



**TASMANIAN STATE SERVICE (MISCELLANEOUS
AMENDMENTS) AMENDMENT ACT 1985**

No. 63 of 1985

TABLE OF PROVISIONS

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2. Commencement.
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**AN ACT to amend the Tasmanian State Service (Miscellaneous
Amendments) Act 1984.**

[Royal Assent 25 July 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 (Miscellaneous Amendments) Amendment Act 1985*. Short title.

Commence-
ment.

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

Amendment of
Schedule 1 to
the *Tasmanian
State Service
(Miscellaneous
Amendments)
Act 1984*.

3—Schedule 1 to the *Tasmanian State Service (Miscellaneous Amendments) Act 1984** is amended as follows:—

(a) by omitting paragraph (a) of item 13 of the amendments relating to the *Ambulance Service Act 1982* and substituting the following paragraph:—

(a) by omitting clause 4 and substituting the following clause:—

4—The Director is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(b) by omitting from paragraph (a) of item 1 of the amendments relating to the *Archives Act 1983* proposed paragraph (b) of the definition of “Government department” and substituting the following paragraph:—

(b) a department or service of the State that does not form part of the State Service,

(c) by omitting from paragraph (b) of that item proposed paragraph (a) of the definition of “relevant authority” and substituting the following paragraph:—

(a) in relation to a Government department that is constituted by or under the *Tasmanian State Service Act 1984* or any other Act—the Head, within the meaning of the *Tasmanian State Service Act 1984*, of that department;

(d) by omitting paragraphs (d), (e), and (f) of that item and substituting the following paragraph:—

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

(1A) A reference in this Act to a department or service of the State that does not form part of the State Service is a reference to—

(a) the Police Force;

(b) the Tasmanian Government Insurance Office; or

Director
subject to
*Tasmanian
State Service
Act 1984*
in capacity
as Head
of Agency.

- (c) any other department or service of the State prescribed by the regulations for the purposes of this paragraph.
- (e) by renumbering items 1 and 2 of the amendments relating to the *Botanical Gardens Act 1950* as items 2 and 3;
- (f) by inserting before item 2 (as renumbered), of the amendments relating to the *Botanical Gardens Act 1950* the following item:—
- 1—Section 3 (3) is amended by inserting “, subject to section 4B,” after “who shall”.
- (g) by inserting after the amendments relating to the *Cinema Act 1962* the following amendments:—

Classification of Publications Act 1984

(No. 107 of 1984)

1—Section 5 is amended as follows:—

- (a) by omitting from subsection (1) “and employed subject to and in accordance with the *Public Service Act 1973*” and substituting “or employed subject to and in accordance with the *Tasmanian State Service Act 1984*”;
- (b) by omitting from subsection (2) “offices of the Public Service” and substituting “positions in the State Service”.

2—Section 7 is repealed and the following section is substituted:—

7—For the purposes of this Act, the Secretary of the Registrar Law Department may appoint an employee employed in that Department to be Registrar of the Board and that employee may hold office as Registrar of the Board in conjunction with his position in the State Service.

3—Schedule 1 is amended as follows:—

- (a) by omitting from clause 3 “holds office in the Public Service without the approval of the Public Service Board” and substituting “is an employee, within the meaning of the *Tasmanian State Service Act 1984*, without the approval of the Head of the Agency in which he is employed”;
- (b) by omitting from clause 4 “*Public Service Act 1973*” and substituting “*Tasmanian State Service Act 1984*”.

(b) by omitting paragraph (b) of item 2 of the amendments relating to the *Dairy Industry Act 1976* and substituting the following paragraph:—

(b) by omitting subsection (11) and substituting the following subsections:—

(11) The members of the Authority are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(12) The chairman of the Authority is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(13) An employee, within the meaning of the *Tasmanian State Service Act 1984*, may hold office as a member of the Authority (other than the office of chairman of the Authority) in conjunction with his position in the State Service.

(i) by omitting item 1 of the amendments relating to the *Education Act 1932* and substituting the following item:—

1—Section 3 (1) is amended as follows:—

(a) by inserting after the definition of “parent” the following definition:—

“special officer” means a person appointed as a special officer under section 8 (5);

(b) by omitting the definition of “Teaching Service”.

