



ADMINISTRATIVE ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) ACT 1990

No. 5 of 1990

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AN ACT to amend and repeal certain enactments consequential upon the enactment of the *Administrative Arrangements Act 1990* and to provide for certain consequential transitional matters

[Royal Assent 16 May 1990]

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 *Administrative Arrangements (Miscellaneous Amendments) Act 1990*.

Commencement

2—This Act commences on the day proclaimed under section 2 (2) of the *Administrative Arrangements Act 1990*.

Amendment of Acts

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

Repeal of Acts

4—The Acts specified in Schedule 2 are repealed.

Savings and transitional provisions

5—The savings and transitional provisions set out in Schedule 3 have effect.

Regulations of a savings or transitional nature

6—(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of the *Administrative Arrangements Act 1990* or this Act.

(2) A provision made under subsection (1) may take effect from and including the day on which this Act commenced or from and including a later day.

SCHEDULE 1

Section 3

AMENDMENT OF ACTS***Aboriginal Relics Act 1975***

(No. 81 of 1975)

1—Section 2 (1) is amended by omitting “the” (secondly occurring) and “Service” from the definition of “Director”.

2—Section 4 (1) is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) the Secretary of the responsible Department in relation to the *Tasmanian Museum Act 1950*, or a person nominated by the Secretary;

3—Section 15 is amended as follows:—

(a) by omitting “Director” (twice occurring) and substituting “Secretary of the Department”;

(b) by omitting “National Parks and Wildlife Service” and substituting “Department”.

4—Section 16 (1) is amended by omitting “Director” and substituting “Secretary of the Department”.

5—Section 23 is repealed.

Acts Reprinting Act 1979

(No. 11 of 1979)

Section 8 is amended as follows:—

(a) by omitting from subsection (1) “another officer employed in the Office of the Parliamentary Counsel, or the Solicitor-General or an officer of the Law Department” and substituting “the Solicitor-General or a person employed in the Department”;

(b) by omitting from subsection (2) “another officer employed in the Office of the Parliamentary Counsel, or the Solicitor-General or an officer of the Law Department” and substituting “the Solicitor-General or a person employed in the Department”.

SCHEDULE 1—*Continued****Adoption Act 1988***

(No. 41 of 1988)

1—Section 4 is amended as follows:—

(a) by omitting “Director” (wherever occurring) and substituting “Secretary of the Department”;

(b) by omitting from subsection (2) (a) “for Community Welfare”.

2—Section 89 is amended by omitting “for Community Welfare”.

3—Section 91 (2) (a) is amended by omitting “for Community Welfare”.

Adoption of Children Act 1968

(No. 33 of 1968)

Section 62 is amended by omitting “for Community Welfare” (twice occurring).

Alcohol and Drug Dependency Act 1968

(No. 61 of 1968)

1—Section 2 (1) is amended as follows:—

(a) by omitting the definition of “Director-General”;

(b) by inserting after the definition of “responsible medical officer” the following definition:—

“Secretary” means the Secretary of the Department;

2—Section 7 (2) is amended by omitting from paragraph (c) “Director-General” and substituting “Secretary”.

3—Section 8 (1) is amended as follows:—

(a) by omitting from paragraph (b) “Director-General” and substituting “Secretary”;

SCHEDULE 1—*Continued*

(b) by omitting from paragraph (f) “Director-General of Education” and substituting “Secretary of the responsible Department in relation to the *Education Act 1932*”.

4—Section 14 is repealed.

5—Section 15 is amended as follows:—

(a) by omitting “chairman of the Commission” (twice occurring) and substituting “Secretary”;

(b) by omitting “Commission” (secondly occurring) and substituting “Department”;

(c) by omitting from subsection (3) “Commission” and substituting “Secretary”.

6—Section 16 is amended as follows:—

(a) by omitting “chairman of the Commission” (wherever occurring) and substituting “Secretary”;

(b) by omitting “Commission” from subsection (1) and substituting “Department”;

(c) by omitting from subsection (2) “Commission” and substituting “Secretary”.

7—Section 18 (1) is amended by omitting “Director-General” and substituting “Secretary”.

8—Section 22 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

Ambulance Contributions Act 1988

(No. 62 of 1988)

1—Section 9 (1) is amended by omitting “Treasury” and substituting “Special Deposits and Trust Fund”.

2—Section 18 (1) (b) is amended by omitting “Department of Community Welfare” and substituting “responsible Department in relation to the *Child Welfare Act 1960*”.

SCHEDULE 1—*Continued**Ambulance Service Act 1982*

(No. 105 of 1982)

1—Section 5 is amended as follows:—

(a) by inserting after “person” in subsection (1) “employed under the *Tasmanian State Service Act 1984*”;

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

(2) The person holding office as Director of Ambulance Services shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(c) by omitting subsection (6).

2—Section 15 is amended by omitting subsection (2) and substituting the following subsection:—

(2) The Secretary of the Department may make arrangements with the Head of another Agency for persons employed in that Agency to be made available to enable the Director to perform the functions of office under this Act, and those persons shall, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Director in any capacity.

3—Section 15A is repealed.

4—Section 17 is amended as follows:—

(a) by omitting “Director-General of Health Services” from subsection (2) (a) and substituting “Secretary of the responsible Department in relation to the *Health Services Act 1960*”;(b) by omitting “Director-General of Health Services” from subsection (3) and substituting “Secretary of the responsible Department in relation to the *Health Services Act 1960*”.

5—Section 40A is amended by omitting from subsection (1) “Board out of its funds” and substituting “Director out of the Director’s funds”.

6—Section 41 is repealed.

7—Schedule 1 is repealed.

SCHEDULE 1—*Continued****Anatomy Act 1964***

(No. 59 of 1964)

Section 7 is amended as follows:—

(a) by omitting subsections (1), (2), (4) and (5) and substituting the following subsection:—

(1) The Secretary of the Department may appoint a person to be an inspector of a school of anatomy for the purposes of this Act and that person may hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (3) “Director-General of Health Services, by virtue of that office,” and substituting “Secretary of the Department”.

Apiaries Act 1978

(No. 47 of 1978)

Section 14 is repealed and the following section is substituted:—

Appointment of inspectors14—The Secretary of the Department may appoint persons employed in the Department to be inspectors for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

Apple and Pear Industry (Crop Insurance) Act 1982

(No. 83 of 1982)

Section 5 (2) (b) is amended by omitting “of Agriculture”.

SCHEDULE 1—*Continued****Archives Act 1983***

(No. 76 of 1983)

1—Section 7 is repealed and the following section is substituted:—
Appointment of State Archivist, &c.

7—(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be State Archivist and that person shall hold that office in conjunction with a position or an office under that Act.

(2) Subject to and in accordance with the *Tasmanian State Service Act 1984*, there shall be employed such persons as are considered necessary for the purposes of this Act.

2—Section 8 (7) is amended by omitting “State Librarian” and substituting “Secretary of the Department”.

3—Section 9 is amended by omitting “State Librarian” (twice occurring) and substituting “Secretary of the Department”.

4—Section 14 (1) is amended by omitting “State Librarian” and substituting “Secretary of the Department”.

5—Section 16 is amended by omitting “State Library Department” from subsection (4) (d) and substituting “responsible Department in relation to the *Libraries Act 1984*”.

Audit Act 1918

(9 Geo. V No. 3)

Schedule II is amended by omitting from subclause (2) of clause 5 “Under-Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

SCHEDULE 1—*Continued****Australian Titan Products Act 1945***

(8 & 9 Geo. VI No. 54)

Section 3 (1) is amended by omitting from paragraph (b) “or land vested in the Minister for Railways,”.

Beauty Point Landslip Act 1970

(No. 78 of 1970)

1—Section 4 (2) is amended as follows:—

- (a) by omitting from paragraph (b) “Under Treasurer” and substituting “Secretary of the Department”;
- (b) by omitting from paragraph (c) “Chief Valuer” and substituting “Valuer-General”.

2—Section 7 is amended as follows:—

- (a) by omitting “Under Treasurer” (twice occurring) and substituting “Secretary of the Department”;
- (b) by omitting “Treasury” (twice occurring) and substituting “Department”.

3—Section 13 (7) is amended by omitting “Treasury” and substituting “Special Deposits and Trust Fund”.

Bellerive Oval Management Authority Act 1989

(No. 6 of 1989)

Section 3 is amended by omitting from the definition of “plan” “the plan lodged in the Central Plan Office within the Department of Lands, Parks, and Wildlife at Hobart and registered, and numbered 3675,” and substituting “plan 3675”.

SCHEDULE 1—*Continued****Biological Control Act 1986***

(No. 33 of 1986)

1—Section 9 (1) is amended by omitting “of Agriculture”.

2—Section 53 is amended by omitting “of Agriculture”.

Blood Transfusion (Limitation of Liability) Act 1986

(No. 79 of 1986)

Section 3 is amended by omitting “Director-General of Health Services” from the definition of “approved” and substituting “Secretary of the Department”.

Botanical Gardens Act 1950

(No. 56 of 1950)

1—Section 3 is amended as follows:—

(a) by omitting from subsection (1) “of managing the Botanical Gardens and the other purposes”;

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

(a) 4 persons appointed by the Governor of whom one shall be a person nominated by the Secretary of the Department who shall be the chairman of the Board;

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

(3) Subsection (2) (a) does not preclude the Secretary of the Department from nominating himself or herself as a member of the Board.

SCHEDULE 1—*Continued*

2—Section 4 is amended by omitting subsection (2) and substituting the following subsection:—

(2) The Trustees shall, subject to this Act, do all acts, except employ persons, that appear to them proper for the purposes of this Act.

3—Section 4B is repealed.

Burnie Marine Board Loan Act 1936

(1 Edw. VIII No. 10)

Section 7 is amended as follows:—

- (a) by omitting from subsection (1) (b) “books of the Treasury” and substituting “Public Account”;
- (b) by omitting from subsection (5) “books of the Treasury” and substituting “Public Account”.

Cancer Services Act 1986

(No. 53 of 1986)

Section 4 is amended by omitting subsection (2).

Child Protection Act 1974

(No. 104 of 1974)

Section 4 is amended as follows:—

- (a) by omitting from subsection (1) “of the Law Department may appoint an employee employed in that department” and substituting “of the Department may appoint a person employed in the Department”;

SCHEDULE 1—*Continued*

- (b) by omitting from subsection (3) “Law Department for such employees employed in that department” and substituting “Department for such persons employed in that Department”;
- (c) by omitting from subsection (3) “employees” (secondly occurring) and substituting “persons”.

