

Attachment One – Legislative probation frameworks

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and standard practice and ensure employee entitlements continue to be met.

1 Differences between the two legislative probation frameworks in Queensland Health

Instrument	<i>Public Service Act 2008 (s126)</i>	<i>Industrial Relations Act 2016 (s315)</i>
Application	<ul style="list-style-type: none"> Initial appointment as a permanent public service officer. Probationary period is at discretion of delegate. The Director-General has the discretion to waive a probationary period. 	<ul style="list-style-type: none"> All new employees, i.e. permanent, temporary or casual Automatic application of probationary period.
	<ul style="list-style-type: none"> Applies once upon permanent public service employment. Re-deployment, transfer or promotion, both within or across agencies, does not trigger a new probation period. A person who has been employed other than as a permanent public service officer (e.g. a temporary or casual public service or health service employee) can have a probation period under the Public Service Act applied to them upon appointment as a permanent public service officer. 	<ul style="list-style-type: none"> Applies to engagement with each employing agency, e.g. a temporary employee with Metro North Hospital and Health Service subsequently obtains temporary employment with West Moreton Hospital and Health Service – probation periods apply to each period of employment. <p><i>Note: Once a person is a permanent health service employee, re-deployment, transfer or promotion, both within or across agencies, does not trigger a new probation period.</i></p>
Length of probation	<ul style="list-style-type: none"> 3 months* 	<ul style="list-style-type: none"> 3 months* (unless employee and employer agree in writing that a shorter period or no period applies)
	<p>A longer probation period can be applied under either Act provided it is: agreed in writing prior to commencement; and reasonable, having regard to the nature and circumstances of the employment. Agreement to a longer probation period can be a condition of the offer of employment. <i>(Refer to the duration of probation table under section 2 of the policy for the occupational categories in Queensland Health requiring a longer probation period)</i></p>	
Extension (i.e. after employee commences work)	<p>Delegate can extend, once only, provided extension period is reasonable, having regard to the nature and circumstances of the employment.</p>	<p>Notwithstanding provisions in modern awards, there is no capacity to extend a probationary period for a health service employee. For example, a temporary employee engaged as a health practitioner, who has served six month's service at Metro South Hospital and Health Service (MSHHS), cannot have their probationary period extended by MSHHS.</p>