1 This directive applies to employees performing higher duties under an award other than their substantive award, provided that the directive applies to the relevant callings in both awards.
- 8.2 Where an employee is performing higher duties across awards, the period of higher duties will count towards the increment in the employee’s “lower classification level”.
- 8.3 Where an employee is performing work across awards at the same level, the period of work at the same level will count towards the increment in the employee’s substantive position.

9. Definitions**9.1 “minimum period”:**

- where an employee is directed to assume the duties and responsibilities of a position at a “higher classification level” and where the “relevant percentage” is 75% or higher, “minimum period” means more than 3 consecutive working days;
- where an employee is directed to assume the duties and responsibilities of a position at a “higher classification level” and where the “relevant percentage” is less than 75%, “minimum period” means 3 consecutive weeks;
- where an employee is directed to assume the duties and responsibilities of a “higher classification level” **part-time** and where the “relevant percentage” is 75% or higher, “minimum period” means more than 3 cumulative working days during the relieving period;
- where an employee is directed to assume the duties and responsibilities of a “higher classification level” **part-time** and where the “relevant percentage” is less than 75%, “minimum period” means 3 cumulative weeks during the relieving period;
- the “minimum period” is not affected by leave taken during the relieving period.

- 9.2 “**higher classification level**” for the purpose of this directive, means a classification level which has a higher maximum salary than the maximum salary of the classification level actually held by the employee. This includes a higher maximum salary under a section 122 contract under the *Public Service Act 2008*, except where that contract requires specialised skills and the relieving employee does not possess those skills.

- 9.3 “**lower classification level**” for the purpose of this directive, means a lower classification level which has a lower maximum salary than the maximum salary of the classification level the employee is relieving at.

- 9.4 **“relevant percentage”** means the percentage that, in the opinion of the chief executive, represents the extent to which the employee has assumed the full duties and responsibilities of the “higher classification level”.
- 9.5 **“relieving period”** means the period in which an employee or employees have been directed to assume the duties and responsibilities of a higher classification level.

10. Entitlements

- 10.1 An employee who is directed to assume, for any applicable “minimum period”, the duties and responsibilities of a “higher classification level” –

- of an employee who is on leave (leave does not include accrued time off, time off in lieu or a rostered day off, unless it is continuous with other approved leave); or
- of an employee who has been directed to perform other duties (including training, or work overseas or interstate); or
- of a position which is vacant;

is to be paid a higher duties amount as provided in this directive.

- 10.2 This directive applies to temporary employees only if they are directed to perform higher duties during the temporary period of employment.
- 10.3 Where an industrial instrument applying to an employee provides a more beneficial entitlement than provided for in this directive, then the employee shall receive the entitlement as provided for in that industrial instrument.

11. Amount payable

- 11.1 The higher duties amount payable consists of the “relevant percentage” of the difference between the employee’s substantive salary level and paypoint and the first paypoint of the “higher classification level” in which the employee will be relieving. For example, if the “relevant percentage” is deemed to be 100%, the employee will receive 100% of the difference between their substantive salary and paypoint and the first paypoint of the “higher classification level”. However, if the employee’s substantive salary already exceeds the first paypoint of the “higher classification level” then the higher paypoint applies.

12. Salary exceeds minimum or employee qualifies for higher paypoint

- 12.1 Where the substantive salary of the employee exceeds the first paypoint of the “higher classification level”, the higher duties amount payable is to be based on the paypoint that is closest to but higher than the employee’s salary at his or her substantive level and paypoint before relieving in the higher position.
- 12.2 Where the employee has qualified for a higher paypoint of the “higher classification level”, the higher duties amount payable is to be based on the paypoint that the employee has qualified for.

13. Payment of higher duties amount during recreation leave, long service leave and paid parental leave

- 13.1 An employee on higher duties who takes recreation leave, long service leave or paid parental leave is entitled to be paid for the full period of such leave at the higher duties rate being paid to the employee immediately before the employee takes the leave. This will be the case even where the higher duties arrangement ceases on the last day of duty prior to the leave commencing, or at any point during the leave period.

14. Payment of higher duties amount during all forms of paid leave.

14.1 Subject to clause 14.2, an employee on higher duties who takes any form of paid leave is to be paid the higher duties amount, for example:

- sick leave;
- carer's leave;
- bereavement leave;
- compassionate leave;
- domestic and family violence leave;
- leave to sit examinations, or for authorised absences of less than 1 working day to attend lectures, to attend or participate in a course of study approved under the Ministerial Directive: "Study and Examination Leave" or any directive issued to replace it;
- court attendance or jury service leave;
- industrial relations education leave;
- paid special leave.

14.2 Payment for higher duties on a form of leave identified in clause 14.1 (other than leave types in clause 13) will cease when the higher duties arrangement ceases.

Examples

An employee who is a substantive AO4 is approved to relieve in an AO5 position from 1 September to 1 November. The employee takes a period of sick leave from 15 October to 15 November. The employee is entitled to be paid the higher duties amount (AO5) from 15 October to 1 November and will revert to the employee's substantive rate (AO4) from 2 November to 15 November.

An employee who is a substantive AO4 is approved to relieve in an AO5 position from 1 September to 1 November. The employee takes sick leave on 2 November immediately following the period of higher duties. The employee is to be paid the sick leave at the employee's substantive rate of pay (AO4).

15. Payment of increments during relieving period

15.1 An employee is to move to the next paypoint within the "higher classification level" where –

- the employee has met the performance objectives of the "higher classification level"; and
- the employee has been relieving continuously in the "higher classification level" for 12 months;

OR

- the employee has been relieving non-continuously in the "higher classification level" for a period which aggregates in total a period of 12 months within the preceding 24 calendar month period.

15.2 An employee is to continue moving to the next paypoint(s) within the "higher classification level" where a previous paypoint as provided for in clause 15.1 has been received for a period of 12 months within the preceding 24 month period.

15.3 Where an employee has moved to the next paypoint within a "higher classification level" and the relieving ceases, the employee will maintain that paypoint if the break in relieving has been less than

24 months and the employee re-commences relieving at the same “higher classification level” or another level which is lower than that level but higher than the employee’s substantive level.

Example 1

An employee who is a substantive level AO4 relieves in an AO6 position for a period of 12 months and progresses to the second paypoint. After 5 months on the second paypoint, the employee ceases relieving and returns to his/her substantive AO4 position for a period of 9 months. The employee then commences relieving in an AO6 position. The employee is to be paid at the second paypoint of the AO6 scale.

Continuing this example, where the relieving in the AO6 position continues for a further period of 7 months, the employee is to move to the third paypoint of the AO6 scale.

Example 2

An employee who is a substantive level AO3 relieves in an AO5 position for a period of 12 months and progresses to the second paypoint. After 3 months on the second paypoint, the employee ceases relieving and returns to his/her substantive AO3 position for a period of 5 months. The employee then commences relieving in an AO4 position. The employee is to be paid at the second paypoint of the AO4 scale.

Continuing this example, where the relieving in the AO4 position continues for a further period of 9 months, the employee is to move to the third paypoint of the AO4 scale.

- 15.4 All **paid** leave taken during periods of relieving in the “higher classification level” is recognised as service at the higher level for increment purposes even if the leave is paid at the substantive level.
- 15.5 All unpaid leave taken during periods of relieving in the “higher classification level” is recognised as service at the higher level for increment purposes, subject to the provisions in the Ministerial Directive “Leave without Salary Credited as Service”.
- 15.6 Employees who are directed to assume the duties and responsibilities of a “higher classification level” **part-time** shall be entitled to increments in accordance with the relevant award under which the duties and responsibilities are being performed.
- 15.7 The “relevant percentage” has no effect on the entitlement to increments during the relieving period.

16. Recognition of higher duties upon appointment

- 16.1 Relieving period/s are to be recognised as service for the purpose of determining the paypoint and increment date of an employee who is subsequently appointed to a “higher classification level” where the following conditions are satisfied:
 - the relieving was at the same or at a higher level to the classification level to which the employee has been appointed; and
 - the employee has met the performance objectives of the “higher classification level” at which the employee relieved.
- 16.2 The relieving period/s which are to be recognised as service for the purpose of determining the paypoint and increment date of an employee who is subsequently appointed to a “higher classification level” are the greater of:
 - all continuous relieving service immediately preceding appointment;

OR

 - non-continuous relieving service for a period which aggregates in total a period of 12 months or more within the immediately preceding 24 calendar months.

- 16.3 Notwithstanding clause 16.2, where an employee has qualified for a higher paypoint of the “higher classification level” through previous relieving in accordance with clause 15, the employee shall be appointed at that higher paypoint, provided that the employee has relieved at that “higher classification level” within the 12 months immediately preceding appointment.

17. Public holiday

- 17.1 For public holidays falling within the relieving period, the higher duties amount is to be paid unless the public holiday falls during leave without pay.
- 17.2 The higher duties amount is to be paid for public holidays that fall during paid leave within the relieving period, irrespective of whether the higher duties amount is paid for the leave itself.
- 17.3 Where an employee takes long service leave or recreation leave immediately following a period of higher duties and a public holiday falls within the period of leave or immediately prior to accessing the period of leave, the public holiday and the period of leave is to be paid at the higher duties rate.

18. Termination of services whilst on higher duties

- 18.1 Where an employee is acting in a higher position on the last day of employment and has accrued long service leave, recreation leave and/or leave loading that is to be paid out on termination, payment is at the higher duties rate of pay the employee receives immediately before termination.
- 18.2 Where an employee is entitled to payment for public holidays which fall within the period of accrued recreation leave and/or long service leave paid out on termination, payment for public holidays is at the higher duties rate of pay the employee receives immediately before termination.

DIRECTIVE 06/20*Supersedes: 10/18***Minister for Industrial Relations Directive:
Sick Leave****1. Purpose:**

To prescribe entitlements and conditions for sick leave.

2. Effective date: 25 September 2020**3. Legislative authority:**

Section 54(1) of the *Public Service Act 2008*.

Sections 51 and 52 of the *Public Service Act 2008* and section 941 of the *Industrial Relations Act 2016* apply if there is a conflict with an act, regulation or industrial instrument.

4. Application:

This Directive applies to:

- public service officers; and
- general employees engaged under section 147(2)(a) of the *Public Service Act 2008*; and
- temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008*.

This Directive does not apply to employees engaged on a casual basis under sections 147(2)(b) and 148(2)(b) of the *Public Service Act 2008*.

5. Previous references:

- Directives 10/18, 4/16, 4/13, 18/10, 19/05, 8/01 and 10/99
- Administrative Instructions No 1 | 62
- Section 32 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995

6. Related information:

- Directive: Leave without Salary Credited as Service
- Directive: Higher Duties
- Directive: Recreation Leave

DIRECTIVE**7. Entitlement**

- 7.1 Entitlements for sick leave are in accordance with Schedule One.
- 7.2 Sick leave without salary may be granted where all sick leave on full salary has been exhausted.
- 7.3 Leave entitlements apply to part-time employees or officers on a pro-rata basis.

- 7.4 Leave prescribed in this Directive may be converted to an hourly basis for the purpose of applying, granting and recording of the leave. Leave is based on the number of hours that the employee would have worked. Schedule Two provides conversion formulas.
- 7.5 If an officer or employee is rostered to work a specific number of hours on a day and the employee is absent from duty on that day, or for part of it, the officer's or employee's sick leave account is to be reduced by the number of hours that the officer or employee was rostered to work on that day but did not work. This applies even where it means that the employee's sick leave account is debited by a different number of hours than the employee's daily hours (as defined by an Award or Agreement).
- (a) Sick leave granted to an officer or employee is to be deducted from the officer's or employee's accumulated entitlement in the case of ordinary sick leave or from the special war service credit of sick leave for absences attributable to war-caused disabilities.

8. Taking Leave

- 8.1 An officer's or employee's entitlement to sick leave is conditional on them promptly notifying the employer of:
- (a) any illness that will cause them to be absent from work; and
- (b) the approximate period for which they will be absent.
- 8.2 An officer or employee is to submit a timely application for every absence where sick leave is sought, in a form determined by the chief executive.
- 8.3 An application for sick leave of more than three (3) days is to be supported by documentation acceptable to the chief executive.
- 8.4 A chief executive may require an officer or employee to furnish acceptable documentation where the illness is for three (3) days or less if the employee is subject to a process for monitoring performance, conduct or attendance.
- 8.5 Where an industrial instrument specifies a different requirement for the production of acceptable documentation, the industrial instrument requirement prevails.

9. Illness before other leave

- 9.1 Where, an officer or employee becomes ill before the start of recreation or long service leave and their illness continues into that leave, they may be granted sick leave on full pay for the period of the illness instead of the leave which had already been approved, provided they submit an application for sick leave supported by acceptable documentation.

10. Illness during other leave

- 10.1 An officer or employee who becomes ill after starting recreation leave, long service leave or paid parental leave may be granted sick leave for the period of the illness instead of the recreation leave, long service leave or parental leave that had already been approved provided the officer or employee:
- (a) submits a written application supported by acceptable documentation to the chief executive; and
- (b) the period of illness is more than three (3) working days.
- 10.2 Where the recreation leave, long service leave or parental leave had been previously approved on half pay, any sick leave granted in lieu shall also be at half pay.
- (a) If an officer or employee is granted sick leave while on half pay recreation leave or long service leave, the officer's or employee's sick leave account is to be reduced by half the normal daily hours for that officer or employee.
- 10.3 Paid sick leave is not available to an employee on unpaid parental leave.

11. Public Holidays

- 11.1 Normal salary is to be paid to an officer or employee for a public holiday that occurs immediately before, during or after an absence on sick leave where the officer or employee is in receipt of full pay. No debit should be made to the officer's or employee's sick leave account.
- 11.2 If a public holiday occurs during an absence on sick leave without pay, the officer or employee is not to be paid for the public holiday and no debit is to be made to the officer's or employee's sick leave account.
- 11.3 Normal salary is to be paid to an officer or employee for a public holiday that occurs immediately before or after an absence on sick leave without salary. No debit is to be made to the officer's or employee's sick leave account.
- 11.4 The above applies to any public holiday (or substituted day) under the *Holidays Act 1983*.

12. Teachers – school vacations

- 12.1 An officer who is a teacher, who is absent on sick leave immediately before the start of a school vacation, is not taken to be on sick leave during that vacation, except where the teacher:
- (a) was, immediately before the start of the corresponding vacation in the previous year, absent on sick leave; and
 - (b) has, since the end of that corresponding vacation in the previous year, been absent on sick leave on every day that the teacher would otherwise have been required to be on duty.

13. Definitions

In this Directive the following definitions apply:

Daily hours means:

- the number of ordinary daily working hours of an employee as specified in the relevant industrial instrument; or
- in any other case – the number of hours specified in the relevant industrial instrument as the average number of hours per working day of an employee during a pay period or other period that is reasonable in the circumstances.

Employee means a temporary employee engaged under section 148(2)(a) of the *Public Service Act 2008* and a general employee engaged under section 147(2)(a) of the *Public Service Act 2008*.

Industrial instrument means an award, certified agreement, contract, Directive or determination made under section 180 of the *Industrial Relations Act 2016*.

Officer means a public service officer employed under section 8 of the *Public Service Act 2008*.

Service disease has the meaning ascribed to it under the *Military Rehabilitation and Compensation Act 2004* (Cth).

Service injury has the meaning ascribed to it under the *Military Rehabilitation and Compensation Act 2004* (Cth).

Teacher means an employee determined by the chief executive to be a teacher for the purpose of this Directive.

War-caused disability includes war-caused injury, war-caused disease, defence-caused injury or defence-caused disease as referred to in the *Veterans' Entitlements Act 1986* (Cth).

SCHEDULE ONE – SICK LEAVE ENTITLEMENTS

Type	Entitlement	Special Conditions
Sick Leave	10 working days sick leave for each completed year of service and a proportionate amount for an incomplete year of service.	Newly appointed officers who are absent from duty because of illness, and who have not accumulated the necessary sick leave on full salary, may have up to 10 working days sick leave on full salary advanced to them in their first year of service. Where an officer resigns during the first year of service, after having been advanced sick leave on full salary in excess of the accumulated entitlement, no action should be taken to recover any overpayments resulting from the sick leave granted. Temporary employees and general employees are limited to their actual sick leave accrual. Service length will be based on service for which credit has been given for long service leave purposes under the relevant directive. The service need not necessarily be continuous. An employee seeking meritorious sick leave credit must submit a written application. The application may be refused in the case of an officer or employee who, in the opinion of the chief executive, does not warrant the granting of this leave i.e. has not completed 26 years meritorious service. If an application is approved, meritorious sick leave will be credited based on the preceding 26 years of employment from the time the application is submitted for consideration.
Meritorious Sick Leave	13 weeks (65 working days) sick leave on full pay may be added to the officer or employee's sick leave account (on one occasion only) where they have completed 26 years meritorious service within the Queensland Public Sector (excluding Government Owned Corporations) including: <ul style="list-style-type: none"> a Queensland government entity, as defined in section 24 of the <i>Public Service Act 2008</i>; the Queensland Parliamentary Service; and the Queensland Police Service. Service in the Australian Defence Force will be included for the purposes of calculating service for meritorious sick leave.	Officers or employees awarded the special war service credit of sick leave need not exhaust their ordinary sick leave before being eligible to draw upon the special credit of sick leave for war-caused disability, service injury or service disease. Upon written authority from the officer or employee, particulars are to be obtained from the Department of Veterans' Affairs showing the disability, injury or disease that has been accepted by that department as being attributable to war service. For each absence from duty due to a disability, injury or disease that has been accepted by that department as being attributable to war service, the officer or employee is required to furnish acceptable documentation to the chief executive. Acceptable documentation is to be checked against the particulars obtained from the Department of Veterans' Affairs to ensure that the absence resulted from a disability, injury or disease that has been accepted by that department as being attributable to war service.
Special War Service Credit of Sick Leave	65 working days sick leave on full pay for absences from duty which are attributable to: <ul style="list-style-type: none"> a war-caused disability arising from Service within Operational Areas, as defined within Schedule 2 of the <i>Commonwealth Veterans' Entitlements Act 1986</i>, as amended from time to time; a war-caused disability arising from service with Peacekeeping Forces, as defined within Schedule 3 of the <i>Commonwealth Veterans' Entitlements Act 1986</i>, as amended from time to time; a service injury or service disease arising from Warlike or Non-Warlike Service as defined under the <i>Military Rehabilitation and Compensation Act 2004</i>, as amended from time to time. The special war service credit of sick leave is in addition to meritorious sick leave after 26 years. Sick leave charged to the special war service credit of sick leave should be recorded separately from ordinary sick leave.	Special sick leave is not to be charged against an officer's entitlement to ordinary sick leave on full pay.
Special sick leave	Applies to officers only Where an officer: <ul style="list-style-type: none"> is injured in the course of performing official duties; or becomes ill because of performing official duties; the chief executive may grant that officer such special sick leave as the chief executive determines to be warranted in the circumstances.	

SCHEDULE TWO – CONVERSION FORMULAS**1. Conversion of entitlements**

1.1. This schedule sets out the formulas to be utilised when converting sick leave accruals to an alternative accrual basis.

1.2. Converting sick leave from working days to hours

$$LE = WD \times DH$$

Where:

LE = Leave Entitlement

WD = Working Days

DH = Daily Hours (as defined by an industrial instrument)

1.3. If a department's system for recording particulars of leave granted to an employee is based on hours and the daily hours (as defined by an industrial instrument) of an employee change, the leave entitlements accumulated by the employee are also to be recorded in hours.

$$LAC = LBC \times \frac{HAC}{HBC}$$

Where:

LAC (leave entitlement after change) = the hours of leave to which the employee is entitled after the change.

LBC (leave entitlement before change) = the employee's leave entitlement expressed in hours before the change.

HAC (daily hours after change) = the employee's daily hours (as defined by an industrial instrument) after the change.

HBC (daily hours before change) = the employee's daily hours (as defined by an industrial instrument) before the change.



Appeals

Directive: 07/20

Effective date: 25/09/20

Supersedes: 03/17

1. Purpose

To provide information on the appeal rights of public service employees under the *Public Service Act 2008* (PS Act).

2. Authorising provisions

This directive is made pursuant to sections 52, 53, 55 and section 214B, and Chapter 7 of the PS Act.

3. Application

- 3.1 This directive applies to all public service employees as defined in the PS Act unless a specific clause states otherwise.
- 3.2 This directive applies to the following entities (each entity being an “agency” for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.
- 3.4 If you are a public service employee looking for information about the process for appealing a decision, you should refer to the [public service appeal guide](#) or contact the Queensland Industrial Relations Commission (QIRC) for advice.

Directive

4. Principles

- 4.1 Chapter 7 of the PS Act provides the legislative basis for public service appeals. It sets out who may lodge a public service appeal, the decisions that can be the subject of a public service appeal and the decisions that cannot be the subject of a public service appeal.
- 4.2 Section 214B of the PS Act requires the Commission Chief Executive (CCE) to make a directive about public service appeals. As well as supporting the provisions of the PS Act, Section 214B allows for the directive to provide that certain appointment decisions cannot be appealed.
- 4.3 This directive extends the appeal grounds set out in the PS Act to general employees. The PS Act mainly applies to public service officers, but section 55 of the PS Act allows





the CCE to make a directive, which extends the operation of the PS Act to general and fixed term temporary employees as defined in the PS Act.

