

TASMANIA

**STATE SERVICE AMENDMENT (VALIDATION)
BILL 2019**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Repeal of Act

PART 2 – STATE SERVICE ACT 2000 AMENDED

4. Principal Act
5. Section 54A inserted
 - 54A. Validation of certain leave balances and purported actions

PART 3 – STATE SERVICE REGULATIONS 2011 AMENDED

6. Principal Regulations
7. Regulation 21 rescinded

**STATE SERVICE AMENDMENT (VALIDATION)
BILL 2019**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
13 October 2020

*(Brought in by the Premier, the Honourable William Edward
Felix Hodgman)*

A BILL FOR

An Act to amend the *State Service Act 2000* and the *State Service Regulations 2011*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *State Service Amendment (Validation) Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

State Service Amendment (Validation) Act 2019
Act No. of 2019

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

State Service Amendment (Validation) Act 2019
Act No. of 2019

Part 2 – State Service Act 2000 Amended

s. 4

PART 2 – STATE SERVICE ACT 2000 AMENDED

4. Principal Act

In this Part, the *State Service Act 2000** is referred to as the Principal Act.

5. Section 54A inserted

After section 54 of the Principal Act, the following section is inserted in Part 8:

54A. Validation of certain leave balances and purported actions

(1) In this section –

commencement day means the day on which the *State Service Amendment (Validation) Act 2019* commences;

maximum entitlement to recreation leave, in relation to an employee, means the maximum amount of recreation leave that, immediately before the commencement day, the employee was entitled to retain under the regulations.

(2) A payment, made under an award before the commencement day, to an employee or former employee in lieu of an

*No. 85 of 2000

State Service Amendment (Validation) Act 2019
Act No. of 2019

s. 5

Part 2 – State Service Act 2000 Amended

entitlement to recreation leave is not invalid solely on the basis that the payment related to an entitlement to recreation leave that was greater than the employee's maximum entitlement to recreation leave.

- (3) A period of recreation leave taken by an employee or former employee, before the commencement day, is not invalid solely on the basis that the amount of recreation leave so taken was greater than the employee's maximum entitlement to recreation leave.
- (4) An entitlement to an amount of recreation leave accumulated by an employee, or former employee, before the commencement day is not invalid solely on the basis that the amount of recreation leave so accumulated was greater than the employee's maximum entitlement to recreation leave.
- (5) For the avoidance of doubt, the revocation of a regulation under the *State Service Amendment (Validation) Act 2019* does not prevent the regulations from being amended to include, or being remade with, a regulation on the same subject matter and to the same, or substantially the same, effect.

State Service Amendment (Validation) Act 2019
Act No. of 2019

Part 3 – State Service Regulations 2011 Amended

s. 6

**PART 3 – STATE SERVICE REGULATIONS 2011
AMENDED**

6. Principal Regulations

In this Part, the *State Service Regulations 2011** are referred to as the Principal Regulations.

7. Regulation 21 rescinded

Regulation 21 of the Principal Regulations is rescinded.

*S.R. 2011, No. 23