



PUBLIC SERVICE AMENDMENT ACT 1983

No. 74 of 1983

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AN ACT to amend the Public Service Act 1973 and to validate certain acts done by the holders of certain offices in capacity as permanent heads of departments.

[Royal Assent 13 December 1983]

BE it enacted by His 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:—

1—This Act may be cited as the *Public Service Amendment Act* Short title. 1983.

Commence-
ment.

2—(1) This section and sections 1, 3, and 6 shall commence on the day on which this Act receives the royal assent.

(2) Sections 4, 5, and 7 shall commence on such day as may be fixed by proclamation.

Principal Act.

3—In this Act, the *Public Service Act* 1973* is referred to as the Principal Act.

Amendment of
section 21 of
Principal Act
(Power of
Governor to
constitute
departments).

4—Section 21 of the Principal Act is amended as follows:—

(a) by omitting subsection (2) and substituting the following subsection:—

(2) There shall be a permanent head of each department.

(b) by inserting the following subsections after subsection (3):—

(3A) Except as provided by subsection (3) and section 20, for the purposes of subsection (2), the permanent head of each department shall be the holder of such office or position, whether or not that office or position is an office or position in the Public Service, as may be prescribed in the regulations.

(3B) The Governor may make an order designating the holder of an office or position, that is not an office or position in the Public Service, to be the permanent head of a department.

Amendment of
section 23 of
Principal Act
(Divisions
of Public
Service).

5—Section 23 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) The First Division shall include all officers who are permanent heads of departments and such other officers as the Governor determines.

Amendment of
section 102 of
Principal Act
(Regulations).

6—Section 102 of the Principal Act is amended as follows:—

(a) by omitting paragraph (c) of subsection (1) and substituting the following paragraphs:—

(c) the rates and amounts of payments to officers for overtime work, and the conditions applicable to those payments;

* No. 18 of 1973. Amended by No. 50 of 1974, No. 68 of 1976, Nos. 9, 24, 30, and 40 of 1977, No. 85 of 1979, Nos. 55 and 57 of 1980, S.R. 1981, Nos. 76 and 218, and No. 10 of 1982.

(ca) the rates and amounts of payments to officers for travelling expenses and allowances, transfer expenses and allowances, meal allowances, and any other allowances that may be thought necessary, and the conditions applicable to the payment of those expenses and allowances;

(b) by inserting the following subsections after subsection (2):—

(2A) Regulations under subsection (1) may, in making provision for or with respect to any matter referred to in subsection (1) (ca), adopt by reference all or any of the provisions of an award in force under section 47, 49, or 51 or any such provisions as modified pursuant to subsection (2B).

(2B) Regulations under subsection (1) may provide for the modification of any provisions adopted under subsection (2A).

7—(1) All acts, matters, and things done or omitted to be done during the period commencing on 1st April 1982 and ending on 23rd February 1983 by the person appointed as Secretary, Department of Agriculture, whilst purporting to perform the functions and exercise the powers of the permanent head of that department, shall be as valid and effectual as if he had been an officer during that period.

Validation of certain acts, &c., done or omitted to be done by the holders of certain offices in capacity as permanent heads of departments.

(2) Where any function is imposed, or any power is conferred, by any enactment on the Director of Agriculture that during the period referred to in subsection (1) purports to have been performed or exercised by the Secretary, Department of Agriculture, the performance of that function and the exercise of that power by the Secretary, Department of Agriculture, shall be as valid and effectual as if he had held the office of Director of Agriculture during that period.

(3) All acts, matters, and things done or omitted to be done during the period commencing on 24th February 1983 and ending on the day fixed by proclamation under section 2 (2) by the person appointed as Director of Agriculture, whilst purporting to perform the functions and exercise the powers of the permanent head of the Department of Agriculture, shall be as valid and effectual as if he had been an officer during that period.

(4) All acts, matters, and things done or omitted to be done during the period commencing on 6th January 1981 and ending on 28th May 1982 by the person appointed as Secretary, Premier's Department, whilst purporting to perform the functions and exercise the powers of the permanent head of that department, shall be as valid and effectual as if he had been an officer during that period.

(5) All acts, matters, and things done or omitted to be done by the person appointed as Director-General of Planning and Development—

(a) during the period commencing on 18th June 1980 and ending on 23rd June 1980 whilst purporting to perform the functions and exercise the powers of the permanent head of the Department of Planning and Development; and

(b) during the period commencing on 24th June 1980 and ending on 17th February 1982 whilst purporting to perform the functions and exercise the powers of the permanent head of the Department of Industrial Development,

shall be as valid and effectual as if he had been an officer during those periods.

(6) All acts, matters, and things done or omitted to be done during the period commencing on 18th February 1982 and ending on the day fixed by proclamation under section 2 (2) by the person appointed as Director of Industrial Development, whilst purporting to perform the functions and exercise the powers of the permanent head of the Department of Industrial Development, shall be as valid and effectual as if he had been an officer during that period.