

# State Service Act 2000



**Ministerial Direction No. 1.1-2002 (Consolidated version incorporating amendment No 1):**

**Title: ADMINISTRATION**

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## **Purpose (Intent/Outcome)**

This Direction specifies certain administrative procedures and monetary entitlements in relation to:

- General administration
- Transport expenses
- Special administrative arrangements for certain employees

## **Legislative Basis and Related Documents**

- *State Service Act 2000* Section 14
- *State Service Regulations 2001*
- *Ministerial Direction 2-2001*

## **Directive**

Pursuant to Section 14 of the *State Service Act 2000* I hereby direct that the following administrative arrangements shall have effect:

### **1. General Administration**

#### **1.1 Payroll Procedures**

In addition to statutory and other arrangements that exist the following payroll procedures are to be adhered to at all times. (Note that paragraphs one to three are existing legal requirements.)

- (1) On or prior to payday each employee shall be provided with written advice setting out full details of the wages to which that employee is entitled.
- (2) The written advice shall at least include the following information:
  - (a) For an employee holding a position classified under an award (federal) of the Australian Industrial Relations Commission, the requirements prescribed in the Regulations made under the provisions of the *Workplace Relations Act 1996*; or
  - (b) For an employee engaged under any other arrangement including a position classified under an award (state) of the Tasmanian Industrial Commission, the relevant details in the certified Salary Abstract required by the Treasurer's Instruction No. 802.
- (3) The written advice is to be distributed in such manner that the employee will have access to that information at, or before the usual time the employee ceases work on payday.
- (4) Except in circumstances beyond the control of departmental management, in any case where no pay is available for an employee on payday, departmental management must make such special arrangements, with the employee's consent as to the nature of those

arrangements, so that where possible payment is made on that payday, but not later than the close of business on the next working day following that payday.

- (5) Existing custom and practice covering intermittent or relief work, provided it is made known to and is agreed with the employee prior to commencement, is exempt from these requirements.
- (6) In any case where an employee is underpaid on payday the procedure in paragraph (4) is to be adopted except where the underpayment is less than 5% of the gross pay due to the employee on that payday. Any underpayment of less than 5% is to be rectified as soon as practicable.
- (7) Provided that existing procedures or custom and practice covering adjustments to penalty rates, overtime, allowances and similar payments, provided they are made known to the employee prior to commencement, are exempt from these requirements.
- (8) In any case where an employee is overpaid on payday departmental management is to -
  - (a) Notify the employee; and
  - (b) Proceed in accordance with the relevant Treasurer's Instructions issued under the provisions of the *Financial Management and Audit Act 1990*.
- (9) An employee is required to promptly notify departmental management if no pay has been received or there is an error in his or her pay.
- (10) Where an employee has notified departmental management at any time after the payday that no pay has been received, or that there is an error in his or her pay, the relevant requirements of paragraphs (4) or (5) above are to be undertaken, or the requirements of paragraph (6) above are to be commenced, before the close of business on the next working day following receipt of the notification.

## **1.2 Compensation for Loss or Accidental Damage to Clothing and Personal Effects**

Where an employee has incurred loss of or accidental damage to clothing or personal effects, other than money or cheques, and such loss or damage has occurred as a result of activities which were directly related to the employee's duties or whilst the employee was protecting or endeavouring to protect State Government property from loss or damage, the Head of Agency may reimburse that employee the reasonable costs of cleaning, repairing or replacing such items of clothing or personal effects.

***Examples where the Head of Agency may reimburse reasonable costs:***

- (a) The employee is able to provide satisfactory evidence that the loss or damage occurred; and
- (b) The employee took the precautions that he/she might reasonably be expected to have taken to avoid the loss or damage including the use of protective clothing or equipment provided by the employer; and
- (c) The employee could not reasonably have been expected to have held insurance against the loss or damage incurred; and
- (d) The employee was unable to recover compensation through any claim under either workers compensation provisions or insurance cover held by the employee; and
- (e) The employee provides sufficient justification, in writing, to the Head of Agency when applying for compensation under these arrangements.