- 4.4 Public service appeals are heard and decided by the QIRC under Chapter 11 of the *Industrial Relations Act 2016* (IR Act).
- 4.5 In addition to a number of specific appeal rights such as promotion and discipline appeals, the PS Act also provides an appeal right for employees where they believe a decision is unfair and unreasonable (a fair treatment decision). This is a general appeal right that exists subject to some specific exceptions set out in section 195(3A) of the PS Act. For example, discipline decisions are generally excluded from a fair treatment appeal as an employee can already appeal a decision to take disciplinary action against them under section 194(1)(b). However, the PS Act does provide a fair treatment appeal for a disciplinary finding decision.
- 4.6 The time for making an appeal starts from the date on which notice of the decision is received. The QIRC may grant an extension of time to make an appeal.
- 4.7 Under the *Human Rights Act 2019* (HR Act) a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Who may lodge a public service appeal

- 5.1 A public service employee who is listed in section 196 of the PS Act (Appendix A) or is eligible to appeal by reason of section 55 of the PS Act, may lodge a public service appeal.
- 5.2 An appeal may only be lodged by the following persons:
 - (a) for a decision under section 194(1)(a) of the PS Act—a public service employee aggrieved by the decision if the employee is entitled to appeal under a directive of the CCE
 - (b) for a decision under section 194(1)(b) of the PS Act (decision under a disciplinary law to discipline)—a public service employee or former public service employee directly aggrieved by the decision to discipline
 - (c) for a decision under section 194(1)(ba) of the PS Act—the employee the subject of the work performance matter
 - (d) for a suspension without pay decision—the public service employee the subject of the decision
 - (e) for a decision under section 194(1)(c) of the PS Act (promotion decision)—a tenured general employee or public service officer aggrieved by the decision (an aggrieved officer), provided the following conditions are met:
 - (i) the decision relates to the gazetted promotion of a public service officer or tenured general employee
 - (ii) the aggrieved officer's application to the role being appealed was received on or before the deadline for the receipt of applications or in the case of continuous applicant pools, the application was received prior to the date of distribution to the selection panel for the relevant promotion
 - (iii) the aggrieved officer has sought post-selection feedback in accordance with the provisions of the directive relating to recruitment and selection, and
 - (iv) for an appeal against a promotion from a limited advertising process conducted in accordance with the directive relating to recruitment and selection, the aggrieved officer was covered by the invitation to apply.





- (f) for a transfer decision—the public service officer the subject of the transfer
- (g) for a conversion decision¹—the employee the subject of the decision
- (h) for a decision under section 194(1)(eb) (fair treatment decision)—a public service employee who is aggrieved by the decision. The public service employee should comply with the agency's complaints management process prior to lodging the appeal.

6. Decisions that can be appealed

6.1 Only the decisions listed in section 194 of the PS Act (Appendix B) can be appealed.

7. Decisions that cannot be appealed

7.1 Decisions listed in section 195 of the PS Act (Appendix C) cannot be appealed.

7.2 Section 195(1)(k) of the PS Act states that non-appealable appointments cannot be appealed. A non-appealable appointment is an appointment:

- (a) that is not a promotion
- (b) to a role remunerated in excess of the maximum salary applicable to the AO8 classification within the relevant department
- (c) to a role which is exempt from advertising in accordance with the directive relating to recruitment and selection, or
- (d) to a role which is entry level as defined by the directive relating to recruitment and selection.

7.3 An appeal may also not be made under section 194(1)(a) of the PS Act where it is in relation to a decision:

- (a) to fill a vacancy as an 'identified role', the process for assessment and the decision about whether the mandatory attribute is held or not held, or
- (b) about recruitment and selection, unless it is a decision not to:
 - (i) appoint an employee requiring placement because they are assessed as unsuitable
 - (ii) appoint (or second) a public service employee because of their disciplinary history, or
 - (iii) apply the directive relating to transfer within and between classification systems.

¹ A decision under section 149B not to convert the basis of employment of an employee; or a decision under section 149B in relation to the hours of work offered in converting the person's employment; or a decision under section 149C not to appoint an employee to a position at a higher classification level where the employee has been assuming the roles and duties of the higher classification level for a continuous period of at least two years.





8. Transitional arrangements

Appeals commenced before commencement of the *Public Service and Other Legislation Amendment Act 2020* are to be finalised consistent with the transitional arrangements in section 298 of the PS Act.

9. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- [Superseded versions of the directive: 03/17](#), 02/14, 19/10, 15/09, 06/08, 06/03, 16/97, 04/97, 11/96
- [Find resources about managing employees](#) in the Queensland Government
- QIRC information about [public service appeals](#)





Casual employment

Directive: 08/20

Effective date: 25/09/20

Supersedes: 01/17

1. Purpose

- 1.1 The *Public Service Act 2008* (PS Act) establishes employment on tenure is the default basis of employment in the public service, excluding non-industrial instrument employees and sets out the circumstances where employment on tenure is not viable or appropriate.
- 1.2 This directive:
 - (a) highlights key sections in the PS Act dealing with the employment and conversion of casual employees
 - (b) provides for the circumstances in which employment on tenure or a fixed term temporary employee is not viable or appropriate
 - (c) sets out procedures for reviews and requirements for decisions.

2. Authorising provisions

- 2.1 This directive is made pursuant to sections 53, 147, 148A, 149A, 149B of the PS Act.

3. Application

- 3.1 This directive applies to public service employees employed on a casual basis under sections 147(2)(b) or 148A of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 This directive does not apply to a non-industrial instrument employee.
- 3.4 Public service employees who are currently employed on a fixed term temporary basis under section 147 or 148 of the PS Act should refer to the fixed term temporary employment directive.
- 3.5 The requirement to advertise roles in the directive relating to recruitment and selection does not apply to the conversion of a casual employees under this directive. However, if an agency is seeking to permanently appoint an existing casual employee prior to the employee becoming eligible for conversion under section 149 of the PS Act, that is before 12 months of continuous service has been completed, the appointment must comply with the recruitment and selection directive.
- 3.6 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.



Directive

4. Principles

- 4.1 Section 25(2) of the PS Act provides that employment on tenure is the default basis of employment in the public service, excluding non-industrial instrument employees. This section gives full effect to the government's employment security policy.
- 4.2 Agencies are to consult and comply with the PS Act when considering the employment or conversion of casual employees.
- 4.3 Under the *Human Rights Act 2019* decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Employment of casual employees

- 5.1 Section 148A of the PS Act (Appendix A) provides that casual employment should only be used when tenured or fixed term temporary employment is not viable or appropriate.
- 5.2 Use of tenured or fixed term temporary employment is generally not viable or appropriate where there is a need for short term employment, or to meet unpredictable, irregular or variable demand or in emergent situations, and casual employment may appropriately be used to meet these staffing needs. Examples of these types of circumstances include:
 - (a) backfilling tenured or fixed term temporary staff on short-term emergent leave
 - (b) covering short gaps in work rosters of tenured and fixed term temporary employees
 - (c) in a role where work patterns or work demand is variable and difficult to predict, with each engagement standing alone
 - (d) where needed to work irregular, informal, flexible, occasional or non-rostered hours.
- 5.3 Employment on tenure may be viable or appropriate if a person is required to be employed for a purpose mentioned in clause 5.2, such as covering gaps in various work rosters, on a regular and systematic basis.
- 5.4 Section 26 of the PS Act requires managers to ensure that public service employees are aware of the work performance and personal conduct expected of them and to proactively manage that performance and conduct, including by applying the positive performance management principles in section 25A of the PS Act (Appendix B). Casual employees who are engaged for a period of three months or more are required to participate in the formal performance management system of their agency. Participation in the formal system where a casual employee is engaged for less than three months is at the discretion of the agency.
- 5.5 An agency should periodically review the use of casual employees to appropriately limit casual employment in accordance with the provisions of the PS Act and to proactively manage its workforce planning.

6. Casual employee may request review of employment status after being continuously employed for one year

- 6.1 Section 149 of the PS Act (Appendix C) provides that a casual employee who has been continuously employed for one year or more may request a review for conversion to permanent employment. An employee may only make one request in a 12-month period.





- 6.2 An agency must set out information on its intranet about how to request a review.
- 6.3 Section 149(4A) sets out the matters to be considered when working out how long the employee has been continuously employed in the agency.
- 6.4 Under section 149A(1), the chief executive must decide a request made under section 149 within 28 days after receiving it.

7. Requirement to review employment status of a casual employee after being continuously employed for two years

- 7.1 Section 149B of the PS Act (Appendix C) provides that an agency must review the employment status of a casual employee for conversion to employment as a general employee on tenure or a public service officer:
- (a) under section 149B(4)(a), at the end of two years after the employee has been continuously employed as a casual employee, and
 - (b) under section 149B(4)(b), annually after the end of the initial two years during which the employee remains continuously employed.
- 7.2 For a review under section 149B, section 149B(7A) sets out the matters to be considered when working out how long the employee has been continuously employed in the agency.
- 7.3 Under section 149B(3), the chief executive must decide within 28 days whether to offer to convert the person's employment basis to employment as a general employee on tenure or a public service officer, or continue the person's employment according to the terms of the person's existing employment.
- 7.4 Unless there are exceptional circumstances, when deciding the hours of work to be offered when converting an employee under section 149B(3)(b), the chief executive should offer hours of work no less than the greater of the following amounts:
- (a) the hours worked by the employee in the continuing role or a role that is substantially the same, in the week immediately before the chief executive's decision, or
 - (b) the average hours per week worked by the employee in the continuing role or a role that is substantially the same, over the last two years.

8. Decision on review of status

- 8.1 When deciding whether to offer permanent employment under section 149A or 149B, a chief executive must consider the criteria in section 149A(2):
- whether there is a continuing need for the employee to be employed in the role, or a role which is substantially the same
 - the merit of the casual employee for the role having regard to the merit principle in section 27 of the PS Act
 - whether any requirements of an industrial instrument are complied with in relation to the decision, and
 - the reasons for each decision previously made, or deemed to have been made, under sections 149A or 149B in relation to the employee during their period of continuous employment.





- 8.2 Sections 149A(3) and 149B(5) of the PS Act provide that where the criteria above are met, the chief executive must decide, within 28 days, to offer to convert the person's employment to permanent employment as a general employee on tenure or a public service officer unless it is not viable or appropriate having regard to the genuine operational requirements of the agency.
- 8.3 If the outcome is a decision to offer to convert the casual employee to employment as a general employee on tenure or a public service officer:
- (a) the written notification must include the terms and conditions of the offer to convert to permanent employment (e.g. full-time or part-time, days and hours of work, pay, location of the employment and any other changes to entitlements)
 - (b) where the employee is part-time, an explanation of the days and hours of work offered in the decision, and
 - (c) the chief executive cannot convert the casual employee unless they accept the terms and conditions of the offer to convert.
- 8.4 Notice of a decision not to convert a person's employment must comply with section 149A(4) for applications under section 149 or 149B(6) for reviews under section 149B. In accordance with section 27B of the *Acts Interpretation Act 1954*, the decision must:
- (a) set out the findings on material questions of fact, and
 - (b) refer to the evidence or other material on which those findings were based.
- 8.5 Sections 149A(5) and 149B(7) of the PS Act provide for a deemed decision not to convert where a decision is not made within the required timeframe.
- 8.6 Agencies are expected to consider each review as required by the PS Act and this directive and must not make an intentional decision to rely on a deemed decision referred to in clause 8.5.
- 8.7 Each agency must, upon request, give the Commission Chief Executive a report about the number of known deemed decisions.
- 8.8 A casual employee who is converted could be subject to a probationary period following conversion in accordance with section 126 of the PS Act. However, given that the casual employee has performed the required service with the agency, it would not be expected that agencies would apply probation other than in exceptional circumstances.

9. Appeals

- 9.1 A casual employee eligible for review under section 149B has a right of appeal provided for in section 194(1)(e) of the PS Act in relation to a decision not to convert.
- 9.2 In accordance with section 195(1)(i) of the PS Act, a casual employee does not have a right of appeal in relation to a decision not to convert them in response to an application made under section 149.
- 9.3 In accordance with section 194(1)(e)(ii), a casual employee may appeal an offer for conversion to permanent employment under section 149B(3)(b) as a general employee on tenure or a public service officer in the circumstances where the hours of work offered are less than the hours required to be offered by clause 7.4.





10. Transitional arrangements

- 10.1 Section 293 of the PS Act sets out the transitional arrangements for temporary or casual employees who may now be eligible to request a 12-month conversion review under section 149(3).
- 10.2 Section 294A sets out the transitional arrangements for temporary or casual employees who are eligible for review of their status after two years continuous employment under section 149B.
- 10.3 Reviews commenced before the date of effect of this directive are to be finalised in accordance with the provisions of Directive 01/17.

11. Definitions

Agency—see Application clause of this directive.

Chief executive: in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Continuously employed in relation to a person employed in a department for a period is defined in schedule 4 of the PS Act to mean the person is employed in the department:

- continuously as a fixed term temporary employee, or
- as a casual employee on a regular and systematic basis during the period, or
- in a combination of casual employment on a regular and systematic basis and continuous fixed term temporary employment.

Conversion decision in section 194(1)(e) is a decision under section 149B:

- not to convert the basis of employment of a fixed term temporary employee or casual employee
- to convert the basis of employment of an employee in a circumstance provided for under a directive made under section 149B.

Conversion review means a review of a casual employee's employment status for conversion to permanent employment under chapter 5, part 5 of the PS Act.

Industrial instrument has the same meaning as schedule 5 of the *Industrial Relations Act 2016*.

Non-industrial instrument employee means a person who works, or has worked, as a public service employee other than under an industrial instrument.

Permanent employment means employment as a general employee on tenure or a public service officer on a part-time or full-time basis.





12. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- Chapter 5, part 5 contains related provisions of the PS Act relevant to casual employment decisions.
- [Recruitment and selection directive](#)
- [Fixed term temporary employment directive](#)
- [Employment Security Policy](#)
- [Template letters](#)
- [Decision making checklist](#)
- [Find resources about managing employees](#) in the Queensland Government
- The Appeals directive and QIRC information about [public service appeals](#)





Fixed term temporary employment

Directive: 09/20

Effective date: 25/09/20

Supersedes: 08/17

1. Purpose

- 1.1 The *Public Service Act 2008* (PS Act) establishes employment on tenure as the default basis of employment in the Queensland public service, excluding non-industrial instrument employees, and sets out the circumstances where employment on tenure is not viable or appropriate. The PS Act also sets out the matters a chief executive must consider when deciding whether to offer to convert the employment of a fixed term temporary employee to employment as a general employee on tenure or a public service officer.

The legislation indicates where employment on tenure may not be appropriate.

- 1.2 This directive:

- (a) sets out requirements relating to performance management when a fixed term temporary employee is engaged
- (b) highlights sections in the PS Act dealing with the employment and conversion of fixed term temporary employees
- (c) sets out procedures for reviews and requirements for decisions.

2. Authorising provisions

- 2.1 This directive is made pursuant to sections 53, 148, 149A and 149B of the PS Act.

3. Application

- 3.1 This directive applies to public service employees who are employed on a full-time or part-time fixed term temporary basis under section 147(2)(a) or section 148 of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
- (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 This directive does not apply to non-industrial instrument employees.
- 3.4 Public service employees who are currently employed on a casual basis under section 147 or 148A of the PS Act should refer to the casual employment directive.





- 3.5 The requirement to advertise roles in the directive relating to recruitment and selection does not apply to the conversion of fixed term temporary employees under this directive. However, if an agency is seeking to permanently appoint an existing fixed term temporary employee prior to the employee becoming eligible for review under section 149 of the PS Act, that is before one year of continuous service has been completed, the appointment must comply with the recruitment and selection directive.
- 3.6 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

Directive

4. Principles

- 4.1 Section 25(2) of the PS Act provides that employment on tenure is the default basis of employment in the public service, excluding non-industrial instrument employees. This section gives full effect to the Government's Employment Security Policy.
- 4.2 Chief executives who are managing and deciding the employment or conversion of fixed term temporary employees must consult and comply with the relevant provisions of the PS Act, including sections 148 to 149B.
- 4.3 Section 148(1) of the PS Act (Appendix A) defines a fixed term temporary employee.
- 4.4 Sections 148(2) and 148(3) list purposes where employment of a person on tenure may not be viable or appropriate.
- 4.5 Under the *Human Rights Act 2019* decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Fixed term temporary employee rights and responsibilities

- 5.1 Section 26 of the PS Act requires managers to ensure that public service employees are aware of the work performance and personal conduct expected of them and to proactively manage that performance and conduct—including by applying the positive performance management principles in section 25A of the PS Act (Appendix B). Fixed term temporary employees who are engaged for a period of three months or more are required to participate in the formal performance management system of their agency. Participation in the formal system where a fixed term temporary employee is engaged for less than three months is at the discretion of the agency.
- 5.2 An agency must ensure that fixed term temporary employees are provided with:
- (a) access to flexible working arrangements in accordance with the relevant industrial instruments, and
 - (b) a written notice of engagement for each separate period of engagement, including engagements which extend beyond the end date of the original engagement.





6. Application by employee for conversion of fixed term temporary to permanent employment after one year or more of continuous service—sections 149 and 149A (Appendix C)

- 6.1 Section 149 of the PS Act establishes that a fixed term temporary employee who has been continuously employed for one year or more may request a review for conversion to permanent employment. An employee may only make one request in a 12-month period.
- 6.2 An agency must set out information on its intranet about how to request a review.
- 6.3 For a review under section 149, section 149(4A) sets out the matters to be considered when working out how long the employee has been continuously employed in the agency.
- 6.4 Under section 149A(1), the chief executive must decide a request made under section 149 within 28 days after receiving it.

7. Review by agency of the status of a fixed term temporary employee after two years or more of continuous service—section 149B (Appendix C)

- 7.1 Section 149B of the PS Act requires and establishes criteria for an agency's chief executive to review the status of a fixed term temporary employee's employment where the employee has been continuously employed for two years or more in the same agency.
- 7.2 For a review under section 149B, section 149B(7A) sets out the matters to be considered when working out how long the employee has been continuously employed in the agency.
- 7.3 Under section 149B(3), the chief executive must decide within 28 days whether to offer to convert the person's employment basis to employment as a general employee on tenure or a public service officer, or continue the person's employment according to the terms of the person's existing employment.
- 7.4 Unless there are exceptional circumstances, when deciding the hours of work to be offered when converting an employee under section 149(3)(b), the chief executive should offer hours of work no less than the greater of the following amounts:
 - (a) the hours worked by the employee in the continuing role or role that is substantially the same, in the week immediately before the chief executive's decision
 - (b) the average hours per week worked by the employee in the continuing role or role that is substantially the same, over the last two years.
- 7.5 Under section 149B(4)(b), a subsequent review must be conducted after each additional year where an employee remains continuously employed.

8. Decision on review of status

- 8.1 When deciding whether to offer permanent employment under section 149A or 149B, a chief executive must consider the criteria in section 149A(2):
 - whether there is a continuing need for the person to be employed in the role, or a role which is substantially the same
 - the merit of the fixed term temporary employee for the role having regard to the merit principle in section 27 of the PS Act





- whether any requirements of an industrial instrument need to be complied with in relation to making the decision, and
 - the reasons for each decision previously made, or deemed to have been made, under sections 149A or 149B in relation to the employee during their period of continuous employment.
- 8.2 Sections 149A(3) and 149B(5) provide that where the criteria above are met, the chief executive must decide to offer to convert the person's employment to permanent employment as a general employee on tenure or a public service officer unless it is not viable or appropriate having regard to the genuine operational requirements of the agency.
- 8.3 If the outcome is a decision to offer to convert the fixed term temporary employee to permanent employment:
- (a) the written notification must include the terms and conditions of the offer to convert to permanent employment (e.g. full-time or part-time, days and hours of work, pay, location of the employment and any other changes to entitlements)
 - (b) where the employee is part-time, an explanation of the days and hours of work offered in the decision, and
 - (c) the chief executive cannot convert the fixed term temporary employee unless they accept the terms and conditions of the offer to convert.
- 8.4 Notice of a decision not to convert a person's employment must comply with section 149A(4) for applications under section 149 or 149B(6) for reviews under section 149B. In accordance with section 27B of the *Acts Interpretation Act 1954*, the decision must:
- (a) set out the findings on material questions of fact, and
 - (b) refer to the evidence or other material on which those findings were based.
- 8.5 Sections 149A(5) and 149B(7) of the PS Act provide for a deemed decision not to convert where a decision is not made within the required timeframe (28 days).
- 8.6 Agencies are expected to undertake each review as required by the PS Act and this directive and must not make an intentional decision to rely on a deemed decision referred to in clause 8.5.
- 8.7 Each agency must, upon request, give the Commission Chief Executive a report about the number of known deemed decisions.

9. Employee's right to notify that a review is required under section 149B

- 9.1 A fixed term temporary employee may notify the employee's agency of its requirement to commence the review under section 149B and that the employee would like to be converted to permanent employment.
- 9.2 The notification may be made by the employee or the employee's representative provided it is not more than three months before the review must be undertaken in accordance with section of 149B of the PS Act.
- 9.3 An agency must set out information on its intranet about how to notify under this clause.
- 9.4 Where an employee does not notify their agency, the agency is still required to undertake the review in accordance with section 149B of the PS Act.





