

A Planned Workforce

About Commissioner's Standards

The Strategic Human Resource Framework for the South Australian Public Sector issued by the Commissioner for Public Employment supports consistent best practice outcomes in the management of people across the public sector. It is an enduring strategic approach, reflecting quality management and continuous improvement principles.

The Framework provides guidance and information within eight key result areas at three levels:

- Guidelines, which detail the principles underpinning the key result areas.
- Commissioner's Standards, which support the effective implementation of public sector workforce policies and the personnel management standards of the *Public Sector Management Act 1995* (PSM Act), and the protection of key conditions of employment. The standards include relevant delegations, directions and determinations of the Commissioner under the PSM Act.
- Supporting materials and information which assist agencies in the development and implementation of best practice human resource management.

This Standard should be read in conjunction with the *Guideline for a Planned Workforce* and is linked to the *A Planned Workforce* key result area of the Framework.

A Planned Workforce

Identify the workforce that is required to meet government objectives and implement workforce strategies to address these requirements (eg skills profiling, workforce analysis, forecasting and planning, special recruiting schemes, career and succession planning, agency workforce plans)

Responsibilities of Chief Executives

Chief executives may further delegate in writing any power or function provided within this Standard to a particular person, or to the person for the time being occupying a particular positions, unless otherwise indicated (*direction under Section 22(1)(a) and Section 26 of the PSM Act*). The exercise of delegations by chief executives (or their sub-delegate) must be conducted in a manner consistent with *Part 2 of the PSM Act* and must not be used to reduce existing entitlements or terms and conditions of employment. Care must also be taken in the exercise of the delegations that there are not unintended consequences of reduction to existing entitlements or terms and conditions of employment and that all obligations for consultation have been met.

The PSM Act requires the Commissioner and chief executives to consult with employees and employee organisations before making decisions or taking action that may impact on a significant number of employees of an agency. Such consultation must be meaningful, giving the affected employees/organisation(s) reasonable time to consider the proposed decision/action, and properly considering any representation(s) made by the employees/organisation(s). When exercising delegations on behalf of the Commissioner, chief executives are responsible for ensuring appropriate consultation occurs.



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Alternatives to Employment Arrangements

Minimum Requirements

1. The existing requirements in relation to volunteers and work experience have been incorporated into this standard (refer to Attachments A and B), pending the issue of a direction/determination establishing minimum requirements for the use of alternatives to employment arrangements.
(direction under Section 22(1)(a) and determination under Section 30 of the PSM Act)

Delegations

Not applicable.

Public Sector Special Employment Programs

Currently the following programs are considered public sector equal employment opportunity or special employment programs:

- Government Youth Traineeship Program, Trainee Employment Register, Youth Cadetship Program and Aboriginal Employment Register co-ordinated by the Department of Further Education, Employment, Science and Technology (equal employment opportunity programs)
- National Indigenous Cadetship Program coordinated by the Office for Public Employment for South Australian public sector agencies on behalf of the Commonwealth (equal employment opportunity program)
- Disability Employment Register co-ordinated by Disability Works Australia on behalf of the Commissioner for Public Employment (equal employment opportunity program)
- South Australian Graduate Program co-ordinated by the Office for Public Employment (special employment program)
- Government Apprenticeship Scheme co-ordinated by the Department of Further Education, Employment, Science and Technology (special employment program)
- South Australian Public Service Scholarship Scheme coordinated by Government agencies in accordance with the requirements of Attachment C of this Standard.

Minimum Requirements

2. The existing requirements in relation to scholarships and paid work placements for tertiary students have been incorporated into this standard (refer to Attachment C), pending the issue of a direction/determination establishing minimum requirements for the use of special employment programs.
(*direction under Section 22(1)(a) and determination under Section 30 of the PSM Act*)

Delegations

3. Participants of:
 - public sector wide equal employment opportunity programs established by the Premier under Section 67 of the Act, and
 - other special public sector employment programs recognised by the Commissioner

may be given priority consideration for employment within agencies in line with the requirements of the program(s) and processes approved by the Commissioner outside of normal requirements for advertising and filling vacancies.

Attachment D outlines the processes for consideration of participants of the Aboriginal Employment Register, Trainee Employment Register and Disability Employment Register.

(*direction under Section 22(1)(a) of the PSM Act*)

4. Processes used to select members of the community (including existing employees) as participants of public sector equal employment opportunity and special employment programs are considered to be merit based selection processes for the purposes of Section 33, 39 and 42 of the Act.
(direction under Regulation 9 of the PSM Act)
5. In addition, chief executives may appoint participants of such programs to ongoing positions after a period of temporary employment without the need for further selection processes

Note that the Crown Solicitor's Office advises participants of equal employment opportunity programs cannot be provided with ongoing employment without an initial period of temporary employment.
(delegation of Section 22(1)(d) power by the CPE)

Previous Directions/Determinations/Delegations

The following directions/determinations of the Commissioner for Public Employment are cancelled:

- PSM Act Determination 27 – Volunteers in Government Agencies
- Commissioner's Circular 26 – Work Experience
- PSM Act Determination 7 – A Planned Workforce (SA Public Service Scholarships; Paid Work Placements for Tertiary Students)
- Commissioner's Determination 30 – Career Start Traineeships.

ATTACHMENT | A

Volunteers in Government Agencies

(Interim Provisions – Under Review)

Introduction

The purpose of this standard is to:

- acknowledge the role of volunteers within Government agencies
- enhance the standing of volunteers
- identify the responsibilities of agencies and volunteers
- identify the rights of volunteers and paid staff and
- emphasise the importance of maintaining the scope and level of paid employment within the public sector.

Section 1: Background

The provisions of this standard are necessarily broad in scope since they are intended to apply to a number of agencies where volunteers are used in a variety of contexts. It is important that each agency also develops specific policy and practice guidelines which should be regularly reviewed.

