



**TASMANIAN STATE SERVICE AMENDMENT
(APPEALS) ACT 1993**

No. 49 of 1993

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AN ACT to amend the *Tasmanian State Service Act 1984*

[Royal Assent 10 September 1993]

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:—

Short title

1—This Act may be cited as the *Tasmanian State Service Amendment (Appeals) Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Tasmanian State Service Act 1984** is referred to as the Principal Act.

Section 55 amended (Procedure in respect of offences)

4—Section 55 of the Principal Act is amended by omitting subsection (14).

Section 66 amended (Appeals to the Commissioner for Review)

5—Section 66 of the Principal Act is amended as follows:—

(a) by inserting after subsection (1) the following subsection:—

(1A) An employee may appeal to the Commissioner for Review against the selection process in relation to the filling of a vacancy in a position in an Agency pursuant to section 36 (2).

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

(2A) An employee is not entitled to appeal under subsection (2) against the selection process in relation to the filling of a vacancy in a position in an Agency pursuant to section 36 (2).

Section 68 amended (Procedure, &c., of appeal)

6—Section 68 of the Principal Act is amended as follows:—

(a) by omitting subsection (3) and substituting the following subsection:—

* No. 25 of 1984. For this Act, as amended to 30 November 1990, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1991 and No. 59 of 1992 and by S.R. 1991, Nos. 109 and 143, S.R. 1992, Nos. 22, 113 and 175 and S.R. 1993, Nos. 7 and 34.

(3) The Commissioner for Review may determine an appeal—

- (a) by holding a hearing; or
 - (b) in the case of an appeal under section 66 (1) (a) or (b) or under section 66 (1A), without holding a hearing if the board of appeal established under the regulations is of the opinion that an appeal is able to be determined on the documentary evidence available and without the parties to the appeal being present; or
 - (c) in the case of any other appeal, without holding a hearing if the Commissioner for Review and the parties to the appeal agree.
- (b) by omitting subsection (22).

*[Second reading presentation speech made in:—
House of Assembly on 15 June 1993
Legislative Council on 18 August 1993]*

