

FACT SHEET

State Service Legislation (Miscellaneous Amendments) Bill 2015

The State Service Legislation (Miscellaneous Amendments) Bill 2015 (the Bill) amends the *Building and Construction Industry Training Fund Act 1990*, *Ombudsman Act 1978*, *Personal Information Protection Act 2004*, *Public Interest Disclosure Act 2002*, *Right to Information Act 2009*, *Tasmanian Development Act 1983*, and *Threatened Species Protection Act 1995* to remove references to the former offices of Commissioner for Public Employment and State Service Commissioner.

The Bill completes the consequential amendments in relation to the *State Service Amendment Act 2012*.

The State Service Amendment Act amended the *State Service Act 2000* to support improved governance, role clarity and increased accountability. These amendments included abolishing the role of the office of the State Service Commissioner in 2013.

The office of the Commissioner for Public Employment was abolished in 2000 with the repeal of the *Tasmanian State Service Act 1984*. The last person who had held that office became the first State Service Commissioner.

Eight redundant legislative references to the Commissioner for Public Employment and the State Service Commissioner are addressed in the Bill.

Reference to Commissioner for Public Employment

Threatened Species Protection Act – Schedule 2 of the Act provides that the Commissioner for Public Employment is to determine the remuneration for any State Service employee or office on the Scientific Advisory and Community Review Committees. In the Bill it is proposed that the Minister administering the State Service Act will now make that determination and be guided by the Government Board Fee Policy. A reference to the former office of the Commissioner for Public Employment is replaced with the Minister administering the State Service Act.

References to the State Service Commissioner

Building and Construction Industry Training Fund Act – Section 13(10) of this Act states that the State Service Commissioner will recommend to the Minister what remuneration and expenses should be received by a State Service officer or employee appointed to perform duties as an administrator. In the Bill it is proposed that the Minister administering the State Service Act will now fulfil that role under the same employment framework that applies to all State Service officers and employees.

Ombudsman Act – Under Schedule 2(5) of the Act the Ombudsman is excluded from reviewing any administrative action taken by the State Service Commissioner relating to a review of action under Section 50(1) of the State Service Act. The State Service Amendment Act 2012 transferred the review functions of the Commissioner to the Tasmanian Industrial Commission. Under the Bill reference to the former office of the State Service Commissioner will be replaced with the Tasmanian Industrial Commission.

Personal Information Protection Act – Section 20(3) of the Act allows the Ombudsman to refer a complaint relating to a matter arising under the State Service Act to the State Service Commissioner. Under the Bill the reference to the former office of the State Service Commissioner and the relevant cross-references are removed. The Ombudsman can continue to refer complaints to any person, body or authority the Ombudsman considers appropriate in the circumstances, including Head of the State Service, Integrity Commission and Heads of Agencies.

Public Interest Disclosure Act – Under the Bill references to the former office of the State Service Commissioner and the relevant cross-references in the Act are removed. If a disclosure relates to a member, officer or employee of a State Service agency, disclosure may be made to that agency to the Integrity Commission or to the Ombudsman.

Right to Information Act – Information relating to persons or bodies listed under Section 6 of the Act is exempt unless it relates to the administration of a public authority. It is proposed that the Act be amended to remove the reference to the former office of the State Service Commissioner in Section 6.

Reference to both the Commissioner of Public Employment and the State Service Commissioner

Tasmanian Development Act – The Act makes reference to both the Commissioner of Public Employment and the State Service Commissioner in relation to the remuneration and expenses received by a State Service officer or employee appointed to perform duties as an administrator. Under the Bill it is proposed that the Minister administering the State Service Act will now fulfil that role under the same employment framework that applies to all State Service officers and employees. An amendment to add the words 'the employee' will also ensure internal consistency.