Volunteering allows people to participate actively in all facets of society in a way that contributes to the spirit of democratic involvement. In wishing to live their lives to the full, many people have the desire to give voluntarily of their time in some form of socially acceptable and satisfying activity of their own choosing.

The harnessing of people's time, interests and skills can provide benefits to the persons or projects assisted, the organisation within which they work, the community at large and to the volunteers themselves.

The South Australian Government recognises that certain services provided by agencies can be enhanced by the contribution of volunteers.

Agencies will have different needs, capacities and abilities to involve volunteers. The participation of volunteers should not be imposed on any agency without appropriate consultation.

Agencies contemplating the involvement of volunteers should make a careful assessment of their services and the tasks to be performed by volunteers. In defining areas of work and responsibilities of both paid and volunteer staff, consultation must take place between management, paid staff, volunteers and unions.

Section 2: Definition

Volunteering involves people undertaking defined activities:

- of their own free will
- without payment (other than out-of-pocket expenses) and
- which will be of benefit to the community and the agency concerned.

This standard applies to volunteers working within and under the direction of Government agencies as a regular augmentation of service delivery. Where the involvement of volunteers by an agency is governed by legislation, any legislative provisions will prevail.

It is recognised that there are other forms of volunteering associated with Government agencies. These include participation on consultative and advisory boards or as "Friends" of cultural and heritage institutions. Where the tasks of these volunteers require that they work within Government agencies, the principles outlined in this document should apply.

The involvement of volunteers in agency programs must not displace paid staff.

Section 3: Responsibilities of Agencies

While the attention of agencies will naturally focus primarily on the outcomes of their activities and on ensuring a sustained quality of service, the interests of both paid and volunteer staff must be considered.

The different roles, rights and responsibilities of volunteer and paid staff need to be clearly defined and understood by all parties and a climate of mutual respect and confidence engendered.

Agencies must ensure that volunteer tasks:

- are clearly defined and consistent with the agency's role and function in the same way as they are for paid staff
- are useful, meaningful and do not exploit volunteers.

Agencies must ensure that volunteers have a clear understanding of the objectives, role and function of the agency.

To ensure that an effective working relationship is established, volunteers must be given:

- a clear description of the tasks to be performed
- orientation/induction and appropriate training
- appropriate supervision.

During induction the agency's Occupational Health, Safety and Welfare Policy and any other OHS&W policies and procedures including information on the agency's accident and incident reporting system shall be given to and explained to the volunteer.

Responsibility for volunteer programs must be vested with a member of the paid staff who possesses appropriate skills in working with volunteers.

Agency policy on staff development and training should cater for volunteers while ensuring that the staff development and training needs of paid staff are not sacrificed to the needs of volunteers.

Agencies should ensure as far as possible that a volunteer's expectations, interests, time commitment and skills match the task to be performed. This involves a clear description of the task and a competency assessment of the volunteer.

Communication channels should be clear to all concerned and volunteer staff should be consulted on decisions which affect them. Consultation is especially necessary during times of change.

Volunteer activities should be assessed regularly. In addition, and where appropriate, individual volunteers should be given the opportunity for a formal appraisal of their particular contribution to the agency.

The agency has a responsibility to ensure that all volunteers are aware of their rights and responsibilities under the Equal Opportunity legislation. Volunteers should be provided with the same support and assistance as agency employees in situations which contravene Equal Opportunity legislation.

Volunteers must be adequately protected from unsafe situations in accordance with the principles and practices as set out in the Occupational Health, Safety and Welfare Act, 1986.

- Workplaces for volunteers must be maintained in a condition which ensures, so far as is reasonably practicable, that the volunteer is, while in the agency, safe from injury and risk to health and volunteers must be provided with a safe working environment, safe systems of work, plant and substances in a safe condition and adequate facilities as prescribed for their welfare.
- Volunteers must be provided with adequate information, instruction, training and supervision, as far as is reasonably necessary, to ensure that they are safe from injury and risks to health.
- The provisions of the Occupational Health, Safety and Welfare Act and Regulations must be maintained for all employees and volunteers employed or engaged by the agency.

Agencies must ensure that the budgetary and general resource costs of volunteer programs can be met. These costs may include out-of-pocket expenses, accommodation and facilities as well as the time of paid staff for recruitment, orientation, support, supervision and training.

There should be clear agency guidelines concerning the payment of out-of-pocket expenses, assessed to be fair and reasonable, to cover matters such as payment for the use of a vehicle, fares and other costs associated with the job. The rates and circumstances attracting payment will, as a minimum, be based on those which apply to paid staff; however, some circumstances, such as the payment for the use of a vehicle may require reimbursement or allowances to exceed this approach and it is important that the reasons for this are clearly understood by volunteers and staff.

Agencies will provide to South Australian Government Captive Insurance Corporation (SAICORP), as part of the Annual Insurance and Risk Management questionnaire, details of the approximate numbers of volunteers and a brief description of the nature of the tasks undertaken by volunteers, to ensure that the volunteers are covered by the Government's arrangements. Volunteers are covered for personal accident, and claims made against them for civil liability, whilst undertaking their volunteer activities. Agencies can accept no responsibility for property damage or third party bodily injury incurred in the use of a private vehicle. Details of the coverage provided by these arrangements are set out in Appendix 1. Appendix 2 contains details about administrative and financial matters relating to the coverage.

Agencies must ensure that volunteers are made aware of and understand their duties and responsibility to the agency.

Agencies must have agency specific, practical guidelines about the involvement of volunteers which are regularly reviewed.

Section 4: Responsibilities of Volunteers

The objectives, role and function of the agency should be clearly understood by volunteers.

Volunteers have the same obligation as paid staff for working within agency guidelines.