Child Welfare Act 1960

(No. 48 of 1960)

1—Section 5 is amended by omitting subsection (3) and substituting the following subsection:—

(3) The secretary of the council shall be a person employed in the Department nominated by the Secretary of the Department and shall hold office as secretary in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

2—Section 6 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director for Community Welfare and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting from subsection (2) “Director” (firstly occurring) and substituting “Secretary of the Department”;

(c) by omitting from subsection (2) “the Deputy Director for Community Welfare” (twice occurring) and substituting “a person employed in the Department”.

Chiropractors Registration Act 1982

(No. 42 of 1982)

1—Section 3 (1) is amended by omitting the definition of “Secretary”.

SCHEDULE 1—*Continued*

2—Section 4 is amended as follows:—

- (a) by omitting from subsection (4) “Department of Health Services nominated by the Director-General of Health Services” and substituting “Department nominated by the Secretary of the Department”;
- (b) by omitting from subsection (5) “Director-General of Health Services” and substituting “Secretary of the Department”.

3—Section 6 is repealed.

4—Section 7 is amended as follows:—

- (a) by omitting from subsection (1) “Director-General of Health Services, appoint an employee, employed in the Department of Health Services” and substituting “Secretary of the Department, appoint an employee employed in the Department”;
- (b) by omitting from subsection (2) “Director-General of Health Services for such employees employed in the Department of Health Services” and substituting “Secretary of the Department for such employees employed in the Department”.

5—Section 8 (1) is amended by omitting “Secretary” and substituting “Secretary to the Board”.

6—Section 40 is amended by omitting “Secretary” and substituting “Secretary to the Board”.

7—Schedule 1 is amended by omitting from clause 4 (3) “of Health Services”.

Classification of Publications Act 1984

(No. 107 of 1984)

Section 7 is amended as follows:—

- (a) by omitting “Law Department may appoint an employee employed in that Department” and substituting “Department may appoint a person employed in that Department”;
- (b) by omitting “employee” (secondly occurring) and substituting “person”.

SCHEDULE 1—*Continued*

Coal Mining Industry Long Service Leave Act 1950

(No. 85 of 1950)

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

(1) The Secretary of the Department may appoint a person employed in the Department to be the Administrator of the Fund and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

2—Section 7 is amended as follows:—

(a) by adding “and” at the end of paragraph (c);

(b) by omitting paragraph (d).

Commercial and Inquiry Agents Act 1974

(No. 88 of 1974)

Section 2 is amended by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means Secretary of the Department;

Commissioner for Corporate Affairs Act 1980

(No. 64 of 1980)

1—Section 4 is amended by omitting subsections (1) and (2) and substituting the following subsection:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Commissioner for Corporate Affairs and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

2—Section 5 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint persons employed under that Act to be Deputy or Assistant Commissioners and those persons shall hold office in conjunction with their positions or offices under that Act.

(1A) Subject to and in accordance with the *Tasmanian State Service Act 1984* there may be appointed or employed such persons as are required for the purposes of this Act.

Companies Auditors and Liquidators Disciplinary Board Act 1982

(No. 8 of 1982)

Section 7 (1) is amended as follows:—

- (a) by omitting “Law Department appoint an employee employed in that department” and substituting “Department appoint a person employed in that Department”;
- (b) by omitting “employee” (secondly occurring) and substituting “person”.

Consumer Affairs Act 1988

(No. 53 of 1988)

1—Section 8 is amended as follows:—

- (a) by omitting “Minister” (twice occurring) and substituting “Secretary of the Department”;
- (b) by omitting from subsection (1) “under his hand”.

2—Section 9 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Director of Consumer Affairs and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

3—Section 12 is amended by omitting subsection (6).

4—Section 13 is amended as follows:—

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

(2) The Secretary of the Department may—

(a) declare that persons employed in the Department;
and

(b) with the consent of the Head of another Agency,
declare that persons employed in that Agency—

whose positions are specified in the declaration are authorized officers for the purposes of this Act and those persons may exercise the powers and perform the functions of an authorized officer in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (3) “Minister” (wherever occurring) and substituting “Secretary of the Department”.

(c) by omitting from subsection (4) “Minister” and substituting “Secretary of the Department”.

Co-operative Housing Societies Act 1963

(No. 83 of 1963)

Section 3 (1) is amended by omitting “Governor may appoint an employee, within the meaning of the *Tasmanian State Service Act 1984*” and substituting “Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act”.

Coroners Act 1957

(No. 1 of 1957)

Section 13 is amended by omitting “Director of Social Welfare” and substituting “Director for Community Welfare”.

SCHEDULE 1—Continued

Costs in Criminal Cases Act 1976

(No. 107 of 1976)

Section 6 (1) (a) is amended by omitting “Law”.

Crown Lands Act 1976

(No. 28 of 1976)

1—Section 7 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director-General of Lands and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 26 (1) is amended by omitting “of Lands”.

Dairy Industry Act 1976

(No. 113 of 1976)

1—Section 2 (1) is amended by omitting the definition of “Department”.

2—Section 6 is amended by adding after subsection (3) the following subsection:—

(4) The Authority may, with the approval of the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, make arrangements for such persons employed in that Agency as may be considered necessary to be made available to the Authority to enable it to perform its functions under this Act or any other Act and those persons shall, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Authority in any capacity.

SCHEDULE 1—Continued

Dairy Produce Act 1932

(23 Geo. V No. 37)

Section 5 is amended as follows:—

- (a) by omitting “Director” (twice occurring) and substituting “Secretary of the Department”;
- (b) by omitting from subsection (1) “of Agriculture”.

Dangerous Goods Act 1976

(No. 24 of 1976)

Section 5 is amended by omitting subsection (1) and substituting the following subsection:—

- (1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Chief Inspector of Explosives and that person shall hold that office in conjunction with a position or an office under that Act.

Dental Act 1982

(No. 43 of 1982)

1—Section 3 is amended by omitting the definition of “Secretary” and substituting the following definition:—

“**Secretary of the Board**” means the Secretary of the Dental Mechanics Registration Board;

2—Section 45 (1) (a) is amended by omitting “Director-General of Health Services” and substituting “Secretary of the Department”.

3—Section 52 is amended by omitting “Secretary” (wherever occurring) and substituting “Secretary of the Board”.

4—Section 53 is amended by omitting “Secretary” (twice occurring) and substituting “Secretary of the Board”.

SCHEDULE 1—*Continued*

5—Section 55 (6) is amended by omitting “Secretary” and substituting “Secretary of the Board”.

6—Section 56 (2) is amended by omitting “Secretary” (twice occurring) and substituting “Secretary of the Board”.

7—Section 62 (1) and (2) are amended by omitting “Secretary” (wherever occurring) and substituting “Secretary of the Board”.

Derwent Entertainment Centre Management Authority Act 1988

(No. 61 of 1988)

Section 3 (2) is amended by omitting all words after “so numbered” and substituting “in the official plan collection of the responsible Department in relation to the *Survey Co-ordination Act 1944*”.

Director of Public Prosecutions Act 1973

(No. 11 of 1973)

Section 14 (2) is amended by omitting “of the Law Department may—

- (a) provide such employees employed in the Agency of which he is the Head, within the meaning of the *Tasmanian State Service Act 1984*; or”

and substituting “of the Department may—

- (a) provide such persons employed in that Department; or”.

Education Act 1932

(23 Geo. V No. 22)

1—Section 3 (1) is amended by omitting the definitions of “Department” and “Director-General”.

SCHEDULE 1—*Continued*

2—Section 4 is amended as follows:—

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “Deputy Director-General of Education,”;
- (c) by omitting subsection (6).

3—Section 7A is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary of the Department”.

4—Section 8 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary of the Department”.

5—Section 19P (2) is amended as follows:—

- (a) by omitting from paragraph (b) “Director-General of Education” and substituting “Secretary of the Department”;
- (b) by omitting paragraph (e) and substituting the following paragraph:—
 - (e) one shall be a person nominated by the Secretary of the responsible Department in relation to the *Industrial and Commercial Training Act 1985*.

6—Section 19W is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may make arrangements with the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, for persons employed in that Agency to be made available to the Adult Education Board to enable it to perform its functions, and those persons shall, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Board in any capacity.

7—Section 34 (10) is amended by omitting “Director-General” and substituting “Secretary of the Department”.

8—Section 44 (1) is amended by omitting “Director-General” and substituting “Secretary of the Department”.

9—Section 46AA (2) is amended by omitting “an employee” and substituting “a person”.

10—Section 46A is amended by omitting paragraphs (b) and (ba) of subsection (3) and substituting the following paragraphs:—

- (b) 4 members shall be persons nominated by the Secretary of the Department;

SCHEDULE 1—*Continued*

(ba) one shall be a person nominated by the Secretary of the responsible Department in relation to the *Industrial and Commercial Training Act 1985*;

11—Section 46C is amended by omitting “Director-General” from subsection (1A) and substituting “Secretary of the Department”.

12—Section 46G (1) is amended by omitting “Supply and Tender Department” and substituting “*Supply and Tender Order 1987*”.

13—Section 46J (1) is amended by omitting “Director-General” and substituting “Secretary of the Department”.

14—Section 47 (7) (b) is amended by omitting “employees” and substituting “persons”.

15—Section 48 (1) is amended by omitting “Director-General” and substituting “Secretary of the Department”.

Egg Industry Act 1988

(No. 30 of 1988)

1—Section 10 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be general manager of the Board and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued**Elderly Citizens' Clubs and Youth Centres Act 1966*

(No. 63 of 1966)

Section 3 (2) (b) is amended by omitting "Director-General of Education" and substituting "Secretary of the department (within the meaning of the *Administrative Arrangements Act 1989*) that is responsible for sport and recreation matters".

Electoral Act 1985

(No. 46 of 1985)

1—Section 4 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Chief Electoral Officer and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 5 is repealed and the following section is substituted:—

Assistant Chief Electoral Officer

5—The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Assistant Chief Electoral Officer and that person shall hold that office in conjunction with a position or an office under that Act.

3—Section 8 is amended by omitting subsection (3) and substituting the following subsection:—

(3) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be an electoral registrar in respect of a Council division and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued****Emergency Services Act 1976***

(No. 29 of 1976)

1—Section 6 (2) is amended by omitting paragraphs (b) and (c) and substituting the following paragraphs:—

- (b) the Secretary of the responsible Department in relation to the *Tasmanian State Service Act 1984*;
- (c) a person nominated by the Secretary of the responsible Department in relation to the *Tasmanian State Service Act 1984*;

2—Section 9 (1) is amended by omitting paragraphs (b) and (c) and substituting the following paragraphs:—

- (b) the Secretary of the responsible Department in relation to the *Tasmanian State Service Act 1984*;
- (c) a person nominated by the Secretary of the responsible Department in relation to the *Tasmanian State Service Act 1984*; and

3—Section 20 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Governor may appoint a person to be Director of Emergency Services and that person may hold that office in conjunction with any other position or office held by that person.