10. Notice to be given if the chief executive starts a review of the status of the fixed term temporary employee's employment

- 10.1 The agency must notify the employee when the agency starts a review of the status of the fixed term temporary employee's employment under section 149B of the PS Act.
- 10.2 The notification must be in writing and include:
 - (a) the name and contact details of the agency contact for the review
 - (b) the date by which the decision must be made
 - (c) that the employee or their representative may choose to provide a written submission for consideration during the review process
 - (d) that if the chief executive does not make a decision within the required period as defined in section 149B(9), the chief executive is taken to have decided not to convert the fixed term temporary employee, and
 - (e) that section 194(1)(e) and 196(e) of the PS Act, provide that a conversion decision under section 149B may be appealed, and the timeframe for appeal.

11. Appeals

- 11.1 A fixed term temporary employee eligible for review under section 149B has a right of appeal provided for in section 194(1)(e) of the PS Act in relation to a decision not to convert.
- 11.2 In accordance with section 195(1)(i) of the PS Act, a fixed term temporary employee does not have a right of appeal in relation to a decision not to convert in response to an application made under section 149.
- 11.3 In accordance with section 194(1)(e)(ii), a fixed term temporary employee may appeal an offer made under section 149B(3)(b) for conversion to permanent employment as a general employee on tenure or a public service officer in the circumstances where the hours of work offered are less than the hours required to be offered by clause 7.4.

12. Transitional arrangements

- 12.1 Section 293 of the PS Act sets out the transitional arrangements for temporary or casual employees who may now be eligible to request a 12-month conversion review under section 149(3).
- 12.2 Section 294A sets out the transitional arrangements for temporary or casual employees who are eligible for review of their status after two years continuous employment under section 149B.
- 12.3 Conversion reviews commenced before the date of effect of this directive are to be finalised in accordance with the provisions of Directive 08/17 consistent with the transitional arrangement in section 294 of the PS Act.





13. Definitions

Agency—see application clause of this directive.

Continuously employed is defined in schedule 4 of the PS Act.

Conversion decision in section 194(1)(e) is a decision under section 149B:

- not to convert the basis of employment of a fixed term temporary employee or casual employee
- to convert the basis of employment of an employee in a circumstance provided for under a directive made under section 149B.

Conversion review means a review of a fixed term temporary employee's employment status for conversion to permanent employment under Chapter 5, Part 5 of the PS Act.

Industrial instrument has the same meaning as schedule 5 of the *Industrial Relations Act 2016*.

Non-industrial instrument employees means persons who work, or have worked, as public service employees other than under an industrial instrument.

Permanent employment means employment as a general employee on tenure or a public service officer on a part-time or full-time basis.

14. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- Chapter 5, Part 5 (general and temporary employees) are related provisions of the PS Act relevant to fixed term temporary employment decisions
- [Recruitment and selection directive](#)
- [Casual employment directive](#)
- [Employment security policy](#)
- [Template letters](#)
- [Decision making checklist](#)
- [Find Resources about managing employees](#) in the Queensland Government
- [Appeals directive](#) and QIRC information about [Public Service Appeals](#)





Public Service Commission

Independent medical examinations

Directive: 10/20

Effective date: 25/09/20

Supersedes: 01/18

1. Purpose

This directive affirms the government's commitment to workplace health, safety and wellbeing for all employees by clarifying the practical application of sections 174 and 175 of the *Public Service Act 2008* (PS Act), by providing that an employee may seek an internal review and may appeal a decision requiring them to submit to an independent medical examination (IME) where the PS Act conditions have not been met.

2. Authorising provisions

This directive is made pursuant to sections 53 and 179AA of the PS Act.

3. Application

- 3.1 This directive applies to public service employees as defined in the PS Act.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

Directive

4. Principles

- 4.1 The Queensland Government is committed to supporting public service employees who experience illness or injury to maintain their employment, including, where appropriate, through the application of reasonable adjustment.
- 4.2 It is expected that managers and employees will work together to:
 - (a) manage work performance and absence in an appropriately supportive manner, including where a medical condition may be a contributing factor
 - (b) where an IME report has been obtained, explore opportunities for continuing





employment in line with it before considering ill health retirement of an employee under the PS Act

- (c) communicate regularly, openly and constructively, including while the employee is absent, or during performance management processes. Mutual information sharing is expected to occur and is likely to improve outcomes for employees' health, safety, wellbeing and performance.
- 4.3 The PS Act provides a mechanism for seeking independent medical advice. A PS Act IME under section 175 is to be used only where the conditions in section 174 have been met.
- 4.4 The chief executive is to ensure that processes are fair and without bias, provide for impartiality and inform and involve the employee. When making a decision about an IME for an employee, it is expected that the chief executive will also comply with the IME guideline, privacy obligations and any other relevant legislation.
- 4.5 The directive provides an employee with the right to seek an internal review of a decision requiring them to submit to a medical examination under sections 174 and 175 of the PS Act. This allows both the employee and the chief executive to ensure the conditions of the PS Act have been met.
- 4.6 The directive provides a mechanism for appealing a requirement to submit to an independent medical examination and confirms the expectation that processes under sections 174-179 of the PS Act will be implemented with appropriate support, sensitivity and respect in accordance with the management and employment principles of the PS Act.
- 4.7 The chief executive will make appropriate delegations of the decision making powers under sections 174-179 of the PS Act to support the internal review process in clause 6.
- 4.8 Under the *Human Rights Act 2019* decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Decision to require an employee to submit to a medical examination

- 5.1 In some cases, early communication and management efforts may not be successful in addressing performance issues or a current absence.
- 5.2 Where the conditions in section 174 are satisfied, section 175 of the PS Act provides that a chief executive may appoint a doctor to examine the employee and give the chief executive a written report on the examination. It also provides that a chief executive may require the employee to submit to the medical examination. This is a lawful direction that does not require the employee's consent. Failure to comply may be grounds for discipline action.
- 5.3 The conditions in sections 174(a) and (b) of the PS Act must both be met before a chief executive may require the employee to submit to a medical examination. Firstly, section 174(a) requires that an employee is either absent from duty (which is a question of fact) OR the chief executive must have sufficient grounds, supported by evidence, to be reasonably satisfied the employee is not performing their duties satisfactorily. Secondly, in section 174(b), the chief executive must have sufficient grounds, which have been





documented, to support their reasonable suspicion that the employee's current absence or unsatisfactory performance is caused by a mental or physical illness or disability.

- 5.4 Where an employee's absence is relied upon, the chief executive must reasonably suspect it is caused by mental or physical illness or disability and not another reason, for example, a suspension unrelated to mental or physical illness or disability.
- 5.5 The chief executive is to provide the employee with at least 28 days notice of a medical examination appointment unless the employee agrees to a shorter notice period. The direction to require an employee to submit to a medical examination must set out the basis and reasons for the direction under section 174, including the information provided to the IME doctor. The direction must also explain the employee's right to seek an internal review or appeal the decision and the timeframes.

6. Use of existing medical reports

- 6.1 Where an employee provides a medical report or consents to the agency being provided with a medical report from a third party (e.g. QSuper) the agency can consider the information provided in determining what actions if any are required to manage the impact of the employee's illness or disability in the workplace. Clear written consent for the use of the report should be obtained from the employee.
- 6.2 Workers' compensation documents including WorkCover medical reports cannot be used or paraphrased where action under s178 of the PS Act is or will be considered as it is contrary to s572A of the *Workers Compensation and Rehabilitation Act 2003*.

7. Internal review

- 7.1 An employee may, within 14 days of receiving the notice to attend a medical examination appointment, notify the chief executive in writing that they are seeking an internal review of the decision requiring them to submit to a medical examination.
- 7.2 Upon the chief executive receiving notice of an internal review request, the IME appointment should be cancelled, and rescheduled subject to the outcome of the review decision.
- 7.3 The employee must provide reasons for requesting the review explaining why they believe the requirement to submit to an IME does not meet the PS Act conditions. A chief executive may extend the time for the employee to provide reasons for requesting the review, taking into account the employee's individual circumstances.
- 7.4 The internal review should determine whether the decision was made in compliance with the conditions in section 174 of the PS Act and the procedural requirements of this directive. The internal reviewer will have access to all information considered for the original decision.
- 7.5 The internal review is to be conducted within the agency by a different decision maker. Where practicable, the review decision maker should be senior to the original decision maker and removed from the original decision making process. An internal review should not be undertaken by a person who made or recommended the original decision.
- 7.6 The review decision maker must provide the employee with written notice of the review decision, including the basis and reasons for the decision within 20 working days of the





employee providing their reasons for review under clause 7.3, or a longer time with the employee's agreement.

7.7 An employee may appeal the review decision made under clause 7 of this directive.

8. Right to appeal a requirement to submit to a medical examination

8.1 Section 194(1)(a) of the PS Act allows for an appeal of a decision made under a directive. An employee may seek either an internal review or an appeal of a decision requiring them to submit to a medical examination, on the basis the decision does not satisfy the conditions of section 174 of the PS Act. Where the employee does not seek an internal review under clause 7, an appeal must be made within 21 days of the decision, or within the time determined by the Queensland Industrial Relations Commission (QIRC).

8.2 Where the employee has sought an internal review under clause 7, and the internal review decision requires them to submit to a medical examination, the employee may, under this directive, appeal the internal review decision on the basis that it does not satisfy the conditions of section 174 of the PS Act. The appeal must be made within 21 days of the internal review decision or within the time required by the QIRC.

8.3 The internal review and appeal rights may not be exercised concurrently.

8.4 An [appeals guide](#) has been designed to help explain the appeal process and can be found on the QIRC website.

9. The independent medical examination report

9.1 The IME report is an important piece of information for the chief executive or delegate to consider when deciding how best to support an employee, with a focus on continuing employment. It must contain information that is required by section 177 of the PS Act. Any additional information that is included must be demonstrably related to workplace impacts of the employee's medical condition.

9.2 The letter of referral to the IME doctor should identify for them that their report is not to contain any medical or other information that is not directly or indirectly related to the effect and management of the employee's medical condition on their workplace performance or current absence. Information that may be irrelevant, depending on the medical condition, may include, for example, family or personal history, gender preferences for intimate relationships, gynaecological history, libido or past sexual behaviour. This type of information should only be included after careful consideration of its relevance by the independent medical examiner.

9.3 A copy of the report is to be provided to the employee or their nominated doctor in accordance with sections 177(3)–(5) of the PS Act.

9.4 The chief executive must consider the report and either propose no further action or propose an appropriate course of action under section 178 of the PS Act. In proposing a course of action, the chief executive must provide the employee with procedural fairness, consider any applicable statutory protections and consider all reasonably practicable options for continuing employment. Retirement of the employee should be considered as a last resort.





10. Transitional arrangements

- 10.1 This directive applies where, on or after the effective date, a chief executive signs a requirement for an employee to submit to an IME. The superseded directive applies where notice to attend an IME has been signed before the directive takes effect.

11. Definitions

Agency—see application clause of this directive.

Chief executive in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Medical condition means a mental or physical illness or disability referred to in section 174 of the PS Act.

12. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- Sections 52, 174 to 179 PS Act are provisions relevant to an IME.
- [Managing employee health, safety and wellbeing—-independent medical examinations guideline](#)
- [Template letters](#)
- [Decision making checklist](#)
- Superseded version of the directive: [01/18](#)
- [Find resources about managing employees](#) in the Queensland Government
- [Role of a support person](#) in the Queensland Government
- [Appeals directive](#) and QIRC information about [Public Service Appeals](#)





Public Service Commission

Individual employee grievances

Directive: 11/20

Effective date: 25/09/20

Supersedes: 02/17

1. Purpose

To provide principles and procedures for managing and resolving individual employee grievances.

2. Authorising provisions

This directive is made pursuant to sections 53 and 218A of the *Public Service Act 2008* (PS Act).

3. Application

- 3.1 This directive applies to public service employees as defined in the PS Act.
- 3.2 This directive applies to the following entities (each entity being an “agency” for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 This directive does not replace, modify or revoke any legislative requirements that apply to the management of particular types of complaints. For example corrupt conduct under the *Crime and Corruption Act 2001*, public interest disclosures under the *Public Interest Disclosure Act 2010*, or complaints under the *Human Rights Act 2019* (HR Act).
- 3.4 This directive is separate from and does not replace any grievance related provisions within the *Industrial Relations Act 2016* (IR Act) or any other relevant industrial instrument, such as a Queensland modern award.
- 3.5 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 The Queensland Government is committed to creating positive and healthy workplace cultures, where employees, supervisors and managers:
- (a) make decisions and take actions that are fair and transparent, and take responsibility for the consequences of their decisions and actions
 - (b) question actions that are inconsistent with the [public service values](#) and [Code of Conduct for the Queensland public service](#)
 - (c) treat each other with respect independent of their status or disagreement
 - (d) listen to understand and show empathy for others
 - (e) work together to resolve issues early and as informally as possible.
- 4.2 The framework created by this directive recognises that effective grievance resolution systems form a useful mechanism through which employees and agencies can work together to create better workplaces that benefit all public service employees. The framework enables agencies to respond in a supportive way to resolve concerns raised by employees, including through the use of alternative dispute resolution (ADR) strategies.
- 4.3 Managers and supervisors are required to proactively identify workplace issues in accordance with the management principles set out in section 26(3) of the PS Act. Regardless of whether an individual employee grievance has been submitted by an employee under this directive, managers and supervisors should manage workplace issues effectively by creating a safe environment to conduct courageous and supportive conversations.
- 4.4 Under the HR Act, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Matters that can be the subject of an individual employee grievance

- 5.1 An individual employee grievance under this directive is a grievance submitted by a current public service employee who has an honest belief, based on reasonable grounds, that:
- (a) an administrative decision, which they are aggrieved by, is unfair and unreasonable
 - (b) the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable
 - (c) the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality
 - (d) the conduct or behaviour of an employee is a breach of the Code of Conduct
 - (e) an act or decision is not compatible with human rights or a decision failed to give proper consideration to a relevant human right under the HR Act.





6. Matters that cannot be the subject of an individual employee grievance

- 6.1 The following decisions, conduct or behaviour cannot be the subject of an individual employee grievance under this directive:
- (a) a decision by an agency under Chapter 5, Part 7 of the PS Act relating to mental and physical incapacity
 - (b) a decision made under Chapter 6, Part 2 of the PS Act relating to discipline decisions
 - (c) a decision relating to the recruitment or selection of a public service employee
 - (d) a decision relating to a person's work performance, other than a decision about the person's work performance that is recorded in a formal way as part of a periodic performance review
 - (e) a decision relating to the resolution of a grievance under an industrial instrument, other than a decision about the outcome of a grievance
 - (f) a decision relating to the development or performance management of a chief executive or senior executive
 - (g) a work performance matter that is the subject of an existing review of a procedural matter under section 88IA of the PS Act
 - (h) an investigation, suspension or discipline process that is the subject of a current internal or external review under the PS Act and relevant directive
 - (i) conduct or behaviour of an employee, agent or contractor, or a decision by an agency that is already the subject of an application, or which becomes the subject of an application, by the same employee to the Queensland Industrial Relations Commission (QIRC) in relation to an alleged contravention of a workplace right under Chapter 8, Part 1 (General Protections) of the IR Act
 - (j) conduct or behaviour of an employee, agent or contractor that is already the subject of a complaint, or which becomes the subject of a complaint, by the same employee to the QIRC in relation to alleged sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality under the Anti-Discrimination Act 1991
 - (k) a decision by an agency that is the subject of an existing complaint by the same employee to the Queensland Ombudsman under the *Ombudsman Act 2001* where the Ombudsman investigates the complaint.
- 6.2 Under the PS Act, an employee seeking to lodge a fair treatment appeal is generally required to have used their agency individual employee grievance mechanism prior to lodging an appeal.
- 6.3 An employee may choose not to use their agency's complaints mechanism where they are seeking to appeal a finding by the chief executive under section 187 of the PS Act that a disciplinary ground exists for an employee. Section 195(3A)(b) of the PS Act allows the employee aggrieved by this decision to lodge a public service appeal in relation to the decision.

7. Requirement for an individual employee grievance resolution system

- 7.1 An agency must implement and maintain an individual employee grievance resolution system.





- 7.2 An agency's individual employee grievance resolution system must:
- (a) comply with the principles of individual employee grievance resolution in clause 4 and clause 8, and
 - (b) be supported by written policies and procedures that are readily available to employees.
- 7.3 Where an individual employee grievance is made to an agency, responsibility for managing the grievance rests with the agency, subject to any relevant legislative provisions or provisions of a directive.

8. Individual employee grievance resolution principles

- 8.1 Employees are required to ensure that individual employee grievances are submitted as soon as reasonably possible after the administrative decision, alleged conduct or alleged behaviour has occurred.
- 8.2 Individual employee grievances are to be managed and resolved using a three-step process:
- (a) local action (the first stage of the individual employee grievance process)
 - (b) internal review of a decision made following local action (the second stage of the individual employee grievance process), and
 - (c) where applicable, external review of a decision made at internal review (the third stage of the individual employee grievance process).
- 8.3 Agencies, including managers and supervisors, must manage individual employee grievances:
- (a) in accordance with principles of natural justice, including timely decisions and the provision of adequate reasons
 - (b) in a manner that protects the privacy of the employee who has submitted the grievance subject to any legal disclosure obligations, such as the requirement to provide natural justice to the subject of the grievance, and
 - (c) in accordance with the procedures in clause 9.
- 8.4 All parties to an individual employee grievance:
- (a) must engage in the individual employee grievance process in good faith, and
 - (b) be provided with regular and timely information by the decision maker in relation to the progress of the individual employee grievance.
- 8.5 To assist in the resolution of individual employee grievances an employee who submits an individual employee grievance may be:
- (a) supported by a person of their choosing, and
 - (b) represented by a union representative or member of a professional association.





9. Procedures for managing and resolving individual employee grievances

9.1 Stage 1—local action

- (a) An employee must submit their individual employee grievance in writing to the appropriate delegate in their agency. The grievance must:
 - (i) comply with the agency's individual employee grievance policy and procedures, unless the employee's grievance is made to the Commission Chief Executive (CCE) about the chief executive of an agency under clause 10, and
 - (ii) include sufficient information to enable the agency to take appropriate action, including outlining the action that the employee considers would resolve the grievance. If the individual employee grievance does not include this information, the agency can request that additional information be provided by the employee.
- (b) An individual employee grievance submitted by an employee must be resolved in accordance with the agency's individual employee grievance policy and procedures. This action may include, but is not limited to, one or more of the following:
 - (i) conducting preliminary enquiries to determine appropriate options for resolution of the individual employee grievance
 - (ii) ADR strategies, including, facilitated discussion, mediation, conciliation or negotiation
 - (iii) gathering information, including from witnesses, and/or
 - (iv) other reasonable action in the circumstances.
- (c) If the agency is reasonably satisfied that:
 - (i) an individual employee grievance is frivolous or vexatious, or
 - (ii) does not meet the relevant criteria of an individual employee grievance under clause 5, or
 - (iii) an employee has unreasonably refused to participate in local action, including ADR where appropriate, to resolve the individual employee grievance,
 the agency may decide to take no further action in relation to the individual employee grievance. The agency must give written reasons for its decision in accordance with clause 9.1(f).
- (d) A decision about an individual employee grievance should be made as soon as possible, but must be made within 28 calendar days of receipt of the individual employee grievance unless:
 - (i) the timeframe has been extended by mutual agreement between the parties. A party to the individual employee grievance is not to unreasonably withhold their agreement or
 - (ii) a grievance has been submitted to the CCE about a chief executive of an agency under clause 10.
- (e) Where an individual employee grievance is made about an administrative decision and the agency fails to make a decision within 28 calendar days or such longer time as has been agreed, the agency is taken to have confirmed the decision and this allows the employee to then immediately make a request for internal review.





- (f) After a decision has been made about an individual employee grievance— including a decision to take no action under clause 9.1(c)—the agency must provide a written decision to the employee who submitted the grievance. The decision must:
 - (i) outline the action taken to manage the individual employee grievance and the outcome of this action
 - (ii) provide the reasons for the decision, or the decision to take no action
 - (iii) outline any action that the agency proposes to take, or will take, as a result of the decision; and
 - (iv) inform the employee of their internal review rights outlined in Stage 2— internal review, including any relevant timeframes.