Volunteers should make realistic commitments in terms of both time and area of involvement and acknowledge the right of the agency within which they are working to expect these commitments to be fulfilled.

As with paid staff, volunteers need to be aware of their responsibility to act according to instructions from appropriate individuals, and to adhere to the normal reporting mechanisms as practised by the agency or as specifically established by their supervisor.

Many Government agencies deal with material of a confidential nature. Agencies must ensure that volunteers who may have access to such information are aware of the importance of preserving confidentiality and that failure to do so may result in the volunteer not participating in the agency's activities in the future.

Volunteers bring energy, skills and attributes to the agency. Nevertheless, many activities will require that they participate in training, to enable them to perform particular tasks and to familiarise themselves with the agency itself. Accordingly volunteers will be required to participate in necessary orientation and training.

After being made aware of the agency's principles, practices and regulations set out in or in association with the Occupational Health, Safety and Welfare Act, 1986, volunteers will observe these provisions and undertake any necessary training in order that they can observe their responsibilities to operate in a manner which will not place at risk the safety of themselves or any other person.

Volunteers must ensure that they are suitably attired for the work they are to perform.

Section 5: Industrial Issues

The involvement of volunteers should complement the work of paid staff. In deciding whether or not to involve volunteers, agencies will consider whether by doing so there is the possibility of:

- depriving others of a livelihood
- constituting a threat to the security and job satisfaction of paid staff and
- displacing paid labour.

Agencies should ensure wherever practical that tasks to be performed by volunteers rather than paid staff are clearly established.

While volunteering provides opportunities for people to learn new skills and test possible career areas, agencies should never stipulate or otherwise require that volunteering should be a pre-requisite to a paid job.

Agencies will apply the principles and practices as prescribed in the Occupational Health, Safety and Welfare Act, 1986 to volunteers.

Records will be kept, providing information on the extent of the contribution of volunteers to the agency.

Appendix 1 – Insurance arrangements

This Standard applies to volunteers (other than Emergency Services Volunteers) who are members of specified groups or individuals assisting agencies (that are covered by the Government's insurance and risk management arrangements) in a clearly defined way in carrying out their operations.

All departments and statutory authorities are included in the arrangements unless specifically exempted by the Treasurer.

Please note: At the time of publication of this document, consideration is still being given as to how this Standard will interact in practice with the *Volunteer Protection Act, 2001* in relation to volunteers (assisting a Government agency) who belong to a non-Crown body corporate.

Nature of the Cover

Uniform cover is provided to identified volunteers on the basis detailed below. The provision of this cover represents government policy, but there is no contractual commitment entered into by the Government.

Benefits for personal accident, injury or illness are generally in line with the philosophy underlying the Workers Rehabilitation and Compensation Act but modified where appropriate to reflect the special circumstances of volunteers.

Benefits are paid on an out-of-pocket basis after other entitlements have been used. That is, volunteers are required to first claim on Medicare, private health cover, personal insurance, superannuation, employment sick leave entitlements, compulsory third party bodily injury insurance, etc., and the Government then meets any non-recompensable expenditure with regard to:

- medical costs
- reasonable rehabilitation costs
- costs of lost or damaged apparel or other personal effects.

Lump sums for death or serious disability are paid on the same basis as the WorkCover schedule. Weekly income is paid to volunteers who can demonstrate a loss of income. Benefits take account of actual lost income up to the WorkCover ceiling of twice the State Average Weekly Earnings. For long-term incapacities, benefit reductions in line with WorkCover rules apply.

In special circumstances where volunteers necessarily incur costs as a result of incidents arising out of their volunteer involvement, additional benefits may be paid if considered appropriate by the Treasurer.

All benefits, except weekly income benefits for long-term incapacities, are payable regardless of age.

Any liability to a third party arising from the action or advice of a volunteer acting in accordance with agency instructions is treated as if the action or advice were that of an employee.

Appendix 2 – Administration and Financing of Insurance

Cover for volunteers is provided under the Government's insurance and risk management arrangements which are administered by the South Australian Government Captive Insurance Corporation.

Agencies must provide to SAICORP, as part of the annual insurance and risk management questionnaire, approximate numbers of volunteers to be covered under the arrangements and brief descriptions of the nature of the activities to be undertaken by those volunteers.

A personal accident, injury or illness claim under this Standard should be referred to SAICORP if the claim is likely to exceed the amount for which the agency is responsible (the Agency Deductible) under the agency's agreement with SAICORP and/or the agency does not have the expertise to manage the claim "in house".

Where there is a risk that a volunteer may take legal action, (i.e. in cases where there is some risk that the Crown or its employees or agents could be found liable in negligence for the injury suffered by the volunteer) then advice from SAICORP should be sought in relation to a discharge/indemnity agreement being obtained from the volunteer prior to making a payment. The agreement should address the fact that the payment is made in settlement of the claim and indemnifies the agency and the Government from any further claim for damages.

Where a volunteer receives payments totalling more than \$5,000 for any claim, pursuant to a discharge/indemnity agreement agencies are to note the provisions of the *Health and Other Services (Compensation) Act, 1995*, which require the volunteer to refund any Medicare benefits to the Commonwealth. Any discharge/indemnity will need to address this obligation.

Civil liability claims against volunteers should be referred to SAICORP for advice.

Further information on insurance cover or claims issues can be directed to SAICORP.

ATTACHMENT | B

Work Experience

(Interim Provisions – Under Review)

Introduction

A work experience program is a structured range of activities provided by an organisation to enable a person to experience at first hand-the fundamental aspects of a particular job. This arrangement is achieved through a negotiation process involving all parties (ie the individual, sponsoring agency and host administrative unit).

Work Experience in the Public Service

The Commissioner supports the involvement of administrative units in work experience programs, when they are formally integrated into secondary or post secondary education programs or when they are sponsored by an agency with the aim of providing job skills and information to members of disadvantaged groups.