Examples where the Head of Agency will not reimburse reasonable costs:

- (a) Where there is contributory negligence on the part of the employee concerned; and
- (b) In respect of clothing or personal effects that an employee chooses to leave on Government premises unless, in the opinion of the Head of Agency, such loss or damage occurred under special or extraordinary circumstances; and
- (c) In respect of damage to, or arising from the use of, a private motor vehicle; and
- (d) Where equipment or effects are provided by the employer for use in the performance of the employee's duties and the employee chooses to use his or her own personal equipment or effects in the performance of those duties; and
- (e) Where an employee may claim compensation under the provisions of an award or agreement; and
- (f) In respect of tools of the trade for which a tool allowance is payable by the employer; and
- (g) Where reasonable costs are assessed at less than \$5.00 in value.

### **Note on damage to clothing and personal effects**

For the purposes of this direction “reasonable costs” shall mean:-

- (a) where feasible, the cost of cleaning and/or repairs to the item(s), or
- (b) the replacement cost to be determined by deducting from the current cost of the same or the nearest available replacement item(s) the estimated amount by which the item(s) being replaced had depreciated immediately prior to the event causing the loss or damage -

*provided that:* if the cost of replacement is less than the cost of cleaning and/or repairs, then the replacement cost only shall be payable.

## **1.3 Smoking**

- (1) No employee is to smoke in any building, facility or motor vehicle occupied by any Agency or State Authority.
- (2) A smoke free working environment must be maintained in all buildings, other than those specified in Attachment 1, facilities and motor vehicles occupied by all Agencies and Statutory Authorities.
- (3) In order to advise members of the public, Heads of Agency must ensure suitable signage is displayed on and in government buildings indicating a non-smoking environment.

### ***The smoke free working environment to be maintained includes:***

- (a) All government owned and occupied buildings; and
- (b) All buildings or parts of buildings that are non-government owned but are leased by government and occupied by government Agencies and Authorities; and
- (c) All equipment including motor vehicles, vessels, etc that are government owned, leased or hired.

## **2. Transport Expenses**

### **2.1 Use of Private Motor Vehicles**

- (1) Employees are entitled to kilometreage allowance for the use of private vehicles for official purposes in accordance with the General Conditions of Employment Award.
- (2) Where an employee is required to travel on official duty the kilometreage that may be claimed shall be the number of kilometres actually travelled and, unless specifically determined by the Head of Agency, the maximum kilometreage which may be claimed for any journey on official duty undertaken by an authorised employee shall not exceed the distance, by the shortest most practicable route, calculated -
  - (a) between the place of commencement and cessation and, in any case,
  - (b) between his/her normal place of employment and his/her destination (2) and return to his/her normal place of employment.

- (3) The rates paid to employees who use their own private vehicles contain a component for insurance, maintenance and employee property loss, and therefore exempt the Government from any claims whatever arising out of a motor vehicle accident, including injury to passengers, damage caused to a vehicle or property of a third party, property loss and costs incurred by the employee as a result of an accident including legal costs, excess costs, fares or alternative vehicle hire.

**Note on use of private motor vehicles**

Employees are advised to have their private motor vehicle, used for official purposes, comprehensively insured and are advised that appropriate information should be conveyed to their insurance company to ensure that any claims are not affected as a result of non-disclosure of the use of the vehicle for official purposes.

Whereas it is each employee's personal responsibility to ensure that they have their own motor vehicle comprehensively insured, the Agency should regularly inform employees of their liability in the use of private vehicles for official purposes.

**2.2 Domestic Air Travel**

- (1) All State Service employees must purchase economy fares for domestic air travel when travelling on official business as State Service employees irrespective of the distance to be travelled. The only exceptions are where:
  - (a) the Government's pay policy authorises a specific contractual entitlement to a higher class of travel for an appointee; or
  - (b) an employee is travelling with a Minister, or an appointee with a contractual entitlement to a higher class of travel, who requires the employee to be available during the travel for briefings, discussions or other business purposes; or
  - (c) other special circumstances have been approved through the Secretary, Department of Premier and Cabinet.
- (2) All employees should take account of discount airfares whenever it is prudent and economical to do so. Factors such as the availability of seats at suitable times and the likelihood of travel arrangements changing should be taken into account when choosing between full economy and non-refundable discount fares.

