

TASMANIA

**STATE SERVICE AMENDMENT REGULATIONS
2020**

STATUTORY RULES 2020, No. 24

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STATE SERVICE AMENDMENT REGULATIONS 2020

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *State Service Act 2000*.

Dated 6 April 2020.

C. WARNER
Governor

By Her Excellency's Command,

PETER GUTWEIN
Premier

1. Short title

These regulations may be cited as the *State Service Amendment Regulations 2020*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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3. Principal Regulations

In these regulations, the *State Service Regulations 2011** are referred to as the Principal Regulations.

4. Regulation 25A inserted

After regulation 25 of the Principal Regulations, the following regulation is inserted in Part 4:

25A. Leave on account of COVID-19

(1) The relevant Head of Agency may, subject to any Employment Direction, grant to a relevant employee special leave of absence with pay in circumstances where –

(a) the relevant employee has exhausted his or her personal leave entitlements and –

(i) has contracted COVID-19; or

(ii) is required to provide care or support to a member of the relevant employee's immediate family or household who has contracted COVID-19; or

(b) the relevant employee –

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- (i) is required to enter isolation in accordance with a direction made in relation to an authorisation of emergency powers made under section 40 of the *Emergency Management Act 2006* or a direction made under section 16 of the *Public Health Act 1997*; or
- (ii) is responsible for providing care or support to a member of the relevant employee's immediate family or household who is unable to attend school or other care arrangements, due to the school or care arrangements being unavailable due to COVID-19; or
- (iii) is –
 - (A) unable to work for any other reason relating to COVID-19; and
 - (B) unable to work from home.

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(2) If the relevant Head of Agency grants leave under this regulation, the leave may be granted in respect of a relevant employee for –

(a) a period, in aggregate, of working days not exceeding the number of working days in a standard 4-week period of employment of the relevant employee; and

(b) if the Head of Agency considers it necessary in the individual circumstances of the relevant employee, such further period as determined by the Head of Agency.

(3) Leave granted under this regulation does not accumulate or carry forward.

(4) In this regulation –

COVID-19 means the disease within the meaning of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*;

personal leave entitlement, in relation to a relevant employee, means an entitlement of the relevant employee to leave –

(a) due to personal illness or injury of the relevant employee; and

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- (b) for the purpose of providing care or support to a member of the relevant employee's immediate family or household;

relevant employee includes –

- (a) an employee within the meaning of the Act; and
- (b) a person who is currently employed in an Agency and whose employment in the Agency is fixed-term casual, sessional, seasonal or relief in nature; and
- (c) a person appointed as an officer under section 31 of the Act; and
- (d) a person in respect of whom an arrangement under section 46(1) of the Act is in force.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 7 April 2020.

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *State Service Act 2000*, the circumstances and conditions relating to special leave of absence with pay that may be available to certain State Service employees in relation to the notifiable disease known as COVID-19.