An example of this is the student work experience program conducted by the Department of Education and Children's Services. This program provides a set of experiences which expose students to, and involve them in, an examination of what is required at work, and to broaden their perspective regarding employment opportunities. Other examples are programs sponsored by Government and community agencies for individuals from specific groups (eg disabled or unemployed) within the community.

Guidelines

When assessing requests for placements a number of practical considerations will help to determine an administrative unit's response to any individual request. These considerations include the following factors:

- Work experience is an educational/familiarisation arrangement resulting in a new learning experience for the person - a placement is not regarded as employment.
- Placements are unpaid and must not result in a reduction in the number of employees or in hours worked by employees or adversely affect normal work operations.
- The length of the placement would normally be of sufficient duration for a person to acquire basic skills and to become familiar with the nature and requirements of a particular job (generally 1-4 weeks).
- A placement should not be arranged on the basis of viewing a person's suitability for an existing or impending vacancy. If necessary, during the course of a placement the person should be advised of the normal recruitment process for the particular employment category.

Insurance

General Work Experience

Adequate personal accident and public liability insurance coverage should be provided by the sponsoring organisation for the person and the host administrative unit during the placement.

Student Work Experience

Students enrolled at Government schools who participate in an approved work experience program are covered by insurance in the following manner.

- **Personal Accident Cover**

Participating students will be covered by a personal accident compensation scheme which is self funded and administered by the Department of Education and Children's Services. The scheme however will not generally cover claims in the case of motor vehicle or water craft use.

- **Student Work Experience Public Liability Cover**

The Department of Education and Children's Services will self-insure to cover liability up to \$15M for property damage or bodily injury arising from the negligent action of students or DECS personnel when performing duties associated with the school's approved work experience program.

In certain circumstances, administrative units may be entitled to an indemnity in the event of a claim for which liability is established. eg where a successful claim exceeds the limits of the administrative unit's public liability policy.

Administrative Unit's Public Liability Cover

DECS will accept liability for and hold Administrative Units and their employees indemnified against all costs, claims, proceedings or demands arising out of the participation of any Government school student in work experience authorised in accordance with the Work Experience Guidelines, with the proviso that the liability will not be accepted if the injured party is able to obtain appropriate benefit from some other source of cover.

Administrative Units participating in the work experience program must certify on the Work Experience Agreement Form that they hold current public liability insurance or, as is the case with some large corporations, statutory authorities and Government Administrative Units and instrumentalities who self-insure, that they stand their own risk.

Union Notification

The relevant Union should be notified of any placement arrangements, unless the sponsoring organisation has negotiated a blanket agreement with the Union(s). (For student work experience this will be arranged by individual schools).

ATTACHMENT | C

Public Service Scholarships and Paid Work Placements for Tertiary Students

(Interim Provisions – Under Review)

Introduction This standard outlines the conditions of the *South Australian Public Service Scholarship Scheme* and the employment arrangements for *paid work placements for tertiary students*.

Section 1: Public Service Scholarships

Context

Strategic human resource planning includes anticipating future business needs and ensuring the workforce will continue to have appropriate skills, knowledge and diversity to meet these needs.

Public service scholarships provide a flexible recruitment tool designed to assist human resource planning. They are similar to the *South Australian Public Sector Graduate Recruitment Program* in that they can be used to attract people with particular skills into the public sector.

However, unlike the graduate program, the scholarship scheme enables agencies to attract and engage a student while they are still studying. This will enable the public service to compete with other organisations through the offer of a scholarship and secure employment.

South Australian public service scholarships can be used to meet staffing needs in rural and regional areas and to recruit staff in specialist areas where it is difficult to obtain graduates. Specialist areas are determined by agencies according to needs identified in the analysis of workforce plans.

Scholarships can help increase workforce diversity by attracting Indigenous students and students from other groups who are disadvantaged in employment. When attracting an Indigenous student, a public service scholarship can be combined with a national cadetship through the *National Indigenous Cadetship Program* (NICP). For information on the NICP refer to the relevant section of this document and contact the Office for the Commissioner for Public Employment (OCPE).

Overview of public service scholarships

The scholarship provides financial assistance and employment opportunities for a person studying full time in a recognised tertiary institution (see glossary) and guarantees employment upon successful completion of the study. Scholarships may be offered for one or more years subject to the specific needs of an agency and its assessment of the difficulty in recruiting graduates without the incentive of financial assistance for study and the guarantee of a job upon completion of the course.

It is envisaged that most scholarships will be used to attract students who are studying towards an undergraduate degree or a nominated diploma. However, in some cases it may be appropriate to provide a scholarship to a student who is studying at post graduate level. The same conditions will apply to post graduate level scholarships.

Funding for scholarships is the responsibility of the relevant agency concerned.

The scholarships contain a mutual obligation component through an agreement which requires the repayment of all or part of the allowances paid should the participant not meet the terms of the scholarship.

During the period of the scholarship the student will not be an employee of the Crown except when undertaking work in the agency.

A proforma for the Scholarship Agreement is provided in Appendix 1. Note if a student is under 18 years of age, they cannot sign a legal document. If aged under 18 the Scholarship Agreement must be signed by their parent or guardian.

National Indigenous Cadetship Program

The public service scholarship may be used in conjunction with the National Indigenous Cadetship Program (NICP) which is a Commonwealth program.

By participating in the NICP an agency is eligible for funding assistance of approximately \$14,000 per annum to pay the student's study allowance and other course related costs during the academic period.

The OCPE coordinates this program for South Australian public sector agencies on behalf of the Commonwealth.

Scholarship terms and conditions

Before an offer of a scholarship can be made the student must complete an Employment Declaration.