**Note on Domestic Air Travel**

Agencies may purchase airline lounge memberships on behalf of appropriate employees. Memberships of personal incentive (frequent flyer) programs may not be purchased by Agencies for their employees.

**2.3 Insurance against aircraft accident**

- (1) The relevant Head of Agency may arrange for the insurance against aircraft accident for employees who may be required to travel by aircraft in the performance of their official duties.

- (2) Where an employee is not insured against accident occurring during that travel by a policy taken out in accordance with paragraph (1), that employee is entitled to recover the sum paid by that employee as an insurance premium in respect of that travel to the maximum prescribed in Attachment 1 or an amount determined by the Secretary, Department of Premier and Cabinet.

### **3. Special arrangements for certain employees**

#### **3.1 Kilometrage rates payable to officers of the Tasmania Fire Service using their own motor vehicles who are employed for the purposes of the *Fire Service Act 1979***

- (1) Where an Officer of the Tasmania Fire Service is authorised by the Head of Agency to use, in the performance of that Officer's duties, a particular private motor vehicle, including a motorcycle in that Officer's possession, that Officer shall be paid an allowance for that use at the rate specified in the General Conditions of Service Principal Award.
- (2) Unless otherwise authorised by the Head of Agency, kilometrage on duty shall be calculated with reference to the kilometrage travelled by an Officer of the Tasmania Fire Service between that Officer's place of employment and destination and return to that place of employment.
- (3) An Officer of the Tasmania Fire Service shall not receive an allowance for kilometrage in excess of 16 000 kilometres in any one kilometrage year unless that Officer has been authorised by the Head of Agency to travel a greater distance in that year.
- (4) An Officer of the Tasmania Fire Service may be paid a kilometrage allowance in excess of, or at variance with, the rates specified in paragraph (1) if the Head of Agency is satisfied that special circumstances exist which justify that excess or variation.

#### **Note on kilometrage rates**

- The Head of Agency is responsible for ensuring strict economy in the official use of motor vehicles by Officers of the Tasmania Fire Service and for the correctness of every claim for an allowance payable under this clause.
- A claim for an allowance payable to an Officer of the Tasmania Fire Service under this direction shall be satisfied only if it is certified to be correct by that Officer's immediate supervisory employee or by a certifying employee authorised by the Head of Agency.
- For the purposes of this direction "kilometrage year" means the period of 12 months ending on 30 June in each year.

#### **3.2 Travelling allowances for employees who are employed for the purposes of the *Fire Service Act 1979***

- (1) Where an employee is away from home overnight, the scale of travelling allowances payable to an employee is the scale specified in the General Conditions of Service Principal Award.

- (2) The scale specified in paragraph (1) shall be calculated at an hourly rate of one twenty-fourth of the daily rate from the time of departure of an employee from that employee's home or usual place of employment, as the case may be, to the time of that employee's return to that home or place.
- (3) A travelling allowance in excess of, or at variance with, the scale specified in paragraph (1) may be paid to an employee if the Head of Agency is satisfied that special circumstances justify that excess or variation.
- (4) Where an employee travels with a Minister, or in a representative capacity for the State, or on special duties as determined by the Head of Agency, and incurs additional expense, that employee may be paid such travelling allowance as is determined by that Head.
- (5) Where an employee, in the performance of that employee's duties, is required to travel -
  - (a) within Australia by ship, aircraft, train or other means of conveyance and is provided with meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance as specified in the General Conditions of Service Principal Award; or
  - (b) outside Australia, that employee, while so travelling, shall be paid a travelling allowance at such rate as the Head of Agency may approve.
- (6) Where public transport is not available or convenient and, having due regard to the public interest, an employee in the performance of that employee's duties is required to hire alternative means of transport, that employee may, on the determination of the Head of Agency, be reimbursed for the actual expense incurred in using that alternative means of transport.
- (7) Where an employee, in the performance of that employee's duties, is required to reside temporarily at a place other than that employee's usual headquarters for a period exceeding three weeks and has to procure board and lodging while so residing, that employee shall be paid a travelling allowance at such rate as the Head of Agency may determine.

