



PUBLIC SERVICE AMENDMENT

No. 85 of 1979

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AN ACT to amend the Public Service Act 1973 for the purpose of making further provision with respect to the making of awards under Part V of that Act and for incidental purposes.

[Royal Assent 14 December 1979]

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. 1979.

Principal Act.

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

Amendment of section 44 of Principal Act (Interpretation).

3—(1) Section 44 (1) of the Principal Act is amended by omitting the definition of “controlling authority” and substituting the following definition:—

“controlling authority” means—

(a) in the case of an employee who belongs to a class of employees specified in the first column of the third Schedule—the person specified opposite that class in the second column of that Schedule; and

(b) in the case of an employee who is the holder of an office by virtue of which he is a controlling authority—the Governor;

(2) Section 44 of the Principal Act is further amended by inserting the following subsection after subsection (3):—

(4) The Governor, by order-in-council, may amend the third Schedule—

(a) by inserting in the first column of that Schedule a reference to a class of employees and by inserting in the second column of that Schedule, opposite that reference, a reference to the person specified as the controlling authority for that class of employees;

(b) by omitting the reference to a class of employees specified in the first column of that Schedule and the corresponding reference to the person specified in the second column of that Schedule as the controlling authority for that class; or

* No. 18 of 1973. Subsequently amended by No. 5 of 1974, No. 68 of 1976, and Nos. 9, 24, 30, and 40 of 1977.

(c) by omitting the reference to a class of employees specified in the first column of that Schedule or the corresponding reference to the person specified in the second column of that Schedule as the controlling authority for that class and substituting for that reference or corresponding reference a reference to another class of employees or, as the case may be, to another person.

4—The third Schedule to the Principal Act is repealed and the following Schedule is substituted:—

Substitution
of the third
Schedule to
Principal Act.

THE THIRD SCHEDULE

Section 44

CONTROLLING AUTHORITIES FOR THE PURPOSES OF PARTS V AND VI OF THE ACT

FIRST COLUMN Class of employees	SECOND COLUMN Controlling authority
1. Officers of the Advanced Education Service other than the Principal, the Registrar, and persons employed on the teaching staff or the professional library staff of the Council of Advanced Education	The Council of Advanced Education.
2. Persons employed by the Interim Ambulance Authority under the provisions of the <i>Ambulance Act</i> 1959	Interim Ambulance Authority.
3. Persons employed by the Schools Board of Tasmania under the provisions of section 46C of the <i>Education Act</i> 1932	The Schools Board of Tasmania.
4. Employees employed under the authority of the <i>Education Act</i> 1932 other than under section 46C	The Director-General of Education.
5. Persons appointed under section 8 (6) of the <i>Fisheries Act</i> 1959 ..	The Minister for the time being administering the <i>Fisheries Act</i> 1959.

FIRST COLUMN Class of employees	SECOND COLUMN Controlling authority
6. Persons employed by the Inland Fisheries Commission under the <i>Fisheries Act</i> 1959	The Inland Fisheries Commission.
7. Employees employed in the Department of Agriculture as herd recorders	The Director of Agriculture.
8. Officers of the State Fire Commission, other than persons who are members of that Commission	State Fire Commission.
9. Employees employed under the <i>Grain Reserve Act</i> 1950 ..	The Tasmanian Grain Elevators Board.
10. Employees employed under the Department of Health Services who are not subject to this Act	The Director-General of Health Services.
11. Employees of public hospitals boards ..	The Director-General of Health Services.
12. Members of the School Dental Nursing Service	The Minister for Health.
13. Persons employed by the Tasmanian Library Board under the <i>Libraries Act</i> 1943	Tasmanian Library Board.
14. Officers of the Mental Health Services	The Mental Health Services Commission.
15. Persons employed by the Metropolitan Water Board under the <i>Metropolitan Water Act</i> 1961 ..	The Metropolitan Water Board.
16. Employees employed under the authority of the <i>Police Regulation Act</i> 1898	The Commissioner of Police.
17. Employees employed under the <i>Public Works Construction Act</i> 1880 whose salaries or conditions of service are not prescribed in an industrial award or determination of a wages board	The permanent head of the department in which he is employed.
18. Officers employed under—	
(a) section 3 (1) of the <i>Parliamentary Privilege Act</i> 1898 ..	The President of the Legislative Council;
(b) section 3 (2) of that Act	The Speaker of the House of Assembly;

FIRST COLUMN Class of employees	SECOND COLUMN Controlling authority
(c) section 3 (3) of that Act	The President of the Legislative Council and the Speaker of the House of Assembly, acting jointly.
19. Employees employed by the Tasmanian Racing and Gaming Commission under the <i>Racing and Gaming Act 1952</i>	The Racing and Gaming Commission.
20. Persons employed by the Rivers and Water Supply Commission under the provisions of the <i>Water Act 1957</i> who have not been appointed in accordance with Part IV of the <i>Public Service Act 1973</i>	The Rivers and Water Supply Commission.

5—Where an award made under Part V of the *Public Service Act 1973* before the commencement of this Act purports to extend or to have extended to persons purporting to be or to have been appointed under section 8 (6) of the *Fisheries Act 1959* otherwise than as fisheries inspectors, that award shall, notwithstanding anything in the Principal Act, be deemed always to have been lawfully and properly extended to those persons, and all payments made to those persons in accordance with such an award, whether by way of salaries or allowances, or otherwise, shall be deemed to have been validly and properly made. Validation.

