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| Notable Case | ­ |

#### Temporary employment – Qualifying Service

#### Date of decision: 29 November 2017

#### Overview

An employee temporarily employed by an agency since January 2017, appealed a decision by the agency to decline to convert the employment status from temporary to permanent.

The appellant argued that former service with another agency be included in the calculation of the two year qualifying period.

The Agency took the opposite view arguing that it was only service in the employing agency at the time of the review that was relevant.

#### Decision

The Queensland Industrial Relations Commission (QIRC) found that:

* Section 149(1)(a) of the Public Service Act (PS Act) gives an employee a right to have their status reviewed at the end of two years after they have “been continuously employed as a temporary employee in a Department”;
* this means that the service to be taken into account is service with the employing agency at the time of the review.

QIRC upheld the Agency’s process, finding that the appellant is not entitled to a review of temporary employment status until completion of two years continuous service with the respondent.

**Key messages and reminders for managers**

* A decision maker is not required to consider service in other Queensland government agencies for the purpose of calculating the ‘two years’ qualifying service for a review of their temporary employment status.