(j) by inserting in item 2 of the amendments relating to the *Education Act 1932* “(2AA), (2AB), (2AC),” after “(2),”;

(k) by inserting after item 3 of the amendments relating to the *Education Act 1932* the following items:—

3A—Section 7A is amended as follows:—

(a) by omitting from paragraph (a) of subsection (1F) “a person employed by” and substituting “an employee, within the meaning of the *Tasmanian State Service Act 1984*, employed in”;

(b) by omitting from paragraph (b) of that subsection “a person” and substituting “an employee, within the meaning of that Act,”;

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

(c) a person who is not an employee within the meaning of that Act.

3B—Section 8 is amended by inserting after subsection (4) the following subsections:—

(5) The Director-General may appoint an employee employed in the Department to be a special officer to deal with truancy and exemptions from attendance at school.

(6) A special officer may exercise the powers of an employee authorized generally by the Director-General under subsection (3).

(7) The powers, functions, and duties of a special officer may be exercised and performed by a police officer without any authority other than this subsection.

(l) by inserting after item 7 of the amendments relating to the *Education Act 1932* the following items:—

7A—Section 32B is amended as follows:—

(a) by inserting before “make” in paragraph (a) of subsection (2) “, subject to and in accordance with the *Tasmanian State Service Act 1984*”;

(b) by inserting after “things” in paragraph (g) of that subsection “, other than employ persons”.

7B—Section 32C is amended by omitting paragraphs (a), (b), and (c) of subsection (2).

(m) by inserting after item 8 of the amendments relating to the *Education Act 1932* the following items:—

7C—Section 44 is amended by omitting “officer of” from subsection (1) and substituting “employee employed in”.

7D—Section 46AA is amended by omitting “officer of” from subsection (2) and substituting “employee employed in”.

(n) by omitting paragraph (a) of item 9 of the amendments relating to the *Education Act 1932* and substituting the following paragraph:—

(a) by inserting after subsection (7A) the following subsections:—

(7B) The members of the Schools Board are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(7C) The chairman of the Schools Board is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(7D) An employee, within the meaning of the *Tasmanian State Service Act 1984*, may hold office as a member of the Schools Board (other than the office of chairman of the Schools Board) in conjunction with his position in the State Service.

- (o) by inserting after item 11 of the amendments relating to the *Education Act 1932* the following item:—

11A—Section 46H is amended by omitting subsection (3).

- (p) by inserting after paragraph (d) of item 12 of the amendments relating to the *Education Act 1932* the following paragraph:—

(da) by omitting subsections (3) and (4);

- (q) by omitting paragraph (a) of item 5 of the amendments relating to the *Emergency Services Act 1976* and substituting the following paragraph:—

(a) by omitting subsections (1) and (2) and substituting the following subsections:—

(1) The person for the time being holding office as Commissioner of Police or acting in the office of Commissioner of Police shall be the Director of Emergency Services.

(2) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed for the administration of the State Emergency Service.

- (r) by inserting after paragraph (b) of item 1 of the amendments relating to the *Environment Protection Act 1973* the following paragraph:—

(c) by omitting the definitions of “Public Service” and “Public Service Board”.

- (s) by omitting item 4 of the amendments relating to the *Environment Protection Act 1973* and substituting the following item:—

4—Section 7A is repealed and the following section is substituted:—

7A—The council may make arrangements with the Director of Environmental Control for an employee employed in the Department of the Environment to be appointed as secretary of the council and that employee may hold office as secretary of the council in conjunction with his position in the State Service.

