

FACT SHEET

STATE SERVICE AMENDMENT BILL 2012

The State Service Amendment Bill 2012 (the Bill) amends the *State Service Act 2000*, and consequentially amends the *Industrial Relations Act 1984*, the *Integrity Commission Act 2009* and the *Audit Act 2008*.

The amendments form part of the State Service Structural Reform Program, and support the implementation of a number of the recommendations stemming from the O'Farrell Report March 2012, into a review of the governance arrangements currently in force within the Tasmanian State Service; that is the roles and responsibilities of the Employer, the State Service Commissioner, and the Tasmanian Industrial Commission.

The Bill amends the State Service Act as follows:

- the Office of State Service Commissioner is abolished, and the powers of employment is transferred to the Minister administering the State Service Act (the Minister);
- the Minister is the Employer and is responsible for the performance of the State Service;
- a new office of the Head of the State Service is created, and performs and exercises the functions of the Employer, and may delegate these powers. This office is held by a Head of Agency;
- the Employer reports annually to Parliament on the performance of the State Service;
- the Employer may issue Employment Directions which relate to the administration of the State Service;
- the Employer may undertake investigations into administrative and management matters relating to the State Service, and may refer any matters under this Act to the Auditor-General, Ombudsman, Integrity Commission, Tasmanian Industrial Commission, Anti-Discrimination Commissioner or to other appropriate bodies, to undertake;
- the Auditor-General, as an independent oversight body, may examine performance and exercise of the Employer's functions and powers, and that the Auditor-General include in the Auditor-General's Annual Plan such matters as the Auditor-General considers necessary to be examined relating to the Employer's functions and powers; and
- the Tasmanian Industrial Commission will hear and determine employee applications for reviews relating to selection process and other employment related actions under the State Service Act.

Other minor amendments are included in the Bill to reflect the role of the Employer and Head of the State Service, as well as amendments to clarify the reversion rights of permanent employees appointed as an officer under the State Service Act.

The Bill also makes consequential amendments to the *Audit Act 2008*, the *Industrial Relations Act 1984* and the *Integrity Commission Act 2009*. These amendments are:

Audit Act 2008

The Amendment Bill makes consequential amendments to the Audit Act to enable the Auditor-General to undertake performance reviews of the State Service as part of his annual audit plan and to undertake investigations referred to him by the Employer, and to report his findings to Parliament, Public Accounts Committee or Joint Committee.

Industrial Relations Act 1984

The Bill amends the Industrial Relations Act by providing for the following:

- the Tasmanian Industrial Commission consists of a minimum of two members, one being the President and one being the Deputy President;
- the Commission is empowered to hear applications for review under Section 50 of the State Service Act; and
- the appointment of additional commissioners to assist undertake the work of the Commission.

The amendment Bill includes other amendments which relate to the administrative processes to hear reviews, prevents reviews under the State Service Act being referred to the Commissioner's Full Bench, removes limitations of the age of a Commissioner, adds in optional requirement for Commissioners to have demonstrated understanding of public sector administration, allows the Commissioner to refer reviews to the Ombudsman, Anti-Discrimination Commissioner or the Integrity Commission.

Integrity Commission Act 2009

The Bill also amends the Integrity Commission Act by removing reference to the State Service Commissioner.