9.2 Stage 2—internal review

- (a) If an employee is dissatisfied with a decision made through local action, the employee may make a written request to the agency chief executive for an internal review.
- (b) A request for an internal review must:
 - (i) be received by the chief executive within 14 days of the employee receiving a copy of the decision made through local action or a decision is taken be made under clause 9.1(e)
 - (ii) clearly state the reasons for dissatisfaction with the decision made through local action, and not merely state a belief that the decision made through local action was unfair and unreasonable, and
 - (iii) state the action the employee believes would resolve the grievance.
- (c) Once an agency receives a request for an internal review, the agency must notify the employee in writing:
 - (i) that the request for an internal review has been received by the agency
 - (ii) of the name and contact information for a contact person for the internal review, and
 - (iii) of the 14 day timeframe for making a decision in clause 9.2(f).
- (d) An internal review is to be completed by the chief executive or their delegate. The chief executive or delegate is to determine whether the decision made through local action was fair and reasonable in the circumstances.
- (e) If the chief executive or delegate is satisfied that:
 - (i) the reasons for seeking an internal review are insufficient
 - (ii) the request for internal review is frivolous or vexatious, or
 - (iii) the employee has unreasonably refused to participate in local action to resolve the individual employee grievance

the agency may decide to take no further action in relation to the request for internal review. The agency must give written reasons for its decision in accordance with clause 9.2(h).
- (f) A decision about internal review of a decision made through local action must be made as soon as possible and within 14 days of receipt of a written request from an employee for internal review. The 14 day period commences from the date the





agency receives the request for internal review, in accordance with clause 9.2(b). This applies unless:

- (i) the timeframe has been extended by mutual agreement between the parties. A party to the individual employee grievance is not to unreasonably withhold their agreement or
 - (ii) where the chief executive or delegate can demonstrate that reasonable attempts have been made to progress the individual employee grievance.
- (g) If the chief executive or delegate fails to make a decision in relation to the request for internal review, the agency is taken to have confirmed the decision made through local action. Depending on the issues raised in the individual employee grievance, this may result in an avenue of external review being available to an employee once the 14 day period in clause 9.2(f) has expired.
- (h) At the completion of internal review, including a decision to take no further action under clause 9.2(e), the chief executive or delegate must provide a written decision to the employee. This decision must:
- (i) outline the action taken to review the decision made through local action
 - (ii) outline the reasons for the decision, or the decision to take no further action
 - (iii) outline any action that the chief executive or delegate proposes to take, or will take, as a result of the internal review, and
 - (iv) outline any avenues of external review that may be available to the employee, including any relevant timeframes.

9.3 Stage 3—external review

- (a) If the employee who made the original individual employee grievance is dissatisfied with a decision made following internal review, the employee may seek an external review. Depending on the issues raised in the grievance, the avenues for external review may include:¹
- (i) a public service appeal against a decision under a directive, a decision of the CCE under section 88IA to give a direction about the handling of a work performance matter, or a fair treatment decision, as provided for under sections 194(1)(a), 194(1)(ba) or 194(1)(eb) of the PS Act
 - (ii) notification to the QIRC of an industrial dispute under an industrial instrument
 - (iii) an application to the QIRC in relation to an alleged contravention of a workplace right under Chapter 8, Part 1 of the IR Act
 - (iv) an application to the QIRC for a stop bullying order under Chapter 7, Part 4 of the IR Act
 - (v) a complaint to the QIRC in relation to alleged sexual harassment, racial vilification or religious vilification under Chapter 7, Part 1 of the AD Act
 - (vi) a complaint to the Queensland Ombudsman under the *Ombudsman Act 2001*. Note that under section 23 of the *Ombudsman Act 2001*, the Ombudsman has a wide discretion to refuse to investigate a complaint, for example, if the

¹ Sections 425 and 449 of the IR Act preclude an employee from lodging more than one type of application to the QIRC in relation to the same decision, conduct or behaviour, except where the matter relates to bullying in the workplace.





complainant has a right of appeal or review they have not used or where the complainant has used and exhausted another type of review or appeal

- (vii) a complaint to the Queensland Human Rights Commission under section 65 of the HR Act, where the agency has not responded to an individual employee grievance about conduct affecting a relevant human right within 45 days, or where the employee considers the agency response inadequate.
- (b) However, the issues raised in an individual employee grievance may mean that the grievance is not eligible for external review under the above legislation.
- (c) Employees seeking more information about the procedures to be followed when making a public service appeal should refer to the QIRC [appeals guide](#).

10. Grievances submitted to the Commission Chief Executive about the chief executive of an agency

- 10.1 An employee may submit a grievance to the CCE about the chief executive of an agency. A grievance must be made in writing and must state the action the employee believes would resolve the individual employee grievance.
- 10.2 In making a decision about an individual employee grievance about a chief executive of an agency, the CCE is to take action in accordance with clause 9.1(b).
- 10.3 A decision about an individual employee grievance about a chief executive of an agency should be made as soon as possible, but must be made within 28 calendar days of receipt of the grievance unless:
 - (a) the timeframe has been extended by mutual agreement between the parties (a party to the individual employee grievance is not to unreasonably withhold their agreement), or
 - (b) where the CCE can demonstrate that reasonable attempts have been made to progress the grievance.
- 10.4 The CCE may decide to take no further action in relation to a grievance if the CCE is reasonably satisfied that the grievance is frivolous or vexatious, lacks substance, does not meet the relevant criteria of an individual employee grievance or an employee unreasonably refuses to participate in action to resolve the grievance.
- 10.5 After making a decision about the grievance, including a decision to take no further action, the CCE must provide a written decision to the employee who submitted the grievance. This decision must outline:
 - (a) the action taken to manage the individual employee grievance and the outcome of this action
 - (b) the reasons for the decision, or the decision to take no action
 - (c) any action that the CCE will take, or proposes to take, as a result of the decision, and
 - (d) any avenues of external review that may be available to the employee.

11. Transitional arrangements

- 11.1 Employee complaints received under superseded Directive 2/17: Managing employee complaints, are to be finalised in accordance with that directive.





12. Definitions

For the purposes of this directive:

Administrative decision means a decision made by the agency in relation to the administration of its affairs and includes the failure to make a decision within a specified timeframe where an agency is required to do so.

Agency—see application section.

Bullying in the workplace has the same meaning as defined in section 272 of the IR Act.

Employee has the same meaning as defined in section 9 of the PS Act.

Individual employee grievance is a specific grievance formally raised by an employee via an agency's individual employee grievance management system.

Individual employee grievance management system means the policy, procedures, personnel and technology used by an agency in receiving, recording, responding to and reporting on employee complaints, as defined in section 218A of the PS Act.

Fair treatment decision is a decision that an employee considers to be unfair and unreasonable, as defined in section 194(1)(eb) of the PS Act.

Gender identity has the same meaning as defined in the AD Act.

Parties to an individual employee grievance includes the person who submits the individual employee grievance and the respondent (either the agency or employee who is the subject of the individual employee grievance) to the individual employee complaint.

Personal information as defined in section 12 of the *Information Privacy Act 2009*.

Privacy means the management of personal information in accordance with the *Information Privacy Act 2009*.

Racial vilification has the same meaning as defined in the AD Act.

Religious vilification has the same meaning as defined in the AD Act.

Sexual harassment has the same meaning as defined in the AD Act.

13. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- Sections 26, 46, 52, 194, 195 and 196 of the PS Act are relevant to individual employee grievances.
- Superseded version(s) of the directive: [02/17](#), 8/10
- [Find resources about managing employees](#) in the Queensland Government
- QIRC information about [public service appeals](#)
- [Role of a support person](#) in the Queensland Government





Public Service Commission

Recruitment and selection

Directive: 12/20

Effective date: 25/09/20

Supersedes: 15/13

1. Purpose

- 1.1 To specify the requirements applying to the recruitment and selection of public service employees.
- 1.2 The *Public Service Act 2008* (PS Act) establishes employment on tenure is the default basis of employment in the public service, excluding non-industrial instrument employees, and sets out the circumstances where employment on tenure is not viable or appropriate.

2. Authorising provisions

This directive is made pursuant to sections 29 and 53 of the PS Act.

3. Application

- 3.1 Unless otherwise stated, this directive applies to public service employees as defined in section 9 of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.2 This directive does not apply to the recruitment and selection of chief executive officers.
- 3.3 This directive does not apply to the appointment of an employee to a higher classification level or conversion of fixed term temporary or casual employees made under the relevant directive. However, if an agency is seeking to permanently appoint an employee prior to the employee becoming eligible under the relevant directive, the appointment must comply with this directive.
- 3.4 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 The recruitment and selection of public service employees must be in accordance with the merit principle and criteria prescribed in sections 27 and 28 of the PS Act and directed towards attracting and retaining a diverse and skilled workforce, drawn from government and non-government sectors (see sections 25 and 99 of the PS Act).
- 4.2 Recruitment and selection occurs within the context of broader workforce planning, with chief executives responsible for determining what staffing resources and capabilities are required to achieve their service delivery goals. This may include reviewing current and future capability requirements and funding availability ahead of advertising.
- 4.3 Recruitment and selection occurs within the context of the Queensland Government's commitment to employment security and maximising permanent employment of existing employees.
- 4.4 Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Role evaluation

- 5.1 Unless an alternative is approved by the Commission Chief Executive (CCE), a role evaluation for the purpose of determining the work value and applicable classification level must be undertaken in accordance with the Queensland public sector job evaluation management system.
- 5.2 A role evaluation is not required to be undertaken for levels 1 and 2 of the professional and technical streams as these levels exist for the purpose of fulfilling education and training requirements prior to appointment to the level of practising professional or technical officer.

6. Vacancy advertisement and exemptions from advertising

- 6.1 The filling of a vacancy must first comply with the directive relating to supporting employees affected by workplace change.
- 6.2 Prior to filling a senior executive service (SES) vacancy or s122 vacancy to be remunerated equivalent to an SES classification, for a period greater than six months, a chief executive must consult with the Public Service Commission about the proposed recruitment and selection strategy.
- 6.3 Attracting and retaining a diverse and skilled workforce is generally best supported by advertising vacancies to the open market. As such, subject to clauses 6.6 to 6.8, vacancies must be advertised in a way that maximises quality applicant pools. The minimum requirement is that positions are advertised for a period of 10 working days (exclusive of the Christmas to new year closure period) on the [Smart jobs and careers website](#), or in the case of vacancies for graduate roles or graduate development programs, on the Queensland Government graduate portal. Acceptance of applications submitted after advertising closes is at the discretion of the panel.





- 6.4 The following information must be provided when a vacancy is advertised¹:
- (a) a description of the duties to be undertaken and the key capabilities² against which applicants' merit will be assessed³
 - (b) any mandatory qualifications or conditions including, if a chief executive has designated a role as an identified role, the mandatory attribute(s) applicants must possess to be eligible for appointment
 - (c) the location and duration of the vacancy or vacancies (e.g. permanent, fixed term temporary)
 - (d) any pre-employment checks including disciplinary history and criminal history that may be undertaken
 - (e) any probationary period which may apply
 - (f) information regarding the obligations of newly appointed public service employees to disclose employment as a lobbyist and any previous serious disciplinary history.
- 6.5 Information on classification and/or salary range may also be included, however agencies may elect to seek applicants' expressions of desired salary range, particularly where a range of roles are vacant. Salary payable remains tied to the relevant classification level and applicable industrial instrument.
- 6.6 Vacancies are not required to be advertised where they are:
- (a) for entry level roles
 - (b) to be filled for a period of up to six months, subject to clauses 6.7 and 6.8
 - (c) to be filled via transfer, redeployment or secondment at or below level
 - (d) to be filled using an order of merit for a recurring vacancy
 - (e) for a casual role.
- 6.7 A vacancy filled under clause 6.6(b) may only be filled without advertising for a further period where it had been expected that the initial vacancy would only be required to be filled for a period of up to six months.
- 6.8 The duration of a further period in clause 6.7 is up to six months, with the combined total duration that the vacancy may be filled without advertising being up to 12 months. The filling of the vacancy for any additional period must be advertised.
- 6.9 A chief executive may exempt a vacancy from advertising or elect to limit the advertising only where they consider there is justification for doing so. In determining whether to exercise their discretion under this clause, the chief executive must consider:
- (a) their obligations under the PS Act, including the effective and efficient use of resources (s98), adherence to the management and employment principles (s99), the attraction of a diverse workforce (s25) and the provision of equality of employment opportunity (s30)
 - (b) how merit will be assessed should an exemption be approved
 - (c) whether an advertised vacancy process occurred previously⁴

¹ Chief executives are responsible for determining whether this information is included on the ad itself or in provided material, such as a role description.

² For executive roles, capabilities should align with the [Leadership competencies for Queensland](#).

³ Job requirements must not disadvantage external applicants unless they are inherent requirements of a role.

⁴ E.g. if a role becomes vacant again within a few months of a previous process.





- (d) whether the role classification or nature (e.g. fixed term temporary to permanent) has changed, including as part of a progressional scheme
- (e) whether exemption from or limited advertising will prevent the displacement of existing permanent public service employees
- (f) what impact, if any, would there be on the achievement of the department's service delivery outcomes.

7. Merit assessment and decisions

- 7.1 Merit assessment must occur irrespective of whether a vacancy is advertised or not. Subject to clause 7.2, chief executives are responsible for determining the activities required to assess merit.
- 7.2 Assessment processes for advertised vacancies must:
 - (a) incorporate selection techniques that enable a sufficiently comprehensive assessment of the applicants' merit within the current context and duties of the role
 - (b) take into consideration all merit information before the selection panel, rather than focusing on one aspect of the assessment process (e.g. interview performance)
 - (c) incorporate pre-employment checks including referee checking as per clause 8
 - (d) measure the relative merit of each applicant, and
 - (e) be consistent with the principles of employment equity and anti-discrimination.
- 7.3 Selection decisions for advertised vacancies must be clearly documented and able to be independently reviewed, including a statement explaining the basis on which the panel has concluded that the recommended appointee is the most meritorious (i.e. has demonstrated superior merit against the key attributes of the role as compared to the other applicants).
- 7.4 Chief executives must determine the documentation required for selection decisions for non-advertised vacancies, having regard to the nature and duration of the vacancy.
- 7.5 If the selection panel recommends an order of merit, a comparative statement clearly describing the specific reasons why each recommended applicant is considered to be more meritorious than the next in the order of merit, must be provided.
- 7.6 In approving an appointment, the decision maker must be satisfied the proposed appointee is the most meritorious and, where applicable the selection process complies with the PS Act and this directive.
- 7.7 Selection decisions and notification of outcomes must take place in a timely manner. To facilitate this, panels should be formed and selection strategies determined prior or concurrent to advertising. A vacancy advertisement will lapse if no appointment is made within six months of the closing date of the vacancy.
- 7.8 To promote integrity in recruitment, selection panel documentation must include a declaration from each panel member and the decision maker that identifies:
 - (a) any actual, potential, or reasonably perceived conflicts of interest between the panel member or decision maker and applicants for the role, or
 - (b) the absence of a conflict of interest between the panel member or decision maker and applicants for the role.





8. Pre-employment checking (including referee checks)

- 8.1 Pre-employment checking offers the opportunity to gain further information to assist in the panel's assessment of applicants and/or to validate the panel's assessment.
- 8.2 Referee checking relating to an applicant's work behaviour and performance, including seeking the referee's knowledge about past performance assessments and past serious disciplinary action must be conducted. The panel is responsible for determining when, during the selection process, referee checking is to be conducted.
- 8.3 At a minimum, referee checking must be conducted in relation to the applicant or applicants recommended for appointment and where applicable on an order of merit. Referee checking for other applicants is at the discretion of the panel.
- 8.4 Unless there are extenuating circumstances, at least one referee must have thorough knowledge of the applicant's conduct and performance within the previous two years. Where an applicant is a current or previous public service employee, the panel should give particular consideration to requesting the applicant nominate a referee who can report on their public service employment.
- 8.5 Referees must provide an honest account of an applicant's performance and workplace conduct relevant to the role. For referees who are existing public service employees, the omission of relevant information or the provision of untruthful information by a referee to the referee's own agency or to another agency may result in a discipline process being commenced.
- 8.6 Where a selection panel believes there are referees other than those nominated by the applicant who hold information relevant to the selection decision, a selection panel may contact the applicant for additional referees. Where an applicant declines, the panel must make its recommendation on the information before it.
- 8.7 The timing and extent of any other pre-employment checks, such as serious discipline history disclosure by the applicant (s179A of the PS Act), exchanges of information between departments (s188B of the PS Act) or eligibility to work in Australia, is at the discretion of the panel. The nature, seriousness and timeframe of the disciplinary history, including whether it shows a pattern of behaviour, and any impact on the duties and responsibilities of the role applied for, must be considered when determining what impact, if any, there is on the applicant's suitability for the role, with such considerations reflected in the selection report.
- 8.8 Criminal history checks must be conducted in accordance with the PS Act (Chapter 5, Part 6) and any relevant directive.

9. Dealing with adverse information that may affect the selection outcome

- 9.1 The selection panel is responsible for assessing the relative merit of applicants based on the information available to them. In some instances, this may include adverse information, as a result of a pre-employment check or through panel members' pre-existing knowledge of an applicant. Where adverse information is taken into account by the panel and it adversely affects the proposed selection outcome i.e. recommendation for appointment, the information must be put to the applicant for response. Any response from the applicant must be documented and considered by the panel ahead of making their final recommendation.





10. Post selection feedback

- 10.1 Subject to clause 10.2 all applicants are to be advised that they may request feedback.
- 10.2 Graduate applicants who are interviewed are to be advised they are entitled to request feedback.
- 10.3 Applicants who request feedback must receive timely, specific and constructive feedback from a member of the selection panel sufficient to explain the panel's recommendation and the decision maker's decision.

11. Gazette notification

- 11.1 The following appointments must be notified in the gazette within one month of the appointment decision:
 - (a) all senior executive and senior officer appointments from an advertised vacancy
 - (b) promotions of tenured public service officers from an advertised vacancy
 - (c) promotions of tenured public service officers arising from the use of the recurring vacancy provision.

12. Reporting

- 12.1 Chief executives are required to report on the implementation of this directive as requested by the CCE.

13. Transitional arrangements (where applicable)

- 13.1 At the commencement of this directive, a vacancy that has been filled following an exemption of advertising under clause 9.6 of directive 15/13, may be filled for a further period of up to six months, without the vacancy first being advertised.

14. Definitions

Agency—see application clause of this directive.

Appoint means to employ a public service officer, general employee or fixed term temporary employee covered by this directive.

Decision maker includes a delegate.

Entry level roles, in relation to the *Queensland Public Service Officers and Other Employees Award – State 2015 (QPSOOEA)* are those roles at classification levels 1 and 2 of the administrative, technical, professional and operational streams. A role at classification level 3 of the operational stream may also be considered entry level where the role does not represent a career path for staff of the agency and the role has no supervisory responsibility.

In relation to other industrial instruments, entry level roles are the lowermost classification level of a specific stream or classification structure, provided that the base superannuable salary of that classification level (not including loading or allowances) does not exceed the equivalent of AO5(4) of the *QPSOOEA*.





For roles that exceed the salary equivalent of AO5(4) of the *QPSOOEA*, entry-level roles are the base classification level or levels determined by the chief executive and approved by the CCE.

Gazette is the Queensland Government Gazette.

Graduate is a person who has recently been recognised by a university as having completed the requirements of a bachelor degree or higher degree.

Graduate development program is a formal program designed for the recruitment, selection and development of graduates. The program is operational for a minimum of 12 months and is considered a workforce planning strategy to attract and retain specialist graduate skills.

Graduate role is a role up to and including the AO3 classification level (or equivalent) designated by a chief executive officer to be filled by a graduate.

Identified role is a position in relation to which it is lawful to discriminate in favour of a person possessing one of the attributes set out in section 7 of the *Anti-Discrimination Act 1991* for the purpose contained in section 25 of that Act.

Mandatory conditions are inherent requirements of the role and can include certain classes of drivers' license, statutory restrictions, any requirement for the appointee to undertake regular travel etc.

Mandatory qualification means a qualification that is essential for the occupant of a role to hold in order to comply with an industrial instrument or to satisfy legal, accreditation or registration requirements or where a chief executive determination has been made. A chief executive may make a determination in relation to any role within their agency, provided that before making a determination (and where applicable) the chief executive consults with any agencies that have roles identical or substantially similar to that proposed to have mandatory qualifications attached and with the CCE.

Recurring vacancy means a vacancy that is identical to the original vacancy in terms of title, remuneration, classification level and role description, provided the appointment is made within 12 months of the closing date of the original vacancy.

A recurring vacancy also means a similar vacancy provided that the classification level, remuneration and key capabilities are the same as the original vacancy and the role requirements are similar and the advertisement included a note that applications may be used to appoint to similar vacancies for a specified period up to 12 months after the closing date of the initial vacancy.

In applying the recurring vacancy provision, a fixed term temporary appointment may be made from a vacancy advertised as permanent however a permanent appointment cannot be made from a vacancy advertised as fixed term.

Selection panel means the person or persons responsible for conducting the assessment of applicants and making a recommendation about appointment to the decision maker. For SES vacancies, the panel must include one member from outside the Ministerial portfolio. While it is not prohibited, the decision maker should generally not be a member of the selection panel.

Serious disciplinary action has the meaning set out in s179A of the PS Act.





15. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers:

- [Directives relating to:](#)
 - supporting employees affected by workplace change
 - fixed term temporary employment
 - casual employment
 - appointing a public service employee to a higher classification level
- [Find resources about managing employees](#) in the Queensland Government:
 - PSC recruitment and selection templates
 - PSC best practice guide for senior executive service recruitment and selection
 - Guideline on appointment to senior executive service positions
 - Policy on disclosure of previous employment as a lobbyist
 - Code of Conduct for the Queensland public service
- *Public Sector Ethics Act 1994*





Appointing a public service employee to a higher classification level

Directive: 13/20

Effective date: 25/09/20

1. Purpose

- 1.1 The *Public Service Act 2008* (PS Act) establishes employment on tenure is the default basis of employment in the public service, excluding non-industrial instrument employees, and sets out the circumstances where employment on tenure is not viable or appropriate.
- 1.2 This directive:
 - (a) highlights key sections in the PS Act dealing with appointing a public service employee assuming the duties and responsibilities of a position at a higher classification level
 - (b) supports the opportunity to appoint an employee to a higher classification level where that employee has performed the role for one year and is eligible for appointment having regard to the merit principle
 - (c) sets out procedures for requests and decisions.

