



**TASMANIAN STATE SERVICE AMENDMENT ACT
(No. 2) 1985**

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No. 112 of 1985
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AN ACT to amend the Tasmanian State Service Act 1984 and the Retirement Benefits Act 1982.

[Royal Assent 21 November 1985]

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 *Tasmanian State Service Amendment Act (No. 2) 1985*. Short title.

2—This Act shall commence on the day fixed by proclamation under section 2 (2) of the *Tasmanian State Service Act 1984*. Commencement.

Principal Act.

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

Amendment of section 29 of Principal Act (Appointment, &c., of certain Heads of Agencies, &c.).

4—Section 29 of the Principal Act is amended by omitting subsection (13) and substituting the following subsections:—

(13) A person who ceases to be the Head of an Agency or the holder of a prescribed office by reason of the expiration of his term of office or his resignation may—

(a) if he has not attained the age of 65 years; and

(b) where, immediately before his appointment as the Head of an Agency or his appointment to a prescribed office, he was a permanent employee, elect to have his name registered on the Unattached List.

(14) An election under subsection (13) shall be by notice in writing served on the Commissioner.

Amendment of section 38 of Principal Act (Temporary employment).

5—Section 38 of the Principal Act is amended by omitting subsection (8) and substituting the following subsections:—

(8) A contract employee whose contract of service is not renewed may—

(a) if he has not attained the age of 65 years; and

(b) where, immediately before his appointment as a contract employee, he was a permanent employee, elect to have his name registered on the Unattached List.

(8A) An election under subsection (8) shall be by notice in writing served on the Commissioner.

Amendment of section 51 of Principal Act (Unattached List).

6—Section 51 of the Principal Act is amended as follows:—

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

(c) who have elected, under section 29 (13) or section 38 (8), to have their names registered on the Unattached List.

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

(2A) A person who has elected, under section 29 (13) or 38 (8), to have his name registered on the Unattached List is entitled to be appointed to a position in the State Service not lower in classification and salary than that which he held immediately before his appointment as the Head of an Agency, his appointment to a prescribed office, or his appointment as a contract employee, as the case may be.

(c) by omitting from subsection (4A) "An employee" (firstly occurring) and substituting "A person".

7—The *Retirement Benefits Act* 1982* is amended as follows:—

Amendment of
*Retirement
Benefits Act
1982.*

(a) by omitting "employees; or" from section 33 (1) (a) (iii) and substituting "employees;";

(b) by omitting "contributor," from section 33 (1) (b) and substituting "contributor;";

(c) by inserting after paragraph (b) of section 33 (1) the following paragraphs:—

(ba) being—

(i) the Head of an Agency or the holder of a prescribed office the term of whose appointment is specified in the instrument of his appointment; and

(ii) a person who, immediately before his appointment as the Head of an Agency or his appointment to a prescribed office, was a permanent employee,

ceases to be the Head of an Agency or the holder of a prescribed office by reason of the expiration of his term of office, and does not elect, under section 29 (13) of the *Tasmanian State Service Act* 1984, to have his name registered on the Unattached List; or

* No. 10 of 1982. Amended by Nos. 12 and 85 of 1983, No. 29 of 1984, and Nos. 22 and 51 of 1985.

(bb) being—

- (i) a contract employee; and
- (ii) a person who, immediately before his appointment as a contract employee, was a permanent employee,

ceases to be a contract employee by reason of his contract of service not being renewed and does not elect, under section 38 (8) of the *Tasmanian State Service Act* 1984, to have his name registered on the Unattached List,

(d) by adding after subsection (7) of section 33 the following subsection:—

(8) In subsection (1)—

- (a) “Head of an Agency”, “permanent employee”, “Unattached List”, “contract employee” have the meaning respectively assigned to those expressions in the *Tasmanian State Service Act* 1984; and
- (b) “prescribed office” means an office which is prescribed for the purposes of section 29 of the *Tasmanian State Service Act* 1984.