## **4. Leave**

### **4.1 Types of Leave**

Entitlements to leave vary and are detailed in the *State Service Regulations 2001* and/or relevant Awards and Agreements. Entitlements to leave for State Service employees may include:

- Recreation leave
- Sick leave
- Maternity leave
- Paternity leave
- Adoption leave
- Leave in lieu of overtime

- Jury Service leave
- Defence Force leave
- Leave of absence with or without pay
- State Service accumulated leave
- Bereavement leave
- Carer's leave
- Leave on account of special circumstances
- Leave for certain types of employees

#### **4.2 Administration of leave**

##### **(1) Leave record**

The Head of Agency shall cause to be kept in respect of each employee in that Agency a record (called a "leave record"), in which shall be entered full particulars of the leave of absence taken by, and due to, that employee in accordance with this direction and awards or agreements.

When an employee is transferred from one Agency to another Agency, the Head of the first-mentioned Agency shall forward that employee's leave record, entered up-to-date, to the Head of the last-mentioned Agency.

##### **(2) Application for leave**

- (a) An application by an employee for leave of absence shall be made to the relevant Head of Agency through the employee, if any, in charge or sub-charge and shall be in a form determined by that Head.
- (b) Any leave taken by an employee in relation to which that employee does not make application in the form determined by the relevant Head of Agency, shall be deemed to be leave of absence without pay, unless that Head otherwise determines.

##### **(3) Portability of Sick Leave Credits**

- (a) Where a person, immediately before becoming a State Service employee, was employed by a State Authority [as defined in section 3 of the *Long Service Leave (State Employees) Act 1994*]
  - (i) that period of employment shall be treated as if it were a period of employment as a State Service employee for the purposes of calculating sick leave entitlements; and
  - (ii) any sick leave granted to him/her during that period shall be treated as if it were leave of absence granted to him/her as a State Service employee.
- (b) Where an employee is appointed, promoted or transferred to undertake duties in the State Service which carry different sick leave entitlements from the employee's previous duties, that employee's new sick leave entitlement shall be calculated as follows:-

- (i) the period of employment undertaking the previous duties is treated as if it had been completed while undertaking the employee's present duties; and
- (ii) any sick leave granted to him/her during that period is treated as if it were leave of absence granted to him/her while undertaking his/her present duties.
- (iii) Where a re-calculation of sick leave entitlement in accordance with paragraph (1) or (3) results in a leave credit of less than the commencement entitlement of a new employee, the affected employee shall be entitled to a greater credit.

**Note on Portability of Sick Leave Credits**

In paragraph (1) "immediately before" means that there has been no period in excess of two months between the employment with the State Authority and joining the State Service and that no other employment has been entered into during that period.

(4) Leave in advance

- (a) The relevant Head of Agency may, on sufficient cause being shown, grant to an employee leave of absence for any period or periods not exceeding five days or a period calculated pro rata on the proportion of that employee's period of continuous employment in one leave year, whichever is the greater.
- (b) All leave granted to an employee shall be deducted from the next recreation leave due to that employee or the recreation leave standing to the credit of that employee on that employee's leave record.

(5) Granting of Special Leave

Regulation 25 of the *State Service Regulations 2001*: Leave on account of special circumstances states that:

"(1) The relevant Head of Agency may, in that Head's discretion, grant to an employee special leave of absence with pay -

- (a) in the event of the serious illness of a relative of the employee; or
- (b) in the case of other pressing necessity relating to the employee; or
- (c) to enable the employee to participate in a sporting or cultural event at a national or international level.

(2) In any sick leave year -

- (a) an employee who was an employee before 1 July 1990 may not be granted more than five working days, in the aggregate, of special leave of absence under this regulation; and
- (b) any other employee may not be granted more than three working days, in the aggregate, of such special leave."