(t) by inserting after item 8 of the amendments relating to the *Environment Protection Act 1973* the following item:—

9—Schedule 2 is amended as follows:—

- (a) by omitting from clause 4 “ holds office in the Public Service, without the approval of the Public Service Board ” and substituting “ is an employee, within the meaning of the *Tasmanian State Service Act 1984*, without the approval of the Head of the Agency in which he is employed ”;
- (b) by omitting clause 5 and substituting the following clause:—

5—The members of the council, other than the Director where he is a member of the council, are not, as such, subject to the *Tasmanian State Service Act 1984*. *Tasmanian State Service Act 1984, not to apply.*

(u) by omitting item 9 of the amendments relating to the *Fire Service Act 1979* and substituting the following item:—

9—Section 26 is amended by omitting subsections (2), (3), and (4) and substituting the following subsections:—

- (2) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed as permanent members of an urban fire brigade.
- (3) The Commission may appoint such volunteer urban members to an urban fire brigade as it thinks necessary.
- (4) The membership of an urban fire brigade may consist of permanent members and volunteer urban members appointed to that brigade under subsections (2) and (3) respectively.

(v) by omitting paragraph (a) of item 2 of the amendments relating to the *Fisheries Development Act 1977* and substituting the following paragraph:—

(a) by omitting subsection (6) and substituting the following subsections:—

(6) The members of the Authority are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(6A) The Chairman of the Authority is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act

(6B) An employee, within the meaning of the *Tasmanian State Service Act 1984*, may hold office as a member of the Authority, other than the office of Chairman, in conjunction with his position in the State Service.

(w) by omitting paragraph (a) of item 2 of the amendments relating to the *Forestry Act 1920* and substituting the following paragraph:—

(a) by omitting “Chief Commissioner and the Assistant Commissioners shall not be subject to the provisions of the *Public Service Act 1973*, but, if an officer of the Public Service” and substituting “Assistant Commissioners shall not be subject to the provisions of the *Tasmanian State Service Act 1984*, but, if an employee, within the meaning of that Act,”;

(x) by inserting after item 2 of the amendments relating to the *Forestry Act 1920* the following item:—

2A—Section 9A is further amended by inserting after subsection (5) the following subsection:—

(6) The Chief Commissioner is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(y) by omitting paragraph (a) of item 6 of the amendments relating to the *Gaming Act 1983* and substituting the following paragraph:—

(a) by omitting clause 5 and substituting the following clause:—

5—The Commissioner is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(z) by inserting after the amendments relating to the *Herd Improvement Act 1977* the following amendments:—

Hobart Regional Water Act 1984

(No. 51 of 1984)

1—Section 9 is repealed and the following section is substituted:—

9—(1) Subject to and in accordance with the *Tasmanian State Service Act 1984*, there may be appointed or employed a secretary of the Board and such other employees as may be required for the performance of its functions or the exercise of its powers under this Act.

Commissioner
subject to
*Tasmanian
State Service
Act 1984*
in capacity
as Head of
Agency.

Staff of
Board.

(2) The salaries, wages, and allowances payable to all persons appointed or employed pursuant to subsection (1) shall be payable by the Board out of its funds.

(3) For the purposes of the *Workers' Compensation Act 1927*, the Board shall be deemed to be the employer of all persons appointed or employed pursuant to subsection (1).

2—After section 9 the following section is inserted:—

9A—(1) The chairman of the Board shall comply with—

(a) any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act 1984*, that relate to him or the Board; or

(b) any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act.

(2) Where the Governor is satisfied that the chairman of the Board has wilfully and without good cause failed to comply with any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act 1984*, that relate to him or the Board, or any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act, the Governor may remove the chairman from office.

3—Schedule 1 is amended as follows:—

(a) by omitting paragraph (a) of clause 3 and substituting the following paragraph:—

(a) who is an employee, within the meaning of the *Tasmanian State Service Act 1984*, without the approval of the Head of the Agency in which he is employed;

(b) by omitting clause 4 and substituting the following clauses:—

4—The members of the Board are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

4A—The Chairman of the Board is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

Requirement to comply with Employment Instructions, &c.

Members of Board not subject to *Tasmanian State Service Act 1984*.

Chairman subject to *Tasmanian State Service Act 1984* in capacity as Head of Agency.

4—Schedule 2 is amended by omitting subclause (1) of clause 4 and substituting the following subclause:—

(1) If the chairman of the Commission is a member of the Board, he shall be its chairman and shall preside at all meetings of the Board at which he is present.

