

CLAUSE NOTES

State Service Amendment (Validation) Bill 2019

PART 1 – PRELIMINARY

- Clause 1** **Short title**
- Formal provision specifying that the Act may be called the *State Service Amendment (Validation) Act 2019*.
- Clause 2** **Commencement**
- Formal provisions specifying that the Act will commence on the day it receives Royal Assent.
- Clause 3** **Repeal of Act**
- Provides that the Act is repealed on the first anniversary of the day it commenced.

PART 2 STATE SERVICE ACT 2000 AMENDED

- Clause 4** **Principal Act**
- Provides that the amendments contained in this part of the Bill relate to the *State Service Act 2000*, which is referred to as the Principal Act.
- Clause 4** **Section 54A inserted**
- Section 54A operates to validate the past conduct of Agencies in contravention of Regulation 21 of the *State Service Regulations 2011*, and ensures that employees with current leave balances above the maximum will not lose their perceived entitlements after the commencement of this Bill.
- Subsection (1) of the clause defines *commencement day* as the day on which the Bill commences. *Maximum entitlement to recreation leave*, in relation to an employee, is defined as the maximum amount of recreation leave that the employee is entitled to retain under the Regulations.
- Subsections (2) and (3) provide that current and former employees who have either taken or been paid out for recreation leave accrued above the maximum amount in the past will not be disadvantaged by having this leave invalidated.

Subsection (4) provides that the Bill does not prevent future regulations being made in relation to recreation leave if required.

PART 3 STATE SERVICE REGULATIONS 2011 AMENDED

Clause 6 Principal Regulations

Provides that the amendments contained in this part of the Bill relate to the *State Service Regulations 2011*, which are referred to as the Principal Regulations.

Clause 7 Regulation 21 rescinded

Provides that Regulation 21 of the Principal Regulations is rescinded. The result of this is that the accrual of recreation leave will now be governed by existing provisions in Awards and Agreements.