Duration of scholarship

The scholarship will begin on the first day of the academic year of the relevant institution and unless terminated under the specified conditions will continue until the student has satisfactorily completed all requirements of the course.

Scholarship allowances

Scholarship allowances are payments from the agency to the student to assist with study related expenses incurred during the course of their study.

Allowances are paid at the discretion of the chief executive of the agency. Funding is the responsibility of the agency. It is intended that the discretionary allowances provide a flexible package suitable for attracting the right candidates and meeting the needs of the agency.

The circumstances of each student will need to be considered on an individual basis. Such consideration must not be used to discriminate unfairly against a student. Rather it is intended that this consideration is about how allowances can benefit not disadvantage a student. For example, it may be useful to consider whether the total amount of any allowances paid would negatively affect other earnings a student may be receiving including Commonwealth entitlements such as Austudy or Youth Allowance (see glossary).

Optional allowances may include the following:

- A living allowance:

Payment of a living allowance may be appropriate for situations where a student needs to move to a different location to study, or for a person who experiences some form of disadvantage.

The chief executive determines whether a living allowance is paid and if so the amount to be paid.

The circumstances of the student need to be considered. As an example, some current scholarships and cadetships offer up to \$15,000. However, in most situations it is likely that a student studying full time would be entitled to receive Commonwealth assistance in the form of Austudy or Youth Allowance. In these cases additional earnings (including through a public sector scholarship) affect their Commonwealth entitlements.

For more information about Commonwealth entitlements check the information about Austudy and Youth Allowance in the glossary of this document or visit the Centrelink website at www.centrelink.gov.au

A living allowance may be paid in installments or as a fortnightly payment throughout the year. If a living allowance is paid fortnightly it should be paid during both study and holiday periods. However, arrangements may include that it is not paid during any periods of employment in the agency. This decision rests with the chief executive.

- A book and equipment allowance

A book and equipment allowance or agreed percentage thereof, for materials prescribed for the course of study on presentation of receipts for such items prescribed for the course. As a guide, such payments are generally up to \$400 per year.

- Student union fees

Payment of all or part of a student's union fees on presentation of a receipt. As a guide student fees are generally up to \$270 per year.

- Other allowances

Other relevant and necessary course costs prescribed by the tertiary institution including payment of, or contribution toward, Higher Education Contribution Scheme (HECS) fees.

- Travel allowance

A travel allowance may be payable to students from rural and regional areas where the student is obliged to live away from the normal place of residence.

At the discretion of the chief executive the student may be reimbursed for:

- the cost of three return economy class bus, air or rail journeys per annum, whichever is considered appropriate, between the normal place of residence and place of living, or
- use of a private car to travel between normal place of residence and place of living while studying at rates determined in PSM Act Determination 8: Travel.

A travel allowance may also include reimbursement of any traveling or other expenses, or agreed percentage thereof, actually and necessarily incurred by the student and approved in writing by the recognised tertiary institution to comply with the course of studies under the scholarship.

Employment during the scholarship

Before an offer of a scholarship is made the student must have completed an Employment Declaration (see glossary).

During the period of the scholarship the student will not be an employee of the Crown except when undertaking work in the agency. It is in the interests of both parties that the student is given the opportunity to experience working in the public sector environment during the scholarship.

Employment opportunities enable the student to develop a relationship with the agency and gain a clear understanding of the public sector. Benefits for the agency include being able to mentor the student and assess their performance in the workplace. Typically this work would be undertaken during vacation periods for a period of weeks. Depending on the structure of the course and the availability of work in the agency, it may also include the opportunity to work one day (or more) a week throughout a semester.

It is suggested that the total period of time worked is not less than the equivalent of eight weeks per year. However, in determining the period of such employment in the agency, all parties will have regard to the desirability of the student having a reasonable break from work and study.

During periods of employment, students are to be paid at ASO 1 (or equivalent) rates. If the student is aged under 21 years they should be paid at the specified rate for their age. If a student is over 21 years of age, the ASO 1 adult rates are to be used, commencing at the first adult increment. The chief executive may at any time vary the rates and allowances upon giving notice in writing to the student. However, throughout the Scholarship the rate of pay must not exceed ASO 1 (or equivalent) level.

The student will be employed under the *Public Sector Management Act, 1995* (PSM Act) during each period of employment subject to a contract of employment in accordance with proforma contract provided in Appendix 2 of this standard. Note that this contract must be used as it modifies a number of normal PSM Act conditions of employment.

Modifications to PSM Act in scholarship contracts

In the proforma contract which must be used for employment contracts throughout the Scholarship a range of modifications to the PSM Act are listed. These modifications are made in accordance with section 40(2)(e) of the PSM Act, and are:

- exclusion from Regulation 11 status. The student will not be considered a relevant public sector employee under PSM Act Regulation 11 and will not be eligible to apply for a position advertised internally within a public sector agency or in the Notice of Vacancies, unless such a position is also advertised externally to the South Australian public sector
- variation of PSM Act, Schedule 2, Clause 6, sick leave entitlements. Sick leave entitlements will be credited on a pro rata basis according to the number of months in the term of contract
- variation of PSM Act, Section 41(4), probation conditions. The student will be on probation while employed during the scholarship.

Leave entitlements

The entire period of the Scholarship shall be counted as effective service in the SA public sector for the purposes of determining eligibility and entitlements to long service leave. As the student is employed under the PSM Act on a contract in accordance to Appendix 2 of this Standard, unless modified in the contract, their leave conditions are those prescribed by the PSM Act. Note that the contract proforma does modify sick leave so that it is credited on a pro rata basis according to the number of months in the contract.

Probation

A student is on probation throughout each and every period of employment during the Scholarship. This probation arrangement is specified in the contract of employment where it explains that section 41(4) of the PSM Act is modified to enable an extended probation period.