5—Schedule 8 is amended by transposing clause 8 of Schedule 3 as clause 12 of Schedule 8.

6—Schedule 3 is repealed.

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- (za) by omitting from proposed subsection (4) of section 32 in item 5 of the amendments relating to the *Hospitals Act 1918* “general superintendent” and substituting “chief executive officer”;
- (zb) by omitting the amendments relating to the *Industrial Relations Act 1975* and substituting the following amendments relating to the *Industrial Relations Act 1984*:—

Industrial Relations Act 1984

(No. 21 of 1984)

1—Section 3 (1) is amended as follows:—

(a) by omitting the definition of “controlling authority” and substituting the following definition:—

“controlling authority” means, in the case of—

- (a) a State employee who is a person employed under the *Tasmanian State Service Act 1984*—the Minister administering that Act;
- (b) a State employee who is employed under section 9, 9A, or 10 of the *Police Regulation Act 1898*—the Commissioner of Police;
- (c) a State employee who is the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*—the Governor; and
- (d) any other State employee—the principal officer of the State authority, not being an Agency within the meaning of the *Tasmanian State Service Act 1984*, by which he is employed;

- (b) by omitting “ *Public Service Act 1973* or any other Act ” from the definition of “ Government department ” and substituting “ *Tasmanian State Service Act 1984* ”;
- (c) by omitting “ and holding office under ” from the definition of “ officer ” and substituting “ pursuant to ”;
- (d) by omitting the definition of “ permanent head ”;
- (e) by inserting “ sections 9, 9A, and 10 of ” after “ under ” in the definition of “ Police Force ”;
- (f) by omitting the definition of “ principal officer ” and substituting the following definition:—
 - “ principal officer ” means, in relation to a State authority, not being an Agency within the meaning of the *Tasmanian State Service Act 1984*, the president, chairman, or other principal or presiding member of the authority or, if the authority comprises a single person, that person;
- (g) by omitting the definition of “ Public Service ”;
- (h) by omitting “ under ” from the definition of “ Registrar ” and substituting “ pursuant to ”;
- (i) by omitting “ by the Crown in a Government department or by a State authority ” from the definition of “ State employee ” and substituting “ in the State Service or by a State authority, not being an Agency within the meaning of the *Tasmanian State Service Act 1984*, or under section 7 or section 9 of the *Governor of Tasmania Act 1982*,”.

2—Section 6 is amended by omitting from subsection (5) “ The *Public Service Act 1973* does not apply to a Commissioner, but a ” and substituting “ A ”.

3—After section 10, the following section is inserted:—

10A—The President shall comply with—

- (a) any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act 1984*, that relate to him or the Commission; or
- (b) any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act,

Requirement
to comply with
Employment
Instructions,
etc.

in so far as they are not inconsistent with his functions under this Act.

4—Section 11 of the Principal Act is amended by inserting after paragraph (b) of subsection (1) the following paragraph:—

(ba) in the case of a Commissioner who is President, has, in the opinion of the Governor, wilfully and without good cause, failed to comply with any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act* 1984, that relate to him or the Commission and that are not inconsistent with his functions under this Act, or any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act that are not inconsistent with his functions under this Act;

5—Section 15 is amended by inserting in subsection (3) (b) “, other than employ persons,” after “done”.

6—Section 18 is amended as follows:—

(a) by omitting subsections (1), (2), and (3) and substituting the following subsections:—

(1) Subject to and in accordance with the *Tasmanian State Service Act* 1984, there may be appointed or employed a Registrar of the Commission and other persons for the purposes of assisting the Commission in the carrying out of its powers and functions under this Act.

(2) Subject to this Act, the Registrar is responsible to the President for the organization of the work of other employees appointed or employed pursuant to subsection (1).

(3) For the purposes of the *Workers' Compensation Act* 1927, the Commission shall be deemed to be the employer of all persons appointed or employed pursuant to subsection (1).

