



Tasmania

State Service Commissioner

ANNUAL REPORT 2000 - 2001

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2. Introduction

It is with pleasure that I present this first annual report of the State Service Commissioner.

The statutory office of State Service Commissioner is established by section 17 of the *State Service Act 2000* (the Act). The Act was given Royal Assent in December 2000 and commenced on 1 May 2001, replacing the *Tasmanian State Service Act 1984* (the 1984 Act).

The Act is less prescriptive and offers greater flexibility in its provisions than the 1984 Act and is designed as enabling legislation, supplemented by Regulations, Ministerial Directions, Commissioner's Directions and Advices, and Agency-based standing orders.

Key features of the Act are summarised under the following headings:

State Service Principles

The Act introduces the State Service Principles that provide an overarching statement of principle as to both the nature and operation of the State Service and what is expected of those who work within it. The State Service Commissioner, Heads of Agency, holders of prescribed offices, senior executives and employees are all required to uphold the Principles. The Principles are as follows:

- (a) the State Service is apolitical, performing its functions in an impartial, ethical and professional manner;
- (b) the State Service is a public service in which employment decisions are based on merit;
- (c) the State Service provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves;
- (d) the State Service is accountable for its actions and performance, within the framework of Ministerial responsibility, to the Government, the Parliament and the community;
- (e) the State Service is responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;
- (f) the State Service delivers services fairly and impartially to the community;
- (g) the State Service develops leadership of the highest quality;
- (h) the State Service establishes workplace practices that encourage communication, consultation, cooperation and input from employees on matters that affect their work and workplace;

- (i) the State Service provides a fair, flexible, safe and rewarding workplace;
- (j) the State Service focuses on managing its performance and achieving results;
- (k) the State Service promotes equity in employment;
- (l) the State Service provides a reasonable opportunity to members of the community to apply for State Service employment;
- (m) the State Service provides a fair system of review of decisions taken in respect of employees.

Merit

Employment decisions must be based on merit and made in accordance with Commissioner's Directions. A revised definition of merit, specifically linked to the State Service Principles, provides the increased flexibility to address past concerns about merit, workplace diversity, succession planning and employment-related decision-making.

The Act provides that a decision relating to appointment or promotion is based on merit if:-

- (a) an assessment is made of the relative suitability of the candidates for the duties; and
- (b) the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties; and
- (c) the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
- (d) the assessment is the primary consideration in making the decision.

Code of Conduct

A Code of Conduct has been incorporated which applies to Heads of Agency, holders of prescribed offices, senior executives and employees. The Act also enables an Agency's specific conduct provisions to be incorporated with the Code of Conduct, by regulation.

Breaches of the Code of Conduct

The Commissioner is required to establish procedures for the investigation and determination of breaches of the Code. After such investigation the Minister may impose a sanction. The procedures established for a determination must afford procedural fairness.

The imposition of a sanction can be reviewed, but in the case of termination it would be referred to the relevant industrial tribunal.

"Whistle blower" protection is provided for a person who notifies an alleged breach to the Commissioner or Head of Agency.

Minister / Premier as employer

The Minister is to be the employer on behalf of the Crown for all employees other than Heads of Agency, holders of prescribed offices and senior executives, for whom the Premier will be employer. The Minister may issue Directions on matters relating to the administration of the State Service.

The Minister may request the Commissioner to conduct an investigation into any matter relating to the administration of the State Service.

State Service Commissioner

The State Service Commissioner is an independent statutory officer who reports directly to Parliament. The powers and functions of the State Service Commissioner are a consolidation of the key functions and powers of the previous statutory offices of Commissioner for Public Employment, Commissioner for Review and Secretary, together with a number of new or expanded responsibilities.

These powers and functions are to:

- uphold, promote and ensure adherence to the State Service Principles;
- determine and evaluate the application of management and employment practices, procedures and standards in Agencies;
- provide advice to the Minister on any matter relating to the State Service;
- assist Heads of Agency in the implementation of the State Service Principles and the Code of Conduct and evaluate their implementation within Agencies;
- investigate and determine alleged breaches of the Code of Conduct;
- investigate and determine whether employees are able to efficiently and effectively perform their duties;
- undertake reviews (appeals) on any State Service action;
- develop principles and standards for assisting Heads of Agency in evaluating employee's performance;
- develop and coordinate training, education and development programs;
- develop and implement recruitment programs;
- develop classification standards and procedures for application by Heads of Agency or, where no standard has been developed, approve the assignment of classifications;
- determine qualifications and other requirements for employment;
- determine which duties are of a senior executive nature;

- at the request of the Minister, investigate any matter relating to the administration of the State Service;
- maintain records of all employees;
- conduct such investigations as are necessary for the purposes of the Act.

The Commissioner may issue binding Directions that relate to any of the Commissioner's functions.

Employment status

Employment can be either permanent or fixed-term; however, permanent will be the usual form. The Minister may convert the status of an employee from fixed-term to permanent on the recommendation of the Commissioner. Heads of Agency determine duties to be performed by employees and assign a classification to those duties, by a process that is far more flexible than the previous rigid approach to the creation and abolition of positions. Employment is to be award-based. Reversion rights are provided for permanent employees who accept appointment on a fixed-term basis or as a senior executive.

Termination of employment

The Minister may terminate permanent employees, following a determination of the Commissioner, for the following reasons – (i) inability to redeploy, (ii) inability to perform duties assigned, (iii) breach of the code of conduct or (iv) other grounds prescribed in regulations (termination of probationary appointment and abandonment of employment). This power may be delegated, but only to Heads of Agency.

Fixed-term employees may be terminated in accordance with their instrument of appointment.

Decisions to terminate employment must afford procedural fairness and be reviewable by the relevant industrial tribunal.

Grievances and reviews

Industrial grievances, including those relating to termination of employment, will be heard by the relevant industrial tribunal and the State Service Commissioner will determine other matters where internal Agency grievance processes have failed to resolve the matter. There are two review rights in the Act - selection issues, and general grievance. Both review rights are available to all employees. The Commissioner's determination is binding and final.

The development and implementation of the Act has been the main focus of the activity of my Office over the year. We have enjoyed a very high level of consultation with Agencies and unions and their input has been invaluable.

The establishment of the Office of the State Service Commissioner has seen the amalgamation of the staff and resources of the previous offices of Commissioner for Public Employment, Commissioner for Review and the Division of Employment Policy

of the Department of Premier and Cabinet. The integration into the new office has progressed very smoothly and is a good example of the professionalism and commitment of the staff involved.

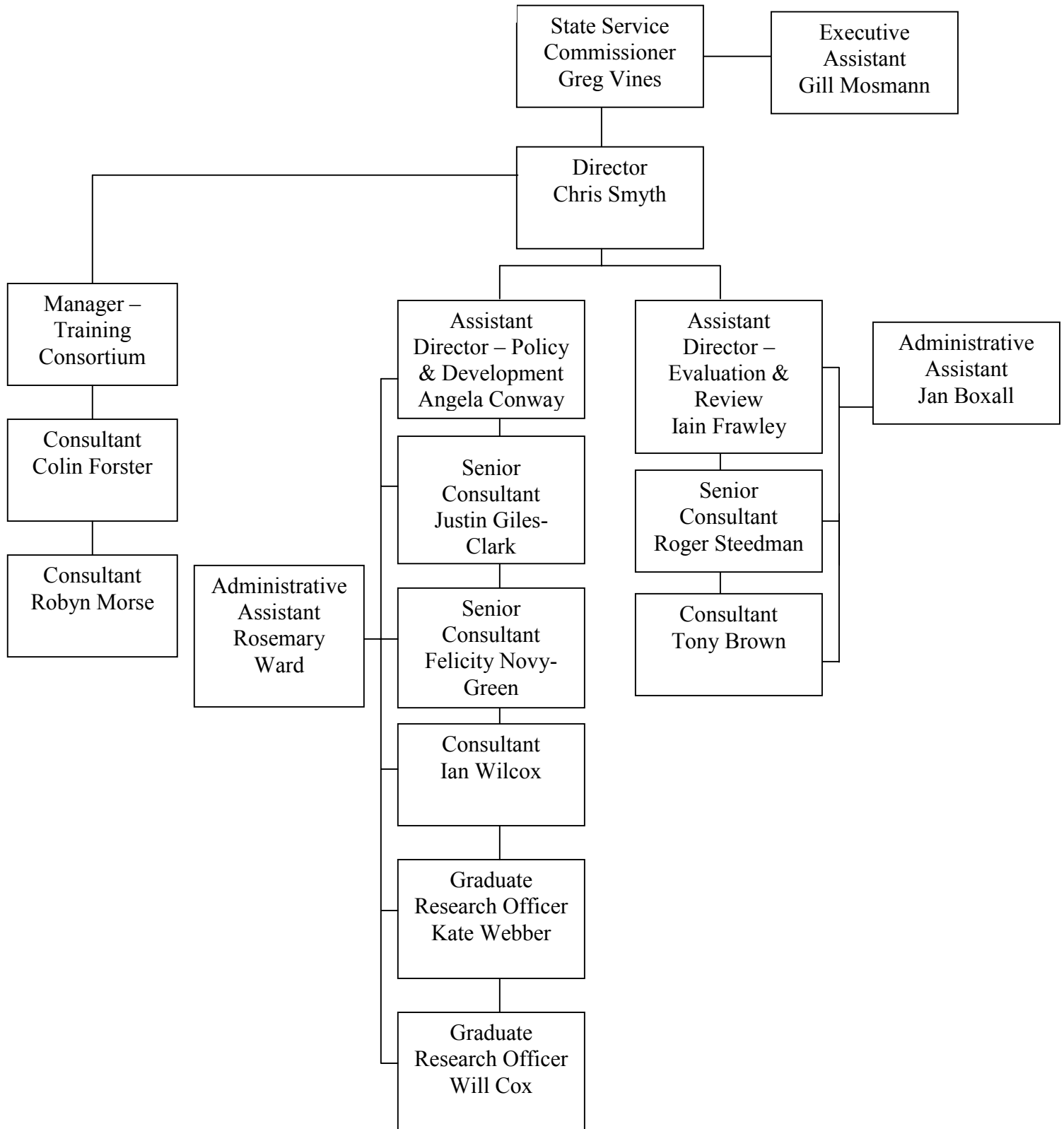
I also express my appreciation for the assistance and support from the Secretary, executive and corporate services units of the Department of Premier and Cabinet and the Offices of Chief Parliamentary Counsel and Solicitor-General.