(2) The person appointed under subsection (1) shall hold office for such period, and subject to such terms and conditions, as may be specified in the instrument of appointment and shall be paid such remuneration and allowances as may be so specified.

4—Section 24 is repealed.

Employment Incentive Assistance Act 1984

(No. 106 of 1984)

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

- (a) by omitting the definition of “Director”;

SCHEDULE 1—*Continued*

(b) by inserting after the definition of “school” the following definition:—

“Secretary” means the Secretary of the Department.

2—Section 8 is amended by omitting “Director” (wherever occurring) and substituting “Secretary”.

Environment Protection Act 1973

(No. 34 of 1973)

1—Section 5 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Environmental Control and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting subsections (6) and (7).

2—Section 6 is amended as follows:—

(a) by omitting from subsection (1) “Director” and substituting “Secretary of the Department”;

(b) by omitting from subsection (1) all the words after “employees” (secondly occurring) and substituting “may hold office in conjunction with their positions in the State Service”;

(c) by omitting from subsection (2) “Minister” and substituting “Secretary of the Department”.

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

Secretary of Council

7A—The Council may make arrangements with the Secretary of the Department for a person employed in the Department to be appointed as secretary of the council and that person shall hold office as secretary of the council in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

4—Section 37 (7) is amended as follows:—

- (a) by omitting “, with the approval of the Director,” and substituting “make arrangements with the Secretary of the Department to”;
- (b) by omitting “of the Environment”.

5—Section 42 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may appoint—

- (a) persons employed in the Department; and
- (b) with the consent of the Head of another Agency within the meaning of the *Tasmanian State Service Act 1984*, persons employed in that Agency; and
- (c) other persons—

having the prescribed qualifications to be analysts for the purposes of this Act and the persons referred to in paragraphs (a) and (b) shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

6—Section 44A (1) is amended by omitting “Transport Department” and substituting “responsible Department in relation to the *Transport Act 1981*”.

Environment Protection (Sea Dumping) Act 1987

(No. 60 of 1987)

Section 15 (9) (b) is amended by omitting “Minister for Sea Fisheries and the Minister for Health” and substituting “Minister administering Part II of the *Fisheries Act 1959* and the Minister administering the *Public Health Act 1962*”.

SCHEDULE 1—*Continued****Evidence Act 1910***

(1 Geo. V No. 20)

1—Section 68B (3) of the Principal Act is amended by omitting “Principal Archivist” from paragraph (a) of the definition of “approved official” and substituting “State Archivist”.

2—Schedule 3 is repealed and the following Schedule substituted:—

SCHEDULE 3

Section 51

COLUMN 1 Name of officer, department, body or board	COLUMN 2 Names of certifying officers
The Governor	The Governor or his Private Secretary
The Governor in Executive Council	The Clerk of the Executive Council
The Legislative Council or House of Assembly	The Clerk or Deputy Clerk
Any Government Department, within the meaning of the <i>Tasmanian State Service Act 1984</i>	The Minister responsible for the administration of that Department, or the Secretary or other head of that Department
The police force, within the meaning of the <i>Police Regulation Act 1898</i>	The Commissioner of Police
Any State Authority, within the meaning of the <i>Tasmanian State Service Act 1984</i> , or other organization constituted under any Act in force in Tasmania	The Commissioner, Director, Director-General, Chairman, Secretary or other principal officer of the State authority or other organization

SCHEDULE 1—*Continued****Farm Water Development Act 1985***

(No. 42 of 1985)

Section 6 (4) is amended by omitting “Under Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

Fertilizers Act 1950

(No. 43 of 1950)

1—Section 4 is amended as follows:—

- (a) by omitting from subsection (1) “Director of Agriculture” and substituting “Secretary of the Department”;
- (b) by omitting from subsection (1) “of Agriculture” (secondly occurring);
- (c) by omitting from subsection (2) “Director of Agriculture” and substituting “Secretary of the Department”;
- (d) by omitting from subsection (2) “of Agriculture” (secondly occurring).

2—Section 11 (2) is amended as follows:—

- (a) by omitting from paragraph (a) “of Agriculture”;
 - (b) by omitting from paragraph (b) “that” and substituting “the”.
-

Filled Milk Act 1960

(No. 6 of 1960)

1—Section 3 is amended as follows:—

- (a) by omitting from subsection (1) “Director of Agriculture” and substituting “Secretary of the Department”;
- (b) by omitting from subsection (1) “of Agriculture” (secondly occurring);
- (c) by omitting from subsection (1A) “Director” and substituting “Secretary of the Department”.

SCHEDULE 1—*Continued*

2—Section 4 (2) (a) is amended as follows:—

- (a) by omitting “Director of Agriculture” (twice occurring) and substituting “Secretary of the Department”;
- (b) by omitting “of Agriculture” (secondly occurring).

3—Section 8 (2) is amended by omitting “Senior Bacteriologist of the Department of Agriculture or his deputy for analysis by him” from paragraph (f) and substituting “Department for analysis”.

Fire Service Act 1979

(No. 35 of 1979)

1—Section 3 is amended by omitting from the definition of “forest officer” the words “Forestry Department” and substituting “responsible Department in relation to the *Forestry Act 1920*”.

2—Section 7 is amended as follows:—

- (a) by omitting paragraph (b) from subsection (3) and substituting the following paragraphs:—
 - (b) a person appointed on the nomination of the Secretary of the responsible Department in relation to the *Public Account Act 1986*;
 - (ba) a person appointed on the nomination of the United Fire Fighters Union (Tasmanian Branch);
 - (bb) a person appointed on the nomination of the State Urban Volunteer Firefighters Association;
 - (bc) a person appointed on the nomination of the Tasmanian Country Fire Brigades Association;
- (b) by omitting from subsection (4) “Under Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”;
- (c) by omitting from subsection (5) “(b)” and substituting “(b), (ba), (bb), (bc)”;
- (d) by omitting from subsection (6) “(c)” and substituting “(ba), (bb), (bc) or (c)”;

SCHEDULE 1—*Continued*

(e) by inserting after subsection (6) the following subsection:—

(6A) If a body referred to in paragraph (ba), (bb), (bc) or (c) of subsection (3) has ceased to exist, or has ceased to exist under the name by which it is referred to in that paragraph, the Governor may, by order, declare that this section shall have effect as if the reference to that body in this section were a reference to the body specified in the order.

3—Section 10 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be State Fire Commissioner, and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting subsection (3).

4—Section 10A is repealed.

5—Section 12 is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to subsection (2) the Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Director of Urban Fire Brigades and that person shall hold that office in conjunction with a position or an office under that Act.

6—Section 13 is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to subsection (2) the Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Director of Country Fire Brigades and that person shall hold that office in conjunction with a position or an office under that Act.

7—Section 22 is repealed and the following section is substituted:—

Deputy Directors

22—(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Director of Urban Fire Brigades and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

(2) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Director of Country Fire Brigades and that person shall hold that office in conjunction with a position or an office under that Act.

8—Section 23 is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) Subject to subsection (3) the Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be:—

(a) the Regional Chief Officer (Urban) for each region;

(b) the Regional Chief Officer (Country) for each region—
and such a person shall hold office in conjunction with a position or an office under that Act.

(2) Notwithstanding subsection (1), one Regional Chief Officer may be appointed for each region.

(2A) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be:—

(a) the Deputy Regional Chief Officer (Urban) for each region;

(b) the Deputy Regional Chief Officer (Country) for each region—

and such a person shall hold office in conjunction with a position or an office under that Act.

(2B) Notwithstanding subsection (1), one Deputy Regional Chief Officer may be appointed for each region.

9—Section 28 is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to subsection (2) the Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be the Chief Officer for each urban fire brigade and such a person shall hold office in conjunction with a position or an office under that Act.

10—Section 30 is amended by omitting subsection (1) and substituting the following subsection:—

(1) Subject to subsection (2), the Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be the Deputy Chief Officer for each urban fire brigade and such a person shall hold office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

11—Section 50 is amended by omitting subsection (2) and substituting the following subsection:—

(2) For the purposes of subsection (1), “authorized officer” means—

(a) the Secretary of the responsible Department in relation to the following enactments:—

- (i) *Public Health Act 1962*;
- (ii) *Local Government Act 1962*;
- (iii) *Licensing Act 1976*;
- (iv) *Tourism Act 1977*;
- (v) *Education Act 1932*;
- (vi) *Child Welfare Act 1960*;
- (vii) *Crown Lands Act 1976*; or

(b) such other persons as may be prescribed.

12—Section 68 (4) (b) is amended by omitting “National Parks and Wildlife Service” and substituting “responsible Department in relation to the *National Parks and Wildlife Act 1970*”.

13—Section 111 is amended by omitting from paragraph (b) “Forestry Department” and substituting “responsible Department in relation to the *Forestry Act 1920*”.

14—Section 128 (2) (d) is amended by omitting “an employee employed in the Hydro-Electric Commission or in the National Parks and Wildlife Service” and substituting “a person employed in the responsible Department in relation to the *Hydro-Electric Commission Act 1944* or in the responsible Department in relation to the *National Parks and Wildlife Act 1970*”.

15—Schedule 1 is amended as follows:—

- (a) by omitting from clause 1 “on the nomination of the Under Treasurer or the Municipal Association of Tasmania” and substituting “by the Governor”;
- (b) by omitting from clause 4 (4) “Four” and substituting “Five”.

16—Schedule 2 is repealed.

SCHEDULE 1—*Continued**First Home Assistance Act 1982*

(No. 50 of 1982)

1—Section 9 (1) is amended by omitting “an officer of the Treasury” and substituting “a person employed in the Department”.

2—Section 13 (1) is amended by omitting “an officer of the Treasury” and substituting “employed in the Department”.

Fisheries Act 1959

(No. 16 of 1959)

1—Section 3 is amended as follows:—

- (a) by omitting the definitions of “Minister”, “Minister for Inland Fisheries” and “Minister for Sea Fisheries”;
- (b) by omitting the definition of “Secretary”.

2—After section 8, the following section is inserted:—

Director of Sea Fisheries

8AA—The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Sea Fisheries and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

3—Section 8B is repealed.

4—Section 9 (1A) (b) (i) is amended by omitting “Director-General of Health Services” and substituting “Secretary of the responsible Department in relation to the *Public Health Act 1962*”.

5—Section 9 (1BA) is amended by omitting “of Sea Fisheries”.

6—Section 26 (2) is amended by omitting “Secretary” and substituting “secretary of the Commission”.