- (a) Pursuant to regulation 25, employees may be granted up to a total of five days in any year for leave on account of special circumstances.
- (b) Fixed term and part-time employees shall also be entitled to leave on account of special circumstances. Part-time employees shall be entitled to leave based on the relevant proportion of one five day week. Fixed term employees shall be entitled to one day special leave on commencement and an additional day for each completed month of service thereafter up to a maximum of five days. After 12 months continuous service, a fixed term employee shall be entitled to the same Special Leave entitlements as a permanent employee.

***Leave on account of special circumstances may be granted to cover the following:***

- (a) the event of the serious illness of a relative;
- (b) attend the funeral of close friend;
- (c) attend to emergency repairs of home as a result of a storm or floods, etc which can only be attended to by the employee in order to protect property from damage;
- (d) partner to attend the birth of a child of his/her partner;
- (e) care of a sick child or spouse, provided an employee cannot make other arrangements for care to be provided, is only to be granted after all Award/Agreement entitlements have been exhausted.
- (f) any other purpose considered by the Head of Agency to be special and extraordinary.

***Leave on account of special circumstances shall not be granted in the following circumstances:***

- (a) on the occasion of the marriage of the employee;
- (b) the inability to attend place of employment due to a transport strike;
- (c) the inability to travel to place of employment due to the effects of inclement weather, eg flooded roads;
- (d) Where an employee is absent on any form of approved leave.

**Note on special leave**

For the purposes of this direction

- A relative shall include spouse, de facto spouse, children and step-children, siblings, step-siblings, parents, step-parents, grandparents and grandchildren.
- A relative shall not include aunts, uncles, nieces, nephews, cousins or any other person unless the Agency Head determines special circumstances exist to warrant special leave.
- A year shall be taken from the anniversary of the date of commencement of an employee in the State Service.

- (6) State Service Accumulated Leave
- (a) An election by an employee to participate in a plan under the State Service Accumulated Leave Scheme shall be administered in accordance with the relevant Awards or Agreements.
- (b) The Head of Agency shall cause to be kept in respect of each employee participating in a SSALS plan a separate record showing the
- (i) date of commencement of the plan
  - (ii) date of conclusion of the plan
  - (iii) intended period of full-time work
  - (iv) intended period of accumulated leave
  - (v) the exact amount of leave accumulated at any time under the SSALS plan
  - (vi) the exact amount of all other types of leave accumulated at any time
- (c) Other types of leave, to be administered in accordance with procedures set out in *State Service Regulations 2001* and relevant Awards or Agreements, shall accrue at the proportional rate designated by the chosen plan and shall be converted to full-time equivalent upon accrual.
- (d) Any recreation leave, sick leave or special leave accessed by an employee while participating in the work period of a SSALS plan shall be deducted from his/her leave entitlement at 100% and paid at the percentage of normal salary designated by the chosen plan.
- (e) Any sick leave accessed by an employee while participating in the leave period of a SSALS plan shall be deducted at the proportional rate and paid at the percentage of normal salary designated by the chosen plan.
- (f) Any leave without pay accessed by an employee during the work period of the plan shall not affect the length of the leave period of the plan. However the corresponding proportion of that leave period will also be unpaid.

**Note on SSALS**

For the purposes of this Direction:

- “proportional rate” shall be calculated as the work period divided by the total length of the plan.
- “normal salary” means the Salary that would be paid to a participating employee if that person was not participating in a plan and includes salary expressed as an actual rate, fortnightly rate, weekly rate, daily rate or hourly rate. It includes all allowances that are paid as an annual rate, fortnightly rate, weekly rate, daily rate or hourly rate but not overtime payments and shift work penalty rates unless they are paid as a component of an annualised rate.
- “percentage of normal salary” shall be calculated as the proportional rate multiplied by the normal salary.

## **5 Training, Education and Development**

Entitlements to training, development and education, including studentships and study assistance are specified in the *State Service Regulations 2001* and/or relevant Awards and Agreements. Studentship allowances will be limited to the amounts set out in Attachment 2.

