


<b>State Service Act 2000</b>		 <b>Tasmania</b>
<b>Ministerial Direction No. 13</b>		
<b>Title: Voluntary Transfers</b>		
<b>Date of issue:</b> <b>22 November 2004</b>	<b>Date of effect:</b> <b>1 December 2004</b>	

### **Purpose**

This Direction specifies certain criteria relating to employees voluntarily transferring from one Agency to another under the provisions of section 41 of the *State Service Act 2000*. These criteria were previously contained in Commissioner's Direction No. 1.10 dated 1 May 2001 and rescinded 15 November 2004.

### **Legislative basis and related documents**

Section 41 of the *State Service Act 2000*.

### **Application**

This Direction applies to all State Service Agencies and employees.

### **Directive**

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

#### **1 Voluntary permanent transfers**

- 1.1 A Head of Agency may, with the written agreement of a permanent employee, transfer that employee on a permanent basis to that Head's Agency from another Agency.

- 1.2 The voluntary permanent transfer of a permanent employee does not require the agreement of the Head of the Agency from which the employee is being transferred.
- 1.3 The Head of the Agency is to notify in writing the Head of the Agency from which the permanent employee is being transferred that a transfer has been agreed.
- 1.4 Unless otherwise agreed by the Heads of Agency the transfer is to take effect twenty-one days after the notification required under 1.3.
- 1.5 The transfer of a permanent employee at a lower salary level must only occur with the employee's agreement.
- 1.6 The voluntary transfer of a permanent employee from one Agency to another must not involve an increase to the employee's salary. If the transfer would or would potentially result in a higher salary level, a transfer under section 41 is inappropriate and the circumstances should instead be treated as a promotion under section 37 and any relevant Commissioner's or Minister's Directions.

## **2 Voluntary transfers for a specified period**

- 2.1 A Head of Agency may, with the written agreement of an employee, transfer that employee for a specified period to that Head's Agency from another Agency.
- 2.2 The voluntary transfer of an employee for a specified period may occur only with the agreement of the Head of Agency from which it is proposed the employee is to be transferred.
- 2.3 The date of effect, the duration and other terms of a voluntary transfer of an employee for a specified period shall be as agreed in writing between the Heads of Agency and the employee.
- 2.4 The voluntary transfer of an employee for a specified period from one Agency to another must not involve an increase to the employee's salary.

If the transfer would or would potentially result in a higher salary, a transfer under section 41 is inappropriate and the circumstances should instead be treated as a fixed-term appointment under section 37 and any relevant Commissioner's or Minister's Directions.

- 2.5 For the purpose of clarification, the expression a transfer "for a specified period" as contained in section 41(2) is not synonymous with and is different from a period of "fixed-term employment".

This direction will come into effect on 1 December 2004.

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

Date: 22 November 2004

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