7—Section 29 is amended by omitting paragraph (ca).

8—Section 35 is amended as follows:—

- (a) by omitting from subsection (2A) “chairman of the Commission” and substituting “Secretary of the Department”;

SCHEDULE 1—*Continued*

(b) by omitting subsections (3) and (4).

9—Section 35AA is repealed.

10—After section 35A, the following section is inserted:—

Delegation by Commission

35B—(1) The Commission may, by instrument in writing, delegate to a person, department or other body the performance or exercise of such of its functions and powers (other than this power of delegation) under this or any other Act as are specified in the instrument.

(2) The Commission may, by instrument in writing, revoke wholly or in part or vary a delegation made under this section.

(3) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the instrument of delegation.

(5) Notwithstanding any delegation under this section, the Commission may continue to perform or exercise all or any of the functions or powers delegated.

(6) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by, or to, the Commission and shall be deemed to have been done by, or to, the Commission.

(7) An instrument purporting to be signed by a delegate of the Commission in the capacity as a delegate of the Commission shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument signed by the Commission and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commission under this section.

SCHEDULE 1—*Continued*

(8) Where the performance of a function or the exercise of a power by the Commission is dependent on the opinion or belief of the Commission, a delegate of the Commission under this section may, in performing that function or exercising that power, act on the delegate's own opinion or belief.

11—Division 5 of Part III is repealed.

12—Section 50 (1) is amended by omitting “for Sea Fisheries or Inland Fisheries,”.

13—Section 51 (1) is amended by omitting “for Inland Fisheries”.

14—Section 51A (2) is amended by omitting “of Sea Fisheries”.

Florentine Valley Paper Industry Act 1935

(26 Geo. V No. 27)

Section 17 is amended by omitting “for Mines” (twice occurring) and substituting “administering the *Mining Act 1929*”.

Fluoridation Act 1968

(No. 87 of 1968)

Section 8 (1) is amended by omitting from paragraphs (b) and (d) “Director-General of Health Services” and substituting “Secretary of the Department”.

Forest Practices Act 1985

(No. 48 of 1985)

1—Section 3 is amended by omitting the definition of “Department”.

SCHEDULE 1—*Continued*

2—Section 35 (2) is amended by omitting “Commission” and substituting “Secretary of the Department”.

Forestry Act 1920

(11 Geo. V No. 60)

- 1—Section 4 is amended by omitting the definition of “Department”.
 - 2—The Heading to Part II is amended by omitting “Forestry”.
 - 3—Section 7 is amended by omitting “Forestry” from subsection (1).
 - 4—Section 9A is amended by omitting subsection (6).
 - 5—Section 9C (1) is amended by omitting “, each of whom shall devote the whole of his time to the duties of his office”.
 - 6—Section 9E is amended by omitting subsection (1A).
 - 7—Section 10A is repealed.
 - 8—Section 12B (2) is amended by omitting paragraph (b) and substituting the following paragraph:—
 - (b) the Secretary of the responsible Department in relation to the *Stock Act 1932*, or a person nominated by that Secretary.
 - 9—Section 12F is amended by omitting “Chief Commissioner” and substituting “Secretary of the Department”.
-

Fruit and Vegetables Act 1953

(No. 53 of 1953)

Section 4 (1) is amended as follows:—

- (a) by omitting “Director of Agriculture” and substituting “Secretary of the Department”;
 - (b) by omitting “of Agriculture” (secondly occurring).
-

SCHEDULE 1—*Continued****Gaming Act 1983***

(No. 81 of 1983)

1—Section 5 is amended by inserting the following subsection after subsection (1):—

(1A) The person holding office as Commissioner for Gaming may hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

2—Section 8A is repealed.

3—Section 11 is repealed.

4—Schedule 1 is amended as follows:—

(a) by omitting clause 5;

(b) by omitting subclause (3) of clause 8.

Glenorchy Roads Act 1933

(24 Geo. V No. 51)

Section 3 (6) is amended by omitting “books of the Treasury” and substituting “Public Account”.

Government Printing Office Act 1949

(No. 14 of 1949)

1—Section 3 is amended by omitting “Government Printing” (firstly occurring).

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

Government Printer

4A—The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be the Government Printer for the purposes of this Act and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

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

- (a) by omitting “his department” and substituting “the Department”;
- (b) by omitting from paragraph (a) “department” and substituting “Department”.

4—Section 17 is repealed.

Grain Reserve Act 1950

(No. 44 of 1950)

1—Section 2 is amended by omitting the definition of “organization”.

2—The Heading to Part II is repealed and the following heading is substituted:—

PART II**THE BOARD**

3—Section 3 is repealed.

4—Section 4 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Manager of the Tasmanian Grain Elevators Board and that person shall hold that office in conjunction with a position or an office under that Act.

- (b) by omitting subsections (2) and (6).

5—Section 5 (7) is amended by omitting paragraph (ba).

6—Section 7 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may appoint a person employed in the Department to be secretary to the Board and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

7—Section 10 (5) (a) is amended by omitting “Director of Public Works” and substituting “Secretary of the Department in relation to the *Public Works Construction Act 1880*”.

8—Section 18 is repealed.

9—Section 22 is amended by omitting from subsections (3), (4) and (5) “of Agriculture” (wherever occurring).

Groundwater Act 1985

(No. 84 of 1985)

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

- (a) by omitting “of Mines” from the definition of “authorized person”;
- (b) by omitting from that definition “by the Director”;
- (c) by omitting the definition of “the Minister”.

2—Section 7 (3) is amended as follows:—

- (a) by omitting “of Mines” from paragraph (a);
- (b) by omitting paragraph (b) and substituting the following paragraph:—
 - (b) one shall be a member of the Rivers and Water Supply Commission, or an officer of the responsible Department in relation to the *Water Act 1957*, appointed on the recommendation of the Minister administering that Act;
- (c) by omitting paragraph (c) and substituting the following paragraph:—
 - (c) one shall be an officer of the responsible Department in relation to the *Stock Act 1932*, appointed on the recommendation of the Minister administering that Act;
- (d) by omitting paragraph (d) and substituting the following paragraph:—
 - (d) one shall be an officer of the responsible Department in relation to the *Environment Protection Act 1973*, appointed on the recommendation of the Minister administering that Act;

SCHEDULE 1—*Continued*

3—Section 30 is amended as follows:—

- (a) by omitting “Director” (firstly and secondly occurring) and substituting “Secretary of the Department”;
- (b) by omitting “of Mines” from subsection (1).

Hairdressers Registration Act 1975

(No. 23 of 1975)

1—Section 5 (3) is amended by omitting paragraphs (d), (e) and (f) and substituting the following paragraphs:—

- (d) one shall be a person employed in the Department;
- (e) one shall be a person employed in the responsible Department in relation to the *Industrial and Commercial Training Act 1985*;
- (f) one shall be a person employed in the responsible Department in relation to the *Public Health Act 1962*.

2—Section 9A is amended by omitting the definition of “Department”.

Health Services Act 1960

(No. 23 of 1960)

Section 3 (1) is amended by omitting from paragraph (b) “Head of the Agency, within the meaning of the *Tasmanian State Service Act 1984*, charged with the administration of the *Public Health Act 1935*” and substituting “Secretary of the responsible Department in relation to the *Public Health Act 1962*”.

SCHEDULE 1—Continued

Herd Improvement Act 1977

(No. 4 of 1977)

- 1—Section 11 is amended by omitting subsection (3).
 - 2—Section 11A is repealed.
 - 3—Section 20 is amended by omitting “under section 11 (3)”.
-

Hobart Bridge Act 1958

(No. 81 of 1958)

Section 16 (5) is amended by omitting “for Transport”.

Hobart Corporation Act 1963

(No. 81 of 1963)

1—Section 167 is amended as follows:—

- (a) by omitting “Minister for Health” from subsection (2) and substituting “Minister administering the *Public Health Act 1962*”;
- (b) by omitting “Minister for Health” from subsection (3) and substituting “Minister administering the *Public Health Act 1962*”.

2—Section 210 is amended by omitting “the Transport Commission, the Hydro-Electric Commission, the Tourist and Immigration Department, or of some other” and substituting “any”.

SCHEDULE 1—*Continued****Hobart Regional Water Act 1984***

(No. 51 of 1984)

1—Section 5 (1) is amended by omitting paragraph (c) and substituting the following paragraph:—

(c) one shall be the Secretary of the responsible Department in relation to the *Public Account Act 1986* or a nominee of the Secretary appointed by the Governor;

2—Section 9A is repealed.

3—Schedule 1 is amended by omitting clause 4A.

Homes Act 1935

(26 Geo. V No. 98)

1—Section 3 (1) is amended by omitting the definition of “Department”.

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Housing and that person shall hold that office in conjunction with a position or an office under that Act.

3—Section 43 (2) is amended by omitting all the words following “may”, firstly occurring, and substituting “direct.”.

4—Section 46A is repealed.

Hospitals Act 1918

(9 Geo. V No. 70)

1—Section 4 (1) is amended by omitting the definition of “secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department.

SCHEDULE 1—*Continued*

2—Section 6A is repealed.

3—Section 11D is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

4—Section 34 (2) is amended by omitting from paragraph (a) “Director-General” and substituting “Secretary”.

5—Section 52 (4) is amended by omitting “secretary” and substituting “secretary of the Board”.

6—Section 70H is amended as follows:—

(a) by omitting subparagraph (i) from paragraph (b) of subsection (2) and substituting the following subparagraph:—

(i) one shall be the Secretary or his nominee;

(b) by omitting from subsection (3) “Director-General of Health Services” (wherever occurring) and substituting “Secretary or his nominee”.

7—Schedule 3 is amended as follows:—

(a) by omitting from clauses 11, 12, 13 and 23 (2) “secretary” (wherever occurring) and substituting “secretary of the Board”;

(b) by omitting from clauses 18 and 23 (3) “The secretary” and substituting “The secretary of a Board”.

8—Schedule 4 is amended by omitting from clause 4 “The Director-General of Health Services may appoint an employee employed in the Department of Health Services” and substituting “The Secretary may appoint a person employed in the Department”.

Huon Valley Pulp and Paper Industry Act 1959

(No. 70 of 1959)

1—Section 5 is amended by omitting from subsection (5) “Minister for Lands and Works” and substituting “Minister administering the *Crown Lands Act 1976*”.

2—Section 6 (7) is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:—

(a) the Secretary of the responsible Department in relation to the *Public Health Act 1962*; and

SCHEDULE 1—*Continued*

- (b) a person employed in the Department referred to in paragraph (a) who is authorized in writing by the Secretary of that Department, either generally or in a particular case, to exercise the powers conferred on an authorized officer by subsection (5).
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Hydro-Electric Commission Act 1944

(8 & 9 Geo. VI No. 22)

1—Section 5 is amended by omitting subsection (6) and substituting the following subsections:—

(6) The General Manager shall not, without the approval of the Governor, hold any other office of profit or engage in any occupation for reward outside the duties of the office of General Manager.