2. Authorising provisions

This directive is made pursuant to sections 53 and 149C of the *Public Service Act 2008* (PS Act).

3. Application

- 3.1 This directive applies to:
 - (a) a public service officer who is seconded to, or
 - (b) a public service employee (including a fixed term temporary employee) who is assuming the duties and responsibilities of,
a higher classification level in the public service agency (agency) in which the employee is substantively employed.
- 3.2 This directive does not apply to:
 - (a) a casual employee
 - (b) a non-industrial instrument employee
 - (c) an employee who is seconded to or acting in a position that is ordinarily held by a non-industrial instrument employee.



- 3.3 This directive applies to the following entities (each entity being an “agency” for this directive) and their employees:
- (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.4 The requirement to advertise roles in the directive relating to recruitment and selection does not apply to the appointment of an employee to a higher classification level under this directive. However, if an agency is seeking to permanently appoint an employee to a higher classification level prior to the employee becoming eligible to request an appointment under section 149C of the PS Act, the appointment must comply with the recruitment and selection directive.
- 3.5 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

Directive

4. Principles

- 4.1 An employee seconded to or assuming the duties and responsibilities of a higher classification level in the agency in which the employee is substantively employed can be appointed to the position at the higher classification level as a general employee on tenure or a public service officer following a written request to the chief executive.
- 4.2 Secondment to or assuming the duties and responsibilities of a higher classification level should only be used when permanent appointment to the role is not viable or appropriate. Circumstances that would support the temporary engagement of an employee at a higher classification level include:
- (a) when an existing employee takes a period of leave such as parental, long service, recreation or long-term sick leave and needs to be replaced until the date of their expected return
 - (b) when an existing employee is absent to perform another role within their agency, or is on secondment, and the agency does not use permanent relief pools for those types of roles
 - (c) to perform work for a particular project or purpose that has a known end date
 - (d) to perform work necessary to meet an unexpected short-term increase in workload
- 4.3 Under the *Human Rights Act 2019* decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.





5. Employee may request to be appointed at the higher classification level

- 5.1 Section 149C of the PS Act provides that an employee seconded or engaged in higher duties may submit a written request to the chief executive to permanently appoint the employee to the higher classification level as a general employee on tenure or a public service officer.
- 5.2 To be eligible to request consideration for appointment at the higher classification level under clause 5.1 the employee must:
- (a) have been seconded to or assuming the duties and responsibilities of the higher classification level
 - (b) for a continuous period of at least one year
 - (c) be eligible for appointment to the higher classification level having regard to the merit principle.
- 5.3 Under section 149C(3) of the PS Act, an eligible employee may request the chief executive to permanently appoint the employee to the higher classification level:
- (a) one year after being seconded to or assuming the duties and responsibilities of the higher classification level, and
 - (b) each subsequent year where the employee continues their engagement at the higher classification level in the same role.
- 5.4 An employee may make one request for appointment in each one year period commencing on the employee becoming eligible to request under clause 5.3(a) or 5.3(b), and may make an additional request if the role becomes a substantive vacancy.
- 5.5 The chief executive must consider permanently appointing the employee to the higher classification level where a written request has been made under this clause.

6. Decision making

- 6.1 When deciding whether to permanently appoint the employee to the higher classification level as a general employee on tenure or a public service officer, the chief executive may consider whether the employee has any performance concerns that have been put to the employee and documented and remain unresolved, that would mean that the employee is no longer eligible for appointment to the position at the higher classification level having regard to the merit principle.
- 6.2 In accordance with section 149C(4A) of the PS Act, when deciding the request, the chief executive must have regard to:
- (a) the genuine operational requirements of the department, and
 - (b) the reasons for each decision previously made, or deemed to have been made, under section 149C of the PS Act in relation to the employee during their continuous period of employment at the higher classification level.
- 6.3 In accordance with section 149C(6) of the PS Act, if the chief executive does not make the decision within 28 days, the chief executive is taken to have decided that the person's engagement in the agency is to continue according to the terms of the existing secondment or higher duties arrangement.





- 6.4 Each agency must, upon request, give the Commission Chief Executive a report about the number of known deemed decisions occurring by operation of section 149C(6) of the PS Act.

7. Statement of reasons

- 7.1 A chief executive who decides to refuse a request made under clause 5 is required to provide a written notice that meets the requirements of section 149C(5) of the PS Act (Appendix A). The notice provided to the employee must, in accordance with section 27B of the *Acts Interpretation Act 1954*:
- (a) set out the findings on material questions of fact, and
 - (b) refer to the evidence or other material on which those findings were based.
- 7.2 A written notice is not required to be prepared 'after the fact' to support a deemed decision made under clause 6.3.

8. Appeals

- 8.1 An employee eligible for review under clause 149C(3)(b), that is after two years of continuous engagement at the higher classification level, has a right of appeal provided for in section 194(1)(e)(iii) of the PS Act in relation to a decision not to permanently appoint the employee to the higher classification level.
- 8.2 In accordance with section 195(1)(j) of the PS Act, an employee does not have a right of appeal in relation to a decision not to permanently appoint the employee to the higher classification level in response to an application made under clause 149C(3)(a), that is if the employee has been seconded to or acting at the higher classification level for less than two years.

9. Exemption from advertising

- 9.1 Any requirement to advertise a role in a directive dealing with recruitment and selection does not apply when permanently appointing an employee under this directive.

10. Transitional provisions

- 10.1 Section 295 of the PS Act sets out the transitional arrangements for employees seconded to or assuming the duties and responsibilities of a higher classification level who may now be eligible to request appointment at the higher classification level as a general employee on tenure or a public service officer.

11. Definitions

Agency has the meaning provided in clause 3.3 of this directive.

Chief executive, in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Continuous period for the purposes of this directive, means a period of unbroken engagement, including periods of authorised leave or absence, at the higher classification level in the same role, in the same agency.





Higher classification level means a classification level which has a higher maximum salary than the maximum salary of the classification level actually held by the employee. An employee who has assumed less than the full duties and responsibilities of the higher classification level and as a result receives remuneration at a relevant percentage of less than 100 per cent is not considered to be performing at the higher classification level.

Non-industrial instrument employee has the meaning given under the *Industrial Relations Act 2016*.

Public service agency means a department or public service office as provided for in section 49A of the PS Act.

Secondment has the meaning given under section 120(1)(a) of the PS Act.

Substantive vacancy means a recurrently funded position identified on an agency's establishment list that does not have an ongoing incumbent appointed.

12. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- [Template letters](#)
- [Decision making checklist](#)
- [Find resources about managing employees](#) in the Queensland Government
- [Directives relating to](#)
 - supporting employees affected by workplace change
 - fixed term temporary employment
 - casual employment.





Discipline

Directive: 14/20

Effective date: 25/09/20

1. Purpose

- 1.1 The *Public Service Act 2008* (PS Act) requires disciplinary processes to comply with the PS Act, this directive and the principles of natural justice.
- 1.2 The PS Act requires the Commission Chief Executive to make a directive about disciplinary action.
- 1.3 The purpose of this directive is to:
 - (a) outline the process for managing disciplinary action under the PS Act, including how natural justice requirements may be met
 - (b) provide for periodic reviews of disciplinary action being considered or undertaken, including the period within which reviews must be conducted, to ensure timely resolution of disciplinary matters
 - (c) outline the circumstances in which a contravention of section 187(1)(g) of the PS Act is likely to be considered sufficiently serious to warrant disciplinary action.

2. Authorising provisions

This directive is made pursuant to sections 53 and 192A of the PS Act.

3. Application

- 3.1 This directive applies to all public service employees in relation to disciplinary processes under Chapter 6 of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an “agency” for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 This directive does not replace, modify or revoke any legislative requirements that apply to the management of particular types of complaints (e.g. corrupt conduct under the *Crime and Corruption Act 2001*, public interest disclosures under the *Public Interest Disclosure Act 2010*, or complaints under the *Human Rights Act 2019*).
- 3.4 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 Disciplinary process is not a substitute for management action and the need for managers to undertake early intervention to address unacceptable conduct. Early intervention, even in the context of a likely disciplinary process, provides the best hope for:
- the cessation of unacceptable conduct
 - early resolution
 - preserving working relationships, and
 - avoiding an unnecessary and disproportionately protracted dispute.
- 4.2 Discipline is not appropriate for matters that may be dealt with:
- (a) through management action, which may include use of alternative dispute resolution (ADR), use of warnings, or other management action that is reasonable in the circumstances
 - (b) under the directive on positive performance management.
- 4.3 There will be occasions when it will be necessary and appropriate for a chief executive to commence and complete a disciplinary process, however, the purpose of discipline is to promote integrity. Discipline is as much about maintaining a 'disciplined workforce' as implementing supportive and corrective actions for an employee who is the subject of a disciplinary process.
- 4.4 Discipline under Chapter 6 of the PS Act must:
- (a) be timely, fair, appropriate and proportionate to the seriousness of the work performance matter, and
 - (b) comply with the requirements of the PS Act, the provisions of this directive and the principles of natural justice.
- 4.5 Under the *Human Rights Act 2019* a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Requirements to commence a discipline process

- 5.1 Where a work performance matter arises that may constitute a ground for discipline under section 187 of the PS Act, a chief executive must determine whether to commence a disciplinary process. In making this determination, the chief executive must assess:
- (a) the seriousness of the employee's personal conduct and/or work performance, subject to clause 5.2
 - (b) whether the matter should be resolved through management action
 - (c) whether the matter is a Public Interest Disclosure under the *Public Interest Disclosure Act 2010* and/or whether the matter must first be referred to the Crime and Corruption Commission, Queensland Police Service or other regulatory agency for assessment
 - (d) whether further information is required to commence a disciplinary process.





5.2 In forming a view about the seriousness of the employee's personal conduct and/or work performance under clause 5.1(a), the chief executive should consider:

- (a) whether there are recent previous and/or repeated instances of inappropriate conduct from the employee, and management action has recently been taken for similar conduct
- (b) the impact of the alleged conduct on the employee, their colleagues, the workplace, the complainant, and the reputation of the public sector
- (c) whether the alleged conduct is reasonably suspected to have caused actual harm, or a risk to the health and safety of employees, or other people
- (d) the nature of the alleged conduct, including what the most serious disciplinary outcome may be for conduct of this nature.

6. Discipline for performance

6.1 Section 186C of the PS Act provides that a chief executive must not take disciplinary action against an employee for a matter relating to the employee's performance until the chief executive has complied with the directive about positive performance management.

7. Discipline for conduct

7.1 Section 187 of the PS Act provides a chief executive may discipline an employee if they are reasonably satisfied a ground for discipline arises.

7.2 The circumstances in which a contravention of a relevant standard of conduct under section 187(1)(g) of the PS Act is likely to be considered sufficiently serious to warrant disciplinary action are where the chief executive forms a view that management action is not likely to address and/or resolve the work performance matter.

7.3 In forming a view under clause 7.2, the chief executive must consider whether there are more proactive strategies than disciplinary action to manage the personal and professional development of employees, including through training and development. Additionally, the chief executive must consider:

- (a) whether the matter has been assessed as meeting the definition of corrupt conduct and has been referred to the Crime and Corruption Commission, or has been referred to the Queensland Police Service as a potential criminal offence
- (b) whether management action is an appropriate response based on the nature of the alleged conduct (for example, management action is not appropriate for matters involving theft, fraud, sexual harassment, negligence, or maladministration)
- (c) whether implementing management action would eliminate or effectively control the risk to the health and safety of employees, or other people, posed by the alleged conduct
- (d) whether management action would alleviate or mitigate the impact of the alleged conduct on the employee, their colleagues, the workplace, the complainant, and the reputation of the public sector
- (e) whether management action has recently been taken for previous similar instance/s of inappropriate conduct, and the management action did not result in sustained correction of the employee's conduct





- (f) if the contravention is of a more serious nature, but is a single and/or isolated incident of poor conduct (that is, not a pattern of unreasonable behaviours), whether the chief executive has reasonable concerns about the employee's potential for modified behaviour through management action that clarifies the expected standards of conduct and provides the opportunity and support for the employee to demonstrate sustained correction of their conduct.

8. Discipline process

- 8.1 Section 190 of the PS Act provides that in disciplining a public service employee or former public service employee, a chief executive must comply with the PS Act, this directive, and the principles of natural justice.
- 8.2 The chief executive must demonstrate consideration of conflicts of interest and ensure conflicts of interest are declared, monitored and appropriately managed by all parties to the disciplinary process.
- 8.3 Show cause process for disciplinary finding
 - (a) The chief executive is to provide the employee with written details of each allegation and invite the employee to show cause why a disciplinary finding should not be made in relation to each allegation (a show cause notice on disciplinary finding):
 - (b) Written details of each allegation in clause 8.3(a) must include:
 - (i) the allegation
 - (ii) the particulars of the facts considered by the chief executive for the allegation
 - (iii) the disciplinary ground under section 187 of the PS Act that applies to the allegation.
 - (c) A copy of all evidence relevant to the facts considered by the chief executive for each allegation in clause 8.3(a) must be provided to the employee, including, where relevant, specific reference to page or paragraph numbers that comprise the relevant evidence.
 - (d) The chief executive must provide the employee with a minimum of 14 days from the date of receipt of a show cause notice on disciplinary finding to consider and respond to the notice, having regard to the volume of material and complexity of the matter. The chief executive may grant, and must consider any request for, an extension of time to respond to a show cause notice on disciplinary finding if there are reasonable grounds for extension.
 - (e) If the employee does not respond to a show cause notice on disciplinary finding, or does not respond within the nominated timeframe in clause 8.3(d) and has not been granted an extension of time to respond, the chief executive may make a decision on grounds based on the information available to them.
- 8.4 Decision on grounds (disciplinary finding)
 - (a) A chief executive must review all relevant material, including any submissions from the employee, and make a decision on the disciplinary finding on the balance of probabilities.
 - (b) The chief executive must advise the employee of the chief executive's finding in relation to each allegation included in the show cause notice on disciplinary finding.
 - (c) For each finding in clause 8.4(a) the chief executive must clearly explain their finding of fact on the balance of probabilities, including the evidence relied on to reach the finding, and state if the disciplinary ground to which the allegation was applied has been established.





- (d) The employee is to be informed of the finding and explanation of the finding in writing, including information that the employee may appeal the disciplinary finding.
- (e) If the chief executive determines that discipline ground/s have been established, the chief executive may consider whether disciplinary action should be proposed (clause 8.5) and/or management action implemented, or to take no further action.
If the chief executive determines that no ground/s for discipline have been established, the chief executive may consider whether any management action is required and advise the employee in writing.

8.5 Show cause process for proposed disciplinary action

- (a) The chief executive is to provide the employee with written details of the proposed disciplinary action and invite the employee to show cause why the proposed disciplinary action should not be taken (a show cause notice on disciplinary action).
- (b) The chief executive may propose more than one type of disciplinary action, and if relevant, detail any management action to be implemented.
- (c) The disciplinary action the chief executive may propose is not limited to the examples of disciplinary action listed in section 188 of the PS Act.
- (d) In proposing appropriate and proportionate disciplinary action, the chief executive should consider:
 - (i) the seriousness of the disciplinary finding
 - (ii) the employee's classification level and/or expected level of awareness about their performance or conduct obligations
 - (iii) whether extenuating or mitigating circumstances applied to the employee's actions
 - (iv) the employee's overall work record including previous management interventions and/or disciplinary proceedings
 - (v) the employee's explanation (if any)
 - (vi) the degree of risk to the health and safety of employees, customers and members of the public
 - (vii) the impact on the employee's ability to perform the duties of their position
 - (viii) the employee's potential for modified behaviour in the work unit or elsewhere
 - (ix) the impact a financial penalty may have on the employee
 - (x) the cumulative impact that a reduction in classification and/or pay-point may have on the employee
 - (xi) the likely impact the disciplinary action will have on public and customer confidence in the unit/agency and its proportionality to the gravity of the disciplinary finding.
- (e) A show cause notice on disciplinary action must only state the employee is liable for termination of employment if the chief executive reasonably believes that the employee might, in the circumstances, have their employment terminated.
- (f) The chief executive must provide the employee with a minimum of 7 days from the date of receipt of a show cause notice on disciplinary action to consider and respond to the notice, having regard to the volume of material and complexity of the matter. The chief executive may grant, and must consider any request for, an extension of time to respond to a show cause notice on disciplinary action if there are reasonable grounds for extension.





- (g) If the employee does not respond to a show cause notice on disciplinary action, or does not respond within the nominated timeframe in clause 8.5(f) and has not been granted an extension of time to respond, the chief executive may make a decision on disciplinary action based on the information available to them.

8.6 Decision on disciplinary action

- (a) A chief executive must review all relevant material, including any submissions from the employee in response to a show cause notice, and make a final decision on the disciplinary action to be taken.
- (b) The chief executive must inform the employee of the decision in writing, including:
 - (i) the reasons for the decision, including consideration of any information provided by the employee in response to a show cause notice
 - (ii) excluding a termination decision, information that the employee may appeal the decision on disciplinary action
 - (iii) for a termination decision, information that the employee may lodge an application for reinstatement under the *Industrial Relations Act 2016*.
- (c) A chief executive may decide to impose disciplinary action different to the disciplinary action proposed in the show cause notice on disciplinary action, provided that:
 - (i) the revised disciplinary action is objectively less onerous¹ than the original action proposed, or
 - (ii) the employee is given a further opportunity to comment on the appropriateness of the new proposed action, before a final decision on the disciplinary action is made and communicated to the employee, or
 - (iii) the employee has suggested the disciplinary action as an appropriate alternative penalty.
- (d) Disciplinary action (other than a termination decision) is not to be implemented until the period for an appeal against the decision to discipline the public service employee has expired or any appeal lodged is finalised.

8.7 The chief executive may combine the procedural elements of a show cause process for disciplinary finding and a show cause process for proposed disciplinary action where:

- (a) the particulars of the evidence being relied on to determine discipline liability are not likely to be disputed (for example, where the employee has been found guilty, or pleaded guilty, to a criminal offence in relation to the conduct the subject of the discipline process, regardless of whether a conviction is recorded in relation to that offence), and
- (b) the chief executive reasonably believes the progression or finalisation of the matter is in the best interests of the employee.

8.8 Action taken against a former public service employee under section 188A of the PS Act must comply with the requirements of section 190 of the PS Act.

¹ For example, where the proposed disciplinary action was for a reduction in classification level (demotion) but after considering the employee's response, the chief executive determines to reduce the employee's increment/pay-point within the employee's existing classification level.





9. Support persons and industrial representatives

- 9.1 A subject employee may be supported by a person of their choosing and/or represented by an industrial representative of a union to which the person is a member provided the support person:
- (a) is not otherwise involved in the disciplinary process (for example, as a subject employee or witness)
 - (b) does not provide direct evidence on behalf of, or otherwise talk for the subject employee.
- 9.2 If a support person is an officer of a union to which the employee is a member, the officer also has a role to support their member's interests, including actively ensuring that natural justice and procedural fairness has been afforded to their member.

10. Periodic review of discipline process

- 10.1 This section applies to a work performance matter, other than a corrupt conduct matter.
- 10.2 A chief executive is required to finalise an ongoing discipline process in a timely way.
- 10.3 A discipline process commences when a chief executive writes to the subject employee to inform them that discipline will commence (usually a show cause notice on disciplinary finding).
- 10.4 A discipline process may be extended by the chief executive, following review:
- (a) at six months by an independent decision maker in the agency
 - (b) at nine months by the chief executive
 - (c) at 12 months:
 - (i) for employees of the department responsible for health, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (ii) for employees of the department responsible for education, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (iii) for employees of all other agencies, by the Commission Chief Executive (CCE), Public Service Commission.
 - (d) at 18 months by the CCE, and every three months thereafter.
- 10.5 The review must consider whether the discipline process complies with section 190 of the PS Act and this directive.
- 10.6 A discipline process must not continue until the review is completed.
- 10.7 The findings of the review must be communicated to the subject employee in writing.

11. Subject employee may ask Public Service Commission for review of discipline process

- 11.1 This section applies to a work performance matter, other than a corrupt conduct matter.
- 11.2 A subject employee may ask the commission to conduct a review of a procedural aspect of the agency's handling of a work performance matter, provided:
- (a) the subject employee reasonably believes the chief executive has not complied with this directive
 - (b) the subject employee has used internal review procedures under the directive on individual employee grievances





- (c) having used the procedures at clause 11.2(b) the subject employee is dissatisfied with a decision made following the internal review, and
 - (d) a decision has not been made for the work performance matter that the subject employee may appeal under chapter 7, part 1 of the PS Act.
- 11.3 The subject employee must request the review in writing.
- 11.4 The request under clause 11.3 must address the eligibility for review under clause 11.2 and include:
- (a) a clear statement of how the employee believes the agency has not complied with this directive, and
 - (b) the action the employee seeks from the review.
- 11.5 On receiving the request, the commission may, but is not required to, conduct a review of a procedural aspect of the agency's handling of a work performance matter contemplated in section 88IA of the PS Act, and may but is not required to give the chief executive a report on the review.
- 11.6 The CCE must provide a written decision to the subject employee, along with reasons for the decision, including when the CCE decides not to conduct a review under clause 11.5.

