

State Service Act 2000



Ministerial Direction No. 12

Title: *Aboriginal and Torres Strait Islander Employment in the Tasmanian State Service*

Issue Date: 23 November 2004

Operative Date: 1 December 2004

Purpose

This Direction specifies the criteria applicable to the employment of Aboriginal people and Torres Strait Islanders in the Tasmanian State Service.

Legislative Basis and Related Documents

State Service Act 2000

Application

This Direction applies to identified or tagged positions in the Tasmanian State Service.

Directive

Pursuant to Section 14(1) of the *State Service Act 2000*, I hereby direct that the following administrative arrangements shall have effect.

1 Employment Definitions

There are two types of position defined under this Direction:

1.1 An *identified position* is a position in which Aboriginal people and Torres Strait Islanders are the principal groups affected by the duties of the position. The duties associated with these positions include:

- working with Aboriginal and Torres Strait Islander clients; and/or
- providing a service to Aboriginal and Torres Strait Islander clients; and/or
- developing policies and programs which affect Aboriginal people and Torres Strait Islanders.

Identified positions can only be filled by Aboriginal people or Torres Strait Islanders in accordance with this Direction.

1.2 A *tagged position* may involve:

- working with Aboriginal and Torres Strait Islander clients; and/or
- providing a service to Aboriginal and Torres Strait Islander clients; and/or
- developing policies and programs which affect Aboriginal people and Torres Strait Islanders.

An essential requirement of tagged positions is the ability to communicate effectively and sensitively with Aboriginal people and Torres Strait Islanders and a knowledge and understanding of contemporary Aboriginal or Torres Strait Islander culture and society.

2 Recruitment Process for Identified Positions

- 2.1 The Agency will create a Statement of Duties which specifies the essential requirement that the position must be filled by an Aboriginal person or a Torres Strait Islander, and will have attached a copy of this Direction.
- 2.2 The completed Statement of Duties must be sent to the Office of Aboriginal Affairs who will forward the Statement of Duties to the State Service Commissioner for approval of the specified essential requirement.
- 2.3 For fixed-term vacancies of up to twelve months, the Agency may use the Aboriginal and Torres Strait Islander Fixed-Term Employment Register, which is administered through the Office of Aboriginal Affairs.
- 2.4 The Aboriginal and Torres Strait Islander Fixed-Term Employment Register will be advertised annually. People wishing to register will be required to complete an application form and submit details of relevant personal and employment particulars. Applicants will be required to confirm their eligibility for inclusion on the register.
- 2.5 Where an Agency seeks to fill an identified position through the Register, the Office of Aboriginal Affairs will provide a referral list to the Agency.
- 2.6 Where use of the Register does not result in the position being filled the position should be advertised in accordance with State Service procedures.
- 2.7 An Aboriginal person or Torres Strait Islander must be a member of the selection panel established in respect of an identified position.
- 2.8 When short-listing of applicants for the position is complete, the agency will consult with the Office of Aboriginal Affairs in relation to the eligibility of the applicants to meet the essential requirement. Where it believes it to be appropriate, the Office of Aboriginal Affairs may request applicants to provide evidence, or further evidence, of their eligibility to meet the essential requirement and will advise the relevant Agency accordingly.

3 Essential Criteria for Eligibility

3.1 The essential criteria for eligibility are that the person:

- is of Australian Aboriginal or Torres Strait Islander descent; and
- identifies as an Australian Aboriginal or Torres Strait Islander; and
- is accepted as such by the community in which he or she lives or has lived.

3.2 A person must be able to demonstrate that s/he is of Aboriginal or Torres Strait Islander descent. A person should provide documentary evidence, acceptable to the Office of Aboriginal Affairs, that shows a direct line of descent linked back through an identifiable family name to traditional Aboriginal or Torres Strait Islander society.

3.3 Documentary evidence will usually take the form of a verifiable family tree, or archival or historical documentation which links a person to a traditional Aboriginal or Torres Strait Islander family or person.

3.4 Photographic evidence or family folklore alone will not normally be sufficient to demonstrate Aboriginal or Torres Strait Islander descent.

3.5 In addition to demonstrating descent, a person must be able to demonstrate self-identification as an Aboriginal person or Torres Strait Islander.

3.6 In addition to demonstrating descent and self-identification, a person must be able to demonstrate recognition or acceptance by members of the Aboriginal community, which will include:

- obtaining three signatures from recognised members of the Aboriginal community;
- demonstrating that these three community members are able to acknowledge that person's or family's identification as Aboriginal or Torres Strait Islander; and
- demonstrating that the signatories are not from the immediate family group of the person seeking confirmation and are from family groups who are accepted members of the Aboriginal community.

3.7 It will not usually be sufficient for confirmation of community recognition to come from an Aboriginal organisation alone without separate support from members of the Aboriginal community.

3.8 Where a person claims Aboriginal or Torres Strait Islander descent from outside Tasmania, proof of that descent, and community recognition, must be demonstrated.

4 Result of the Eligibility Check

- 4.1 The Office of Aboriginal Affairs will advise the applicant(s), and the relevant Agency, whether or not the applicant(s) meets the essential criteria for eligibility.

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

Date:

Paul Lennon MHA
Minister administering the Tasmanian *State Service Act 2000*.