(6A) The General Manager shall be entitled to such leave of absence as may be prescribed.

2—Section 9 (1) is amended by omitting paragraph (f) and substituting the following paragraph:—

(f) if, being the General Manager, he holds any other office of profit or engages in any occupation for reward outside the duties of the office of General Manager without the approval of the Governor.

3—Section 24 (4) is amended by omitting “Under-Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

4—Section 63 (3A) is amended by omitting “the National Parks and Wildlife Service” and substituting “National Parks and Wildlife”.

SCHEDULE 1—*Continued****Ida Bay Railway Act 1977***

(No. 63 of 1977)

Section 2 is amended by omitting “the National Parks and Wildlife Service” from the definition of “Director” and substituting “National Parks and Wildlife”.

Independent Order of Rechabites (Agreement) Act 1981

(No. 5 of 1981)

Section 5 (1) is amended by omitting “in the Treasury” and substituting “by the Minister administering the *Public Account Act 1986*”.

Industrial and Commercial Training Act 1985

(No. 107 of 1985)

1—Section 3 is amended by omitting the definition of “T.A.F.E.”.

2—Section 6 is amended as follows:—

- (a) by omitting “nominated by the Executive Director, T.A.F.E.” from subsection (1) (b) and substituting “nominated by the Secretary of the Department, being a person who has expertise in technical and further education and who is employed in the Department”;
- (b) by omitting from subsection (1A), (1B) and (1C) “Director of Employment and Training” and substituting “Secretary of the Department”;
- (c) by omitting subsection (2).

SCHEDULE 1—*Continued*

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

Chairman of the Authority

7—The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be chairman of the Authority and that person shall hold that office in conjunction with a position or an office under that Act.

4—Section 8 is repealed.

5—Section 12 is amended as follows:—

(a) by omitting from subsection (2) (b) “nominated by the Executive Director, T.A.F.E.” and substituting “nominated by the Secretary of the Department, being a person who has expertise in technical and further education and who is employed in the Department”;

(b) by omitting subsection (4).

6—Section 43 (2) is amended by omitting “the Executive Director, T.A.F.E. or his nominee” and substituting “a person nominated by the Secretary of the Department, being a person who has expertise in technical and further education and who is employed in the Department”.

7—Schedule 1 is amended as follows:—

(a) by omitting from clause 5 (2) “Executive Director, T.A.F.E.” (twice occurring) and substituting “Secretary of the Department”;

(b) by omitting clause 6 (2) (c);

(c) by omitting from clause 7 “Executive Director, T.A.F.E.” (twice occurring) and substituting “Secretary of the Department”.

Industrial Relations Act 1984

(No. 21 of 1984)

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

(a) by omitting paragraph (c) of the definition of “controlling authority”;

SCHEDULE 1—*Continued*

(b) by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department.

2—Section 10A is repealed.

3—Section 11 (1) is amended by omitting paragraph (ba).

4—Section 18 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* shall appoint a person employed under that Act to be Registrar of the Commission and that person shall hold that office in conjunction with a position or an office under that Act.

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

5—Section 74 is amended by omitting from subsection (2) “of Labour and Industry”.

6—Section 89 (1) is amended by inserting “, the Secretary for Labour” after “Secretary”.

Industrial Safety, Health, and Welfare Act 1977

(No. 60 of 1977)

1—Section 3 is amended by omitting the definition of “Assistant Secretary”.

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

Secretary for Labour

9—(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Secretary for Labour and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

(2) The Secretary and any person for the time being acting in that position are authorized officers for the purposes of this Act.

3—Section 10 (1) is amended as follows:—

(a) by inserting “of the Department” after “Secretary”;

(b) by omitting from paragraph (a) “of Labour and Industry”.

4—Section 18 (3) is amended by omitting “of Labour and Industry”.

5—Section 42 is repealed.

Inspection of Machinery Act 1960

(No. 68 of 1960)

1—Section 7 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Chief Inspector of Machinery and that person shall hold that office in conjunction with a position or an office under that Act.

(1A) Subject to and in accordance with the *Tasmanian State Service Act 1984*, inspectors of machinery may be appointed for the purposes of this Act.

2—Section 25A is amended as follows:—

(a) by omitting subsection (12) and substituting the following subsection:—

(12) The Secretary of the Department may appoint a person employed in the Department to be secretary of the Board and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (13) “for Labour” and substituting “of the Department”.

SCHEDULE 1—*Continued****International Hotel Development Act 1985***

(No. 33 of 1985)

1—Section 3 is amended by omitting the definition of “Director” and substituting the following definition:—

“**Director**” means the Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*;

2—Section 7 (1) is amended by omitting “for the time being responsible for the administration of the Department of Construction” and substituting “administering the *Public Works Construction Act 1880*”.

Jury Act 1899

(63 Vict. No. 32)

Schedule 1 is amended by omitting subclause (l) from clause 1 and substituting the following subclause:—

(l) Persons employed in the following State Service Agencies or Divisions of those Agencies:—

- (i) the Department;
- (ii) the Police Division of the responsible Department in relation to the *Police Regulation Act 1898*;
- (iii) the Corrective Services Division of the responsible Department in relation to the *Prison Act 1977*—

and the spouses of those persons.

Justices Act 1959

(No. 77 of 1959)

1—Section 3 (1) is amended by inserting after the definition of “public officer” the following definition:—

“**Secretary**” means the Secretary of the Department;

2—Section 15 is amended by omitting “of the Law Department”.

SCHEDULE 1—*Continued*

3—Section 16A is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be the clerk of petty sessions for a district and a person or persons employed under that Act to be a deputy clerk or deputy clerks of petty sessions for a district and those persons shall hold office in conjunction with their positions or offices under that Act.

(2) 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.

4—Section 27 (3) is amended by omitting “Crown Advocate” and substituting “Director of Public Prosecutions”.

5—Section 45 is amended by omitting from subsections (7) and (8) “permanent head of the Law Department” and substituting “Secretary”.

Lakes Sorell and Crescent Conservation Act 1901

(1 Edw. VII No. 53)

Section 3 of the Act is amended by omitting the definition of “Minister”.

SCHEDULE 1—*Continued**Land and Income Taxation Act 1910*

(1 Geo. V No. 47)

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Commissioner of Taxes and that person shall hold that office in conjunction with a position or an office under that Act.

Land Titles Act 1980

(No. 19 of 1980)

Section 4 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Recorder of Titles, and that person shall hold that office in conjunction with a position or an office under that Act.

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

(3) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Deputy Recorder of Titles, and that person shall hold that office in conjunction with a position or an office under that Act.

(4) Subject to and in accordance with the *Tasmanian State Service Act 1984*, such persons as may be considered necessary may be appointed or employed for the purposes of this Act.

SCHEDULE 1—*Continued****Land Valuation Act 1971***

(No. 59 of 1971)

1—Section 4 is repealed.

2—Section 5 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Valuer-General and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting subsection (3).

3—Section 6 is amended as follows:—

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Valuer-General and that person shall hold that office in conjunction with a position or an office under that Act.(1A) Subject to and in accordance with the *Tasmanian State Service Act 1984*, such persons as may be considered necessary may be appointed or employed for the purposes of this Act.

4—Section 33 (2) is amended by omitting “Director-General of Lands” and substituting “Secretary of the Department”.

Lands Resumption Act 1957

(No. 88 of 1957)

1—Section 46 is amended as follows:—

(a) by omitting from subsection (1) “Treasury” and substituting “Special Deposits and Trust Fund”;

(b) by omitting from subsection (2) “in the Treasury” and substituting “with the Minister administering the *Public Account Act 1968*”.

SCHEDULE 1—*Continued*

2—Section 48 is amended by omitting from subsections (1) and (4) “Treasury” and substituting “Special Deposits and Trust Fund”.

3—Section 49 is amended by omitting “Treasury” and substituting “Special Deposits and Trust Fund”.

Launceston Corporation Act 1963

(No. 82 of 1963)

Section 201 is amended by omitting “the Tasmanian Government Railways, the Hydro-Electric Commission, the Tourist and Immigration Department, or any other” and substituting “any”.

Law Reform Commissioner Act 1988

(No. 9 of 1988)

1—Section 9 (2) is amended as follows:—

(a) by omitting “Law”;

(b) by omitting “employees employed in that department” and substituting “persons employed in the Department”.

2—Section 13 (1) is amended by omitting “31st July” and substituting “30th June”.

Lawrence Vale Landslip Act 1961

(No. 50 of 1961)

1—Section 4 (2) is amended by omitting paragraph (c) and substituting the following paragraph:—

(c) the Secretary of the Department or a person nominated by the Secretary.

SCHEDULE 1—*Continued*

2—Section 7 is amended as follows:—

- (a) by omitting “Under-Treasurer” (twice occurring) and substituting “Secretary of the Department”;
- (b) by omitting “Treasury” (twice occurring) and substituting “Department”.

Libraries Act 1984

(No. 109 of 1984)

1—Section 5 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be State Librarian for the purposes of this Act and that person shall hold that office in conjunction with a position or an office under that Act.

- (b) by omitting from subsection (4) “State Librarian” and substituting “Secretary of the Department”;
- (c) by omitting from that subsection “to him to enable him to perform his functions” and substituting “to assist the State Librarian in the performance of the functions of that office”.

2—Section 9 is repealed.

3—Section 11 is amended as follows:—

- (a) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:—

(c) one shall be the Secretary of the Department or a person nominated by the Secretary;

- (b) by inserting the following paragraph after paragraph (e):—

(f) one shall be the Secretary of the responsible Department in relation to the *Industrial and Commercial Training Act 1985* or a person nominated by that Secretary;

- (c) by omitting subsection (5).

4—Section 12 is amended as follows:—

- (a) by inserting after “Minister” in paragraphs (b) and (c) “, the Secretary of the Department”;

SCHEDULE 1—*Continued*

(b) by omitting “State Librarian” from paragraph (f) and substituting “Secretary of the Department”.

5—Section 18 is amended by omitting “State Librarian” from paragraph (c) and substituting “Secretary of the Department”.

6—Section 21 is amended by omitting from paragraph (c) “State Librarian” and substituting “Secretary of the Department”.

7—Schedule 2 is amended by omitting from clause 5 (1) (c) “State Librarian” (twice occurring) and substituting “Secretary of the Department”.

8—Schedule 3 is amended by omitting from clause 5 (1) (c) “State Librarian” (twice occurring) and substituting “Secretary of the Department”.