12. Appeal rights

- 12.1 A subject employee has a right of appeal in relation to disciplinary findings or a disciplinary decision (with the exception of a termination decision) as provided for under sections 194(1)(eb) or 194(1)(b) of the PS Act.
- 12.2 A subject employee has a right of appeal in relation to a direction given to a chief executive about the handling of a work performance matter, to the extent the direction affects the subject employee, as provided for under section 194(1)(ba) of the PS Act.

13. Transitional arrangements

- 13.1 Section 296 of the PS Act provides the transitional arrangements for disciplinary processes under section 187(1)(a) or (f)(ii) or (iii) as in force immediately before commencement.
- 13.2 Provisions relating to periodic reviews under clause 10 and provisions relating to reviews requested by a subject employee under clause 11 apply to work performance matters that commence after the commencement date of this directive.

14. Definitions

Where there is no relevant definition in the PS Act, terms in this directive have their ordinary meaning and are to be interpreted consistently with established public service employment practice.

Agency—see application section.

Balance of probabilities refers to the civil standard of proof. For an allegation to be substantiated on the balance of probabilities, the evidence must establish that it is more probable than not that the alleged conduct occurred. The strength of evidence necessary to establish an allegation on the balance of probabilities may vary according to the:

- relevance of the evidence to the allegations





- seriousness of the allegations
- inherent likelihood or improbability of a particular thing or event occurring
- gravity of the consequences flowing from a particular finding.

Chief executive in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Disciplinary process means anything done in making (or in contemplation of making) a disciplinary decision under Chapter 6 of the PS Act, including making a disciplinary finding under section 187, section 187A, or section 188AB and taking disciplinary action under section 188, section 188A, section 188AB, section 188AC or section 188AD.

Natural justice is a right recognised and defined by law that involves two key elements—the hearing rule (everyone is entitled to a decision by a disinterested and unbiased adjudicator), and the bias rule (the parties shall be given adequate notice of the case against them, and a right to respond)

Union, for the purpose of this directive, means an employee organisation registered under chapter 12 of the *Industrial Relations Act 2016* or under the *Fair Work (Registered Organisations) Act 2009* (Cth).

Work performance matter means a matter involving a public service employee's work performance or personal conduct, including, for example, an allegation against the employee that constitutes or would, if proved, constitute a disciplinary ground.

15. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by the chief executive:

- Chapter 3, part 6 (Functions of commission relating to work performance matters) and Chapter 6 (Disciplinary action for public service employees and former public service employees) of the PS Act are relevant provisions for disciplinary processes
- [Commission Chief Executive Guideline: Discipline](#)
- QIRC information about [Public Service Appeals](#)
- [Directives about positive performance management, employee suspensions, workplace investigations, appeals](#)
- [Find Resources about managing employees](#) in the Queensland Government
- [Role of a support person](#) in the Queensland Government





Positive performance management

Directive: 15/20

Effective date: 25/09/20

1. Purpose

- 1.1 Public service employment is to be directed towards promoting best practice human resource management, including through the application of the positive performance management principles set out in section 25A of the Public Service Act 2008 (PS Act).
- 1.2 This directive:
 - (a) outlines the principles of positive performance management in section 25A of the PS Act
 - (b) details the processes for managing employee work performance, including during induction and probation
 - (c) describes the use of performance and development agreements
 - (d) details the process of managing unacceptable work performance in a supportive way.

2. Authorising provisions

This directive is made pursuant to sections 25A and 53 of the PS Act.

3. Application

- 3.1 This directive applies to all public service employees (except chief executives, senior executives and senior executive equivalents) as defined in section 9 of the PS Act, including public service officers, general employees, and employees engaged on a fixed term temporary or casual basis.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 Public service employees work together to build a future focussed, high performing public service that delivers priority government services to the community.
- 4.2 Section 26 of the PS Act and the Code of Conduct for the Queensland public service set out the principles that guide a public service employee's work performance and personal conduct.
- 4.3 Management of all employees must be directed towards the positive performance management principles in section 25A of the PS Act.
- 4.4 Timely, open and regular, constructive communication is the mutual responsibility of managers and employees, who should work together to improve work performance outcomes.
- 4.5 Section 26 of the PS Act requires managers to proactively manage employees' work performance and to take prompt and appropriate action if unacceptable work performance arises.
- 4.6 Section 186C of the PS Act requires a chief executive to apply positive performance management principles before taking disciplinary action for work performance.
- 4.7 Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Positive performance management

- 5.1 Section 25A of the PS Act provides that the management of public service employees must be directed towards the positive performance management principles:
 - (a) pro-actively managing the personal and professional development of public service employees with a view to continuously building expertise within the public service
 - (b) ensuring regular and constructive communication between public service managers and employees in relation to the matters stated in section 26
 - (c) recognising the strengths, requirements and circumstances of individual employees and valuing their contributions
 - (d) recognising performance that meets or exceeds expectations
 - (e) providing opportunities and support to employees for improving performance
 - (f) continuously improving performance through the provision of training and development
 - (g) identifying at the earliest possible stage performance that does not meet expectations
 - (h) integrating the matters mentioned in paragraphs (a) to (g) into management practices and policies.
- 5.2 Chief executives are required to integrate the positive performance management principles into their agency's management practices and policies.
- 5.3 Managers are required to incorporate the positive performance management principles into their management practices.





6. Processes for managing employee work performance

Positive performance management

- 6.1 Agencies must incorporate the positive performance management principles and the processes detailed in clauses 5.1-5.3 into their policies and processes about managing employee work performance to ensure:
- (a) managers set clear expected outcomes linked to organisational performance objectives and plans, including through the use of performance development agreements in line with agency policies
 - (b) managers provide regular and constructive feedback on an employee's work performance, including recognising work performance that meets and exceeds expectations, and feedback on areas of work performance that need improvement, as is appropriate in the circumstances
 - (c) managers promptly communicate and document any gaps between actual and expected work performance of an employee and allow reasonable time for the employee to self-correct
 - (d) constructive engagement with an employee to identify development and training opportunities, to improve work performance, and to build expertise in the public sector.

Induction

- 6.2 Effective work performance management starts with an appropriate induction process for all new employees of the agency:
- (a) where the chief executive considers it appropriate, an induction may also be provided to employees returning to the workplace following leave or other absence of 12 months or more, and to employees who have been promoted, or have moved to positions with different or enhanced responsibilities.
 - (b) an induction process must be designed to provide employees with:
 - (i) a knowledge and understanding of the work performance and personal conduct principles in section 26 of the PS Act
 - (ii) an awareness of the agency's work performance expectations for their role
 - (iii) an understanding of how the agency will apply the positive performance management principles
 - (iv) an understanding that a performance and development agreement may be used to assess work performance during the probationary period (where applicable), as outlined under clause 6.5.

Probation

- 6.3 Under section 126 of the PS Act, when a person is appointed as a public service officer on tenure for the first time, the chief executive of the agency may decide that the officer is appointed on probation for a period of time as specified in the legislation (the probationary period).
- 6.4 This probationary period allows the agency to assess the employee to see if they are suitable for the role and the agency, and for the employee in turn to assess if the role and agency are suitable for them.





- 6.5 Where an employee is subject to a probationary period under section 126 of the PS Act, during the probation process, the chief executive must ensure the employee receives:
- (a) a clear statement of the work performance expectations for the probationary period
 - (b) prompt and appropriate feedback on work performance, including recognition of acceptable and exceptional work performance, and feedback on areas of work performance that need improvement
 - (c) a structured review where unacceptable work performance issues persist that may result in termination of employment prior to the end of the probationary period if the issues are not resolved
 - (d) a structured review before the end of the probationary period to:
 - (i) confirm the appointment, or
 - (ii) extend the probationary period for a further period, or
 - (iii) terminate the employment.
- 6.6 The structured review process under clause 6.5:
- (a) is to be used to determine whether to confirm the appointment; extend the probationary period for a further period of time, or terminate the employment
 - (b) is not a Performance Improvement Plan under clause 7.2.

Performance and development agreements

- 6.7 Ongoing support and development should be provided to employees through the use of performance and development agreements, with regular reviews that promote constructive communication, reflecting the positive performance management principles, to assist the employee to meet and exceed work performance expectations.

7. Decision to commence a structured process to manage unacceptable work performance in a supportive way

- 7.1 The process for managing unacceptable work performance must be supportive, directed to the positive performance management principles, and take into account factors (work and non-work related) that may be affecting the employee:
- (a) Non-work related issues that may be affecting an employee could include personal circumstances that may be impacting their work performance (for example, domestic violence, family caring responsibilities, or a medical condition)
 - (b) Work-related issues that may be affecting an employee could include workload issues, workplace conflict or poor communication.
- 7.2 The chief executive may initiate a performance improvement plan (PIP) as a structured process to address unacceptable work performance where the chief executive considers it fair and reasonable in the circumstances.
- 7.3 Prior to determining whether it is fair and reasonable to initiate a PIP, the chief executive must ensure the following conditions have been met:
- (a) the expected level of work performance for the role was documented and provided to the employee and the employee had a reasonable opportunity to demonstrate the expected level of work performance
 - (b) the expected level of work performance was relevant and appropriate to the role
 - (c) the unacceptable work performance or the gap between actual and expected work performance was previously raised, documented and discussed with the employee





- (d) the employee was offered appropriate support and allowed a reasonable period of time to self-correct.

7.4 A PIP must clearly state:

- (a) the areas of work performance for the role that the employee is required to improve
- (b) the expected work performance with outcomes that are reasonable and measurable
- (c) any gaps between actual and expected work performance
- (d) the support to be offered to the employee
- (e) the frequency of feedback meetings
- (f) how additional feedback will be provided
- (g) its duration, including a start and an end date
- (h) specific strategies on how to address and achieve the expected work performance
- (i) the potential consequences of the expected work performance not being met, including that the chief executive may commence a disciplinary process under the directive relating to discipline.

7.5 The process for managing unacceptable work performance could lead to:

- (a) the employee meeting the work performance expectations for the role and completing the PIP and reverting to ongoing performance development agreements and regular reviews as outlined under clause 6.7, or
- (b) the employee meeting some of the agreed expectations for the role, and the chief executive extending the PIP for a further specified period, or
- (c) the employee failing to meet the work performance expectations set out in the PIP and the chief executive considering management action or commencing a disciplinary process under the directive relating to discipline.

7.6 An employee may appeal a decision to take, or not take, action under this directive under section 194(1)(a) of the PS Act.

8. Transitional arrangements

- 8.1 This directive applies to management action, performance development agreements, and performance improvement plans initiated after the commencement date of this directive.

9. Definitions

Agency—see application section

Chief executive in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Management action is a course of local action that is reasonably open to a manager to support and correct situations of employee conflict, poor work performance or unacceptable behaviours at the earliest possible opportunity.

Manager means an employee, regardless of title, whose duties involve or include managing other public service employees in the carrying out of their duties.





Performance development agreement means the agreement, however named in an agency (e.g. expectation agreement or a performance agreement), between an employee and the manager regarding the employee's expected, work performance and any agreed development during the course of their employment, but normally entered into and reviewed at least annually, in line with any relevant agency policies.

10. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- [Find Resources about managing employees](#) in the Queensland Government:
 - Performance development agreement template
 - Performance improvement plan template
 - Performance improvement plan checklist
 - IME and discipline and grievance directives and guidelines
 - Interaction between work performance and discipline processes flowchart
 - Decision making checklist
- QIRC information about [Public Service Appeals](#)





Public Service Commission

Suspension directive

Directive: 16/20

Effective date: 25/09/20

1. Purpose

1.1 This directive:

- (a) outlines the procedures relating to suspension
- (b) details the periodic reviews of suspension matters
- (c) establishes natural justice considerations, including requirements about providing reasons for decisions about suspensions
- (d) describes the circumstances in which a chief executive may decide a public service employee is not entitled to normal remuneration during their suspension
- (e) details the circumstances in which an employee suspended without remuneration may be reimbursed for remuneration they do not receive during suspension after a determination on discipline penalty is made.

1.2 This directive supports the *Public Service Act 2008* (PS Act) requirements relating to suspension. Suspension is an administrative action, taken for administrative necessity. It is not disciplinary action and is not to be used as a form of punishment. Suspension should be used as a last resort after a decision maker considers all alternative duties prior to making the decision to suspend an employee.

2. Authorising provisions

This directive is made pursuant to sections 53 and 137A of the PS Act.

3. Application

- 3.1 This directive, where indicated, applies to public service officers as defined in section 8 of the PS Act, and where otherwise indicated applies to public service employees as defined in section 9 of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an “agency” for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 Suspending an employee should not be the automatic or default position. The PS Act requires that before suspending an employee, the chief executive must consider all reasonable alternatives, including alternative duties, a temporary transfer, or another alternative working arrangement, that is available to the employee.
- 4.2 Suspension decisions are to be made fairly:
 - (a) Natural justice is required in relation to a suspension without normal remuneration
 - (b) Natural justice is not required in relation to a suspension with normal remuneration.
- 4.3 Whether it is more appropriate to suspend an employee, or to direct them to undertake alternative duties or another alternative working arrangement will depend on the circumstances and facts in each case.
- 4.4 Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive to give proper consideration to human rights.

5 Suspension considerations

5.1 Suspension

- (a) Section 137 of the PS Act provides that the chief executive of a department may, by notice, suspend a person from duty if the chief executive reasonably believes:
 - (i) for a public service officer—the proper and efficient management of the department might be prejudiced if the officer is not suspended
 - (ii) for a public service employee—the employee is liable to discipline under a disciplinary law.
- (b) Section 137(2) provides that the suspension notice must state:
 - (i) when the suspension starts and ends
 - (ii) whether the person is entitled to remuneration for the period of the suspension; and
 - (iii) the effect that alternative employment may, under subsection 137(5), have on any entitlement to remuneration.

Suspension notices must state an end date or express the period of the suspension in terms of a specified number of weeks or months. It is not sufficient to state that suspension will end by reference to events, such as 'until this disciplinary process is finalised', or to state that the suspension will continue until 'otherwise determined'.

- (c) Section 137(8) provides that the chief executive may cancel a suspension at any time.

5.2 Obligation to consider all reasonable alternatives

- (a) Section 137(3) of the PS Act provides that a chief executive must consider all reasonable alternatives before suspending an employee.





- (b) The alternative duties do not have to form part of an established role and can be outside the employee's usual place of work.
- (c) Employers are required to document and provide to the employee what duties or other options had been identified and considered, including any reason why the employee could not undertake those alternative options. This could include:
 - (i) temporary transfer to alternative duties (either in the employee's workplace or at another workplace)
 - (ii) directing the employee to work under close supervision or with another employee
 - (iii) asking the employee if they wish to access accrued recreation and/or long service leave (access to accrued leave is at the discretion of the employee).

6. Suspension without remuneration

- 6.1 Section 137(4) of the PS Act provides that the chief executive may decide that normal remuneration is not appropriate during a period of suspension where the employee is a public service employee liable to discipline.
- 6.2 A decision that normal remuneration is not appropriate during the suspension will usually occur after a period of suspension with remuneration but may be made from the start of the suspension.
- 6.3 In deciding that normal remuneration is not appropriate, the factors the chief executive is to consider include:
 - (a) the nature of the discipline matter
 - (b) any factors not within the control of the agency that are preventing the timely conclusion of the discipline process
 - (c) the public interest of the employee remaining on suspension with remuneration.
- 6.4 A decision to suspend an employee without remuneration is subject to the principles of natural justice. Natural justice is the right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased or disinterested decision maker and the right to have that decision based on logically probative evidence¹. As part of the suspension process:
 - (a) The employee must be given the opportunity to respond to the proposed suspension without remuneration prior to the decision being made by the delegate. This can occur through a 'show cause' process at the time of notification of the initial suspension on normal remuneration, or at any subsequent stage during the suspension.
 - (b) The employee is to be provided with written notice, including the particulars required by section 137 of the PS Act, and reasons for the decision that suspension is without normal remuneration.

¹ *Salermi v MacKellar (No 2)* (1977) 137 CLR; 14 ALR 1





- (c) The chief executive must provide the employee with a minimum of 7 days from the date of receipt of a show cause notice to consider and respond to the notice, having regard to the volume of material and complexity of the matter. The chief executive may grant, and must consider any request for, an extension of time to respond to a show cause notice if there are reasonable grounds for extension.
 - (d) If the employee does not respond to a show cause notice or does not respond within the nominated timeframe in clause 6.4(b) and has not been granted an extension of time to respond, the chief executive may make a decision on grounds based on the information available to them.
- 6.5 A public service employee may appeal a decision to suspend without normal remuneration. An appeal is made to the Queensland Industrial Relations Commission (QIRC) and further information can be found in their Appeals Guide.
- 6.6 An employee must be reimbursed for remuneration the employee does not receive during the employee's suspension if a decision on discipline has been made that does not result in termination of their employment.
- 6.7 The amount to be reimbursed is the employee's normal remuneration at the date of suspension without pay for the period the employee was suspended:
 - (a) taking into account any increase due to certified agreements or rulings made in State Wage Cases, but
 - (b) less any amounts of paid leave taken by the employee during a period of suspension.
- 6.8 An employee who ceases employment prior to a decision on discipline being made is not entitled to reimbursement.
- 6.9 Any amount earned by the employee from alternative employment the employee engaged in during the period of suspension must be deducted from the amount repaid to the employee under 6.7 above, unless:
 - (a) the employee was engaged in the employment at the time of the suspension, and
 - (b) the employee, in engaging in the employment, was not contravening:
 - (i) the PS Act, or
 - (ii) a standard of conduct applying to the employee under an approved code of conduct or standard of practice under *the Public Sector Ethics Act 1994*.
- 6.10 If the employee was not available to work during the period of suspension for reasons other than being suspended (for example, due to being detained in a corrective services facility), then the amount repaid to the employee must be less the total number of days that the employee was not available to work during the period of suspension.





7. Communication and support of suspended employee

- 7.1 Agencies need to have ongoing and clear communication with the employee, both throughout the suspension process and immediately before returning to work. This will assist in clarifying the employer's expectations for the employee and help in the situation where an employee needs to be reintegrated into the workplace. An appropriate contact person may be assigned to perform this function.
- 7.2 The employee should also be offered support on an ongoing basis whilst on suspension (for example, referral to an employee assistance program, participation in a mentoring process with a third party, or other invitations to access support).

8. Periodic review of a suspension

- 8.1 This section applies to a work performance matter, other than a corrupt conduct matter.
- 8.2 A chief executive is expected to resolve the matter giving rise to a suspension in a timely way.
- 8.3 A suspension commences when a chief executive writes to the subject employee to inform them that they are suspended (usually a notice of suspension with remuneration and a show cause notice for suspension without remuneration, where applicable).
- 8.4 A suspension may be extended by the chief executive, following review:
 - (a) at six months by an independent decision maker in the agency
 - (b) at nine months by the chief executive
 - (c) at 12 months:
 - (i) for employees of the department responsible for health, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (ii) for employees of the department responsible for education, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (iii) for employees of all other agencies, by the Commission Chief Executive (CCE).
 - (d) at 18 months by the CCE, and every three months thereafter.
- 8.5 The review must consider whether the suspension should be cancelled or continued having regard to the considerations for suspension in section 137 of the PS Act and this directive.
- 8.6 A suspension should remain in place while the review is completed.
- 8.7 The findings of the review must be communicated to the employee and, where the suspension is continued, the chief executive must provide notice of the suspension to the employee as required by section 137 of the PS Act and this directive.





9 Suspended employee may ask Public Service Commission for review of suspension procedure

- 9.1 This section applies to a work performance matter, other than a corrupt conduct matter.
- 9.2 A suspended employee may ask the Public Service Commission to conduct a review of a suspension procedural aspect of the agency's handling of a work performance matter, provided:
- (a) the suspended employee reasonably believes the chief executive has not complied with this directive
 - (b) the suspended employee has utilised internal review procedures under the directive on individual employee grievances
 - (c) having utilised the procedures at clause 9.2(b) the suspended employee is dissatisfied with a decision made following the internal review, and
 - (d) a decision has not been made for the work performance matter that the suspended employee may appeal under chapter 7, part 1 of the PS Act.
- 9.3 The suspended employee must request the review in writing.
- 9.4 The request under clause 9.3 must address the eligibility for review under clause 9.2 and include:
- (a) a clear statement of how the employee believes the agency has not complied with this directive; and
 - (b) the action the employee seeks from the review.
- 9.5 On receiving the request, the Public Service Commission may, but is not required to, conduct a review contemplated in section 881A of the PS Act, and may but is not required to give the chief executive a report on the review.
- 9.6 The CCE must provide a written decision to the subject employee, along with reasons for the decision, including when the CCE decides not to conduct a review under clause 9.5.

10 Appeal rights

- 10.1 An employee suspended without remuneration may appeal a suspension without remuneration decision (section 196(bb) of the PS Act).

11 Transitional arrangements

- 11.1 Provisions relating to periodic reviews under clause 8 and provisions relating to reviews requested by a suspended employee under clause 9 apply to work performance matters that commence after the commencement date of this directive.

12 Definitions

Agency—see application section

Work performance matter means a matter involving a public service employee's work performance or personal conduct, including, for example, an allegation against the employee that constitutes or would, if proved, constitute a disciplinary ground.





13 Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and may be considered by decision makers.