Upon successful completion of the Scholarship when the student is appointed to the agency, either on a 12 month temporary contract or as ongoing, an appropriate period of probation can be used for this new position.

Failing to complete study requirements

In the event of the student failing to satisfactorily reach the required standards of the course of study as determined by the relevant tertiary authority, the chief executive may:

- terminate the scholarship
- permit the student to sit for any supplementary examinations or continue the course upon such terms determined by the chief executive.

Mutual obligation

The student will give an undertaking by signing the scholarship agreement:

- to commence employment with the relevant administrative unit on completion of the course of study and remain in the administrative unit for a period equivalent to the length of the scholarship
- repay on a pro rata basis any allowances paid during the scholarship should the student leave the administrative unit prior to fulfilling the obligation to remain in the administrative unit for a period equivalent to the length of the scholarship.

In pursuing this matter the chief executive should take into account any extenuating circumstances and adjust the amount of repayment and the terms of such repayment accordingly.

Transfer between administrative units

The Scholarship Agreement can be transferred only in exceptional circumstances. Such a transfer would require the agreement of the relevant chief executives of both administrative units concerned, and would require consultation with the Commissioner for Public Employment.

Appointment to the public service at the end of the scholarship

At the end of the scholarship and upon successful completion of study requirements, the student will be asked to update their original employment declaration and if satisfactory will be offered employment in the agency.

Employment can be on a temporary 12 month contract or as ongoing. In the case of ongoing appointments, as the student would have been on probation during the scholarship, it is recommended that any further probationary periods are reasonable and appropriate and in accordance with the PSM Act.

If a student is employed on a temporary basis, agencies may convert employment to ongoing in accordance with the requirements of this Standard and Commissioner's Standard 2 – Quality Staffing.

It is anticipated that most positions to which the person is appointed will be at ASO 2 level. However, in some circumstances the work value of the particular position may be assessed at a higher level. In such cases, it would need to be clearly demonstrated that the person has the required level of abilities, knowledge and experience required. It is likely that the person would have gained such requirements through employment prior to study.

Implementation checklist

The following steps should be considered when implementing a Scholarship:

- Particular skills needed for the agency workforce are identified.
- Agency policy outlining appropriate use of public sector scholarships including administrative arrangements for allowances and ways of identifying specialist areas is produced.
- Chief executive appoints a coordinator to manage and administer the scholarship. Agency coordinator begins recruitment process for student with identified skills.
- Fair and transparent processes for advertising scholarships and selecting potential applicants are developed and implemented. (Applicants must be Australian citizens or permanent residents who are studying full time in a recognised tertiary institution).
- Before an offer of a scholarship can be made the student must complete an Employment Declaration.
- Subject to a number of agreed conditions, including the satisfactory completion of an employment declaration and a scholarship agreement, the successful candidate is offered a scholarship.
- Agency coordinator ensures student is provided with a duty statement for any periods of employment and arranges appropriate mentoring, support and performance development processes for student. The duty statement should include key activities and performance requirements.
- Depending on satisfactory performance in the workplace and study results, at the completion of the course, the student is employed in the agency.

Section 2: Paid work placements for tertiary students

Overview

Paid work placements are periods of employment provided to tertiary students only when such placements are an essential component required for successful completion of their study. Typically these placements occur during the vacation period and are for a period of up to eight weeks.

Before an offer of employment can be made the student must complete an Employment Declaration.

It must be clearly understood that a student cannot be employed in the agency at the end of a paid work placement, except via recruitment processes outlined or authorised under Commissioner's Standard 2 'Quality Staffing', including the South Australian public sector graduate recruitment program (see glossary).

Conditions

Although it is understood that potential applicants are from defined areas of study, selection and appointment processes must be based on merit. Therefore, while it may be unnecessary to advertise as widely and to the same extent as for other positions, processes must reflect the personnel management standards of the PSM Act and expectations of the community for equitable access to available employment opportunities. For example, to avoid limiting the pool of potential applicants, advertisements could be placed at the university campus to ensure all students in the particular course are aware of the opportunity.

Work placements should be in work related to the academic qualification and anticipated career path.

During a paid work placement, students are to be paid at ASO 1 (or equivalent) rates. If the student is aged under 21 years they should be paid at the specified rate for their age. If a student is over 21 years of age, the ASO 1 adult rates are to be used, commencing at the first adult increment. The chief executive may at any time vary the rates and allowances upon giving notice in writing to the student. The rate of pay must not exceed ASO 1 (or equivalent) level except in exceptional circumstances and with the approval of the Commissioner for Public Employment.

Any period of employment will be subject to a contract of temporary employment in accordance with the proforma provided in Appendix 2 of this Standard. Note that this contract must be used as it modifies a number of normal PSM Act conditions of employment.

Modifications to PSM Act in contracts for paid tertiary placements

In the proforma contract which must be used for employment contracts for paid tertiary placements a range of modifications to the PSM Act are listed. These modifications are made in accordance with section 40(2)(e) of the PSM Act, and are:

- exclusion from Regulation 11 status. The student will not be considered a relevant public sector employee under PSM Act Regulation 11 and will not be eligible to apply for a position advertised internally within a public sector agency or in the Notice of Vacancies, unless such a position is also advertised externally to the South Australian public sector.

- variation of PSM Act, Schedule 2, Clause 6, sick leave entitlements. Sick leave entitlements will be credited on a pro rata basis according to the number of months in the term of contract
- variation of PSM Act Section 41(4) probation conditions. The student will be on probation while employed during the tertiary placement.

Leave entitlements

As the student is employed under the PSM Act on a contract in accordance to Appendix 2 of this Standard, unless modified in the contract, their leave conditions are those prescribed by the PSM Act. Note that the contract proforma does modify sick leave so that it is credited on a pro rata basis according to the number of months in the contract.