7—Section 32 is amended as follows:—

(a) by omitting from subsection (5) (a) “any relevant regulations concerning conditions of employment; and” and substituting “the *Tasmanian State Service Act* 1984 and—

(i) any Administrative Instructions or Employment Instructions issued under that Act;
and

(ii) any other Act,
concerning conditions of employment; and”;

- (b) by omitting from subsection (5) (b) “ those regulations, shall, if it is satisfied that those regulations ” and substituting “ the Acts and Instructions referred to in that paragraph, shall, if he is satisfied that those Acts or Instructions ”.

8—Section 34 is repealed and the following section is substituted:—

34—The Commission may make an award in respect of—

- (a) all persons employed in an Agency within the meaning of the *Tasmanian State Service Act* 1984, or holding an office under Part V of that Act, or employed by a State authority, not being such an Agency; or
- (b) classes of persons employed in or by one or more Agencies, within the meaning of the *Tasmanian State Service Act* 1984, or State authorities, not being such Agencies.

Power of Commission to make awards in respect of public sector employment.

9—Section 35 is amended as follows:—

- (a) by omitting from subsection (1) “ Government department ” (twice occurring) and substituting “ Agency, within the meaning of the *Tasmanian State Service Act* 1984,”;
- (b) by inserting in that subsection “, not being such an Agency,” after “ State authority ” (twice occurring).

10—Section 42 is amended by omitting “ An ” and substituting “ Except as provided in section 3 (6) and section 81 (12) of the *Tasmanian State Service Act* 1984, an ”.

11—Section 46 is amended as follows:—

- (a) by omitting “ a Government department ” and substituting “ an Agency, within the meaning of the *Tasmanian State Service Act* 1984,”;
- (b) by inserting “, not being such an Agency,” after “ State authority ”.

12—Section 49 is amended by omitting from subsection (2) “ *Public Service Act* 1973 ” and substituting “ *Tasmanian State Service Act* 1984 and any Employment Instructions or Administrative Instructions issued under that Act ”.

13—Section 74 is amended by omitting from subsection (2) “ Public Service ” and substituting “ State Service ”.

14—Section 77 is amended by omitting from subsection (1) “or by a Government department or State authority” and substituting “an Agency, within the meaning of the *Tasmanian State Service Act 1984*, or by a State authority, not being such an Agency”.

15—Section 79 is amended as follows:—

(a) by omitting from subsection (1) “Government department in which, or the State authority” and substituting “Agency, within the meaning of the *Tasmanian State Service Act 1984*, in which, or the State authority, not being such an Agency,”;

(b) by omitting from subsection (9) (b) “a Government department or State authority” and substituting “an Agency, within the meaning of the *Tasmanian State Service Act 1984*, or State authority, not being such an Agency,”.

16—Section 83 is amended by omitting paragraph (c) of subsection (2) and substituting the following paragraph:—

(c) an officer or inspector, the officer or inspector shall be proceeded against in accordance with section 55 of the *Tasmanian State Service Act 1984* as if he had committed an offence under section 54 of that Act.

(zc) by omitting from proposed subsection (6) of section 3 in item 1 of the amendments relating to the *Law Reform Commission Act 1974* “deputy chairman” and substituting “research director”;

(zd) by omitting the amendments relating to the *Libraries Act 1943* and substituting the amendments relating to the *Libraries Act 1984*:—

Libraries Act 1984

(No. 109 of 1984)

1—Schedule 1 is amended by omitting from clause 4 “Public Service Board” and substituting “Head of the Agency in which that employee is employed”.

2—Schedule 2 is amended by omitting from clause 4 “Public Service Board” and substituting “Head of the Agency in which that employee is employed”.

3—Schedule 3 is amended by omitting from clause 4 “Public Service Board” and substituting “Head of the Agency in which that employee is employed”.

4—Schedule 4 is amended by omitting from clause 4 “Public Service Board” and substituting “Head of the Agency in which that employee is employed”.

(ze) by inserting after item 7 of the amendments relating to the *Local Government Act 1962* the following item:—

8—Section 741 is amended by omitting from paragraph (c) of subsection (1B) “*Public Service Act 1973*” and substituting “*Tasmanian State Service Act 1984*”.