### **5.1 Higher Education Contribution Scheme (HECS)**

- (1) State Service employees who have been granted permission to undertake approved courses of study through Assisted Study will not normally qualify for reimbursement of the Commonwealth Government Higher Education Contribution Scheme (HECS) contributions.
- (2) Where the employee is required to undertake a course of study as a condition of their employment, an application may be made to the Head of Agency for reimbursement of the HECS contribution.
- (3) Approval for reimbursement of the HECS fee in other special cases involving, for example, labour market shortages or the development of particular skills may be granted by the Head of Agency on a case-by-case basis.
- (4) In those cases where the reimbursement of a HECS liability is approved, it should be paid “up-front” thereby taking full advantage of the discounted rates.
- (5) In those cases where an employee, who is required to undertake a course of study as a condition of employment, fails to pass a subject forming part of the approved course, the employee is to repeat the subject at his or her own expense.
- (6) Agencies should develop and promulgate their own policies with respect to unsatisfactory academic results and subsequent recovery (or otherwise) of the study assistance granted to employees who undertake study for other reasons.
- (7) The reimbursement of HECS - either fully or partially - is, generally, liable to Fringe Benefits Tax.

### **5.2 Methods of training for Ambulance Service employees**

This clause applies to employees who are employed for the purposes of the *Ambulance Service Act 1982*

- (1) The methods and hours of training of employees and the performance objectives to be attained and maintained by employees shall be such as the relevant Head of Agency may determine.
- (2) Employees shall be given practical and theoretical training in every aspect of their duties under the supervision of the regional ambulance superintendent.

- (3) Ambulance Service employees undertaking instruction and/or training are entitled to be paid, in addition to any other allowance payable, at such a rate per year as the Minister may determine. Such payments are to cover the cost of accommodation expenses and travelling expenses incurred by the employee during the period that the employee is under a course of instruction and/or training. This allowance is only payable if the course of instruction and/or training is more than 25 kilometres from that employees normal place of abode or usual home address whichever is the lesser distance.

### **Application**

All Agencies and Statutory Authorities

All employees including Heads of Agency, Prescribed Office Holders and Senior Executives.

### **Date of period of operation**

This direction will come into effect on 18 February 2002.

Issued by authority of the Minister administering the *State Service Act 2000* pursuant to Section 14(1).

Date

Jim Bacon MHA  
*Premier*

## **Attachment 1**

### **Designated smoking areas**

The following areas are designated to be allowable smoking areas for the purposes of this direction:

- (a) Internal courtyard used by The Corner (Launceston Youth Health Service) clients, Launceston General Hospital;
- (b) Level 3 internal courtyard, Launceston General Hospital;
- (c) Level 5 internal courtyard, Launceston General Hospital;
- (d) Outdoor courtyards used by Department of Psychological Medicine patients, Royal Hobart Hospital;
- (e) External upstairs courtyard used by inpatients of the Detoxification Unit at 56 Collins Street;
- (f) Three courtyard areas at the North West Regional Hospital;
- (g) Courtyard area at the Spencer Clinic Unit, North West Regional Hospital.

### **Air travel insurance premiums:**

The maximum insurance premium an employee may recover in the case of accident during travel by air:

- (a) in the case of travel by scheduled aircraft, is \$50 000; or
- (b) in the case of travel by chartered light aircraft or helicopter, is \$120 000; or
- (c) in the case of travel by hired light aircraft where the employee is the pilot of the aircraft, is \$220 000.

## Attachment 2:

### Studentship Allowances

The amount of studentship allowance to be paid to employees is, unless otherwise determined, limited to the following:

	Studentship Allowance	Accommodation Allowance	Sole Parent/ Dependant Spouse Allowance	Dependent Allowance
1st year	\$8581	\$2034	\$2976	\$1796
2nd year	\$9563	\$2034	\$2976	\$1796
3rd year	\$10 711	\$2034	\$2976	\$1796
4th year	\$11 284	\$2034	\$2976	\$1796
5th year	\$12 153	\$2034	\$2976	\$1796