

State Service Act 2000



Commissioner's Direction No. 2-2001:

Title: State Service Principles

Issue Date: 1 May 2001

Operation Date: 1 May 2001

Application

All Agencies.

All Officers and employees.

Purpose

The purpose of this Direction is:

- to ensure that all State Service Officers and employees, understand their responsibilities in relation to the State Service Principles (the Principles); and
- to set out the minimum requirements that a Head of Agency must meet in upholding, promoting and ensuring adherence to the Principles and the minimum requirements that Officers and employees must meet in upholding the Principles.

Legislative Basis and Related Documents

State Service Act 2000 sections 7, 8, 9(12), 18(1)(a), 18(1)(b), 18(1)(d) & 18(1)(h).

Commissioner's Direction No. 1 of 2001 - Employment.

Commissioner's Direction No. 3 of 2001 - Workplace Diversity.

Commissioner's Direction No.5 of 2001 – Procedures for Investigation and Determination of Alleged Breaches of the Code of Conduct.

Disability Discrimination Act 1992 (Cth) section 4.

Anti-Discrimination Act 1998.

Human Rights and Equal Opportunity Act 1986 (Cth).

Definitions/Interpretations

‘**The Act**’ refers to the *State Service Act 2000*;

‘**The Commissioner**’ refers to the State Service Commissioner;

‘**The Minister**’ refers to the Minister administering the Act;

‘**Employee(s)**’ refers to the permanent or fixed-term employee appointed under section 37 of the Act;

‘**Officer(s)**’ refers to a person appointed as a Head of Agency, holder of a prescribed office or senior executive under section 31 of the Act;

‘**Position**’ refers to an allocation of duties by a Head of Agency in accordance with section 34(1)(c) of the Act;

‘**Gazette**’ refers to the State Service Notices Section of the Tasmanian Government Gazette;

‘Delegations’ all powers exercised in accordance with this Direction are to be exercised in accordance with approved delegations. Consequently, reference to a Head of Agency should be read as including a delegate of that Head of Agency.

Introduction

The State Service Principles (the Principles) are articulated in section 7(1) of the Act. Section 8 of the Act requires Heads of Agency to uphold, promote and comply with the Principles, and section 9(13) of the Act requires Officers and employees to behave at all times in a way that upholds the Principles.

Heads of Agency must be able to demonstrate that they uphold and promote the Principles and have systems in place to ensure that Officers and employees understand and apply the Principles.

Officers and employees must work to ensure the Principles are embedded into the culture of their Agency and that the Principles are applied to all decision-making and activities within the Agency.

The Principles constitute a total framework within which the State Service works. These may be supplemented by values or standards developed within Agencies and which reflect and support particular Agency functions.

The Principles are a core element of the State Service and represent the minimum responsibilities of Officers and employees.

1. The State Service is apolitical, performing its functions in an impartial, ethical and professional manner.

Heads of Agency are to put in place measures directed at ensuring that:

- (a) all decisions within an Agency are made on a basis that is independent from the party political system, political bias and political influence; and
- (b) at all times they model and promote the highest standard of ethical behaviour; and
- (c) State Service employees are aware of and understand their responsibilities under the Code of Conduct and are familiar with Commissioner’s Direction on Procedures for Investigation and Determination of Alleged Breaches of the Code of Conduct; and
- (d) procedures are in place to effectively deal with allegations of misconduct in a fair and timely manner. This includes having mechanisms in place for employees and Officers to raise conduct issues in the workplace confidentially; and
- (e) the same high standard of policy advice and implementation, and professional support is provided to the Government irrespective of which political party is in power and irrespective of an employee’s political belief.

Officers and employees must help to ensure that these requirements are effectively complied with.

2. The State Service is a public service in which employment decisions are based on merit.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) where an employment decision is made relating to the appointment or promotion of a person in the Agency;
 - the selection process is determined in advance and information about the process is readily available; and
 - the selection process is transparent and is to be applied equitably and fairly in relation to each eligible applicant.

Note

For a decision to be based on merit an assessment shall be made of the suitability of the candidates for the position. This is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the performance of the duties. This assessment shall focus on the candidates' capacity to achieve outcomes related to the duties and shall be the primary consideration when making a decision.

- (b) any other employment related decision is made on the basis of an assessment of a person's work related qualities and the work related qualities required for efficient and effective organisational performance. Such decisions must be made without patronage, favouritism or unlawful discrimination and the decision making process must be unbiased, transparent and able to produce quality outcomes.

Officers and employees must help to ensure that these requirements are effectively complied with.

3. The State Service provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) all Tasmanian and Commonwealth anti-discrimination laws are complied with in all activities of the Agency; and
- (b) employment decisions in the Agency are made taking into account the diversity of the community, the organisational and business goals of the Agency and the skills required to perform the relevant duties; and
- (c) the diverse backgrounds of State Service Officers and employees are effectively utilised, taking into account the organisational and business goals of the Agency and the skills required to perform the relevant duties; and

- (d) a workplace diversity program is in place (s34(1)(h)) which ensures that people from diverse groups have access to recruitment, promotion, career development and mobility opportunities as required under section 34(1)(h) of the Act; and
- (e) Officers and employees are be supported in balancing their work and family responsibilities.

Officers and employees must:

- (a) take all reasonable steps to prevent discrimination towards Officers, employees and members of the public in the activities of the Agency; and
- (b) help to ensure that the above requirements are effectively complied with.

4. The State Service is accountable for its actions and performance, within the framework of Ministerial responsibility to the Government, the Parliament and the community.