I would like to place on record my appreciation for the efforts and support of all staff of my Office for their work over the year. I would particularly like to thank the former Acting Commissioner for Review, Iain Frawley, the Director of this Office, Chris Smyth, and Executive Assistant, Gill Mosmann, for their guidance, advice and assistance to me.

As the Act did not commence until 1 May 2001, the following report is largely based on the activity of the Commissioner for Review and Commissioner for Public Employment on whose behalf I report pursuant to section 21 of the *State Service (Savings and Transitional Provisions) Act 2000*.

Greg Vines
STATE SERVICE COMMISSIONER

3. Office Organisation Chart



The Act provides for the Commissioner to make arrangements with the Secretary of the Department of Premier and Cabinet for State Service officers and employees to be made available to the Commissioner. For this purpose the Office of the State Service Commissioner (OSSC) was established 1 May 2001.

4. Legislative Framework

State Service Act 2000

The review of the 1984 Act commenced in 1997 and was undertaken by the Division of Employment Policy, Department of Premier and Cabinet. The review was conducted in full consultation with Agencies, unions and other stakeholders.

The document *Proposed Framework for Reform* was publicly released in March 2000 and a series of draft Bills were subsequently released for detailed consultation.

The legislation was approved by Parliament during November 2000 and received Royal Assent on 10 December 2000.

The new legislative package, which repealed the 1984 Act, commenced on 1 May 2001 and comprised the following Acts:

- *State Service Act 2000*;
- *State Service (Savings and Transitional Provisions) Act 2000*;
- *State Service (Consequential and Miscellaneous Amendments) Act 2000*.

The *State Service Regulations 2001* were made by the Governor on 9 April 2001 and also commenced on 1 May 2001.

Under section 14 of the *State Service Act 2000* the Minister administering the Act may issue Directions that relate to the administration of the State Service. On 1 May 2001 the Minister issued seven Directions covering the following matters:

- Administration;
- Work Arrangements and Leave;
- Teaching Service (Tasmanian Public Sector) Award 1995;
- Tasmanian TAFE Teachers Award 1995;
- Tasmanian Fire Fighting Industry Employees Award 1995;
- Nurses (Tasmanian Public Sector) Award 1992;
- Transport.

A review of the *Tasmanian State Service Regulations 1985* resulted in the reduction of 626 regulations to the 36 contained in the *State Service Regulations 2001*. Ministerial Direction now covers the provisions of a number of previous regulations. It is intended to include some of these in the relevant industrial awards and agreements at a later stage.

Under section 20 of the Act the State Service Commissioner may issue Directions that relate to any of the Commissioner's functions. On 1 May 2001 the Commissioner issued nine Directions covering the following matters:

- Employment in the State Service;
- State Service Principles;
- Procedures for the Investigation and Determination of Alleged Breaches of the Code of Conduct;
- Procedures for the Investigation and Determination of Alleged Inability to Perform Duties;
- Reviews of State Service Actions;
- Procedure for Suspension of State Service Employees with or without Pay;
- Pre-Employment Checks;
- Redeployment of Employees;
- Retirement Benefits Fund Board Exemptions.

Commissioner's Directions on Workplace Diversity and Performance Management are currently being finalised.

Ministerial Directions and Commissioner's Directions are binding on all State Service officers and employees.

5. The Responsibilities of the Office of the State Service Commissioner

The staff of the Office of the State Service Commissioner are allocated to units covering two principal areas of activity:

- Policy and Development
- Evaluation and Review

The Policy and Development Unit is responsible for assisting and providing advice to the Commissioner on the following matters:

- promotion of the State Service Principles and provision of advice relating to the State Service Principles;
- provision of advice to the Minister;
- Commissioner's Directions and Advices;
- Ministerial Directions;
- policy development and advice relating to performance management principles and standards;
- development and coordination of training, education and development programs for the State Service;
- development and implementation of recruitment programs for the State Service;
- development of classification standards and procedures;
- development of requirements for the employment of groups of employees; including qualifications;
- management of the officer, and equivalent specialist, classification processes;
- workplace diversity;
- appointments, conversions and probation policy;
- transfer and secondment policy;
- suspension policy;
- terminations;
- redeployment policy and placement;

- public notification (administration and management of government gazettal and jobs site).

The Evaluation and Review Unit is responsible for assisting and providing advice to the Commissioner on the following matters:

- evaluating the application within Agencies of practices, procedures and standards in relation to management of, and employment in, the State Service;
- provision of advice in relation to breaches of the Code of Conduct and evaluating the adequacy of systems and procedures in Agencies for ensuring compliance with the Code of Conduct;
- undertaking reviews applied for under section 50 of the Act;
- provision of advice relating to internal grievance procedures;
- direct selections, conversions and transfer applications;
- suspension applications;
- inability applications;
- redeployment declarations.

6. The Training Consortium

The Training Consortium (TTC) is a unit within the Office of the State Service Commissioner and brokers training and development services on a contract management basis to provide professional learning development programs and events throughout Tasmania for its member organisations. TTC was established in 1998 and has grown from 4 member organisations to 18, including the Tasmanian State Service, Australian Public Service, Local Government, Government Business Enterprises, private organisations and the University of Tasmania.

During the year TTC provided general and specific training programs, workshops, information sessions and leadership forums using local, national and international speakers presenting on current and specialist management subjects.

TTC's "Leadership in Action" Series attracted a number of significant presenters. For example, Barry Jones (National President of the ALP) addressed issues associated with leadership and innovation to an audience of some 250 people; Dr David Milne (Emeritus Professor of Political Studies, University of Prince Edward Island) spoke on lessons for economic development in small island jurisdictions; the former Premier of Tasmania, Michael Field, delivered a presentation on the changing nature of organisations; and the Hon. John Button, a notable leader in the Hawke and Keating governments (1983 – 1993), addressed the issue of dealing with political leaders.

Other key events throughout the year were self-management programs conducted by Dr Carey Denholm; information sessions on the National Public Services Training Package; and seminars conducted by The Graceland College Center for Professional Development and Lifelong Learning on dealing effectively with unacceptable employee behaviour.

Ongoing programs of special note were -

- Project management training;
- "Springboard" career and personal development program for women;
- Negotiating skills training for managers;
- Managing Policy – The Challenges and Opportunities;
- Management Skills for Women Program; and
- Graduate Recruitment Program.

7. State Service Programs

Recruitment Strategies

Initiatives to assist people under 25 obtain employment within the State Service were continued following the success of previous years.

In 2000-2001, the State Government allocated \$300,000 to provide part-funding for 93 traineeship placements and nine graduate recruitment placements for young people as part of the youth recruitment strategy.

State Service Agencies set themselves a target of recruiting 520 people under 25 for the 2000-2001 financial year, an increase of 120 over the previous year. The majority of Agencies achieved or exceeded their youth recruitment target levels by the end of the financial year. The total number of young people employed for three months duration or longer was 805, exceeding the target by 235.

Managing Workplace Diversity

The Managing Workplace Diversity Peak Body was re-established and progressed:

- the review and updating of the Changing Workplace Behaviour Management Plan;
- the incorporation of action points from Management Plan into a revised workplace diversity strategy;
- the priority areas to be addressed in Agency plans; and
- the introduction of managing diversity awards for excellence in managing diversity initiatives and achievements.

The Peak Body provides high-level input, sets priorities and consults with Agencies to monitor the workplace diversity plan on a whole-of-government basis.

Managing workplace diversity continues to be a key focus area for the State Service Commissioner. The Act requires Heads of Agency to implement workplace diversity programs and to report on their diversity strategies and programs on an annual basis. The Commissioner will evaluate the programs.

A Commissioner's Direction on workplace diversity is currently under development with a working group consisting of Agency representatives providing input into the process.

The Aboriginal Employment Policy Guidelines

The Aboriginal Employment Policy Guidelines were released in October 1998 following consultation with the Office of Aboriginal Affairs (OAA). These Guidelines were originally created to support the Aboriginal and Torres Strait Islander Employment and Career Development Strategy, which is a joint Federal and State funded initiative. On 1 July 1999 the Federal Government introduced the new Indigenous Employment Policy replacing the Aboriginal Employment Development Policy. As a result of the introduction of this new Federal policy, a new state agreement is being finalised and the Guidelines will be reviewed to ensure that they facilitate and assist the State Government indigenous employment outcomes.

The Guidelines are designed to assist Agencies in the recruitment process for “Aboriginal identified” positions. Positions approved by the Commissioner as “identified” or “tagged” have essential requirements that need to be met before a person can be appointed. The Guidelines outline the process for determining position type, recruitment, eligibility and grievance procedures.

8. Key Issues in Policy and Development

Tasmanian State Service Wages Agreement 2001

The Tasmanian State Service Wages Agreement 2001 (the Agreement) was approved by the Tasmanian Industrial Commission in March 2001. The Agreement spans the period 1 February 2001 until 31 July 2003 and covers the majority of the State Service with the exception of teachers, police, nurses, firefighters and medical practitioners.

The significant components of the Agreement are as follows:

Salary Increases

- 1 February 2001 by \$18 or 3% (whichever is the greater);
- 1 November 2001 by \$15 or 2.5% (whichever is the greater);
- 1 September 2002 by \$15 or 2.5% (whichever is the greater); and
- 1 July 2003 by \$6 or 1% (whichever is the greater).

Salary Sacrifice

Employees are able to elect to sacrifice a proportion of their award salary to a complying superannuation scheme of their choice.

Salary Packaging

Employees who are employed in a Public Benevolent Institution (public hospital) are able to elect to take a proportion of their award salary in an alternative benefit form.

