



United Firefighters Union of Australia -
Tasmania Branch

Submission to the Project Team for the
Review of the State Service Act 2000

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Executive Summary

The UFUA believes that the *State Service Act 2000* is broadly fit for purpose. The vast majority of inefficiencies in the state service are cultural issues regarding the use of powers by senior management within the State Service Act rather than the powers or limitations themselves. The main issue impacting the TFS is that the traditional workforce management principles do not apply well to a paramilitary rank based organisation. The State Service Act can be improved and should be altered to promote cultural change within the State Service management, but any change must be carefully considered and should not be recommended or adopted on the basis of an unclear and rushed review process.

Purpose of the State Service

It is the view of the UFUA that State Service Employees provide essential services to the Tasmanian community and that the State Service should not be regarded as a commercial entity, rather it should be viewed in the context of service provision. The recent Aged Care Royal Commission raised concerns that the focus in the sector became focused on the economic wellbeing of the industry rather than care for our parents and grandparents.

It is essential that any proposed changes to service provision to the Tasmania community focus on quality and accessibility of services, particularly for those community members who would be more at risk in a market driven framework.

Purpose of Review

The UFUA believes that there is no clear purpose for this review. The terms of reference are unclear and appear to contradict the key areas of focus of the review. Unless there is an intention to stipulate the location of government services in the State Service Act, then it does not appear that “Examining the appropriateness of the current location of government services, and the desirability of any change” could be considered to be within the scope of this review. It’s not clear if this is a review of the State Service Act or of the State Service as a whole, despite the Terms of Reference being clear that the review focuses on the impacts of the State Service Act on the State Service, rather than cultural issues within the State Service.

The UFUA does not have a clear understanding of what this review is actually seeking to review. During the review of the Fire Service Act, specific concerns about the status quo were identified and parties were provided with the opportunity to provide feedback on how best to address these issues. No evidence has been provided that points to the State Service Act contributing to problems relating to the Key Areas of Focus.

The UFUA has been supportive of a risk to resource model in emergency services that places physical resources and employees in areas of the greatest need and highest risk. This can only be achieved by effective financing of the emergency services. Current resources do not provide for this capability.

The UFUA is concerned that the Terms of Reference have been left vague in order to mask the true intentions of the review. The UFUA does not believe that the private provision of services provides genuine efficiencies or better services for the Tasmanian community.

Review Process

The State Service provides critical services for all Tasmanians and it is crucial that there are adequate opportunities to provide input into this review. The UFUA does not feel that the Terms of Reference are clear enough for useful feedback to be provided on a range of the Key Areas of Focus or that the proposed timelines are realistic for the Review to adequately consider submissions.

The UFUA believes that the timing of the review is also inappropriate. The ongoing COVID-19 pandemic means that this review will not receive as much public feedback as it otherwise would. Any recommendation from this review should be well considered and undergo thorough consultation with the entire Tasmanian Community before implementation. We would consider the implementation of any major structural reforms to the State Service during the COVID-19 pandemic to be irresponsible and dangerous.

The UFUA is concerned that the Review Project Team members do not have a solid grasp of the Tasmanian State Service, with many appointees being based interstate, with only private sector experience. The UFUA does not believe that it will be possible for sensible recommendations to result from this review given the limited Tasmanian State Service understanding of the Review Project team appointees and the short amount of time provided for the review. It is essential that our State Service is understood from within the Tasmanian context as our state is different to mainland states, with significantly different economic pressures, cultural identities and demographics that must be considered to ensure the effective and efficient use of public resources.

TFS Rank Based Progression

The UFUA believes that the current requirements for appointment, progression or promotion under the State Service Act are appropriate in most agencies within the state service. We do not believe that this model is reflective of the needs or current operations of rank based organisations, such as the Tasmania Fire Service. It is clear that there is currently a conflict between the Tasmanian Firefighting Industry Employees Award, the Firefighters Industrial Agreement and the manner in which it is administered by the State Service that must be resolved.

Provisions should be developed to facilitate the efficient promotion or reallocation of duties of State Service employees within rank based organisations like the TFS. IT should be recognised that this is currently possible under the current instruments, but the inflexible nature of the State Service management culture prevents these sensible outcomes.