All Heads of Agency, Officers and employees must take all reasonable steps to ensure that they:

- (a) understand the accountability framework within which they operate; and
- (b) meet individual and Agency statutory and reporting obligations; and
- (c) are able to demonstrate clearly and appropriately to Ministers, to the Parliament and to other stakeholders that they are able to efficiently, effectively and ethically use the resources allocated to them.

5. The State Service is responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) any advice provided to Government is honest, comprehensive, accurate and timely. Any such advice should be based on a full understanding of relevant issues and options, the Government's objectives and the environment in which it operates; and
- (b) Government decisions are implemented professionally and with integrity irrespective of the nature of advice that may have been provided to the Government at an earlier time; and
- (c) Officers and employees understand the Government's objectives and the environment in which it operates and are able to anticipate, devise and provide options to meet these objectives.

Officers and employees must help to ensure that these requirements are effectively complied with.

6. The State Service delivers services fairly and impartially to the community.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) information is provided to the community about their rights and entitlements and the process for gaining access to them; and
- (b) appropriate account is taken of the particular interests and sensitivities of individual Agency clients taking into account their right to privacy.

Officers and employees must help to ensure that these requirements are effectively complied with.

7. The State Service develops leadership of the highest quality.

Heads of Agency must:

- (a) clearly articulate and communicate the strategic vision of the Agency to employees in the Agency; and
- (b) be aware of, communicate, and take appropriate account of, whole-of-Government issues and concerns in developing and administering Agency policies and programs; and
- (c) put in place measures to ensure that there are systems in the Agency that give employees appropriate opportunities to develop and demonstrate leadership qualities.

Officers and employees must help to ensure that these requirements are effectively complied with.

8. The State Service establishes workplace practices that encourage communication, consultation, cooperation and input from employees on matters that affect their work and workplace.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) employees are aware of Agency goals and responsibilities and the way in which their work contributes to the achievement of those goals and responsibilities; and
- (b) employees have appropriate opportunities to contribute their views on issues affecting their work and workplace; and
- (c) managers are committed to effective workplace relations practices that include consultation with staff; and
- (d) consultative arrangements and processes in the workplace appropriately recognise the decision-making responsibilities of management.

Employees and Officers must:

- (a) recognise, support and comply with any consultative arrangements in place in the Agency; and
- (b) respect the decision making responsibilities of management in the Agency.

9. The State Service provides a fair, flexible, safe and rewarding workplace.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) employment and workplace arrangements take appropriate account of State Service employees who are seeking to balance individual needs and the achievement of organisational goals; and
- (b) the Agency complies with all relevant employment, occupational, health and safety and anti-discrimination legislation.

Officers and employees must

- (a) understand and fulfil the requirements of employment, occupational health and safety and anti-discrimination legislation; and
- (b) treat each other with respect and courtesy and without harassment; and
- (c) help to ensure that the above requirements are effectively complied with.

10. The State Service focuses on managing its performance and achieving results.

Heads of Agency must, in addition to having regard to any statutory accountability and reporting responsibilities, put in place measures directed at ensuring that:

- (a) the Agency has the organisational capacity, flexibility and responsiveness necessary to achieve the outcomes expected by the Government and any other authority to which the Agency is accountable; and
- (b) the Agency's reporting arrangements provide an account of the effectiveness of the Agency's outputs during the reporting period;
- (c) a fair and open performance management system is designed and implemented to meet the specific needs of the Agency.

Officers and employees must help to ensure that the above requirements are effectively implemented.

11. The State Service promotes equity in employment.

Heads of Agency must put in place measures in the Agency directed at ensuring that:

- (a) employment decisions in the Agency are made in a transparent, equitable and procedurally fair way and that appropriate confidentiality in relation to employment decisions is maintained; and
- (b) employment practices and position requirements are regularly reviewed to eliminate any direct or indirect discrimination; and
- (c) measures are taken to eliminate discrimination in employment and especially employment-related disadvantages in the Agency on the basis of:
 - (i) being disabled;
 - (ii) gender;
 - (iii) being an Aboriginal and Torres Strait Islander;
 - (iv) being a person from diverse linguistic and cultural backgrounds; or
 - (v) age

Officers and employees must help to ensure that these requirements are effectively complied with.

Note

Definitions with regard to employment related disadvantages are as follows:

- (i) Being disabled: as defined by the *Disability Discrimination Act 1992 (Cth)*
- (ii) Being an Aboriginal and Torres Strait Islander: defined as “*People of Aboriginal or Torres Strait Islander descent who identify as being an Aboriginal or Torres Strait Islander and are accepted as such by the community in which they live or have lived.*”
- (iii) Being a person from diverse linguistic and cultural background: defined as “*People whose first language is not English*”

12. The State Service provides a reasonable opportunity to all eligible members of the community to apply for State Service employment.

Heads of Agency must put in place measures in the Agency directed at ensuring that, opportunities for employment in the Agency are brought to the notice of the community in a way that gives eligible members of the community a reasonable opportunity to apply for them.

Officers and employees must help to ensure that these requirements are effectively complied with.

13. The State Service provides a fair system of review of decisions taken in respect of employees.

Heads of Agency must put in place measures in the Agency to ensure that:

- (a) the Agency has a system for the review of employment decisions that is available to all Officers and employees in the Agency; and
- (b) the system complies with the Act and the Regulations in relation to rights of access to employment decisions, and processes for review of employment decisions, including the requirements of procedural fairness; and

Officers and employees must help to ensure that these requirements are effectively complied with.

Note

Heads of Agency should refer to Commissioner's Direction on Review of State Service Actions.

Issued by authority of the State Service Commissioner pursuant to Section 20(1)

Date: 1 May 2001

Greg Vines
STATE SERVICE COMMISSIONER