(zf) by omitting paragraph (d) of item 1 of the amendments relating to the *Magistrates Act 1969*;

(zg) by omitting paragraph (a) of item 3 of the amendments relating to the *Mental Health Services Act 1967* and substituting the following paragraph:—

(a) by omitting subsection (1) and substituting the following subsections:—

(1) The chief executive officers are not, as such, subject to the *Tasmanian State Service Act 1984*.

(1A) The chairman of the Commission is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to that Act.

(zb) by omitting item 1 of the amendments relating to the *Metropolitan Transport Act 1954* and substituting the following item:—

1—Section 3 is amended by omitting subsection (6) and substituting the following subsections:—

(6) The members of the Trust are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(6A) The chairman is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(6B) An employee, within the meaning of the *Tasmanian State Service Act 1984*, may hold office as a member of the Trust (other than the office of chairman) in conjunction with his position in the State Service.

(zi) by omitting the amendments relating to the *Metropolitan Water Act 1961*;

(zj) by omitting proposed subsection (7) in item 1 of the amendments relating to the *Motor Accidents (Liabilities and Compensation) Act 1973* and substituting the following subsections:—

(7) The members of the Board are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(7A) The chairman of the Board is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act* 1984, subject to the provisions of that Act.

(7B) An employee, within the meaning of the *Tasmanian State Service Act* 1984, may hold office as a member of the Board (other than the office of chairman of the Board) in conjunction with his position in the State Service.

- (zk) by inserting after the amendments relating to the *Motor Accidents (Liabilities and Compensation) Act* 1973 the following amendments:—

Motor Vehicles Securities Act 1984

(No. 43 of 1984)

1—Section 3 is amended by inserting “pursuant to or” in the definition of “Registrar” after “appointed”.

- (zl) by inserting after the amendments relating to the *North West Regional Water Act* 1976 the following amendments:—

Northern Casino Act 1978

(No. 81 of 1978)

1—After section 11, the following section is inserted:—

11A—Subject to and in accordance with the *Tasmanian State Service Act* 1984 there may be appointed or employed such persons as are considered necessary for the purposes of this Act.

2—Section 12 is amended by omitting from subsection (1) (b) “by the Minister” and substituting “pursuant to section 11A”.

- (zm) by omitting items 1, 2, 3, and 4 from the amendments relating to the *Poisons Act* 1971;

- (zn) by omitting items 2, 3, and 4 of the amendments relating to the *Police Regulation Act* 1898 and substituting the following item:—

2—After section 11 the following section is inserted:—

11A—(1) The Commissioner shall comply with—

- (a) any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act* 1984, that relate to him or the Agency, within the meaning of that Act, of which he is the Head; and

(b) any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act.

(2) Where the Governor is satisfied that the Commissioner has wilfully and without good cause failed to comply with any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act* 1984, that relate to him or that Agency, within the meaning of that Act, of which he is the Head or any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act, the Governor may remove the Commissioner from office.

(zo) by omitting from item 6 of the amendments relating to the *Police Regulation Act* 1898 “ Sections 28c and 28D are ” and substituting “ Section 28c is ”;

(zp) by inserting after item 6 of the amendments relating to the *Police Regulation Act* 1898 the following item:—

6A—Section 28D is amended by omitting “, technical officer, or departmental employee ”.

(zq) by inserting after item 3 of the amendments relating to the *Public Servants' Retiring and Death Allowances Act* 1925 the following item:—

3A—Section 2c is further amended by omitting from subsection (3) “ in the Public Service after 1st November 1983 ” and substituting “ after 1st November 1983 in the Public Service, in existence immediately before the commencement of the *Tasmanian State Service Act* 1984, or who commenced employment in the service of the State on or after the commencement of that Act ”.

(zr) by omitting item 2 of the amendments relating to the *Racing Act* 1983 and substituting the following item:—

2—Section 11 is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsections:—

(1) Subject to and in accordance with Part V of the *Tasmanian State Service Act* 1984, a person may be appointed as Director of Racing and that person shall be the principal executive officer of the Directorate.