Glossary

Austudy and Youth Allowance

Austudy and Youth Allowance are Commonwealth payments made to students who are undertaking qualifying study. Students who are aged 25 years or over may be entitled to receive Austudy, and if aged 16 to 24 years may be eligible to receive Youth Allowance.

These payments are subject to an income test and a means test. If a student receiving a Commonwealth payment was awarded a South Australian public service scholarship, any allowances or periods of employment provided by the agency would be taken into account. In general, additional earnings for the year for up to \$6000 will not usually affect a person's Commonwealth entitlements.

It is the responsibility of the student to inform Centrelink of all sources of income including wages, salaries, stipends, commission, honoraria, bonuses, penalty rates and overtime.

Current information on Commonwealth Austudy and Youth Allowance arrangements can be found at www.centrelink.gov.au.

Employment Declaration

An employment declaration must be completed by all potential employees before a decision is made to appoint.

Recognised tertiary institution

For the purposes of this Standard a recognised tertiary institution includes a university and a recognised training organisation (RTO) which provides the minimum of a two year diploma.

South Australian public sector graduate recruitment program

The graduate recruitment program is coordinated by the Office for the Commissioner for Public Employment (OCPE). The program is designed to attract graduates with particular skills into the public sector.

Appendix 1: South Australian public service scholarship agreement proforma

Agreement dated day of 200__

Parties

The Chief Executive of a public sector agency [*insert name and title of chief executive, name of agency*] located [*insert address of office*] in the state of South Australia

and
The Student awarded the public service scholarship, [*insert name of student*] of [*insert address of student*] who is studying full time at [*insert name of university or institution*] university/institution towards the qualification of [*insert name of qualification*].

Chief Executive delegate

[*Insert name of delegate*] may act as the delegate for the chief executive for the purposes of administration of this agreement.

Agreed terms

- 1.1 During the period of the scholarship, the Student will be attached to the [*insert name of public sector agency*].
- 1.2 During the period of the scholarship the Student shall not be deemed to be an employee of the Crown, except during any periods of employment in the agency.

Term of scholarship

- 2.1 The scholarship shall begin on [day/month/year].
- 2.2 Unless extended or terminated, the scholarship shall continue until the completion of the course of study of [*insert name of course*] for administrative purposes.

Obligations of student

The Student understands and agrees to meet the following obligations:

- 3.1 remain in the said course of study, and attend and complete all required components
- 3.2 undertake and pass all required examinations
- 3.3 conform to the rules, regulations and ordinances of the [*insert name of institution*] tertiary institution and any written reports by such authority will be accepted as conclusive evidence of conformity or otherwise to such rules, regulations and ordinances
- 3.4 undertake to notify the Chief Executive if charged with or convicted of any offence during the period of the scholarship agreement
- 3.5 gain relevant experience through participating and performing satisfactorily during periods of employment provided by the agency during the long vacation period and/or during the semester
- 3.6 undertake to commence and remain within the SA public service in the [*insert name of public sector agency*] on the completion of the course of study, for a period equivalent to the length of the scholarship agreement
- 3.7 commence duty in the agency not later than the 1st day of the 2nd month following the expiration of the scholarship agreement
- 3.8 repay pro rata any allowances paid during the scholarship should I leave the public service prior to fulfilling the obligation to remain in the public service for a period equivalent to the length of the scholarship agreement.

Obligations of the Chief Executive

The Chief Executive undertakes to meet the following obligations:

- 4.1 pay *[insert name of Student]* the following allowances during the period of the scholarship:
(list any allowances agreed to and the amounts for each allowance)
- 4.2 provide *[insert name of student]* temporary employment opportunities, subject to an employment contract in accordance with the example in Appendix 2, at agreed times during vacation periods and/or throughout the semester
- 4.3 arrange for the appointment of *[insert name of student]* to a position in *[insert name of agency]* subject to successful completion of the requirements of *[insert name of course]* and compliance with the conditions of the scholarship agreement.

Termination of agreement

In the event of the Student failing to satisfactorily reach the required standards of the course of study, or failing to meet the obligations outlined in this agreement, or seeking to withdraw from the scholarship for any reason, the Chief Executive may:

- by notice in writing, terminate the scholarship and no further payments shall be made by notice in writing, terminate the scholarship requesting reimbursement of all or part of payments made
- at their discretion permit the student to sit for any supplementary examinations or allow the student to continue the course upon such terms as the chief executive may determine. In the event of the Student experiencing difficulty with the course of study, the Student shall notify the chief executive and may seek to have the terms of the Scholarship Agreement deferred or terminated.

Waiver

In the event of special circumstances, the Chief Executive shall have the power to waive any of the above conditions, if appropriate. Any such waiver must be in writing and signed by the Chief Executive.

Signatures to Agreement

I, *[insert name of Chief Executive or a duly appointed delegate]* as Chief Executive of *[insert name of administrative agency]*, offer a South Australian Public Service Scholarship under the terms set out in this Agreement to *[insert name of Student]*.

Signed: *[signature of Chief Executive]*

Date:

I, *[insert name of Student]* of *[insert address of Student]* hereby accept the offer of a South Australian Public Service Scholarship under the terms set out in this Agreement. Note that if a Student is under 18 years of age, the Agreement must be signed by their parent or guardian.

Signed: *[signature of Student or parent or guardian if aged under 18 years]*

Date:

In the presence of:

Signed: Date:

Name: *[Print name and address of witness]*

Appendix 2: Temporary employment contract for SA public service scholarships and paid work placements for tertiary students

(This contract provides no right to further appointment to another position)

Dear *[insert employee name]* I am pleased to confirm the basis upon which *[insert administrative agency]* offers you employment in the temporary position of *[insert position name]*.