- Chapter 3, Part 6 (Functions of commission relating to work performance matters) and section 137 (Suspension) of the PS Act are relevant provisions for suspension.
- PSC [Managing employee suspensions](#)
- [Commission chief executive guideline: discipline](#) template letters
- [Find Resources about managing employees](#) in the Queensland Government
- QIRC information about [public service appeals](#)





Public Service Commission

Workplace investigations

Directive: 17/20

Effective date: 25/09/20

1. Purpose

- 1.1 The *Public Service Act 2008* (PS Act) requires the Commission Chief Executive (CCE) to make a directive about the procedures for investigating the substance of a grievance or allegation relating to a public service employee's work performance or personal conduct.
- 1.2 The purpose of this directive is to:
 - (a) outline the procedures for investigating the substance of a grievance or allegation relating to a public service employee's work performance or personal conduct
 - (b) outline how natural justice requirements may be met in relation to a workplace investigation
 - (c) provide for periodic reviews of a workplace investigation, including the period within which reviews must be conducted, to ensure timely finalisation of the investigation.

2. Authorising provisions

This directive is made pursuant to sections 53 and 192A of the PS Act.

3. Application

- 3.1 This directive applies to public service employees as defined in section 9 of the PS Act.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 This directive does not replace, modify or revoke any legislative requirements that apply to the management of particular types of complaints. For example corrupt conduct under the *Crime and Corruption Act 2001*, public interest disclosures under the *Public Interest Disclosure Act 2010*, or complaints under the *Human Rights Act 2019* (HR Act).
- 3.4 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.





Directive

4. Principles

- 4.1 The Queensland Government supports employees and managers to maintain a high standard of professionalism, conduct and work performance, and to ensure inappropriate conduct or performance is dealt with effectively, and in a timely manner that is proportionate to the allegations or concerns.
- 4.2 In the majority of instances, timely management action or using positive performance management strategies will be appropriate, and may negate the need for a more formal process, including a workplace investigation. Less formal management enquiries by an agency may be sufficient to determine:
 - (a) the relevant facts
 - (b) if a complaint or an allegation is likely to be substantiated or unsubstantiated
 - (c) the appropriate action, including whether or not a workplace investigation process should commence.
- 4.3 There will be some matters where a workplace investigation is warranted such as for matters that may proceed to discipline. In these instances, it is critical that the investigation be well managed by the agency, ensuring it is conducted in an appropriate, fair, timely and resource-effective manner.
- 4.4 A workplace investigation, whether internal or external, is not a disciplinary step. It is a separate process to any formal disciplinary process as provided for under chapter 6 of the PS Act.
- 4.5 Workplace investigations about the substance of a grievance or allegation relating to a public service employee's work performance or personal conduct are to be conducted fairly, and in a timely manner that is proportionate to the allegations or concerns.
- 4.6 Workplace investigations must:
 - (a) be free from conflict of interest or bias, with separation of the role of investigator and decision maker
 - (b) have clear terms of reference that ensure transparency of process
 - (c) be conducted in accordance with the principles of natural justice
 - (d) make allowance for the involvement of support persons and/or industrial representatives
 - (e) be conducted in a way that ensures confidentiality is maintained, as far as possible and to the extent it is essential for a fair investigation
 - (f) be conducted ethically and lawfully
 - (g) be conducted in a timely way that is proportionate to the allegations or concerns
 - (h) involve regular and transparent communication
 - (i) be conducted by an employee of the agency wherever possible. External investigations are the exception.
- 4.7 Under the HR Act a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.





5. Determining whether to conduct a workplace investigation

- 5.1 A chief executive may decide to investigate the substance of a grievance or a work performance matter. In deciding to commence a workplace investigation, a chief executive must consider:
- (a) the seriousness of the alleged conduct
 - (b) whether or not there is a sufficient amount of evidence already available (and whether a workplace investigation in these circumstances is an appropriate use of agency resources)
 - (c) how natural justice requirements will be met, and
 - (d) whether there is a more appropriate option to resolve the matter through management action, alternative dispute resolution, or implementation of positive performance management strategies.

6. Conduct of investigations

- 6.1 Before commencement of a workplace investigation, a chief executive must authorise an investigation terms of reference that clearly outlines the terms and scope of the investigation.
- 6.2 The chief executive must demonstrate consideration of conflicts of interest and ensure conflicts of interest are declared, monitored and appropriately managed by all parties to the workplace investigation.
- 6.3 A subject employee must be given reasonable opportunity to participate in the investigation, this includes being advised of allegations against them, the opportunity to seek industrial advice and representation and being afforded reasonable opportunity to provide information about the allegations.
- 6.4 A chief executive may direct a public service employee to participate in a workplace investigation where it is lawful and reasonable to do so.
- 6.5 A subject employee has an obligation to cooperate with the investigation process, where they have been lawfully and reasonably directed to participate, which may include:
- (a) attending an interview and answering questions relevant to the authorised terms of reference
 - (b) answering questions truthfully and to the best of their knowledge
 - (c) providing a response to written allegations relevant to the authorised terms of reference
 - (d) producing any documents or other objects that were created in the course of their employment or are the property of the agency.
- 6.6 A person required to attend an interview as part of a workplace investigation:
- (a) must be given reasonable notice of the interview so that the person can seek advice and arrange a support person
 - (b) must be given a copy of their record of interview, if requested.
- 6.7 The findings of an investigation:
- (a) are not binding on the chief executive
 - (b) are not evidence that can be relied upon by the chief executive. The chief executive may only rely on the evidence that has informed the findings.

7. Support persons and industrial representatives

- 7.1 A subject employee may be supported by a person of their choosing and/or represented by an industrial representative of a union to which the person is a member provided the support person:
- (a) is not otherwise involved in the investigation (for example, as a subject employee or witness)





- (b) does not provide direct evidence on behalf of, or otherwise talk for the subject employee.
- 7.2 If a support person is an officer of a union to which the employee is a member, the officer also has a role to support their member's interests, including actively ensuring that natural justice and procedural fairness has been afforded to their member.

8. Natural justice in investigations

- 8.1 Investigations must be conducted in a fair and balanced manner with no predetermined views.
- 8.2 An investigator must:
 - (a) act fairly and without bias, ensuring they do not make findings for which they have a conflict of interest
 - (b) inform a subject employee of the substance of any allegations against them, or grounds for adverse comment about them
 - (c) give participants in an investigation a reasonable opportunity to put their case, whether in writing or at an interview, or otherwise hear all relevant parties and consider submissions from them
 - (d) make reasonable enquiries before finalising an investigation
 - (e) conduct the investigation in a timely way.
- 8.3 Natural justice does not require that the subject employee be given access to every document seen by, or information given to an investigator. The subject employee must be made aware of what they are accused of and by whom, with sufficient particularity to be able to answer the allegations, and be given the opportunity to answer the allegations.

9. Use of external investigators

- 9.1 An external investigator may only be engaged if it is reasonably necessary or expeditious to do so.
- 9.2 An external investigator must conduct an investigation on the same basis that an internal investigator must conduct an investigation (that is, in accordance with the PS Act and this directive).
- 9.3 The circumstances in which an external investigator may be engaged include:
 - (a) the requirement for specialist skills
 - (b) the existence of a conflict of interest
 - (c) the risk to public confidence
 - (d) resourcing, capability and capacity.
- 9.4 The chief executive must comply with all relevant procurement obligations when engaging an external investigator.
- 9.5 A suitably qualified external investigator must be selected from the relevant standing offer arrangement unless a different provider is approved in writing by the CCE prior to commencement of the investigation.
- 9.6 The chief executive must report on the conduct of the external investigation in accordance with the directive relating to workforce profile and work performance information.
- 9.7 An external investigator's related legal practice or other advocacy entity must not be engaged to advise or act for the agency in actual or contemplated proceedings related to an investigation.





10. Periodic review of investigations

- 10.1 This section applies to a work performance matter, other than a corrupt conduct matter.
- 10.2 A chief executive is required to finalise an ongoing investigation in a timely way.
- 10.3 An investigation commences when a chief executive authorises an investigation terms of reference.
- 10.4 An investigation may be extended by the chief executive, following review:
 - (a) at six months by an independent decision maker in the agency
 - (b) at nine months by the chief executive
 - (c) at 12 months:
 - (i) for employees of the department responsible for health, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (ii) for employees of the department responsible for education, in accordance with section 62(2) of the PS Act, by the chief executive of that department
 - (iii) for employees of all other agencies, by the CCE.
 - (d) at 18 months by the CCE, and every three months thereafter.
- 10.5 The review must consider:
 - (a) whether the investigation complies with the PS Act and this directive
 - (b) whether the investigation has been conducted in accordance with the investigation terms of reference, and
 - (c) the reasons for any delay finalising the investigation.
- 10.6 An investigation may continue while the review is completed.
- 10.7 The findings of the review must be communicated to the employee in writing.

11. Subject employee may ask Public Service Commission for review of investigation

- 11.1 This section applies to a workplace investigation related to a work performance matter, other than a corrupt conduct matter.
- 11.2 A subject employee may ask the commission to conduct a review of a procedural aspect of the agency's handling of the workplace investigation, provided:
 - (a) the subject employee reasonably believes the chief executive has not complied with this directive
 - (b) the subject employee has utilised internal review procedures under the directive on individual employee grievances
 - (c) having utilised the procedures at clause 11.2(b) the subject employee is dissatisfied with a decision made following the internal review, and
 - (d) a decision has not been made for the work performance matter that the subject employee may appeal under chapter 7, part 1 of the PS Act.
- 11.3 The subject employee must request the review in writing.
- 11.4 The request under clause 11.3 must address the eligibility for review under clause 11.2 and include:
 - (a) a clear statement of how the employee believes the agency has not complied with this directive, and
 - (b) the action the employee seeks from the review.
- 11.5 On receiving the request, the commission may, but is not required to, conduct a review of a procedural aspect of the agency's handling of a work performance matter contemplated in section 88IA of the PS Act, and may but is not required to give the chief executive a report on the review.





- 11.6 The CCE must provide a written decision to the subject employee, along with reasons for the decision, including when the CCE decides not to conduct a review under clause 11.5.

12. Appeal rights

- 12.1 A subject employee has a right of appeal in relation to a direction given to a chief executive about the handling of a work performance matter, to the extent the direction affects the subject employee, as provided for under section 194(1)(ba) of the PS Act.

13. Transitional arrangements

- 13.1 Section 296 of the PS Act provides the transitional arrangements for disciplinary processes, including relevant investigations under section 187(1)(a) or (f)(ii) or (iii) as in force immediately before commencement.
- 13.2 Provisions relating to periodic reviews under clause 10 and provisions relating to reviews requested by a subject employee under clause 11 apply to work performance matters that commence after the commencement date of this directive.

14. Definitions

Agency—see application section

Balance of probabilities refers to the civil standard of proof. For an allegation to be substantiated on the balance of probabilities, the evidence must establish that it is more probable than not that the alleged conduct occurred. The strength of evidence necessary to establish an allegation on the balance of probabilities may vary according to the:

- (a) relevance of the evidence to the allegations
- (b) seriousness of the allegations
- (c) inherent likelihood or improbability of a particular thing or event occurring
- (d) gravity of the consequences flowing from a particular finding.

Chief executive in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Disciplinary process means anything done in making (or in contemplation of making) a disciplinary decision under chapter 6 of the PS Act, including making a disciplinary finding under section 187, section 187A, or section 188AB and taking disciplinary action under section 188, section 188A, section 188AB, section 188AC or section 188AD.

An **external investigator** is a person or service provider that is engaged through a contract arrangement to conduct a workplace investigation. Suitably qualified external investigators may be sourced through the Professional Services Standing Offer Arrangement (SOA), unless the required expertise is not available under the SOA.

An **internal investigator** is a suitably skilled Queensland Government employee who is appointed by the chief executive to conduct a workplace investigation.





A **management enquiry** involves a manager or other assigned person making enquiries into a matter to inform a decision about how to progress. The enquiries may involve conversations with employees and/or a review of documents, obtaining a version of events, in writing or verbally. Management enquiries do not involve terms of reference, formal 'investigative interviews' or an external provider conducting or supporting the enquiry.

Natural justice is a right recognised and defined by law that involves two key elements—the hearing rule (everyone is entitled to a decision by a disinterested and unbiased adjudicator), and the bias rule (the parties shall be given adequate notice of the case against them, and a right to respond)

Work performance matter means a matter involving a public service employee's work performance or personal conduct, including, for example, an allegation against the employee that constitutes or would, if proved, constitute a disciplinary ground.

Union, for the purpose of this directive, means an employee organisation registered under chapter 12 of the *Industrial Relations Act 2016* or under the *Fair Work (Registered Organisations) Act 2009* (Cth).

A **workplace investigation** occurs when a chief executive decides that an investigation should be conducted. An investigation can be defined as the unbiased gathering and evaluation of evidence.

15. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by the chief executive:

- Chapter 3, Part 6 (Functions of commission relating to work performance matters) of the PS Act are relevant provisions for workplace investigations
- [Managing workplace investigations: a practical guide for the Queensland public sector](#)
- [Commission chief executive guideline: discipline](#)
- QIRC information about [public service appeals](#)
- [Directives about positive performance management, employee suspensions, workplace investigations, appeals](#)
- [Find resources about managing employees](#) in the Queensland Government
- [Role of a support person](#) in the Queensland Government
- Crime and Corruption Commission's [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#).



NOTIFICATION OF THE FILLING OF ADVERTISED VACANCIES

The following appointments to various positions have been made in accordance with the provisions of the *Public Service Act 2008*.

NOTIFICATION OF THE FILLING OF APPOINTMENTS PART I

A public service officer, tenured general employee or a tenured public sector employee of a public sector unit listed in schedule 1 of *Public Service Regulation 2008* who wishes to appeal against a promotion listed in Part 1 must give a written Appeal Notice within 21 days following gazettal of the promotion to –

Industrial Registrar
Industrial Registry
Email: qirc.registry@qirc.qld.gov.au
Web Address: www.qirc.qld.gov.au for Appeal Notice

For general enquiries prior to lodgement of an appeal:
Contact Industrial Registry on 1300 592 987 or email QIRC.registry@qirc.qld.gov.au

APPOINTMENT PART I – APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee	Previous Position and Classification (Unless otherwise indicated)
DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN				
* 344731/20	Manager, Business Partnerships HR/ER, Office of Chief Human Resource Officer, People Culture and Governance, Corporate Services, Brisbane (AO8)	Date of duty	McGhie, Kayla	Principal Business Partner, Business Partnership HR/ER, People Services, Office of the Chief Human Resource Officer, People Culture and Governance, Corporate Services, Brisbane (AO7)
326792/20	Senior Team Leader, Child and Family, Region – South East Queensland, Service Delivery, Nerang (PO5)	Date of duty	Morgan, Kerry	Service Support Officer, Child and Family, Region – South East Queensland, Service Delivery, Nerang (PO3)
350226/20	Senior Team Leader, Child and Family, Region – Northern Queensland, Service Delivery, Mount Isa (PO5)	Date of duty	Wilde, Shaun Grant	Child Safety Officer, Child and Family, Region – Northern Queensland, Service Delivery, Mount Isa (PO3)
346440/20	Information Support Officer, Right to Information – Information Privacy and Redress, Legal Services – General Counsel, Corporate Services, Brisbane (AO4)	Date of duty	Teitzel, Brooke	Administration Officer, Right to Information – Information Privacy and Redress, Legal Services General Counsel, Corporate Services, Brisbane (AO3)
345149/20	Principal Property Services Officer, Property and Procurement Services, Corporate Services, Brisbane City (AO7)	Date of duty	Bennett, Melissa	Senior Program Officer, Property and Procurement Services, Corporate Services, Brisbane (AO6)
344274/20	Principal Right to Information Officer, Right to Information – Information Privacy and Redress Legal Services – General Counsel, Corporate Services, Brisbane (AO7)	Date of duty	McPhail, Caitlyn Rose	Information Officer, Right to Information – Information Privacy and Redress, Legal Services General Counsel, Corporate Services, Brisbane (AO5)

* HR/ER – Human Resources and Employment Relations.

DEPARTMENT OF EDUCATION

CO 341225/20P	Senior Lawyer, Legal Services Unit, Legal and Administrative Law Branch, People and Executive Services Division, Brisbane (PO5)	28-09-2020	Moses, Kelly	Legal Officer, Legal Services Unit, Legal and Administrative Law Branch, People and Executive Services Division, Brisbane (PO3)
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APPOINTMENT PART I – APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee	Previous Position and Classification (Unless otherwise indicated)
MER 349518/20P	Head of Special Education Services, Bracken Ridge State High School – Special Education Program, Metropolitan Region (HOSSES2)	05-10-2020	Black, Erica Fay	Teacher, Bracken Ridge State High School – Special Education Program, Metropolitan Region (TCH)
FNR 350984/20P	Head of Department – Teaching and Learning/ The Arts, Atherton State High School, Far North Queensland Region (HOD)	05-10-2020	Lawrence, Matthew Todd	Teacher, Atherton State High School, Far North Queensland Region (TCH)
CQR 349041/20P	Principal, Carmila State School, Central Queensland Region (Lv1)	21-09-2020	Lando, Tammy Lorrissa	Teacher, Eimeo Road State School, Central Queensland Region (TCH)
CQR 350256/20P	Head of Department – Junior Secondary, Toolooa State High School, Central Queensland Region (HOD)	21-09-2020	Capill, David Josiah	Teacher, Calliope State School, Central Queensland Region (TCH)
FNR 350985/20P	Head of Department – Teaching and Learning/Health and Physical Education, Far North Queensland Region (HOD)	21-01-2021	Lyndon, Warwick James	Teacher, Atherton State High School, Far North Queensland Region (TCH)

DEPARTMENT OF HOUSING AND PUBLIC WORKS

343049/20	Travel Administrator, Financial Services, Finance Directorate, Corporate Services, Brisbane (AO4)	Date of duty	Johnston, Tracey	Administration Officer, Financial Systems and Services, Financial Directorate, Corporate Services, Brisbane (AO3)
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DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

344565/20	Case Manager, Human Rights, Queensland Civil and Administrative Tribunal, Justice Services, Brisbane (AO4)	Date of duty	Welch, Daisy Kemble	Assistant Case Manager, Human Rights, Queensland Civil and Administrative Tribunal, Justice Services, Brisbane (AO3)
344601/20	Assistant Case Manager, Civil Dispute Administration and Disciplinary, Queensland Civil and Administrative Tribunal, Justice Services, Brisbane (AO3)	Date of duty	Litherland, Jessica Anne	Application Administration Officer, Queensland Civil and Administrative Tribunal, Justice Services, Brisbane (AO2)
322893/19	Senior Legal Officer, Strategic Policy, Strategic Policy and Legal Services, Brisbane (PO5)	Date of duty	Brown, Chantelle	Legal Officer, Strategic Policy, Strategic Policy and Legal Services, Brisbane (PO4)
344565/20	Case Manager, Human Rights, Queensland Civil and Administrative Tribunal, Justice Services, Brisbane (AO4)	Date of duty	Giles, Katie Ella	Administrative Officer, Legal Services and Investigations, Office of the Public Guardian, Justice Service, Brisbane (AO3)

QUEENSLAND CORRECTIVE SERVICES

# 339996/20	Probation Services Officer, Northern Region, Probation and Parole, Statewide Operations, Mornington Island (AO4)	Date of duty	Meek, Allison	Child Safety Support Officer, Child and Family, Region – South West Queensland, Service Delivery, Department of Child Safety Youth and Women, Roma (AO3)
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Vacancy advertised as various locations.