Whilst the Head of Agency has the authority to appoint an employee to work in another position, this power is rarely used effectively. Positions within TFS are publicly advertised or advertised within the State Service when there is no real opportunity for a person outside of the TFS Operational Stream to attain the position as there is no realistic opportunity to acquire the required TFS skills and organisational knowledge. This is an example of State Service employment provision creating unnecessary inefficiency and delay in recruitment within a specialist organisation.

From the Rank of Trainee Firefighter to Senior Firefighter advancement is through time based progression and acquisition of competencies, skills and knowledge and an holistic assessment and development process. To progress from Leading Firefighter to District Officer is by formal promotion subsequent to the acquisition of the relevant competencies, skills and knowledge and merit based selection.

The TFS must be able to promote employees by appointment to the positions of Leading Firefighter, Station Officer, Senior Station Officer and District Officer from within the relatively small pool of existing TFS employees. This is essential to enable the TFS to operate in a cost effective, efficient and effective manner.

Whilst the position names are different, the same principles apply to many positions within TFS, such as the emergency communications team (FireComm).

The current arrangements lead to a high number of employees in the TFS performing higher duties whilst acting in a more senior position. It is not uncommon for one vacancy to cause a cascading impact on the organisation as an employee is required to perform higher duties at each level below the vacancy, which can ultimately cause vacancies among frontline Firefighting crews, which commonly requires staff to be recalled and paid at overtime rates. This is an extremely illogical process that leads to extremely inefficient management of TFS outcomes.

Filling of Vacancies

The TFS is a highly specialised organisation and it must be understood that employees do not have the skills and training to allow secondment from other State Service organisations to temporarily fill positions or rapidly fill substantive frontline Firefighting vacancies. The adherence to general State Service general vacancy management provisions regularly causes a gap in TFS capability during emergency incidents.

Under the industrial instruments Firefighters and Officers can be reallocated duties from rostered shift work to non-rostered shift work (day work) for up to 6 months and 2 years respectively. By mutual agreement between the employer and the employee this term can be extended, however, where there is no agreement to extend the term, the employee can return to their substantive rostered shift work position.

The current provision in the State Service does not allow this process to occur as appointments can only be made where there are current substantive vacancies.

It should be noted that Firefighter recruit courses are generally run in batches of 15 to 30. The TFS cannot function effectively if we need to wait for 15 vacancies prior to recruiting. There must be allowances for the TFS to recruit above minimum numbers to avoid critical staff shortages and ensure that there is capability to respond effectively to fire incidents.

The current provisions of the State Service are restrictive where the TFS seeks to employ Firefighters over the establishment number to allow for efficient emergency service provision.

Tasmania Fire Service

TFS employees work under substantially different conditions when compared to most State Service employees, with many working shift work arrangements and being on call to respond to emergencies at any time of the day or night to protect the Tasmanian community.

The UFUA does not believe that the State Service Act is the most appropriate legislation for TFS employees. From 1979 through to the early 1990s, all TFS employees were employed under the Fire Service Act 1979 and were employees of the State Fire Commission and worked under these conditions until the formation of the Department of Police, Fire and Emergency Management. We note that Tasmania Police employees continue to be employed under the Police Service Act rather than the State Service Act.

The UFUA believes that it's important for emergency services to be afforded greater flexibility to allow for efficient operations and adequate capability to respond to emergency incidents to protect the Tasmanian community.

The Key Areas of Focus outlined in the Terms of Reference do not effectively apply to the operations of the TFS, particularly in the area of frontline operations. We acknowledge that those support functions, such as HR, payroll, ICT, have been amalgamated within the DPFEM, which has created efficiencies at the expense of effectiveness and timeliness of service provision.