Maternity Leave

Maternity leave provisions have been improved, allowing female employees with 12 months continuous service in the State Service, at the time of commencing maternity leave, to take up to 12 weeks paid maternity leave.

Sick Leave

A trial of a “No credit” sick leave system will be undertaken within selected Agencies.

Family Friendly Initiatives

The Agreement acknowledges the value of ‘family friendly’ practices within the workplace and encourages Agencies to implement employment conditions that allow employees greater flexibility to balance work and family responsibilities. Initiatives will include employees having access to:-

- Lactation breaks;
- State Service accumulated leave scheme;

- Part-time employment; and
- Parental leave

Review of Classification Standards and Systems

A review of classification standards and systems will be undertaken during the term of the Agreement.

Smoking Breaks

The Agreement provides for the discontinuation of the practice of employees smoking during paid work time.

www.jobs.tas.gov.au

The *www.jobs.tas.gov.au* employment portal has been successfully operating since its launch in May 2000. It was the first dedicated whole-of-government employment and recruitment site in Australia. It provides a single point of access to Government career and job-seeking information within the State Service. Vacancies are fully searchable using jobs type, department, occupation, salary or location.

Almost 2, 500 jobs were advertised on the *job.tas* site over the past 12 months. This represents an average of 56 new vacancies per week and approximately 150 on the site at any one time given the 16 day closing period. The Agency breakdown was as follows:

Agency	Total jobs advertised to 30 June 2001
Department of Health and Human Services	1 182
Department of Education (inc TAFE)	497
Department of Primary Industries, Water and Environment	311
Department of Infrastructure, Energy and Resources	134
Department of Treasury and Finance	106
Department of Justice and Industrial Relations	75
Department of Police and Public Safety	40
Department of Premier and Cabinet	47
Department of State Development	52
Tasmanian Audit Office	14
The Public Trustee	9
Total	2 467

Jobkits provide everything needed to apply for the advertised vacancy, including the statement of duties and application forms. The user has the choice of downloading the job kit or having it emailed, faxed or mailed to them.

The site seamlessly integrates unique branding, intuitive design and up-to-date content to provide one of the most popular web sites within the State Service. The following table provides a summary of access statistics for the job site between July 2000 and June 2001:

Month	Total Visits	Pages Viewed	Average Visit Length (minutes)	Jobkit Downloads & Requests	Average Number of Pages Viewed per Visit	Average Daily Visits
Jul-00	31,100	201,000	5.0	15,600	6.50	1,000
Aug-00	31,100	204,000	5.0	21,100	6.50	1,000
Sep-00	29,500	204,000	4.5	23,500	6.90	1,000
Oct-00	30,900	215,000	4.5	24,000	7.00	1,000
Nov-00	32,500	241,000	4.5	28,600	7.40	1,050
Dec-00	25,000	150,000	3.5	14,300	6.10	800
Jan-01	33,000	218,000	4.2	26,000	6.60	1,070
Feb-01	32,000	210,000	4.3	24,000	6.60	1,130
Mar-01	35,000	243,000	6.9	27,000	6.90	1,130
Apr-01	33,500	220,000	4.3	28,000	6.60	1,110
May-01	42,400	280,000	4.3	35,233	6.60	1,370
June-01	39,000	250,000	4.3	29,600	6.40	1,300

The site electronically compiles the vacancy notices that appear in the State Service Notices section of the Government Gazette. An Agency working group has been formed to evaluate the first 12 months of operation and make recommendations to further improve the site.

This site supports the State Service Commissioner's merit protection role by giving more people greater access and opportunity to gain employment in the State Service.

Direct Selections

Under the 1984 Act, a Head of Agency (or delegate) could, with the approval of the Commissioner for Public Employment, select, without advertising a vacancy, a permanent employee who satisfied the requirements of the position and whom the Head of Agency considered most capable of filling the position.

There were four circumstances in which direct selection requests could be considered. These included a major workplace reorganisation, the requirement for a high degree of specialist knowledge, an employee acting in the position for more than 12 months and initially selected on merit, and the redesign and re-classification of the position

With the introduction of the Act, the responsibility to ensure that the application of merit is safeguarded continues to be the basic tenet for approval of direct selections by the State Service Commissioner. Direct selections are now referred to as promotions without advertising.

Examples of circumstances in which approval will be considered are set out in Commissioner's Direction No. 1 and they are similar to those under the previous legislative framework.

Consideration of all requests that meet the criteria is undertaken to ensure that proposed promotions are based on merit.

Direct selection totals for each Agency for the period ending 30 June

Agencies and Authorities	1997	1998	1999	2000	2001
Department of Health and Human Services	32	62	101	123	78
Department of Education	18	117	61	52	436
Department of Primary Industries, Water and Environment	120	109	21	23	123
Department of Justice and Industrial Relations	41	56	54	25	21
Department of Police and Public Safety	21	2	29	4	14
Department of Premier and Cabinet	15	7	9	32	20
Department of Treasury and Finance	11	7	3		21
Department of Infrastructure, Energy and Resources	72	37	10	14	15
Department of State Development	6	2		2	13
Tasmanian Audit Office			1		
Egg Marketing Board					
Motor Accidents Insurance Board					
Retirement Benefits Fund Board					
Rivers and Water Supply Commission	6				
Tasmanian Dairy Industry Authority					
Tasmanian Grain Elevators Board					
The Public Trustee	2	5	1	1	7
Total:	344	404	290	276	748

The two significant increases occurred in 2001 as a result of the Department of Primary Industries, Water and Environment finalising the structure of Service Tasmania, resulting in 106 direct selections, mainly in the Client Service Officer area, and a large number of long-term temporary employees in the Department of Education being converted to permanency and directly selected to their existing positions.

Fixed-Term Employment

Under the 1984 Act, the Commissioner for Public Employment made recommendations to the Premier for the conversion of employees from temporary to permanent status. Conversions were only made at the "base-grade" level and only after it was demonstrated that a merit process had been used to originally employ the person. The Head of Agency must have certified that funding was available and the person was unlikely to be declared surplus to the requirements of the Agency.

Assistance has been provided to a number of Agencies to develop strategies to address the issue of fixed-term employment. These Agencies have developed and implemented specific guidelines on fixed-term employment that will improve Agency practices. As

part of the exercise, a considerable number of employees were identified as being eligible for conversion from fixed-term to permanent status in the Department of Education. These occupational groups included base-grade teachers and school-based library technicians. Within the Department of Health and Human Services, a number of registered nurses, cleaners and child-protection workers were also identified to have their employment status converted from fixed-term to permanent.

Under the Act, fixed-term employment continues to be closely monitored to ensure that it is only being used, in preference to permanent employment, in appropriate circumstances.

While there has been an active campaign to reduce the proportion of fixed-term employees over the past twelve months, it is recognised that there remains a need for fixed-term employment in an organisation of the size and diversity of the State Service.

Conversions to Permanency totals for each Agency for the period ending 30 June

Agencies and Authorities	1997¹	1998	1999	2000	2001
Department of Health and Human Services	115	26	260	171	71
Department of Education	324	54	334	850	284
Department of Primary Industries, Water and Environment	4	9	12	20	21
Department of Justice and Industrial Relations	7	6	15	7	14
Department of Police and Public Safety	1		30	7	15
Department of Premier and Cabinet	1	3	13	7	3
Department of Treasury and Finance		1			2
Department of Infrastructure, Energy and Resources		4		2	5
Department of State Development		1			2
Tasmanian Audit Office					
Egg Marketing Board					
Motor Accidents Insurance Board					
Retirement Benefits Fund Board					
Rivers and Water Supply Commission					
Tasmanian Dairy Industry Authority					
Tasmanian Grain Elevators Board				1	3
The Public Trustee			1		
Total:	452	104	665	1065	420

¹ Previous State Service Agency structure has been converted to the current State Service Agency structure for comparison purposes.

Fixed-Term Employment Registers

A significant number of fixed-term employment registers have been established or re-established during the year. The registers provide for merit-based selection of fixed-term employees, providing administrative ease in Agency recruitment programs and greater opportunity for employment for members of the community. Employment registers cover the following areas:

- temporary teachers, guidance officers, speech pathologists and social workers;
- nurses;
- administrative trainees, assistants, ministerial drivers, proof-readers, couriers and voice communications officers;
- aboriginal employment;
- laboratory technical workers and officers;
- track workers and field assistants;
- Project Hahn instructors.

Priority Placement Register

A Priority Placement Register is maintained by the State Service Commissioner and comprises names of permanent employees who have been declared by the Head of Agency to be surplus to the requirements of that Agency. Under the 1984 Act the Priority Placement Register was known as the Redeployment Register.

An employee can be listed on the register for a period of up to 12 months. The Commissioner may transfer an employee on the Register to any vacant position that a Head of Agency is seeking to fill and the duties of which the Commissioner considers the employee capable and competent to perform.

If, at the expiration of 12 months from the date of registration on the Register an employee has not been transferred, or otherwise had their name removed from the register, then the Act requires that the Commissioner advise the Head of Agency who must call on the employee to resign or retire from the State Service or be subject to dismissal.

This year there were no employees formally declared surplus to the requirements of Agencies. The Government's policy of no redundancies continues to mean that redeployment is the preferred mechanism for dealing with surplus staff.

Appointment of former invalidity pensioners

The 1984 Act provided for the Commissioner for Public Employment to receive a report from the Retirement Benefits Fund Board stating that the Board is of the opinion that the health of an invalidity pensioner is so restored as to enable that person to perform the duties of any office or position. The Commissioner for Public Employment had the power to take such action as was considered reasonable and practicable to identify a vacant position in the State Service in which the person would be capable of performing satisfactorily.

Number of former invalidity pensioners awaiting placement as at 30 June

Year	Number of former invalidity pensioners
1997	8
1998	15
1999	23
2000	23
2001	23

Under the Act, specific provisions are no longer made for former invalidity pensioners to return to the State Service Agencies. However, the Commissioner may exercise general discretion to assist their reappointment to the State Service.