APPOINTMENT PART I – APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee	Previous Position and Classification (Unless otherwise indicated)
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QUEENSLAND FIRE AND EMERGENCY SERVICES

QFES 7782/20	Area Training and Support Officer (ATSO) Rural Fire Services, Queensland Fire and Emergency Services, Rural Fire Services, Mackay (ATSO)	Date of duty	Hopton, Shane	Brigade Training and Support Officer, Rural Fire Service, Central Region, Readiness and Response Services, Mackay (FTSOB4)
QFES 7782/20	Area Training and Support Officer (ATSO) Rural Fire Services, Queensland Fire and Emergency Services, Rural Fire Services, Rockhampton (ATSO)	Date of duty	Mann, Katie	Brigade Training and Support Officer, Rural Fire Service, South Western Region, Readiness and Response Services, Toowoomba (FTSOB6)

QUEENSLAND HEALTH

QAS SRC2019	Officer in Charge, Darling Downs Local Ambulance Service Network, Queensland Ambulance Service, Drayton (AS42)	Date of duty	Taylor, Jamie	Officer in Charge Support, Darling Downs Local Ambulance Service Network, Queensland Ambulance Service, Toowoomba (AS42)
QAS SRC2019	Officer in Charge Support, Darling Downs Local Ambulance Service Network, Queensland Ambulance Service, Toowoomba (AS42)	Date of duty	Haley, Troy	Paramedic, Darling Downs Local Ambulance Service Network, Queensland Ambulance Service, Warwick (AP22)
QAS SRC2019	Officer in Charge, Mackay Local Ambulance Service Network, Queensland Ambulance Service, Mackay (AS41)	Date of duty	Board, Michael	Paramedic, Central Queensland Local Ambulance Service Network, Queensland Ambulance Service, Baralaba (AP22)
QAS SRC2019	Clinical Support Officer, West Moreton Local Ambulance Service Network, Queensland Ambulance Service, Moreton (AS42)	Date of duty	Eager, Samuel	Paramedic, Central Queensland Local Ambulance Service Network, Queensland Ambulance Service, Emerald (AP22)
QAS LARU2020	Paramedic, Metro South Local Ambulance Service Network, Queensland Ambulance Service, Beenleigh (AF31)	Date of duty	White, Melissa	Paramedic, Townsville Local Ambulance Service Network, Queensland Ambulance Service, Townsville (AP22)

QUEENSLAND TREASURY

340693/20	Investigations Officer, Payroll Tax, Office of State Revenue, Brisbane (AO4)	Date of duty	Fonoti, Sinave	Service Officer, Operations, Duties and Grants, Office of State Revenue, Brisbane (AO3)
341754/20	Senior Royalty Advisor, Royalty, Office of State Revenue, Brisbane CBD (AO6)	Date of duty	Dedegikas, John	Investigation Officer – Level 2, Royalty, Office of State Revenue, Brisbane (AO4)
339826/20	Manager, Payroll Tax, Office of State Revenue, Brisbane CBD (AO8)	Date of duty	Hale, Tim	Senior Policy Officer, Policy and Legislation, Office of State Revenue, Brisbane (AO6)
339826/20	Manager, Payroll Tax, Office of State Revenue, Brisbane CBD (AO8)	Date of duty	De Marco, Michael	Senior Revenue Officer – Level 2, Complex and Compliance, Land Tax, Office of State Revenue, Brisbane (AO6)

APPOINTMENT PART I – APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee	Previous Position and Classification (Unless otherwise indicated)
DEPARTMENT OF TRANSPORT AND MAIN ROADS				
* 320884/19	Central Queensland Continuous Applicant Pool Engineering (Civil), Central Queensland Region, Program Delivery and Operations, Infrastructure Management and Delivery, Mackay (PO4)	Date of duty	Rollo, Dale	Engineer (Civil), Delivery and Operations, Mackay/Whitsunday District, Central Queensland Region, Program Delivery and Operations, Infrastructure Management and Delivery, Mackay (PO3)
* 320884/19	Central Queensland Continuous Applicant Pool Engineering (Civil), Central Queensland Region, Program Delivery and Operations, Infrastructure Management and Delivery, Rockhampton (PO4)	Date of duty	Azam, Akm	Engineer (Civil), Delivery and Operations, Mackay/Whitsunday District, Central Queensland Region, Program Delivery and Operations, Infrastructure Management and Delivery, Mackay (PO3)
317720/20	Senior Operations Officer, Regional Operations, Passenger Transport Services, TransLink, Maroochydore (AO5)	Date of duty	Maish, Leila	Operations Support Officer, Regional Operations, Passenger Transport Services, TransLink, Maroochydore (AO3)
346354/20	Principal Advisor, Office of the Chief Engineer, Engineering and Technology, Infrastructure Management and Delivery, Brisbane (AO8)	Date of duty	Murphy, Lorraine	Principal Advisor, Office of the Chief Engineer, Engineering and Technology, Infrastructure Management and Delivery, Brisbane (AO7)

* Advertised locations as Rockhampton, Emerald, Mackay and Barcaldine.

NOTIFICATION OF THE FILLING OF APPOINTMENTS PART II

Appointments have been approved to the undermentioned vacancies.
Appeals do not lie against these appointments.

APPOINTMENTS PART II – NON-APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee
DEPARTMENT OF EDUCATION			
NQR 349638/20P	Deputy Principal, Ingham State High School, North Queensland Region (DP)	05-10-2020	Hay, Tamara Leanne
CQR 351099/20P	Principal, Emerald State High School, Central Queensland Region (Lv6)	21-09-2020	Maher, Sean Francis
DSR 349200/20P	Deputy Principal (Special Education), Roma State College – Special Education Program, Darling Downs South West Region (DP)	05-10-2020	McGlinchey, Carly Rose
FNR 350821/20P	Guidance Officer, Atherton State High School, Far North Queensland Region (GO)	21-09-2020	Worsfield, Bebe
MER 347600/20P	Head of Department – Technologies, Brisbane South State Secondary College, Metropolitan Region (HOD)	19-10-2020	Jegorow, Stefan Paul

APPOINTMENTS PART II – NON-APPEALABLE

Reference Number	Vacancy	Date of Appointment	Name of Appointee
MER 349819/20P	Principal, Cannon Hill State School, Metropolitan Region (Lv4)	05-10-2020	Gagen, Jonathan Brian
MER 349820/20P	Principal, Wynnum West State School, Metropolitan Region (Lv4)	05-10-2020	Turner, Benjamin James
MER 349605/20P	Principal, Wondall Heights State School, Metropolitan Region (Lv5)	05-10-2020	Wright, Mark Andrew Kuit

DEPARTMENT OF HOUSING AND PUBLIC WORKS

* 329501/19	General Counsel, Corporate Services, Legal Services, Brisbane (SES2H)	Date of duty	Moore, Teresa Maree
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* Contract for Three (3) years.

QUEENSLAND CORRECTIVE SERVICES

*#333125/19	Community Board Member (Identified), Parole Board Queensland, Parole Board Operates from Brisbane CBD (NAWPAY)	Date of duty	Fogarty, Ronald Charles
*#333125/19	Community Board Member (Identified), Parole Board Queensland, Parole Board Operates from Brisbane CBD (NAWPAY)	Date of duty	Crowley, Lincoln Kingsley
*#333125/19	Community Board Member (Identified), Parole Board Queensland, Parole Board Operates from Brisbane CBD (NAWPAY)	Date of duty	Bell, Garry Joseph
*#333125/19	Community Board Member (Identified), Parole Board Queensland, Parole Board Operates from Brisbane CBD (NAWPAY)	Date of duty	Ivinson, William Gregory
*#333125/19	Community Board Member (Identified), Parole Board Queensland, Parole Board Operates from Brisbane CBD (NAWPAY)	Date of duty	Monaei, Edward
347135/20	Director, Legal Services, Parole Board Queensland, Parole Board Secretariat, State Law Building, Brisbane City (SO)	Date of duty	Hendy, Lisa Miriam

* Three (3) years with possible extension.

Casual.

DEPARTMENT OF YOUTH JUSTICE

* 336428/20	Executive Director, New Youth Detention Centre, Office of the Senior Executive Director – Regional Services, Wacol (SES(Lw))	Date of duty	Emeny, Daniel
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* Five (5) year contract with possible extension.

GOVERNMENT AND PUBLIC NOTICES IN THE GAZETTES AS FROM 1 JULY 2013 INCLUDES 2.4% CPI INCREASE

	New Price	GST	Total
EXTRAORDINARY GAZETTE - FULL PAGE TEXT			
Formatted electronic files or E-mail (check for compatibility) per page	\$ 227.77	\$ 22.78	\$ 250.55
PROFESSIONAL REGISTER AND LISTS GAZETTES			
Formatted electronic files or E-mail (check for compatibility) 0-50 pages	\$ 135.52	\$ 13.55	\$ 149.07
Formatted electronic files or E-mail (check for compatibility) 51+ pages	\$ 115.42	\$ 11.54	\$ 126.96
NATURAL RESOURCES AND MINES GAZETTE AND TRANSPORT AND MAIN ROADS GAZETTE			
Formatted electronic files or E-mail (check for compatibility) per page	\$ 143.79	\$ 14.38	\$ 158.17
LOCAL GOVERNMENT GAZETTE			
Formatted electronic files or E-mail (must be compatible) Full page text	\$ 227.77	\$ 22.78	\$ 250.55
Formatted electronic files or E-mail (that require formatting to make compatible) Full page text	\$ 264.06	\$ 26.41	\$ 290.47
Single column, all copy to set	\$ 2.42	\$ 0.24	\$ 2.66
Double column, all to set	\$ 4.90	\$ 0.49	\$ 5.39
Single column, formatted electronic files or E-mail (check for compatibility)	\$ 0.88	\$ 0.09	\$ 0.97
Double column, formatted electronic files or E-mail (check for compatibility)	\$ 1.78	\$ 0.18	\$ 1.96
VACANCIES GAZETTE IS NO LONGER PUBLISHED - APPOINTMENT NOTICES NOW APPEAR WITHIN THE GENERAL GAZETTE			
GENERAL GAZETTE - FULL PAGE TEXT			
Formatted electronic files or E-mail (must be compatible)	\$ 227.77	\$ 22.78	\$ 250.55
Formatted electronic files or E-mail (that require formatting to make compatible)	\$ 264.06	\$ 26.41	\$ 290.47
GENERAL GAZETTE - PER MM TEXT			
Single column, all copy to set	\$ 2.42	\$ 0.24	\$ 2.66
Double column, all to set	\$ 4.90	\$ 0.49	\$ 5.39
Single column, formatted electronic files or E-mail (check for compatibility)	\$ 0.88	\$ 0.09	\$ 0.97
Double column, formatted electronic files or E-mail (check for compatibility)	\$ 1.78	\$ 0.18	\$ 1.96
GENERAL GAZETTE - APPOINTMENT NOTICES PART I (APPEALABLE) AND PART II (NON-APPEALABLE)			
APPOINTMENTS - PART I & PART II			
2 lines	\$ 44.28	\$ 4.43	\$ 48.71
3 lines	\$ 61.99	\$ 6.20	\$ 68.19
4 lines	\$ 79.70	\$ 7.97	\$ 87.67
5 lines	\$ 92.98	\$ 9.30	\$ 102.28
6 lines	\$ 110.69	\$ 11.07	\$ 121.76
7 lines	\$ 123.97	\$ 12.40	\$ 136.37
8 lines	\$ 137.25	\$ 13.73	\$ 150.98
9 lines	\$ 150.54	\$ 15.05	\$ 165.59
SUBMISSION DEADLINES:			
DEPARTMENTAL APPOINTMENT SUBMISSIONS - PART I & PART II	before 12 noon on Tuesday		
GENERAL GAZETTE SUBMISSIONS	before 12 noon on Wednesday		
LOCAL GOVERNMENT GAZETTE SUBMISSIONS	before 12 noon on Wednesday		
EXTRAORDINARY GAZETTE SUBMISSIONS	any day of the week		
For more information regarding Gazette notices, please email: gazette@hpw.qld.gov.au			
Prices are GST inclusive unless otherwise stated.			

Biodiscovery Act 2004, section 47

NOTIFICATION OF AMENDING THE COMPLIANCE CODE

I, Jamie Merrick, Director-General of the Department of Environment and Science, pursuant to section 47 of the *Biodiscovery Act 2004*, do hereby approve the amended Compliance Code:

Compliance Code – Taking Native Biological Material under a collection authority

A copy of the Compliance Code is open for public inspection during office hours on business days at the central office (Brisbane) and each regional office of the Department of Environment and Science or for an electronic version go to <https://environment.des.qld.gov.au/licences-permits/plants-animals/biodiscovery.html>

Jamie Merrick
Director-General
Department of Environment and Science

Education (General Provisions) Act 2006

SCHOOL ENROLMENT ELIGIBILITY PLAN (School EEP)

This Gazettal Notice supersedes all previous gazettal notices for the State schools listed below. In accordance with Chapter 8, Part 4 Section 174, of the *Education (General Provisions) Act 2006*, a school EEP for the school listed below has been approved by a delegate of the Chief Executive of the Department of Education:

Region: Metropolitan
School: Queensland Academy for Creative Industries
Queensland Academy for Science Mathematics and Technology

Copies of School EEP are available for public inspection, without charge, during normal business hours at the department's head office and accessible on the department's website at <https://education.qld.gov.au/parents-and-carers/enrolment/management-plans/enrolment-eligibility-plans>.

*Government Owned Corporations
(Generator Restructure–CleanCo) Regulation 2019*

NOTIFICATION OF TRANSFER DATE

Under section 22 of the *Government Owned Corporations (Generator Restructure–CleanCo) Regulation 2019 (Regulation)* in our capacities as the shareholding Ministers for CS Energy and CleanCo, as relevant, we fix 1 November 2020 as the date on which the following transfer schedules prepared under section 21(2) of the Regulation take effect: CS Energy – Asset Transfer Schedule 2; CS Energy – Liability Transfer Schedule 2; CS Energy – Instrument Transfer Schedule 2; and CS Energy – Employee Transfer Schedule 1. Terms used in the Regulation have the same meaning when used in this notice.

Hon. Cameron Dick MP
Treasurer
Minister for Infrastructure and Planning

Hon. Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

NOTICE OF MINISTERIAL INFRASTRUCTURE DESIGNATION MADE UNDER THE *PLANNING ACT 2016*

I, the Honourable Cameron Dick MP, Treasurer and Minister for Infrastructure and Planning, give notice that under section 38 of the *Planning Act 2016*, I made a Ministerial Infrastructure Designation (MID) for the Bray Park State High School on 18 September 2020.

The MID will take effect from 25 September 2020.

Description of the designated premises

The MID applies to the premises located at 23-37 Lavarack Road, Bray Park, QLD 4500, formally described as Lot 311 on SP104205.

Type of infrastructure for which the premises were designated

The infrastructure is described under Schedule 5, Part 2 of the *Planning Regulation 2017*, as:

- Item 6: educational facilities
- Item 15: sporting facilities.

Requirements included in the MID

The MID includes requirements in relation to the location and scale of the development, mitigation of development impacts, stormwater management, external works, car parking, active transport, school transport management, landscaping, fencing, lighting, vegetation, construction management and servicing.

Further information

A copy of the MID decision notice, including the noted requirements and a summary of how I have considered the submission, can be obtained at <https://planning.dsdmip.qld.gov.au/infrastructure-designations>.

For further information, please contact the Infrastructure Designations team at infrastructuredesignation@dsdmip.qld.gov.au or phone 1300 967 433.

CAMERON DICK MP
Treasurer
Minister for Infrastructure and Planning

**NOTICE OF MINISTERIAL INFRASTRUCTURE DESIGNATION
MADE UNDER THE *PLANNING ACT 2016***

I, the Honourable Cameron Dick MP, Treasurer, Minister for Infrastructure and Planning, give notice that under section 38 of the *Planning Act 2016*, I made a Ministerial Infrastructure Designation (MID) for the Eagle Junction State School on 18 September 2020.

The MID will take effect from 25 September 2020.

Description of the designated premises

The MID applies to the premises located at 49 Roseby Avenue, Clayfield, QLD, 4011, formally described as Lot 630 on SL7896, Lot 27 on RP34150, Lots 35 – 38 on RP34150, Lot 1 on RP40133, and Lots 1 & 2 on RP34170.

Type of infrastructure for which the premises were designated
The infrastructure is described under Schedule 5, Part 2 of the *Planning Regulation 2017*, as:

- Item 6: educational facilities
- Item 9: facilities at which an education and care service under the Education and Care Services National Law (Queensland) is operated
- Item 10: facilities at which a Queensland Education and Care approved service under the *Education and Care Services Act 2013* is operated

Requirements included in the MID

The infrastructure designation includes requirements in relation to the location and scale of the development, mitigation of development impacts, acoustics, stormwater management, external works, design, landscaping, school transport management, construction management and servicing.

Further information

A copy of the MID decision notice, including the noted requirements and a summary of how I have considered the submission, can be obtained at <https://planning.dsdmip.qld.gov.au/infrastructure-designations>.

For further information, please contact the Infrastructure Designations team at infrastructuredesignation@dsdmip.qld.gov.au or phone 1300 967 433.

CAMERON DICK MP
Treasurer
Minister for Infrastructure and Planning

**NOTICE OF MINISTERIAL INFRASTRUCTURE DESIGNATION
MADE UNDER THE *PLANNING ACT 2016***

I, the Honourable Cameron Dick MP, Treasurer and Minister for Infrastructure and Planning, give notice that under section 38 of the *Planning Act 2016*, I amended the Ministerial Infrastructure Designation (the amended MID) for the Pumicestone State School on 18 September 2020.

The amended MID will take effect from 25 September 2020.

Description of the designated premises

The MID applies to premises located at 75 Cottrill Road, Caboolture, QLD, 4510, formally described as Lot 2 on SP204613.

Type of infrastructure for which the premises were designated
The infrastructure is described under Schedule 5, Part 2 of the *Planning Regulation 2017*, as:

- Item 3: community and cultural facilities, including community centres, galleries, libraries and meeting halls
- Item 6: education facilities
- Item 9: facilities at which an education and care service under the Education and Care Services National Law (Queensland) is operated
- Item 10: facilities at which a Queensland Education and Care approved service under the *Education and Care Services Act 2013* is operated
- Item 15: sporting facilities.

Requirements included in the amended MID

The amended MID includes requirements on the location and scale of the development, mitigation of development impacts, stormwater management, car parking, active transport, school transport management, privacy measures, lighting, event management, construction management and servicing.

Further information

A copy of the MID decision notice, including the noted requirements and a summary of how I have considered submissions, can be obtained at <https://planning.dsdmip.qld.gov.au/infrastructure-designations>.

For further information, please contact the Infrastructure Designations team at infrastructuredesignation@dsdmip.qld.gov.au or phone 1300 967 433.

CAMERON DICK MP
Treasurer
Minister for Infrastructure and Planning

**NOTICE OF MINISTERIAL INFRASTRUCTURE DESIGNATION
MADE UNDER THE *PLANNING ACT 2016***

I, the Honourable Cameron Dick MP, Treasurer and Minister for Infrastructure and Planning, give notice that under section 38 of the *Planning Act 2016*, I made a Ministerial Infrastructure Designation (MID) for the Replacement Sarina Hospital on 21 September 2020.

The MID will take effect from 25 September 2020.

Description of the designated premises

The MID applies to premises located at 47 Brewers Road, Sarina, QLD, 4737, formally described as Lot 4 on RP894678.

Type of infrastructure for which the premises were designated

The infrastructure is described under Schedule 5, Part 2 of the *Planning Regulation 2017*, as:

- Item 12: hospitals and health care services
- Item 19: any other facility not stated in this part that is intended mainly to accommodate government functions.

Requirements included in the MID

The MID includes requirements on the location and scale of the development, mitigation of development impacts, stormwater management, flood management, bushfire management, car parking, active transport, external works, staff accommodation, landscaping and construction management.

Further information

A copy of the MID decision notice, including the noted requirements and a summary of how I have considered submissions, can be obtained at <https://planning.dsdmip.qld.gov.au/infrastructure-designations>.

For further information, please contact the Infrastructure Designations team at infrastructuredesignation@dsdmip.qld.gov.au or phone 1300 967 433.

CAMERON DICK MP
Treasurer
Minister for Infrastructure and Planning

*Rural and Regional Adjustment Act 1994***NOTICE OF ADDITIONAL ELIGIBLE LOCAL GOVERNMENT AREAS**

I, Damien Walker, Chief Executive of the Department of State Development, Tourism and Innovation make this notice under Schedule 18, section 6 of the *Rural and Regional Adjustment Regulation 2011*.

The local government areas listed below are eligible local government areas for the purposes of the COVID-19 Marine Tourism Rebate Scheme, in addition to those already listed in section 6 of that scheme.

Livingstone Local Government Area
Townsville Local Government Area

Signed at Brisbane, this 25th day of September 2020.

DAMIEN WALKER
Chief Executive of the Department of State Development,
Tourism and Innovation

*Disposal of Uncollected Goods Act 1967***NOTICE OF INTENTION TO SELL MOTOR VEHICLE**

In accordance with the *Disposal of Uncollected Goods Act 1967*, notice is hereby given of the intention to sell a 2012 White Holden Captiva station wagon (VIN: KL3DA26UJCBO78463) in order to collect labour, storage and administration fees as per invoice 43015 supplied. The vehicle has been ready for collection since 16th October 2019 and formal notice of intention to sell was advised on 24th August 2020.

Located at Maranoa Mechanical, 12 Beardmore Place, St George, QLD 4487. Contact for queries – 07 4625 3663.

GAZ00596/20

*Local Government Act 2009***ISSUE OF RATES NOTICE**

Pursuant to Section 239 (3) of the abovementioned Act, **NOTICE** is hereby given that the undermentioned land has been issued a rates notice by the Western Downs Regional Council which is **due and payable on or before 29 October 2020**

Registered Proprietor	Property Address	Real Property Description	Area	Total Amount Due
Mr D Rayner	5 Foster Street Condamine Qld 4416	Lot 301 C441	2428m ²	\$1691.22

DATED at Dalby this 15th day of September 2020.

Ross Musgrove
CHIEF EXECUTIVE OFFICER

CONTENTS

(Gazettes No. 17-23—pp. 79-186)

Page

APPOINTMENTS	93-181
Industrial Relations Act	
Public Service Act	
NOTICES / BYLAWS / DECLARATIONS /	
STATUTES	183-185
Biodiscovery Act	
Education (General Provisions) Act	
Government Owned Corporations Act	
Planning Act	
Rural and Regional Adjustment Act	
NOTIFICATION OF FORMS	NIL THIS WEEK
Bills Assented to.....	NIL THIS WEEK
ADVERTISEMENTS	185
Disposal of Uncollected Goods Act	
Local Government Act	
Extraordinary Gazette (Other).....	79-80
Extraordinary Gazette (Other).....	81-82
Extraordinary Gazette (Other).....	83-84
Natural Resources, Mines and Energy Gazette.....	85-86
Transport / Main Roads Gazette.....	87-90
Local Government Gazette	91-92
General Gazette	93-185