(1AA) Subject to and in accordance with the *Tasmanian State Service Act 1984*, such persons may be appointed or employed as may be necessary for the proper exercise and performance of the powers and functions of—

- (a) the Directorate;
- (b) the Tasmanian Principal Clubs Board;
- (c) the Tasmanian Harness Racing Board;
- and
- (d) the Tasmanian Greyhound Racing Board.

(b) by omitting subsections (1A) and (1B) and substituting the following subsections:—

(1A) The salaries, wages, and allowances payable to persons appointed or employed pursuant to subsections (1) and (1AA) shall be payable by the Directorate out of its funds.

(1B) For the purposes of the *Workers' Compensation Act 1927*, the Directorate shall be deemed to be the employer of all persons appointed or employed pursuant to subsections (1) and (1AA).

(zs) by omitting from item 3 of the amendments relating to the *Racing Act 1983* "After section 11 the following section is inserted:—" and substituting "After section 11 the following sections are inserted:—

11AA—(1) Subject to and in accordance with the *Tasmanian State Service Act 1984*, there may be employed on a part-time basis—

- (a) bookmakers' supervisors to work for the Directorate; and
- (b) stewards, handicappers, freeze-branders, and other persons engaged in such occupations as may be prescribed by the regulations.

(2) The Directorate shall specify with which Board a person employed under subsection (1) (b) is required to work.

(3) In subsection (2), "Board" means the Tasmanian Principal Clubs Board, the Tasmanian Greyhound Racing Board, or the Tasmanian Harness Racing Board.

(4) The Governor may make regulations for the purposes of this section."

(zt) by inserting after item 3 of the amendments relating to the *Racing Act 1983* the following item:—

3A—Section 11A (as inserted by the *Racing Amendment Act 1984*) is repealed.

(zu) by omitting paragraph (b) of item 7 of the amendments relating to the *Racing Act 1983* and substituting the following paragraph:—

(b) by omitting subclause (2) of clause 3 and substituting the following subclauses:—

(2) The members of the Board are not, as such, subject to the provisions of the *Tasmanian State Service Act 1984*.

(3) The chairman of the Directorate is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

(zv) by inserting after item 7 of the amendments relating to the *Racing Act 1983* the following item:—

8—Schedule 1A is repealed.

(zw) by omitting the amendments relating to the *Restricted Publications Act 1974*;

(zx) by omitting from proposed paragraph (ma) in paragraph (e) of item 1 of the amendments relating to the *Retirement Benefits Act 1982* “ 28 ” and substituting “ 29 ”;

(zy) by omitting the amendments relating to the *Risdon Ferry Act 1949*;

(zz) by omitting item 1 of the amendments relating to the *School Dental Therapy Service Act 1965* and substituting the following items:—

1—Section 3 is amended as follows:—

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

(2) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed as members of the school dental therapy service either as dental therapists or as student dental therapists.

(b) by inserting in subsection (4) “, as in force immediately before the day fixed under section 2 (2) of the *Tasmanian State Service (Miscellaneous Amendments) Act 1984*,” after “ section 3A ”.

1A—Section 3A is repealed.

- (zxa) by renumbering items 1, 2, 3, and 4 of the amendments relating to the *Stock Act 1932* as items 2, 3, 4, and 5;
- (zxb) by inserting before item 2 (as renumbered) of the amendments relating to the *Stock Act 1932* the following item:—

1—Section 3 (1) is amended by adding “or a person authorized to perform the duties and exercise the powers of an inspector under this Act” at the end of the definition of “inspector”.

- (zxc) by inserting in item 2 (as renumbered) of the amendments relating to the *Stock Act 1932* the following subsection in proposed section 4:—

(4) The Director may authorize persons, not being employees, within the meaning of the *Tasmanian State Service Act 1984*, to perform the duties and exercise the powers of an inspector for the purposes of this Act.

- (zxd) by inserting after the amendments relating to the *Stock Act 1932* the following amendments:—

Stock (Brands and Movement) Act 1984
(No. 14 of 1984)

1—By omitting from section 3 the definition of “Public Service”.