9. Key Issues in Evaluation and Review

The role of the Evaluation and Review Unit is to assist the State Service Commissioner with regard to upholding the merit principle and upholding, promoting and ensuring adherence to the State Service Principles. In addition, the Unit is responsible for matters associated with possible breaches of the Code of Conduct; for the investigation and determination of whether an employee is able to efficiently and effectively perform duties assigned to the employee; and for undertaking reviews applied for under section 50 of the Act.

Inability to Discharge Duties

Part VIII of the 1984 Act and section 48 of the Act provide for inability procedures for determining whether employees are able to efficiently discharge their duties. The provisions are consistent with the rules of procedural fairness.

The role of the State Service Commissioner is to appoint an inquirer to investigate a claim by a Head of Agency concerning employee's inability. The inquirer's findings are reported to the relevant Head of Agency, who determines what further action, if any, is to be taken.

In the 2000-01 year to 30 April 2001, three requests from a Head of Agency were lodged. One inquiry was concluded and substantiated the claim that the person was incapable of discharging the duties of their position efficiently. The two other inability inquiries are continuing.

Conduct and Discipline

Part IX of the 1984 Act provided for the conduct of disciplinary procedures in relation to permanent employees who may have committed offences under that Act. The provisions are consistent with the rules of procedural fairness.

In the period to 30 June 2001, three requests were lodged by a Head of Agency for the appointment of a person to conduct an inquiry following the charging of a permanent employee.

In one inquiry the inquirer found that there was substance in some of the charges laid. The action taken by the Head of Agency in relation to the recommendations of the inquirer was to call on the person to resign or retire. One inquiry is continuing and the other did not commence due to the resignation of the employee concerned.

Investigations

Under the 1984 Act, the Commissioner for Public Employment was able to conduct such inquiries, investigations or reviews as the Commissioner considered necessary for the purposes of the Act. These inquiries were normally related to selection process matters and were conducted in response to grievances submitted by external applicants.

When such a person provided sufficient evidence to warrant investigation, an inquiry was undertaken in line with the Commissioner's function of promoting, upholding and ensuring adherence to the Merit Principle.

There were eight such investigations conducted during the reporting period. These were in the Department of Health and Human Services, Department of Education (including TAFE Tasmania) and the Tasmanian Audit Office.

Although the provisions for the review of actions under the Act are similar to the provisions that existed under the 1984 Act, there are a number of changes that are worthy of note. These are as follows:

- under section 50(1)(a) of the Act, any employee who was an applicant for a vacancy is entitled to seek a review of the selection of a person or an employee to that vacancy. Under the 1984 Act, only a permanent employee was entitled to lodge a merit appeal;
- in the case of the granting of an application for review under section 50(1)(a) of the Act, the Commissioner may direct the Head of Agency to undertake the selection again and comply with such other requirements as are imposed. Under the 1984 Act, in the case of a successful merit appeal, the Head of Agency would be directed to appoint a successful appellant to the position under review;
- the review of all State Service actions other than selection is now covered by the one provision contained in section 50(1)(b) of the Act;
- the Act notes that disputes in relation to termination of employment are to be dealt with by the appropriate industrial tribunal;
- section 24 of the Act allows the Commissioner to refer any matter to the appropriate jurisdiction; and
- under section 34(1)(j) of the Act, the Head of Agency is required to develop and implement an internal grievance resolution system in that Agency.

The procedures for a review have been set down in the following three Commissioner's Directions:

- 5 of 2001 – Procedures for Investigation and Determination of Alleged Breaches of the Code of Conduct;
- 6 of 2001 – Procedures for Investigation and Determination of Alleged Inability to Perform Duties;
- 7 of 2001 – Review of State Service Actions.

In the period from 1 May 2001 to 30 June 2001 the Unit has spent a significant amount of time in dealing with issues associated with the introduction of the new legislation both on an individual and an Agency level. Agencies are required to develop internal

grievance procedures and utilise these procedures, often as a first step in ascertaining the seriousness of an alleged grievance.

The *State Service (Savings and Transitional Provisions) Act 2000* provides that appeals made in accordance with the 1984 Act, and commenced prior to the proclamation day of the Act, will be heard under the 1984 Act.

The commencement of the Act saw the finalisation of appeals associated with the State Service Award Translation process. This process had involved all Agencies with the exception of the Department of Health & Human Services, which was the subject of a separate earlier process. Employees lodged a total of 554 appeals under the previous legislation over a 6 year period from 1995-96 to 2000-01, and the last of these was finalised during the reporting period. Of the total number, 185 appeals were dismissed, 83 withdrawn and 26 upheld. The remaining 260, or 47%, were resolved to the satisfaction of all parties without the need for a formal determination.

Table 1 shows appeals that were lodged under the 1984 Act and finalised during the reporting period. This table includes appeals that were lodged in the reporting period and cases carried forward from previous years. The majority of the cases carried forward relate to the Tasmanian State Service Award Translation process. The information is provided by appeal type and Agency.

Tables 2 and 3 provide further information on the cases listed in Table 1. The information is provided in two categories – Selection Appeals and Other Than Selection Appeals – and indicates the outcome of each category for each Agency.

Tables 4 and 5 provide statistical information on reviews lodged in the period of the commencement of the Act to 30 June 2001.

*Table 1***Tasmanian State Service Act 1984 – Appeals**

AGENCY	APPEAL TYPE							TOTALS
	Merit	Direct Selection	Classification	Performance/Inability	Counselling/Fine	Selection Process	Unfair and Inequitable	
AUDIT	2	-	-	-	-	-	-	2
DHHS	8	5	2	-	3	6	12	36
DOE	2	-	60	2	-	2	18	84
DOTAF	1	-	-	-	-	-	-	1
DPAC	-	-	1	-	-	-	-	1
DPIWE	-	-	-	-	-	-	3	3
JUSTICE	2	-	-	-	-	4	-	6
POLICE	1	-	1	-	-	1	1	4
DSD	1	-	-	-	-	-	1	2
DIER	-	-	1	-	-	-	-	1
TAFE	1	-	-	-	-	-	1	2
TOTALS	18	5	65	2	3	13	36	142

Includes appeals lodged in the period and those carried forward from previous years

*Table 2***Selection Appeals Finalised - Tasmanian State Service Act 1984**

AGENCY	Brought Forward	Received	Total	Upheld	Dismissed	Resolved	Withdrawn
AUDIT	-	2	2	-	-	-	2
DHHS	1	18	19	1	2	11	5
DOE	-	4	4	-	2	1	1
DOTAF	-	1	1	-	1	-	-
JUSTICE	-	6	6	-	2	4	-
POLICE	-	2	2	-	1	-	1
DSD	-	1	1	-	1	-	-
TOTALS	1	34	35	1	9	16	9

Table 3**Other than selection appeals - Tasmanian State Service Act 1984**

AGENCY	Brought forward	Received	Total	Upheld	Dismissed	Resolved	Withdrawn
DIER	1	-	1	-	1	-	-
DHHS	5	12	17	2	3	11	1
DOE	73	7	80	4	15	55	6
TAFE	2	-	2	-	-	2	-
DPAC	-	1	1	-	-	1	-
DPIWE	-	3	3	-	-	3	-
POLICE	-	2	2	-	-	2	-
DSD	-	1	1	-	-	1	-
TOTALS	81	26	107	6	19	75	7

Table 4**Selection Reviews - State Service Act 2000**

AGENCY	Granted	Not Granted	Resolved	Withdrawn	Carried Forward	Total
DHHS	-	1	3	1	-	5
DOE	-	2	-	-	-	2
TAFE	-	-	2	-	-	2
TOTALS	-	3	5	1	-	9

Table 5**Other State Service Action Reviews - State Service Act 2000**

AGENCY	Granted	Not Granted	Resolved	Withdrawn	Carried Forward	Total
DHHS	-	1	-	-	1	2
TOTALS	-	1	-	-	1	2

APPENDIX

State Service Statistics

APPENDIX– STATE SERVICE STATISTICS

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STATISTICAL OVERVIEW

The statistics contained in this Annual Report have been produced from standard electronic data returns provided by the following Agencies and Authorities:

- Department of Health and Human Services
- Department of Education
- Department of Primary Industries, Water and Environment
- Department of Justice and Industrial Relations
- Department of Police and Public Safety
- Department of Premier and Cabinet
- Department of Treasury and Finance
- Department of Infrastructure, Energy and Resources
- Department of State Development
- Tasmanian Audit Office
- Port Arthur Historic Site Management Authority
- Retirement Benefits Fund Board
- TAFE Tasmania
- Tasmanian Grain Elevators Board
- The Public Trustee

As at 30 June 2001 there were 19,494.98 full-time equivalent (FTE) employees employed under the *State Service Act 2000*. This represents an increase of 402.55 FTE since 30 June 2000. In terms of actual headcount, there were 22,644 employees, which represents a notional increase of 501 since 30 June 2000. The reasons underlying this notional increase are set out below.

At 30 June 2001 there were 2,312 casuals paid by State Service Agencies. This represents a decrease of 69 from the previous year.

A number of the significant variations from the 1999-2000 Annual Report are due to the proclamation of the *State Service Act 2000* during the reporting period. The variations can be attributed to the following changes:

- the inclusion of persons as permanent employees employed in the Department of Education pursuant to the –
 - Miscellaneous Workers (Public Sector) Award;
 - Metal Trades (State Employees) Award;
 - Electrical/Electronic Trades (Public Sector) Award;
 - TAFE Tasmania Building Trades Industrial Agreement 1998; and
 - Building Trades (Tasmanian Public Sector) 2nd Tier and Interim Wages and Supplementary Agreement No. 1 of 1990;

- the inclusion of persons as permanent employees employed in the Department of Primary Industries, Water and Environment pursuant to the Australian Workers Union (Tasmanian Public Sector) Award 1996;
- the inclusion of persons as permanent employees employed in the Department of Infrastructure, Energy and Resources pursuant to the Miscellaneous Workers (Public Sector Award) and the Electrical/Electronic Trades (Public Sector) Award;
- the inclusion of persons as permanent employees employed under the *TAFE Tasmania Act 1997*;
- the inclusion of persons employed under the *Tasmanian Development Act 1983*;
- the inclusion of persons employed under the *Tourism Tasmania Act 1996*;
- the inclusion of persons employed by the Port Arthur Historic Site Management Authority;
- the exclusion of persons employed by the Motor Accidents Insurance Board;
- the removal of the compulsory employment age provision;
- a number of definitional changes, principally that of “officer” to include Heads of Agency, prescribed office holders and Senior Executives; and
- the conversion of casual and fixed-term employees to permanent status.