Response to the Key Areas of Focus

Key Area of Focus	UFUA Response
<p>1. Facilitating public service change and innovation that improves the delivery of public policy and services to support the aims of government and meets the needs of the community;</p>	<p>The TFS provides 2 main areas of community service; community education and emergency response. There is already collaboration with other agencies Nationally as well as with similar agencies within Tasmania eg. SES. The UFUA believe that this is appropriate and contemporary in its current form and that this should be managed at an organisational level.</p>
<p>2. Identifying opportunities to improve the delivery of government services, programs, projects and other initiatives more efficiently or effectively, including information technology platforms;</p>	<p>The UFUA believe that this is appropriate and contemporary in its current form and that this should be managed at an organisational level. Adequate funding must be provided to facilitate further development of ICT platforms and the development of innovative initiatives.</p>
<p>3. Identifying ways to promote collaboration and partnerships including to support more flexible movement of employees between the private, non-government and public sectors;</p>	<p>The SSA currently provides the ability to second employees. It does not appear that changes are necessary in this area. The UFUA believes that this is not possible within the TFS without causing significant deficiencies for operational capability.</p>
<p>4. Achieving greater economies and efficiencies in TSS administration, including opportunities to streamline bureaucracy and services where suitable;</p>	<p>Streamlining for efficiency must be balanced against the effectiveness of service provision and any impact on the service users. Public Sector Unions are often aware of common sense cost saving measures that could be implemented, but are often ignored by State Service management.</p> <p>It would be beneficial if senior management were required to hold public forums where suggestions could be made to improve public sector efficiency and effectiveness. This would provide a greater level of scrutiny and public accountability where ideas raised would need to be considered. This would also provide the public with an opportunity to provide genuine feedback about the effectiveness of service delivery.</p>

<p>5. Examining the appropriateness of the current location of government services, and the desirability of any change;</p>	<p>The State Service Act should not stipulate the location of state service provision or state service employment. This does not appear to be within the scope outlined in the Terms of Reference. The UFUA broadly supports the allocation of resources on a needs basis.</p>
<p>6. Facilitating areas of cultural change within the TSS (e.g. promoting risk-based decision making, increasing diversity, promoting innovation, improving accountability and identifying ways to enhance performance);</p>	<p>The UFUA believes that additional penalties should be introduced for willful breaches of s.7 State Service Principles and s.8 Heads of Agencies must Promote State Service Principles. We believe that there is a culture of non-compliance and working around the rules in the state service that is significantly contributed to by lacking accountability measures in the State Service Act.</p> <p>The UFUA believes the Act should require that all employees in management, administrative, advisory or supervisory positions undertake training and assessment to ensure that there is a high level of understanding of the State Service Principles to ensure they are upheld and enforced within the State Service.</p> <p>The UFUA supports the improvements of this Key Focus Area on the basis that there is genuine consultation prior to the implementation of any changes.</p>
<p>7. Identifying ways to help develop the long-term capability and agility of the TSS;</p>	<p>The SSA currently empowers Heads of Agencies to change some SSA processes where necessary, however, these powers are rarely used. If the SSA were to require a Head of Agency to provide an explanation where a request has been made by an employee for the Head of Agency to use their discretionary powers, it may have a positive impact on the culture of the State Service.</p>
<p>8. Implementing enhanced workforce management processes across the employee life cycle, including opportunities to implement improvements to how the TSS recognises, develops and manages employee performance; and</p>	<p>The Review should include senior management and governance rather than the SSA to identify improvements in this area.</p> <p>The UFUA has strong views on this topic which have been outlined above.</p>
<p>9. Attracting, developing and retaining a skilled public sector workforce with the capacity to meet emerging economic, social, environmental and technological opportunities and challenges.</p>	<p>There must be a greater focus on genuine training and development. The State Service has moved culturally toward a box ticking mentality whereby training is provided to tick a box rather than empower an employee to perform more effectively or more safely.</p> <p>Within the TFS, there needs to be greater training capability to ensure that appropriate training can be delivered in a reasonable amount of time. It is concerning that some trainers within the TFS</p>

are no longer certified to assess nationally recognised competencies and that this will likely lead to the degradation of training quality over time and cause increased rates of injury among Firefighters, particularly volunteer Firefighters.

Attracting high performing public servants requires fair remuneration. The Tasmanian State Service has traditionally paid much lower than market rates would indicate. This is a strong disincentive for attracting high caliber employees at all levels of government.