9—Schedule 4 is amended by omitting from clause 5 (1) (c) “State Librarian” (twice occurring) and substituting “Secretary of the Department”.

Licensing Act 1976

(No. 117 of 1976)

1—Section 6 is amended as follows:—

(a) by inserting after “Licensing” in subsection (1) “and that person may hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*”;

(b) by omitting paragraph (ca) from subsection (8).

2—Section 7 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Chief Inspector of Licensed Establishments and that person shall hold that office in conjunction with a position or an office under that Act.

(1A) Subject to and in accordance with the *Tasmanian State Service Act 1984*, inspectors may be appointed for the purpose of performing the functions conferred on the Chief Inspector by this Act.

SCHEDULE 1—*Continued*

3—Section 7A is repealed.

4—Section 72A is amended by omitting “Treasury” (twice occurring) and substituting “responsible Department in relation to the *Public Account Act 1986*”.

5—Section 79 is amended by omitting from subsection (5) “Treasury” and substituting “responsible Department in relation to the *Public Account Act 1986*”.

6—Section 79A is amended by omitting from subsection (9) “Treasury” and substituting “responsible Department in relation to the *Public Account Act 1986*”.

7—Section 91A is amended by omitting from subsection (2) “Treasury” and substituting “responsible Department in relation to the *Public Account Act 1986*”.

Litter Act 1973

(No. 13 of 1973)

1—Section 3 (2A) is amended by omitting “Director of Environmental Control” and substituting “Secretary of the Department”.

2—Section 7 (5) is amended by omitting “to the Transport Department” and substituting “of the responsible Department in relation to the *Transport Act 1981*”.

Local Courts Act 1896

(60 Vict. No. 48)

1—Section 21 is amended as follows:—

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be a registrar of each court for the purposes of this Act and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

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

(3) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be a deputy registrar for any court and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 22 is amended as follows:—

(a) by omitting from subsection (2) “Law”;

(b) by omitting from subsection (2) “employees” and substituting “persons”;

(c) by omitting from subsection (3) “Law”.

3—Section 25 is amended by omitting “Law”.

Local Government Act 1962

(No. 67 of 1962)

1—Section 5A is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Local Government and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting from subsection (2) “Minister” (three times occurring) and substituting “Secretary of the Department”;

(c) by omitting from subsection (3) “Director” (firstly occurring) and substituting “Secretary of the Department”;

(d) by omitting from subsection (3) “an” and substituting “another”;

(e) by omitting from subsection (3) “him” (firstly occurring) and substituting “the Director”.

SCHEDULE 1—*Continued*

2—Section 160 (3) is amended by omitting from paragraph (b) “Director-General of Education” and substituting “Secretary of the responsible Department in relation to the *Industrial and Commercial Training Act 1985*”.

3—Section 431A is amended by omitting from subsection (13) “Director of Lands in such manner as the Commissioner of Crown Lands may approve” and substituting “Director-General of Lands”.

4—Section 619 is amended by omitting “for the Environment” (twice occurring) and substituting “administering the *Environment Protection Act 1973*”.

5—Section 718 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Commissioner for Town and Country Planning, who shall be a person of special ability and experience in town and country planning, and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting “Commissioner” (firstly occurring) from subsection (2) and substituting “Secretary of the Department”;

(c) by omitting “him” (firstly occurring) from subsection (2) and substituting “the Commissioner”;

(d) by omitting “Commissioner” (firstly occurring) from subsection (3) and substituting “Secretary of the Department”;

(e) by omitting subsection (4) and substituting the following subsections:—

(4) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Commissioner for Town and Country Planning who shall be a person of special ability and experience in town and country planning, and that person shall hold that office in conjunction with a position or an office under that Act.

(5) The Deputy Commissioner for Town and Country Planning may exercise such of the powers and perform such of the functions of the Commissioner as the Commissioner may direct.

SCHEDULE 1—*Continued*

6—Schedule 2 is amended by omitting from Part II “Minister for Local Government” and substituting “Minister administering the *Local Government Act 1962*”.

Local Government (Highways) Act 1982

(No. 57 of 1982)

1—Section 3 is amended as follows:—

- (a) by omitting the definition of “Director of Main Roads”;
- (b) by inserting after the definition of “the regulations” the following definition:—

“Secretary” means the Secretary of the responsible Department in relation to the *Roads and Jetties Act 1935*.

2—Section 5 (4) is amended by omitting “Director of Main Roads” and substituting “Secretary”.

3—Section 77 (5) is amended as follows:—

- (a) by omitting “Director of Main Roads” and substituting “Secretary”;
- (b) by omitting “Director’s” and substituting “Secretary’s”.

Long Service Leave Act 1976

(No. 95 of 1976)

1—Section 2 (1) is amended as follows:—

- (a) by omitting the definition of “Assistant Secretary”;
- (b) by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department;

SCHEDULE 1—*Continued*

2—Section 4 is amended by omitting subsection (2) and substituting the following subsection:—

(2) The Secretary is, by virtue of that office, an inspector for the purposes of this Act.

Long Service Leave (Casual Wharf Employees) Act 1982

(No. 37 of 1982)

Section 3 is amended by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department;

Long Service Leave (Construction Industry) Act 1971

(No. 64 of 1971)

Section 12A is amended as follows:—

(a) by inserting in subsection (10) “of the Department” after “Secretary”;

(b) by omitting from subsection (10) “of Labour and Industry”.

Magistrates Court Act 1987

(No. 45 of 1987)

1—Section 15 (6) is amended by omitting “magistrates” and substituting “lower”.

SCHEDULE 1—*Continued*

2—Section 16 is amended by omitting “Law” from subsection (3).

3—Section 16A is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be the district registrar in respect of each district registry, and a person or persons employed under that Act to be a deputy district registrar or deputy district registrars in respect of each district registry, and those persons shall hold office in conjunction with their positions or offices under that Act.

4—Section 17 (2) is amended by omitting “who is an employee within the meaning of the *Tasmanian State Service Act 1984*, and who is employed in the Law Department” and substituting “employed in the Department”.

Meat Hygiene Act 1985

(No. 114 of 1985)

1—Section 3 (1) is amended by omitting the definition of “Department”.

2—Section 6 is amended by omitting “Director” (wherever occurring) and substituting “Secretary of the Department”.

SCHEDULE 1—*Continued*
Mental Health Act 1963

(No. 63 of 1963)

1—Section 8 is amended as follows:—

- (a) by omitting from subsection (4) “Commission” (firstly occurring) and substituting “Secretary of the Department”;
- (b) by omitting from subsection (4) “Commission” (secondly occurring) and substituting “Department”.

2—Section 9 is amended as follows:—

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

(2) The Commission shall consist of—

- (a) the Secretary of the Department or a person nominated by the Secretary; and
- (b) the Medical Commissioner; and
- (c) the Clinical Commissioner.

- (b) by omitting from subsection (3) “Commission” (secondly occurring) and substituting “Department”;
- (c) by inserting after subsection (3) the following subsection:—

(3A) The Secretary of the Department may, with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint a person employed in that Agency to be Secretary of the Tribunal and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

3—Section 11 is amended as follows:—

- (a) by omitting from subsections (1) and (2) “Chairman of the Commission” and substituting “Secretary of the Department”;
 - (b) by omitting from subsection (1) “Commission” and substituting “Department”.
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SCHEDULE 1—*Continued****Mental Health Services Act 1967***

(No. 24 of 1967)

1—Section 3 is amended by omitting subsection (3D).

2—Section 4 is amended as follows:—

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

(2) The Commission shall consist of—

(a) the Secretary of the Department or a person nominated by the Secretary; and

(b) the Medical Commissioner; and

(c) the Clinical Commissioner.

(b) by omitting subsection (7) and substituting the following subsections:—

(7) The members of the Commission shall elect one of their members as chairman of the Commission and one of their members as vice-chairman of the Commission.

(7A) The members elected as chairman and vice-chairman of the Commission under subsection (7) shall hold office as chairman and vice-chairman for the period for which they are members of the Commission.

(c) by inserting in subsection (9) “of whom one shall be the chairman” after “Commission” (firstly occurring);

(d) by inserting after subsection (9) the following subsection:—

(9A) The Commission shall meet at least on one occasion in each month.

3—Section 5 is amended by omitting subsection (2) and substituting the following subsection:—

(2) No person shall be appointed as Medical Commissioner unless that person is a medical practitioner—

(a) who has special experience in the diagnosis and treatment of mental disorder; and

(b) who is nominated by the Royal Australian and New Zealand College of Psychiatrists.

4—Section 6 is amended as follows:—

(a) by omitting subsection (1A);

(b) by omitting paragraph (ba) from subsection (5).

SCHEDULE 1—*Continued*

5—Section 20 is amended by omitting “Director-General of Health Services” (twice occurring) and substituting “Secretary of the Department”.

Mersey Marine Board Loan Act 1936

(1 Edw. VIII & 1 Geo. VI No. 55)

Section 5 (7) is amended by omitting “books of the Treasury” and substituting “Public Account”.

Metropolitan Transport Act 1954

(No. 77 of 1954)

1—Section 2 (1) is amended by omitting the definition of “secretary”.

2—Section 3 is amended by omitting subsection (6A).

3—Section 5 is amended by inserting “of the Trust” after “secretary” (wherever occurring).

4—Section 9 (2) is amended by omitting paragraph (ba).

5—Section 12 (4) is amended by omitting “Minister for Lands and Works” and substituting “Minister administering the *Roads and Jetties Act 1935*”.

6—Section 15 is amended as follows:—

(a) by omitting “Director of Public Works” and substituting “Secretary of the responsible Department in relation to the *Roads and Jetties Act 1935*”;

(b) by omitting “the Director” and substituting “the Secretary”.

7—Section 20 (4) is amended by omitting “Treasury, an officer of the Public Works Department,” and substituting “responsible Department in relation to the *Public Account Act 1986*, an officer of the responsible Department in relation to the *Roads and Jetties Act 1935*”.

SCHEDULE 1—*Continued*

8—Section 23 is amended by omitting subsections (1) and (1A) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person to be general manager of the Trust and that person shall hold that office in conjunction with a position or an office under that Act.

(1A) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be secretary of the Trust and that person shall hold that office in conjunction with a position or an office under that Act.

9—Section 24 is repealed.

10—Section 39 (1) (b) is amended by inserting “of the Trust” after “secretary”.

11—Section 39A (1) is amended by inserting “of the Trust” after “secretary”.

12—Section 49 is amended by inserting “of the Trust” after “secretary” (wherever occurring).

13—Section 50 is amended by inserting “of the Trust” after “secretary”.