DEFINITIONS

The following definitions apply to subsequent Figures and Tables:

- *Officers* are appointed under Part 6 of the *State Service Act 2000* and include Heads of Agency, prescribed office holders and Senior Executives;
- *Permanent employees* are appointed under Part 7 of the *State Service Act 2000*;
- *Fixed-term employees* are appointed for a specified term or for the duration of a specified task under Part 7 of the *State Service Act 2000*;
- *Casual employees* are included as fixed-term employees and work on an “as and when basis” and are paid a loaded rate in lieu of receiving leave entitlements;
- *Non State Servants*, for example, Police Officers, external consultants, Crown Prerogative, Judges and Magistrates, Industrial Commissioner, Electoral Officers, some RBF employees;
- *Full-Time Equivalents* provide a measure of the total hours worked for the salary period. The total hours paid is divided by the number of prescribed weekly hours for each class of employee for that salary period. All employees receiving workers compensation payments, sick leave, recreation leave, long service leave, special leave, bereavement leave and defence leave are included in the calculation of FTE; and
- *Headcount* provides a measure of individual employments recorded at a specified date.

STATE SERVICE NUMBERS

The number of Full-Time Equivalents has increased by 402.55 since 30 June 2000.

Table 1: Full-Time Equivalents by Agency - 30 June 2001

Agency	Officers	Permanent	Fixed Term	Grand Total
Department of Health and Human Services	48.09	5,599.99	1182.45	6,830.53
Department of Education	22	5,361.07	2,233.72	7,616.79
Department of Primary Industries, Water and Environment	18	1,140.70	214.88	1,373.58
Department of Justice and Industrial Relations	10	537.12	101.41	648.53
Department of Police and Public Safety	3	331.68	45.41	380.09
Department of Premier and Cabinet	18	230.60	38.70	287.30
Department of Treasury and Finance	15	237.86	33	285.86
Department of Infrastructure, Energy and Resources	16	536.38	67.69	620.07
Department of State Development	31	221.30	76.82	329.12
Tasmanian Audit Office	2	31	2	35
Port Arthur Historic Site Management Authority	2	59.32	11.50	72.82
Retirement Benefits Fund Board	0	28.24	0	28.24
TAFE Tasmania	6	834.69	90.66	931.35
Tasmanian Grain Elevators Board	1	3	3.8	7.8
The Public Trustee	1	42.9	4	47.9
Total	193.09	15,195.85	4,106.04	19,494.98

Table 2: Headcounts by Agency - 30 June 2001

Agency	Officers		Permanent		Fixed-Term		Total
	Male	Female	Male	Female	Male	Female	
Department of Health and Human Services	30	18	1,823	4,518	544	938	7,871
Department of Education	14	8	1,586	4,458	918	2,312	9,296
Department of Primary Industries, Water and Environment	14	4	756	469	118	129	1,490
Department of Justice and Industrial Relations	9	1	332	225	33	89	689
Department of Police and Public Safety	3	0	142	204	19	38	406
Department of Premier and Cabinet	10	8	104	137	17	25	301
Department of Treasury and Finance	15	1	126	120	8	25	295
Department of Infrastructure, Energy and Resources	16	0	351	259	40	36	702
Department of State Development	31	6	93	147	11	72	360
Tasmanian Audit Office	2	0	21	10	1	1	35
Port Arthur Historic Site Management Authority	2	0	33	42	9	6	92
Retirement Benefits Fund Board	0	0	11	19	0	0	30
TAFE Tasmania	4	2	450	459	43	61	1,019
Tasmanian Grain Elevators Board	1	0	7	1	0	0	9
The Public Trustee	0	1	19	24	2	3	49
Total	151	49	5,854	11,092	1,763	3,735	22,644

Of the total headcount, 66 per cent are female.

Table 3: Variations in Total FTE's and Headcounts by Agency

Agency	Total FTE's 2000	Total FTE's 2001	FTE Variation	Total Headcount 2000	Total Headcount 2001	Headcount Variation
Department of Health and Human Services	6,367.94	6,830.53	462.59	7,385	7,871	486
Department of Education	7,720.84	7,616.79	-104.05	9,410	9,296	-114
Department of Primary Industries, Water and Environment	1,350.28	1,373.58	23.30	1,466	1,490	24
Department of Justice and Industrial Relations	635.37	648.53	13.16	668	689	21
Department of Police and Public Safety	348.83	380.09	31.26	374	406	32
Department of Premier and Cabinet	273.40	287.30	13.90	289	301	12
Department of Treasury and Finance	278.00	285.86	7.86	278	295	17
Department of Infrastructure, Energy and Resources	638.40	620.07	-18.33	652	702	50
Department of State Development	340.46	329.12	-11.34	380	360	-20
Tasmanian Audit Office	35	35	0	35	35	0
Port Arthur Historic Site Management Authority	0	72.82	72.82	0	92	92
Retirement Benefits Fund Board	51.62	28.24	-23.38	54	30	-24
TAFE Tasmania	956.45	931.35	-25.10	1,050	1,019	-31
Tasmanian Grain Elevators Board	7.0	7.8	0.8	8	9	1
The Public Trustee	45.14	47.90	2.76	50	49	-1
Egg Marketing Board	4	0	-4.00	4	0	-4
Motor Accidents Insurance Board	35.70	0	-35.70	36	0	-36
Tasmanian Dairy Industry Authority	4	0	-4	4	0	-4
Total	19,092.43	19,494.98	402.55	22,143	22,644	501
Variation			402.55			501