If you accept this offer, you will be appointed to the above mentioned position. The conditions of employment in the position are subject to a contract under sections 40(1) & 40 (4)(a) of the Public Sector Management Act, 1995. The terms and conditions of the contract are contained in this letter and in the attached document headed Employment Conditions.

The period of appointment will commence on the *[insert date]* and will expire on the *[insert date]*. However, before this expiry date, the appointment may be sooner lawfully terminated. On expiry of the period of appointment, or on any sooner lawful termination, your employment in the Public Service will end.

You will receive a salary at the *[insert increment]* increment of the *[insert remuneration level]* remuneration level (presently \$*[insert dollar figure]* per annum). You are eligible to receive any allowance or other monetary benefits which may be paid to an employee under the Public Sector Management Act.

Additional terms and conditions of your employment contract are set out in the attached document headed Employment Conditions. You should read the document before accepting this offer.

I would like to take this opportunity to welcome you to the *[insert administrative agency]*. If you wish to accept the terms and conditions of employment in this letter and in the attached document, please signify your acceptance by signing the enclosed copy of this letter and initialling the attached document headed Employment Conditions and returning it to me in the enclosed envelope for our records.

Yours sincerely
[insert name of signatory ie CE or a duly appointed delegate]
[insert position title]
[insert name of administrative agency]

I hereby accept the offer of employment
Signed:
Date:

Employment conditions

- Application of the Public Sector Management Act 1995

Except as otherwise expressly provided for in the attached letter of offer and in this document, the terms and conditions of your appointment will be governed by the provisions of the Public Sector Management Act and Public Sector Management Regulations and any Determinations made by the Commissioner for Public Employment under the Public Sector Management Act and its Regulations. The attached letter of offer and this document should be read in conjunction with the Public Sector Management Act.

- Duties of the Position

Subject to any variation of duties by the Chief Executive of *[insert administrative agency]* pursuant to section 31 of the Public Sector Management Act, you will undertake the duties which are specified in the attached Duty Statement.

- Termination of Employment

Your appointment and this contract may be terminated by the exercise of any powers to terminate under the Public Sector Management Act or by the exercise of any other lawful powers to terminate.

In addition to any other lawful power to terminate, your appointment and this contract may be terminated by the Chief Executive of *[insert administrative agency]* or his/her duly appointed delegate giving you a period of *[insert number of weeks]* weeks notice. The Chief Executive or delegate may, in his or her discretion and in lieu of the notice period, immediately terminate your appointment and this contract by paying you the amount of remuneration due in respect of the period of notice.

In addition to any other lawful power to terminate, the Chief Executive of *[insert administrative agency]* or his/her duly appointed delegate, may immediately and without notice terminate your appointment and this contract if you have misrepresented any matter relevant to qualification, experience, ability, personal integrity, physical or mental health or any previous receipt by you of voluntary early retirement or separation packages from the South Australian Public Sector.

Variations of PSM Act

Exclusion from Regulation 11 status. While undertaking a *[insert scholarship or tertiary placement]* you are not a relevant public sector employee under Regulation 11 and are not eligible to apply for a position advertised internally within a public sector agency or in the Notice of Vacancies, unless such a position is also advertised externally to the South Australian public sector.

Sick leave entitlements outlined in PSM Act, Schedule 2, Clause 6, will be varied. Sick leave entitlements will be credited at a pro rata amount on the basis of the number of months in the term of contract.

Probation

Section 41(4) of the Public Sector Management Act is modified to provide that you will be on probation throughout this period of employment.

Signed: *[signature of employee]*

Date:

ATTACHMENT | D

Public Sector Equal Employment Opportunity Programs

Aboriginal Employment Register and the Disability Employment Register

Following consideration of any agency excess or work injured employees, agencies may now directly approach the Aboriginal Employment Register or the Disability Employment Register to fill a temporary vacancy, even if the vacancy is longer than 12 months duration, without advertising the vacancy on the Notice of Vacancies or external to the public sector.

If an agency sources a person from one of these registers for a vacancy up to 12 months duration, then the appointment of this person may be extended past 12 months without the need to advertise the position on the Notice of Vacancies or external to the public sector. Temporary appointments may be converted to ongoing after a period of temporary employment.

These provisions also apply to existing employees who were previously appointed to their current temporary position from either the Aboriginal Employment Register or the Disability Employment Register.

Trainee Employment Register

Following consideration of any agency excess or work injured employees, agencies may approach the Trainee Employment Register to fill a temporary vacancy, even if the vacancy is longer than 12 months duration, without advertising the vacancy on the Notice of Vacancies or external to the public sector.

Persons placed on the Trainee Employment Register are determined to be eligible to be referred for positions during their 12 months placement on the Register. Persons on the register are then determined to be eligible to apply for positions advertised on the Notice of Vacancies during their placement, and then for a further period of 2 years following their placement, subject to continued satisfactory work reports.

Persons determined to be part of specified disadvantaged groups placed on the Trainee Employment Register are determined to be eligible to be referred for positions during their 36 months placement on the Register. Persons on the register are also eligible to apply for positions advertised on the Notice of Vacancies.

Each eligible person will be provided with a letter from the Trainee Employment Register explaining why the person is eligible to apply for positions advertised on the Notice of Vacancies. Such persons will not be eligible to apply for internal positions within an agency which are not advertised on the Notice of Vacancies (unless they are currently employed within the agency in which the position is advertised).

If an agency sources a person from the register for a vacancy up to 12 months duration, then the appointment of this person may be extended past 12 months without the need to advertise the vacancy on the Notice of Vacancies or in the external press. Temporary appointments may be converted to ongoing after a period of temporary employment.

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A Planned Workforce

ATTACHMENT

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Public Sector Equal Employment Opportunity Programs

These provisions also apply to existing employees who were appointed to their current temporary position from the Trainee Employment Register and for persons currently on the Register or placed on the Register in the future.