Mines Inspection Act 1968

(No. 17 of 1968)

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint the Director or a person employed under that Act to be Chief Inspector of Mines and that person shall hold that office in conjunction with a position or office under that Act.

(1A) The Secretary of the Department may appoint persons employed in the Department to be inspectors of mines and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

2—Section 35 (6) is amended by omitting “an officer of the Department of Mines” and substituting “a person employed in the Department”.

3—Section 46 is amended as follows:—

- (a) by omitting “an officer of the Department of Mines” and substituting “a person employed in the Department”;
- (b) by omitting “an officer” and substituting “a person”.

Mining Act 1929

(20 Geo. V No. 71)

1—Section 9A is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Mines and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 71 (7) is amended by omitting “any officer of the Department of Mines” and substituting “a person employed in the Department”.

3—After section 131C, the following section is inserted:—

Powers of investigation

131D—(1) A person employed in the Department may, for the purposes of any geological or geophysical investigation or any other scientific investigation of the earth, if authorized in writing by the Secretary of the Department or a person authorized by the Secretary—

- (a) enter upon any land with or without assistants, drivers and workers, and with or without vehicles and drilling machinery; and
- (b) open fences and gates, dig or drill holes, let off explosives and do any other things necessary or proper for those purposes.

SCHEDULE 1—*Continued*

(2) Before entering upon occupied land under subsection (1), the person so authorized shall give the occupier at least 72 hours notice in writing of the person's intention to enter.

(3) In the exercise of the powers under subsection (1), a person shall cause as little damage as possible and for any damage that is caused by that person, the Crown shall make full compensation, the amount of which, if it cannot be agreed, shall be determined as a disputed claim for compensation under the *Lands Resumption Act 1957*.

Mount Cameron Water-race Act 1926

(17 Geo. V No. 28)

1—Section 3 (3) is amended by omitting “Secretary for Mines” and substituting “Director of Mines”.

2—Section 5 is amended as follows:—

(a) by omitting from subsection (1) “Treasury” and substituting “Special Deposits and Trust Fund”;

(b) by omitting from subsection (4) “officers of the Department of Mines” and substituting “persons employed in the responsible Department in relation to the *Mining Act 1929*”.

3—Section 8 (2) is amended by omitting all words after “Minister” and substituting “administering the *Public Works Construction Act 1880* in accordance with the provisions of that Act”.

Mount Dundas and Zeehan Railway Act 1890

(54 Vict. No. 54)

1—Section 2 is amended by omitting the definition of “Minister”.

SCHEDULE 1—*Continued*

2—Section 4 (f) (i) is amended by omitting “for Lands and Works”.

3—Section 24 is amended by omitting “for Lands and Works”.

Mount Dundas and Zeehan Railway Act 1891

(55 Vict. No. 22)

Section 5 (b) (i) is amended by omitting “for Lands and Works”.

Mount Lyell and Strahan Railway Act 1892

(56 Vict.—Private)

Section 2 is amended by omitting the definition of “Minister”.

Mount Lyell and Strahan Railway Act 1896

(60 Vict.—Private)

Section 3 is amended by omitting “for Lands and Works”.

SCHEDULE 1—*Continued*

Mount Read and Rosebery Mines Limited Leases Act 1916

(7 Geo. V—Private)

Section 2 is amended by omitting the definition of “the Minister”.

National Parks and Wildlife Act 1970

(No. 47 of 1970)

1—Section 3 is amended as follows:—

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

“**Director**” means the Director of National Parks and Wildlife appointed pursuant to section 5;

(b) by omitting the definition of “officer of the Service”;

(c) by omitting the definition of “Service” and substituting the following definition:—

“**Secretary**” means the Secretary of the Department.

2—The heading to Division 1 of Part II is omitted and the following heading substituted:—

Division 1—Director of National Parks and Wildlife

3—Section 4 is repealed.

4—Section 5 is repealed and the following section is substituted:—

Director of National Parks and Wildlife

5—The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of National Parks and Wildlife and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

5—Section 6 is amended as follows:—

- (a) by omitting from subsection (1) “Subject to this Act, the Director is responsible to the Minister for the administration thereof and, in particular, but without prejudice to the foregoing provisions of this subsection or to the exercise of any other functions conferred on him by this Act, the Director has the following duties, that is to say:—” and substituting “Subject to this Act the Director has the following duties:—”;
- (b) by omitting from paragraph (b) of that subsection “by officers of the Service or otherwise,”;
- (c) by omitting subsection (4).

6—Section 7 is amended as follows:—

- (a) by omitting subsection (2);
- (b) by omitting “Director” from subsection (3) and substituting “Secretary”.

7—Section 8 is amended as follows:—

- (a) by omitting subsection (1) and substituting the following subsection:—
 - (1) The Secretary may appoint persons employed in the Department to be rangers for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.
- (b) by omitting from subsections (1A) and (1B) “Director” and substituting “Secretary”.
- (c) by omitting from subsection (1A) “employees” (twice occurring) and substituting “persons”;
- (d) by omitting from subsection (3) “Director” (secondly occurring) and substituting “Secretary”.

8—Section 8A (1) is amended by omitting “Service” and substituting “Director”.

9—Section 20 is amended by omitting “Director” (wherever occurring) and substituting “Secretary”.

10—Section 30 (2) is amended by omitting “Director of Tourism” and substituting “Secretary of the responsible Department in relation to the *Tourism Act 1977*”.

11—Section 34 is amended by omitting from subsections (2) and (4) “officers of the Service” and substituting “persons employed in the Department”.

SCHEDULE 1—*Continued*

12—Section 37 (2F) is amended by omitting “an officer of the Service” and substituting “the Director or a person authorized by the Director”.

13—Section 48A (2) is amended by omitting “an officer of the Service,” and substituting “a person employed in the Department”.

North Mount Lyell and Macquarie Harbour Railway Act 1897

(61 Vict.—Private)

Section 2 is amended by omitting the definition of “Minister”.

North Mount Lyell and Macquarie Harbour Railway Act 1924

(15 Geo. V—Private)

Section 3 is amended by omitting “for Lands and Works”.

North Mount Lyell and Macquarie Harbour Railway Act 1928

(19 Geo. V No. 64)

Section 3 is amended by omitting “for Railways”.

SCHEDULE 1—*Continued****North West Regional Water Act 1987***

(No. 43 of 1987)

Section 6 (1) is amended by omitting paragraph (c) and substituting the following paragraph:—

- (c) one shall be the Secretary of the responsible Department in relation to the *Public Account Act 1986* or a nominee of the Secretary appointed by the Governor; and
-

Noxious Insects and Molluscs Act 1951

(No. 65 of 1951)

Section 3 is amended as follows:—

- (a) by omitting from subsection (1) “Director of Agriculture” and substituting “Secretary of the Department”;
- (b) by omitting “of Agriculture” (secondly occurring);
- (c) by omitting subsection (2) and substituting the following subsection:—

(2) The Secretary of the Department may appoint a person employed in the Department to be Chief Inspector for the purposes of this Act and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

Noxious Weeds Act 1964

(No. 3 of 1964)

1—Section 8 (1) is amended as follows:—

- (a) by omitting “Director” and substituting “Secretary of the Department”;
- (b) by omitting “of Agriculture”.

2—Section 9 is amended as follows:—

- (a) by omitting from subsection (1) “Director” (firstly and thirdly occurring) and substituting “Secretary of the Department”;

SCHEDULE 1—*Continued*

(b) by omitting from subsections (3) and (4) “Director” (wherever occurring) and substituting “Secretary of the Department”.

3—Section 13 (5) (a) is amended by omitting “Commissioner for Crown Lands” and substituting “Minister administering the *Crown Lands Act 1976*”.

Nursing Act 1987

(No. 65 of 1987)

1—Section 4 (2) is amended as follows:—

(a) by omitting from paragraph (e) “Director-General of Education” and substituting “Secretary of the responsible Department in relation to the *Education Act 1932*”;

(b) by omitting paragraph (g) and substituting the following paragraph:—

(g) one shall be the Secretary of the Department or a person nominated by the Secretary.

2—Section 7 is amended as follows:—

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Registrar of Nurses and that person shall hold that office in conjunction with a position or an office under that Act.

(b) by omitting subsection (3).

Ombudsman Act 1978

(No. 82 of 1978)

1—Section 3 (1) is amended by omitting the definition of “officer of the Ombudsman” and substituting the following definition:—

“**officer of the Ombudsman**” means a person who is appointed or employed pursuant to section 9;

SCHEDULE 1—*Continued*

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

Staff of the Ombudsman

9—(1) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed for the purpose of enabling the functions of the Ombudsman to be carried out.

(2) The Ombudsman may make arrangements with the Secretary of the Department for such persons employed in the Department as may be considered necessary to be made available to enable the Ombudsman to perform the functions of office under this Act and those persons shall, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Ombudsman in any capacity.

3—Schedule 1 is amended as follows:—

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

(a) that part of the State Service that comprises the officers of His Excellency the Governor's establishment; and

(b) by omitting from item 16 "Education Department within the meaning of" and substituting "responsible Department in relation to".

Parliament House Act 1962

(No. 49 of 1962)

Section 9 (2) is amended by omitting "for Main Roads" and substituting "administering the *Public Works Construction Act 1880*".

SCHEDULE 1—*Continued****Parliamentary Superannuation Act 1973***

(No. 28 of 1973)

1—Section 10 (2) (c) is amended by omitting “Under Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

2—Section 12 is amended as follows:—

- (a) by omitting “Under-Treasurer” (wherever occurring) and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”;
- (b) by omitting “Treasury” (wherever occurring).

Parole Act 1975

(No. 73 of 1975)

Section 4 is amended as follows:—

- (a) by omitting from subsection (1) “Law”;
- (b) by omitting from subsection (2) “Law”.

Parole Orders (Transfer) Act 1983

(No. 67 of 1983)

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

Appointment of Registrar of Transferred Parole Orders

4—The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Registrar of Transferred Parole Orders, and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued****Pay-roll Tax Act 1971***

(No. 43 of 1971)

Section 4 is amended as follows:—

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Commissioner of Pay-roll Tax, and that person shall hold that office in conjunction with a position or an office under that Act.

(1AA) Until an appointment is made under subsection (1), the person holding the office of Commissioner of Taxes under section 6 of the *Land and Income Taxation Act 1910* shall hold the office of Commissioner of Pay-roll Tax.

Pensioners (Heating Allowances) Act 1971

(No. 16 of 1971)

1—Section 2 (1) is amended by omitting the definition of “Director”.

2—Section 3 is amended by omitting “Director” (wherever occurring) and substituting “Secretary of the Department”.