STATE SERVICE PROFILES

Age Profiles

Figure 1: Percentage of Total Headcount by Age

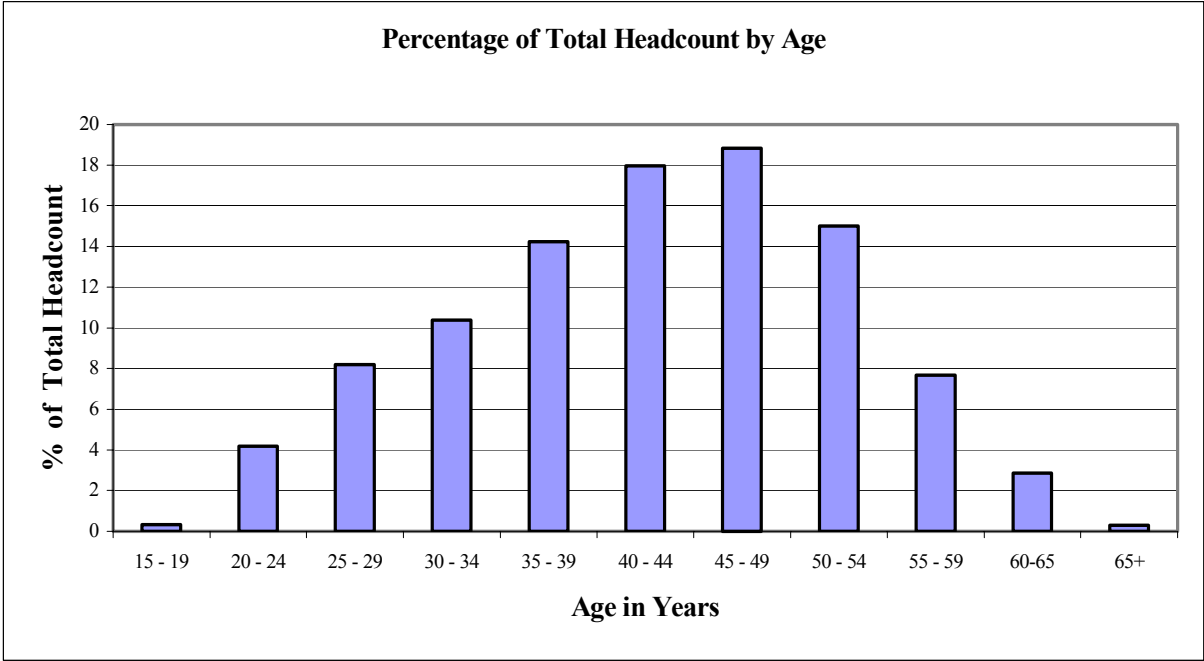


Figure 2: Percentage of Male and Female Headcount by Age

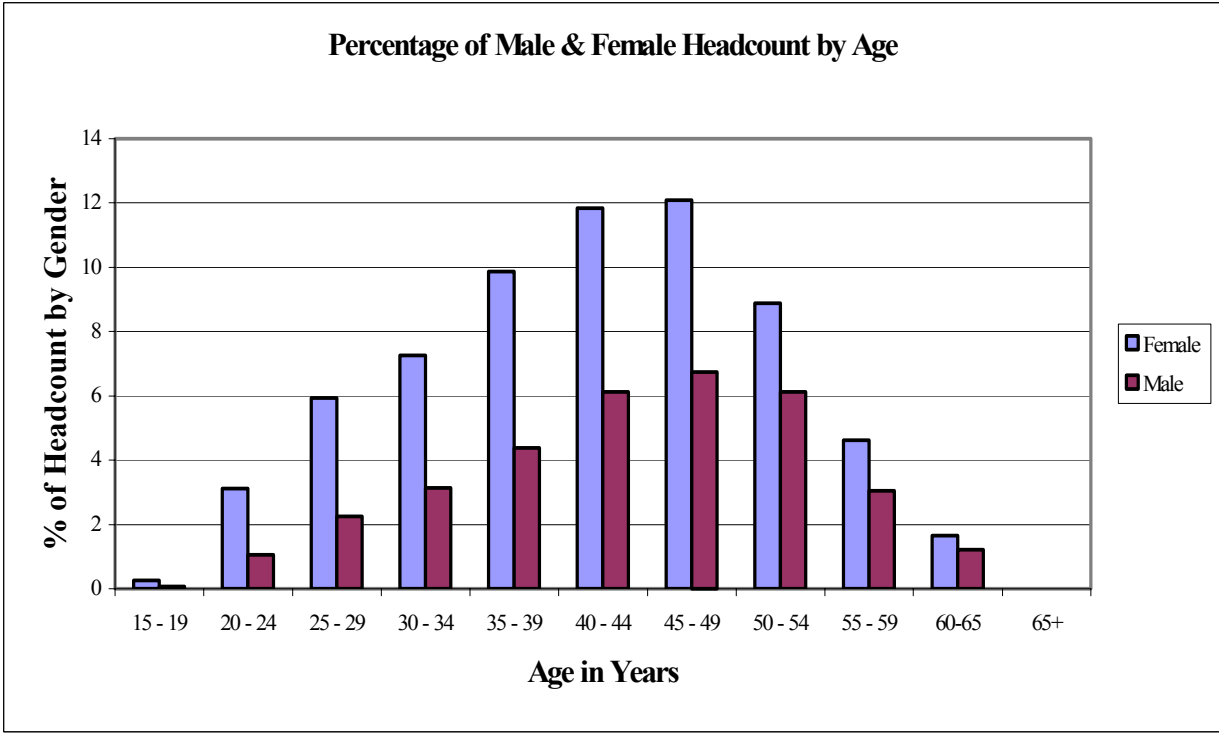


Figure 3: Age Distribution of State Service Employees, 1999-2001

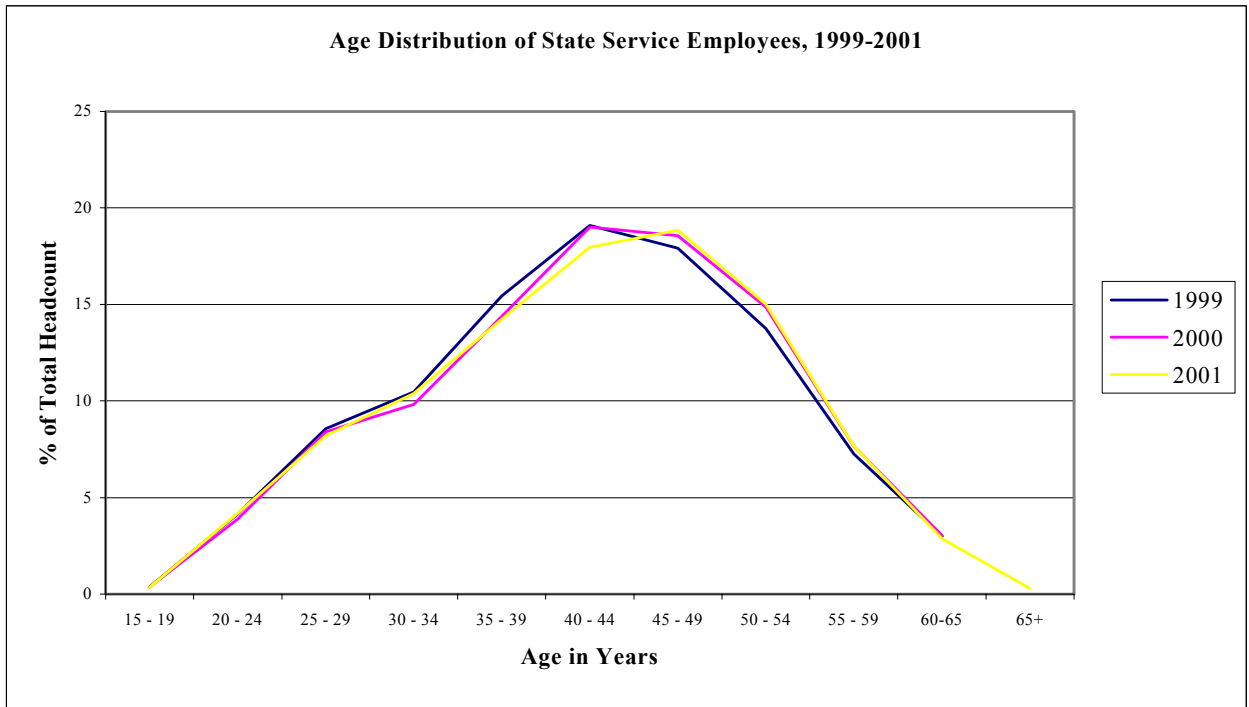


Figure 4: Age Distribution of Male State Service Employees, 1999-2001

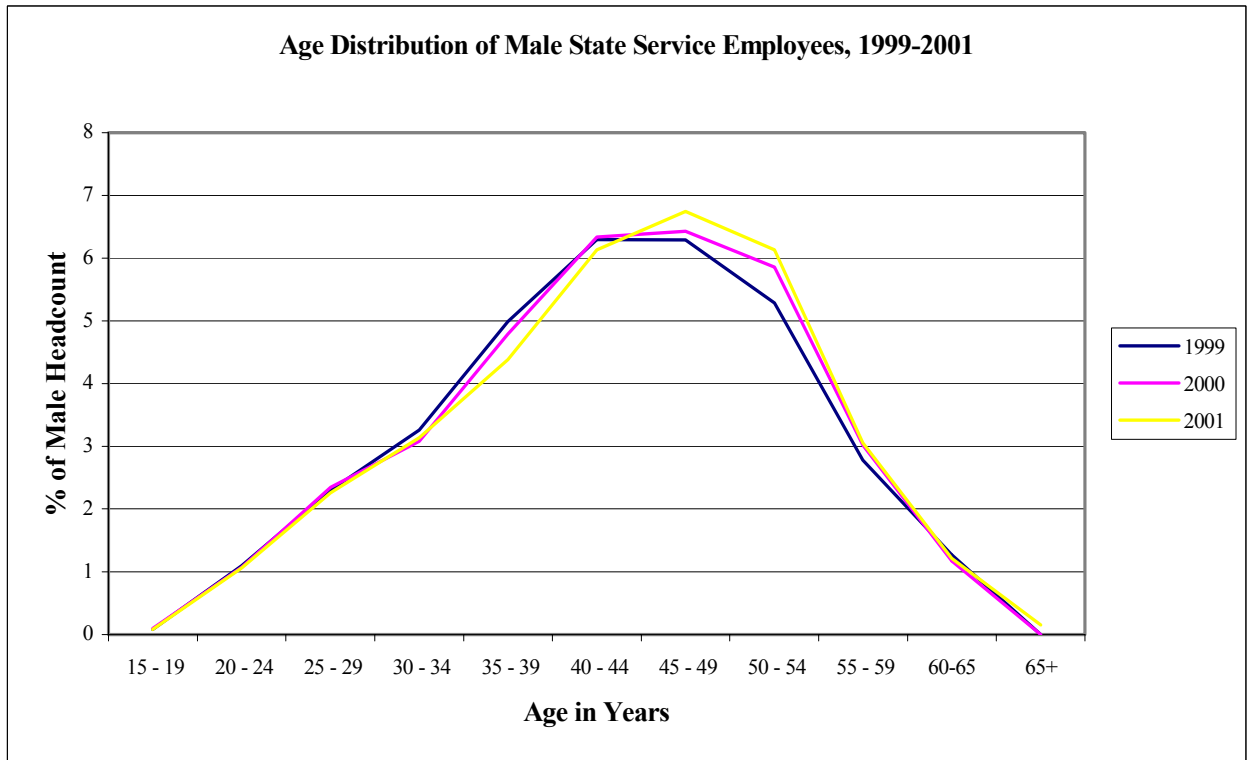
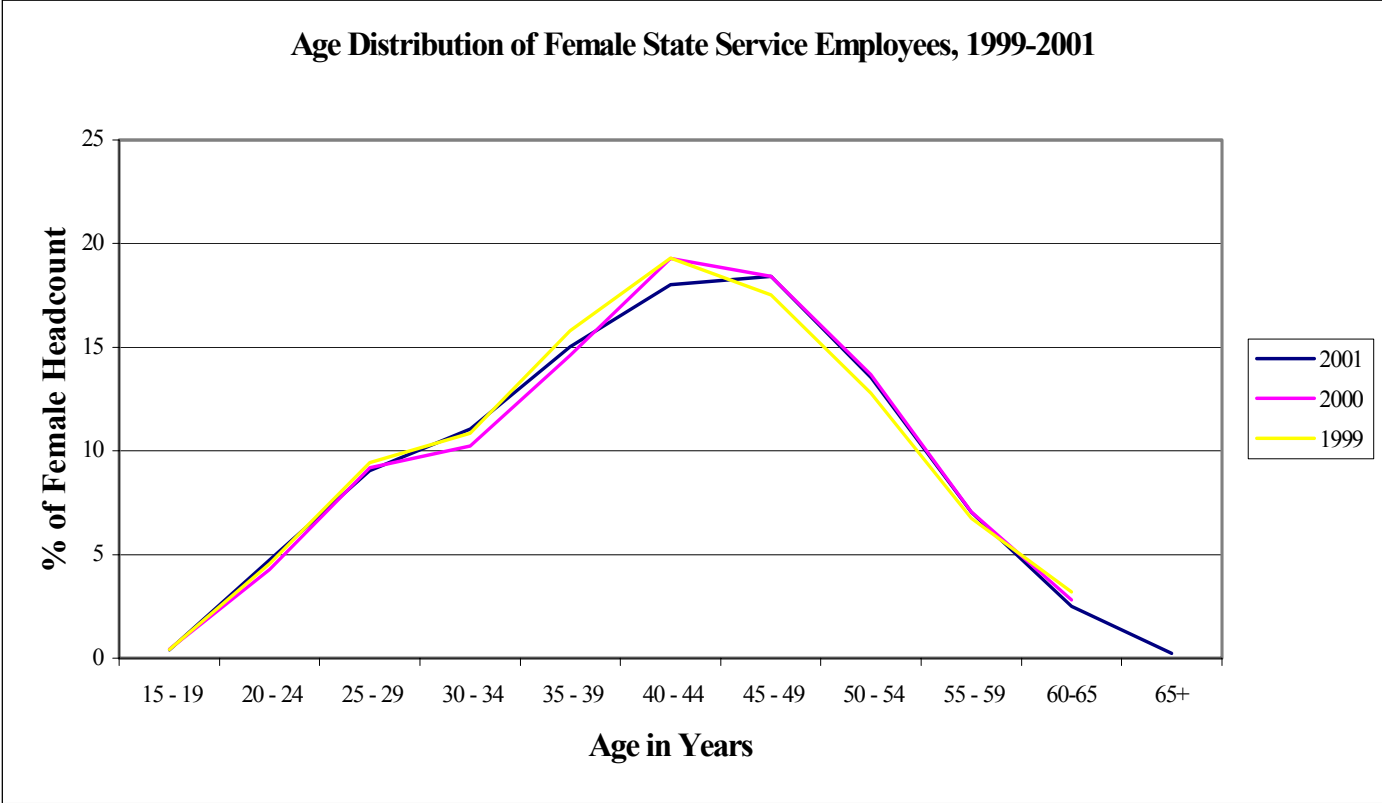