2—By repealing section 5 and substituting the following section:—

5—The Director may appoint an employee employed in the Department of Agriculture to be Registrar of Stock Brands who shall be subject to the control of the Director and that person shall hold office as Registrar in conjunction with his position in the State Service.

3—By omitting subclause (2) of clause 2 of Schedule 1.

- (zxe) by inserting after paragraph (b) of item 7 of the amendments relating to the *Tasmanian Development Act 1983* the following paragraph:—

(ba) by omitting clause 7 of that Part and substituting the following clause:—

7—An officer of the Authority is entitled to such salary and allowances as are determined by an award under the *Industrial Relations Act 1984*.

Officers of Authority subject to awards under *Industrial Relations Act 1984*.

(zzf) by inserting after the amendments relating to the *Tasmanian Harness Racing Board Act 1976* the following amendments:—

Tasmanian International Velodrome Management Authority Act 1984

(No. 71 of 1984)

1—Section 5 (1) is amended as follows:—

- (a) by omitting from paragraph (a) “officer of” and substituting “employee employed in”;
- (b) by omitting from paragraph (b) “officer of” and substituting “employee employed in”.

2—Schedule 1 is amended as follows:—

- (a) by omitting from clause 3 “holds office in the Public Service unless the Public Service Board approves of the determination” and substituting “is an employee, within the meaning of the *Tasmanian State Service Act 1984*, except with the approval of the Head of the Agency in which that employee is employed”;
- (b) by omitting from clause 4 “*Public Service Act 1973*” and substituting “*Tasmanian State Service Act 1984*”.

3—Schedule 3 is amended as follows:—

- (a) by omitting from clause 1 the definitions of “officer of the Public Service” and “Public Service”;
- (b) by omitting from clause 5 (1) “*Public Service Act 1973*” and substituting “*Tasmanian State Service Act 1984*”;
- (c) by omitting clause 6 and substituting the following clause:—

6—(1) If an employee, within the meaning of the *Tasmanian State Service Act 1984*, is appointed under section 9 as an officer of the Authority, he is entitled to retain all his existing and accruing rights as if his service as an officer of the Authority were a continuation of his service as an employee, within the meaning of that Act.

Provisions applicable where employee, within the meaning of the *Tasmanian State Service Act 1984*, is appointed as officer of Authority.

(2) Where an officer of the Authority who, immediately before his appointment as such an officer, was an employee, within the meaning of the

Tasmanian State Service Act 1984, ceases to be an officer of the Authority and becomes an employee employed in the State Service, his service as an officer of the Authority shall be regarded as service in the State Service for the purposes of determining his rights as an employee, within the meaning of that Act.

- (zzg) by renumbering items 1 and 2 of the amendments relating to the *Tasmanian Museum Act 1950* as items 2 and 3;
- (zzh) by inserting before item 2 (as renumbered) of the amendments relating to the *Tasmanian Museum Act 1950* the following item:—

1—Section 3 (3) is amended by inserting “, subject to section 4B,” after “who shall”.

- (zzi) by omitting the amendments relating to the *Trades Unions Act 1889*;

- (zzj) by omitting item 5 of the amendments relating to the *Transport Act 1981* and substituting the following item:—

5—Section 24 is amended by omitting from subsection (1) “or any officers or employees of the Commission”.

- (zzk) by omitting paragraph (a) of item 6 of the amendments relating to the *Transport Act 1981* and substituting the following paragraph:—

(a) by omitting clause 5 and substituting the following clause:—

5—The Commissioner is, in his capacity, as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to the provisions of that Act.

- (zzl) by omitting item 1 of the amendments relating to the *Water Act 1957* and substituting the following item:—

1—Section 6 is amended by omitting subsection (3) and substituting the following subsections:—

(3) The members of the Commission are not, as such, subject to the *Tasmanian State Service Act 1984*, but, if an employee, within the meaning of that Act, is appointed as a member of the Commission, he shall retain all his

existing and accruing rights as if his service as a member were service as an employee, within the meaning of that Act.

(3A) The chairman of the Commission is, in his capacity as Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, subject to that Act.

