



TASMANIA

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**STATE SERVICE AMENDMENT (VALIDATION)  
ACT 2020**

**No. 35 of 2020**

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**STATE SERVICE AMENDMENT (VALIDATION)  
ACT 2020**

**No. 35 of 2020**

***An Act to amend the State Service Act 2000 and the State  
Service Regulations 2011***

**[Royal Assent 17 November 2020]**

Be it enacted by Her 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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *State Service  
Amendment (Validation) Act 2020*.

*State Service Amendment (Validation) Act 2020*  
*Act No. 35 of 2020*

s. 2

Part 1 – Preliminary

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**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

**3. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.

*State Service Amendment (Validation) Act 2020*  
*Act No. 35 of 2020*

Part 2 – State Service Act 2000 Amended

s. 4

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**PART 2 – STATE SERVICE ACT 2000 AMENDED**

**4. Principal Act**

In this Part, the *State Service Act 2000*\* is referred to as the Principal Act.

**5. Section 54A inserted**

After section 54 of the Principal Act, the following section is inserted in Part 8:

**54A. Validation of certain leave balances and purported actions**

(1) In this section –

*commencement day* means the day on which the *State Service Amendment (Validation) Act 2020* commences;

*maximum entitlement to recreation leave*, in relation to an employee, means the maximum amount of recreation leave that, immediately before the commencement day, the employee was entitled to retain under the regulations.

(2) A payment, made under an award before the commencement day, to an employee or former employee in lieu of an

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\*No. 85 of 2000

*State Service Amendment (Validation) Act 2020*  
*Act No. 35 of 2020*

s. 5

Part 2 – State Service Act 2000 Amended

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entitlement to recreation leave is not invalid solely on the basis that the payment related to an entitlement to recreation leave that was greater than the employee's maximum entitlement to recreation leave.

- (3) A period of recreation leave taken by an employee or former employee, before the commencement day, is not invalid solely on the basis that the amount of recreation leave so taken was greater than the employee's maximum entitlement to recreation leave.
- (4) An entitlement to an amount of recreation leave accumulated by an employee, or former employee, before the commencement day is not invalid solely on the basis that the amount of recreation leave so accumulated was greater than the employee's maximum entitlement to recreation leave.
- (5) For the avoidance of doubt, the revocation of a regulation under the *State Service Amendment (Validation) Act 2020* does not prevent the regulations from being amended to include, or being remade with, a regulation on the same subject matter and to the same, or substantially the same, effect.

*State Service Amendment (Validation) Act 2020*  
*Act No. 35 of 2020*

Part 3 – State Service Regulations 2011 Amended

s. 6

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**PART 3 – STATE SERVICE REGULATIONS 2011  
AMENDED**

**6. Principal Regulations**

In this Part, the *State Service Regulations 2011*\* are referred to as the Principal Regulations.

**7. Regulation 21 rescinded**

Regulation 21 of the Principal Regulations is rescinded.

*[Second reading presentation speech made in:–  
House of Assembly on 13 October 2020  
Legislative Council on 29 October 2020]*

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\*S.R. 2011, No. 23