Figure 5: Age Distribution of Female State Service Employees, 1999-2001



SALARY PROFILES

Figure 6: Salary Profile for the State Service

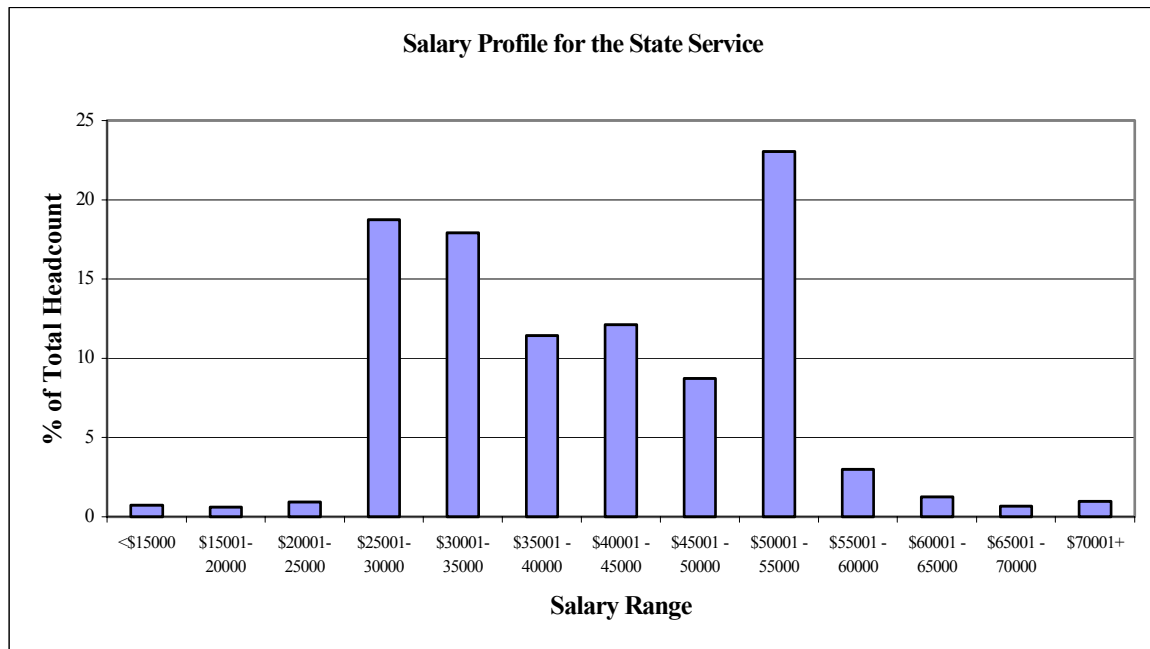


Figure 7: Gender Composition of State Service Salary Profile 2001

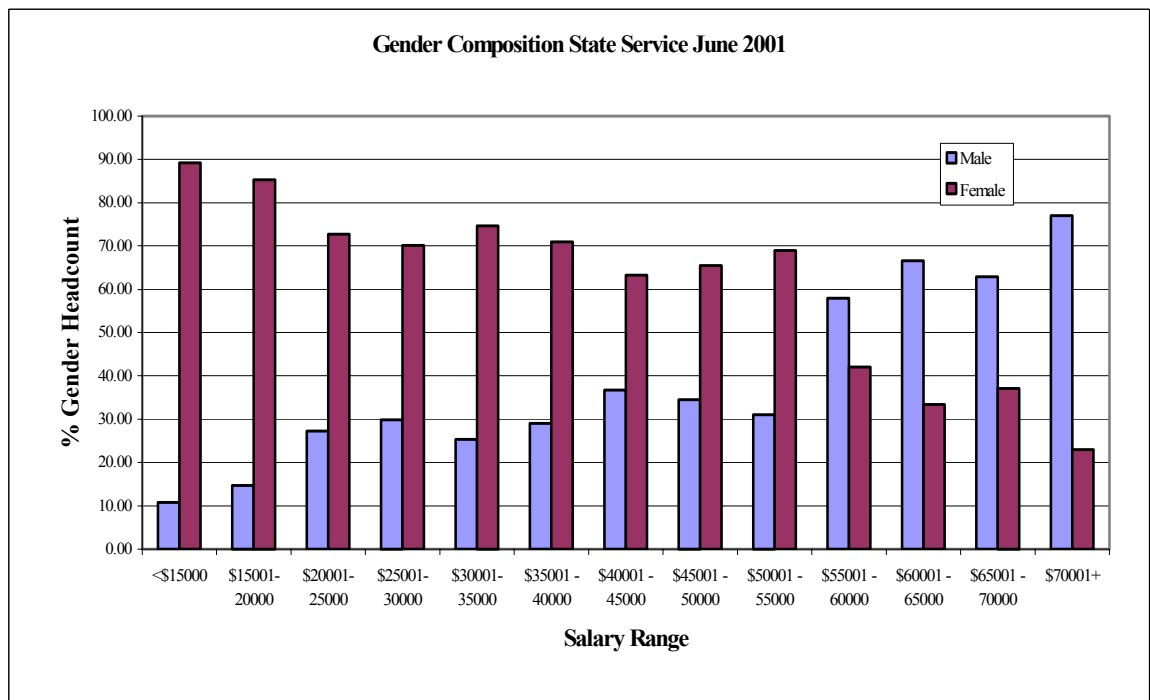
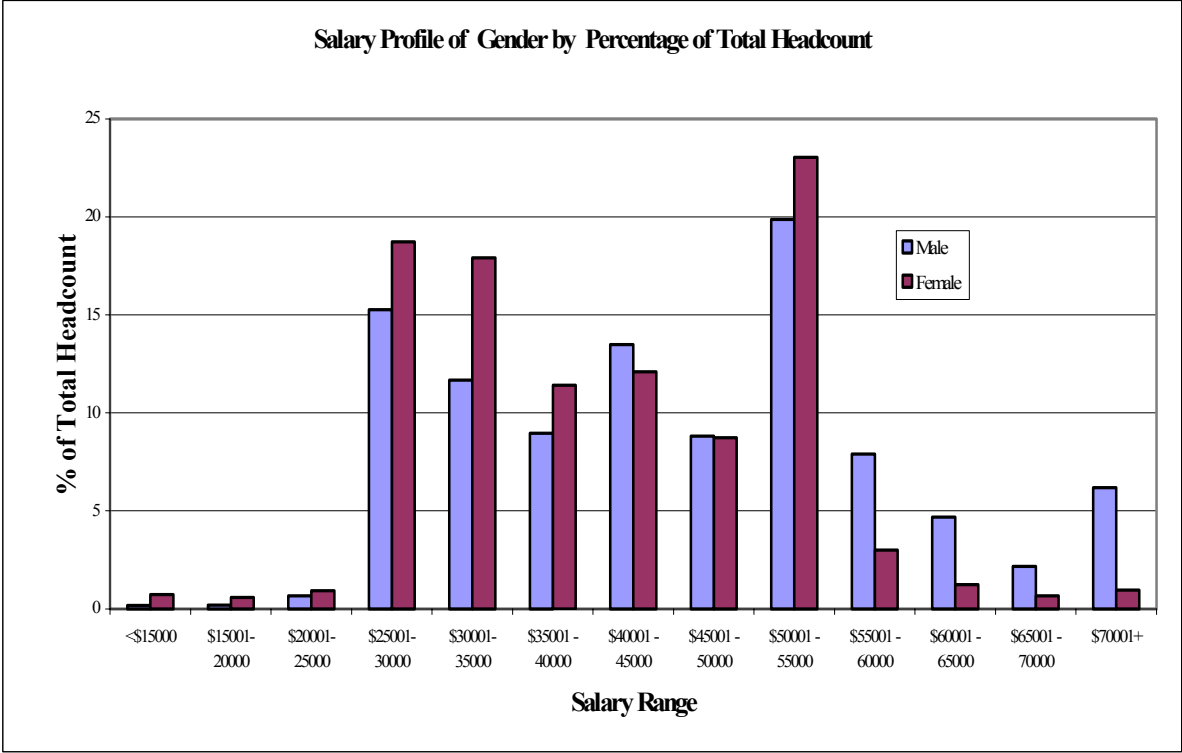


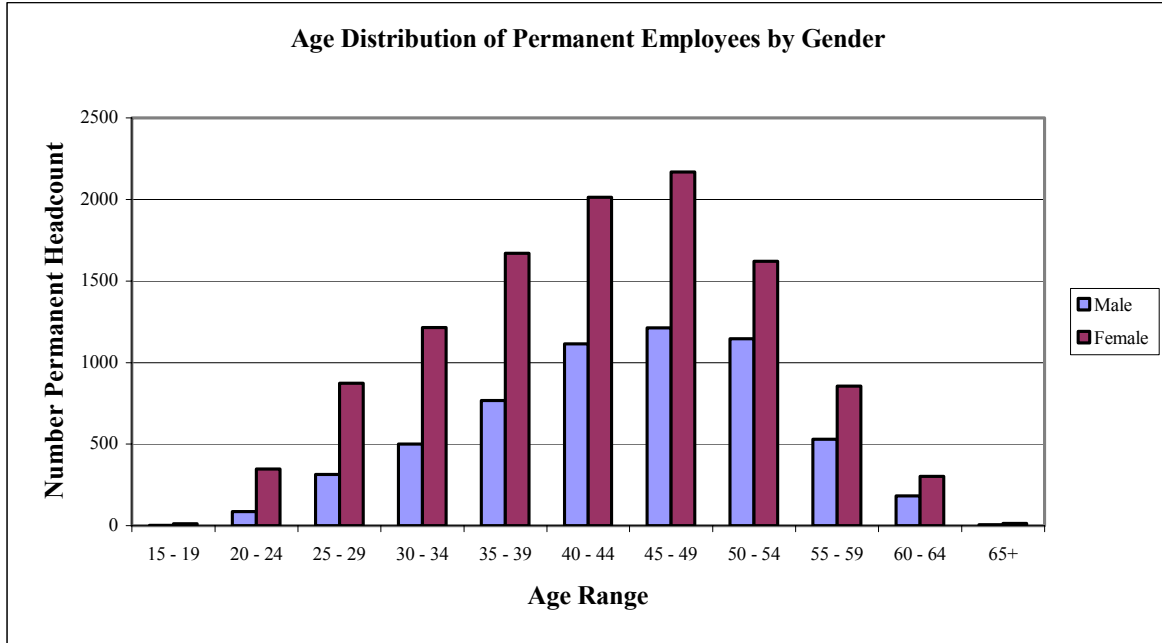
Figure 8: Salary Profile Expressed as a Percentage of Gender Headcount



EMPLOYMENT CATEGORIES

Permanent Employees

Figure 9: Age Distribution of Permanent Employees by Gender



Fixed-Term Employees

Figure 10: Age Distribution of Fixed-Term Employees by Gender

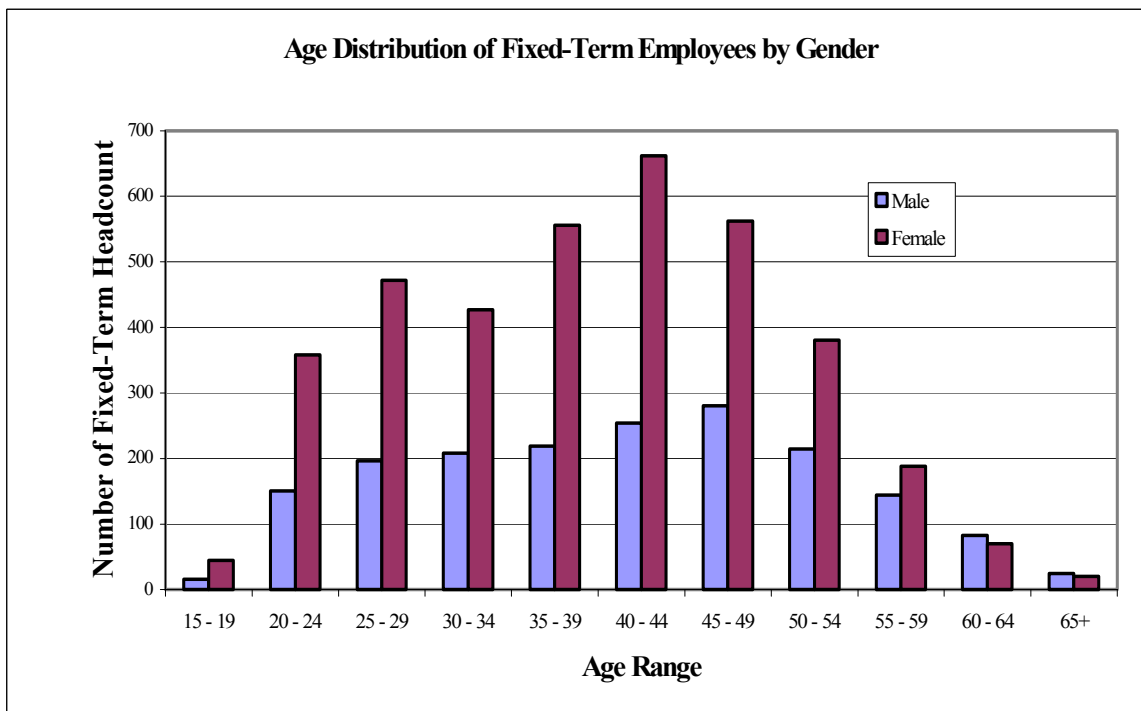
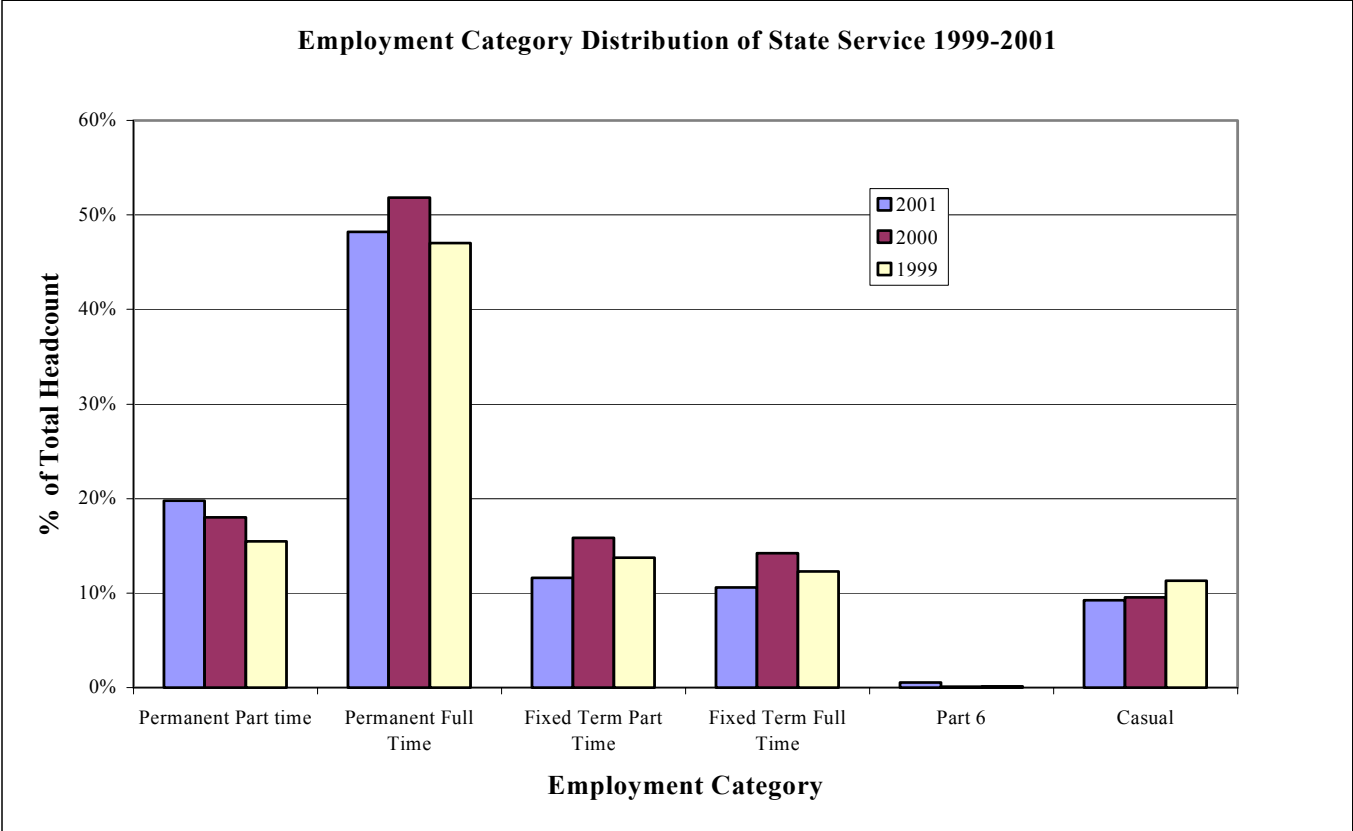


Figure 11: Employment Category Distribution of State Service 1999 - 2001



Casuals By Agency Paid at end of Quarter - Headcount
Paid end of June 2001 Quarter

Agency	Male	Female	Total
Department of Health and Human Services	229	751	980
Department of Education	179	555	734
Department of Primary Industries, Water and Environment	34	20	54
Department of Justice and Industrial Relations	21	38	59
Department of Police and Public Safety	15	19	34
Department of Premier and Cabinet	3	3	6
Department of Treasury and Finance	1	0	1
Department of Infrastructure, Energy and Resources	30	8	38
Department of State Development	17	31	48
Port Arthur Historic Site Management Authority	12	13	25
TAFE Tasmania	151	180	331
Tasmanian Grain Elevators Board	1	1	2
Total	693	1619	2312

Casuals by Agency Averaged over Quarter – Headcount

Agency	Male	Female	Total
Department of Health and Human Services	225	774.5	999.5
Department of Education	84	286	370
Department of Primary Industries, Water and Environment	38.33	26.33	64.66
Department of Justice and Industrial Relations	20	35	55
Department of Police and Public Safety	13	13.86	26.86
Department of Premier and Cabinet	3	4	7
Department of Treasury and Finance	1	0	1
Department of Infrastructure, Energy and Resources	30	25	55
Department of State Development	15	29	44
Port Arthur Historic Site Management Authority	14	17	31
TAFE Tasmania	250.67	338	588.67
Tasmanian Grain Elevators Board	1	1	2
Total	695	1519.69	2244.69