3—Section 4 (1) is amended by omitting “Director” and substituting “Secretary of the Department”.

4—Section 5 (2) is amended by omitting “Director” and substituting “Secretary of the Department”.

Pesticides Act 1968

(No. 86 of 1968)

1—Section 2 (1) is amended as follows:—

(a) by omitting the definition of “Minister”;

SCHEDULE 1—*Continued*

- (b) by omitting “four.” from the definition of “Registrar” and substituting “4.”;
- (c) by adding after the definition of “Registrar” the following definition:—

“Secretary” means the Secretary of the Department.

2—Section 3 (2) is amended by omitting from paragraph (b) “charged with the administration of the Department of Agriculture” and substituting “administering the *Stock Act 1932*”.

3—Section 4 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary may appoint a person employed in the Department to be Registrar of Pesticides, and a person employed in the Department to be Deputy Registrar of Pesticides, and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

4—Section 5 is amended as follows:—

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

(1) The Secretary may appoint persons employed in the Department to be inspectors for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

- (b) by omitting “Director-General of Health Services” from subsections (2) and (3) (twice occurring) and substituting “Secretary”.

5—Section 6 is amended as follows:—

- (a) by omitting from subsection (1) “Director-General of Health Services may appoint an employee employed in the Department of Health Services” and substituting “Secretary may appoint a person employed in the Department”;
- (b) by omitting from subsection (1A) “Director-General of Health Services” and substituting “Secretary”;
- (c) by omitting from subsection (3) “Director-General of Health Services” (twice occurring) and substituting “Secretary”;

SCHEDULE 1—*Continued*

- (d) by omitting from subsection (6) “Director-General of Health Services” and substituting “Secretary”;
- (e) by omitting from subsection (7) “Director-General of Health Services” and substituting “Secretary”.

Petroleum Products Business Franchise Licences Act 1981

(No. 60 of 1981)

1—Section 10 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may appoint a person employed in that Department to be Registrar of Petroleum Products Business Franchise Licences, and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

2—Section 11A is repealed and the following section is substituted:—

Appointment of officers

11A—The Secretary of the Department may appoint any assessor for the time being appointed under the *Stamp Duties Act 1931*, or any person employed in the responsible Department in relation to the *Public Account Act 1986* to be an officer for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

3—Section 12 (1) is amended by omitting “Registrar may, by warrant under his hand,” and substituting “Secretary of the Department may”.

SCHEDULE 1—*Continued****Petroleum (Submerged Lands) Act 1982***

(No. 11 of 1982)

Section 125 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may—

(a) appoint persons employed in the Department; and

(b) with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint persons employed in that Agency—

to be inspectors for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

Plant Diseases Act 1930

(21 Geo. V No. 24)

Section 5 is amended as follows:—

(a) by omitting “Director of Agriculture” and substituting “Secretary of the Department”;

(b) by omitting “of Agriculture” (secondly occurring).

Plumbers and Gas-fitters Registration Act 1951

(No. 74 of 1951)

Section 3 is amended as follows:—

(a) by omitting paragraphs (e) and (f) from subsection (2) and substituting the following paragraphs:—

(e) one shall be the Director of Public Health or a person employed in the responsible Department in relation to the *Public Health Act 1962* nominated by the Secretary of that Department;

SCHEDULE 1—*Continued*

- (f) one shall be a person employed in the Department nominated by the Secretary of the Department;
- (b) by omitting subsection (2A).
-

Podiatrists Registration Act 1974

(No. 39 of 1974)

- 1—Section 2 is amended by omitting the definition of “Director-General”.
- 2—Section 3 is amended as follows:—
- (a) by omitting “Director-General” (wherever occurring) and substituting “Secretary of the Department”;
- (b) by omitting from subsection (3) “of Health Services”.
- 3—Section 11 (1) is amended by omitting from paragraph (a) “by the Chief Inspector of Factories of the Department of Labour and Industry”.
-

Poisons Act 1971

(No. 81 of 1971)

- 1—Section 3 (1) is amended as follows:—
- (a) by omitting the definition of “Director-General”;
- (b) by inserting after the definition of “scheduled substance” the following definition:—
- “Secretary” means the Secretary of the Department;
- 2—Section 19 is amended as follows:—
- (a) by omitting subsection (1) and substituting the following subsection:—
- (1) The Secretary may appoint persons employed in the Department to be analysts for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

(b) by omitting from subsection (2) “Director-General” and substituting “Secretary”.

3—Section 20 is repealed.

4—Section 24 (1) is amended as follows:—

(a) by omitting “Director-General” (twice occurring) and substituting “Secretary”;

(b) by omitting “of Health Services”.

5—Section 90C (1) is amended by omitting from paragraph (e) “Director-General” and substituting “Secretary”.

6—Section 91 is amended by omitting “Director-General” (twice occurring) and substituting “Secretary”.

Police Offences Act 1935

(26 Geo. V No. 44)

Section 15D is amended by omitting “for Health” and substituting “administering the *Public Health Act 1962*”.

Police Regulation Act 1898

(62 Vict. No. 48)

1—Section 11A is repealed.

2—Section 49A is amended by omitting “to” from the definition of “Secretary” and substituting “of”.

3—Section 49J (1) is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Minister may appoint a person to be Secretary of the Board, and that person may hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

(1A) The person appointed under subsection (1) is entitled to receive such remuneration (if any) as the Minister may approve.

4—Section 50 is amended by omitting the definition of “Secretary” and substituting the following definition:—

“secretary” means secretary of the Board.

5—Section 50C is amended as follows:—

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

(1) The Secretary of the Department may appoint a person employed in the Department to be secretary of the Board and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (2) “Secretary” and substituting “secretary”.

6—Section 50D is amended as follows:—

(a) by omitting “Secretary” (wherever occurring) and substituting “secretary”;

(b) by omitting from subsection (6) “officer of the Police Department appointed by the Commissioner in that behalf” and substituting “a person employed in the Department nominated by the Commissioner”.

Pollution of Waters by Oil and Noxious Substances Act 1987

(No. 95 of 1987)

Section 35 (2) is amended as follows:—

(a) by omitting paragraph (b) and substituting the following paragraph:—

(b) the person holding the position of State Oil Pollution Control Officer in the Department, or a deputy nominated by the Secretary of the Department;

(b) by omitting subparagraphs (i), (ii), (iii) and (iv) of paragraph (c) and substituting the following subparagraphs:—

(i) the responsible Department in relation to the *Emergency Services Act 1976*;

SCHEDULE 1—*Continued*

2—Section 6 is amended as follows:—

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

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Corrective Services, and that person shall hold that office in conjunction with a position or an office under that Act.

(2) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Chief Superintendent of the Prison Service, and a person employed under that Act to be Deputy Chief Superintendent of the Prison Service, and those persons shall hold office in conjunction with their positions or offices under that Act.

(3) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be superintendent of a prison to which the Minister by order declares this subsection to apply, and a person employed under that Act to be deputy superintendent of such a prison, and those persons shall hold office in conjunction with their positions or offices under that Act.

(3A) Subject to and in accordance with the *Tasmanian State Service Act 1984*, such persons as are required for the purposes of this Act, or otherwise for the management of prisons, may be appointed.

(b) by omitting from subsection (6) “of the Law Department”.

(c) by omitting from subsection (6) (a) “that Agency” and substituting “the Department”.

Probation of Offenders Act 1973

(No. 2 of 1973)

1—Section 4 is amended by omitting from subsections (1), (1A) and (1B) “Law”.

SCHEDULE 1—*Continued*

2—Section 12 (9) is amended by omitting “Law”.

3—Section 17 is amended by omitting from subsections (1), (1A) and (1B) “Law”.

Psychologists Registration Act 1976

(No. 12 of 1976)

Section 49 (3) (b) is amended by omitting “Education Department” and substituting “responsible Department in relation to the *Education Act 1932*”.

Public Account Act 1986

(No. 56 of 1986)

1—Section 7 is amended by omitting “Treasury” and substituting “Department”.

2—Section 8 is amended as follows:—

(a) by omitting from subsection (4) “in the books of the Treasury”;

(b) by omitting from subsection (6) “Treasury” and substituting “Department”.

Public Health Act 1962

(No. 75 of 1962)

1—Section 3 is amended by omitting the definition of “Director” and substituting the following definition:—

“**Director**” means the Director of Public Health appointed under section 5AA;

SCHEDULE 1—*Continued*

2—After section 5, the following section is inserted in Part II:—

Director of Public Health

5AA—The Governor may appoint a person to be Director of Public Health and that person may hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

3—Section 5A is amended by omitting “holding special qualifications in public health”.

4—Section 6 (1) is amended by omitting “Head, within the meaning of the *Tasmanian State Service Act 1984*, of the department charged with the administration of this Act” and substituting “Secretary of the Department”.

5—Section 7 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may—

(a) appoint, by warrant, persons employed in that Department; and

(b) with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint, by warrant, persons employed in that Agency—
to be medical officers of health, health inspectors and other health officers for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

6—Section 20 (3) is amended by omitting “Director-General of Health Services” and substituting “Secretary of the Department”.

7—Section 64 is repealed and the following section is substituted:—

Appointment of inspectors

64—The Secretary of the Department may, by warrant, appoint—

(a) a person employed in that Department to be the chief inspector of food and drugs; and

(b) other persons employed in that Department to be inspectors of food and drugs—

and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

SCHEDULE 1—*Continued*

8—Section 67 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may—

(a) appoint persons employed in that Department; and

(b) with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint persons employed in that Agency—

who possess competent knowledge, to be analysts for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

9—Section 118A (2) is amended by omitting “of Public Health”.

10—Section 119 is amended by omitting subsection (7) and substituting the following subsection:—

(7) The Secretary of the Department shall appoint a person employed in that Department to be secretary of the Committee and that person shall hold office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

Public Trust Office Act 1930

(21 Geo. V No. 61)

Section 4 is amended by omitting subsections (2) and (2A) and substituting the following subsections:—

(2) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Public Trustee, and that person shall hold that office in conjunction with a position or an office under that Act.

SCHEDULE 1—*Continued*

(2A) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Public Trustee, and one or more persons employed under that Act to be an Assistant Deputy Public Trustee or Assistant Deputy Public Trustees, and those persons shall hold office in conjunction with their positions or offices under that Act.

Racing Act 1983

(No. 87 of 1983)

1—Section 11 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Racing and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 11A is repealed.

3—Section 14 is repealed.

4—Section 16A is amended by omitting “an officer” and substituting “a person”.

5—Section 20 is amended by omitting “Directorate” and substituting “Secretary of the Department”.

6—Section 24 is amended by omitting “Directorate” and substituting “Secretary of the Department”.

7—Section 29 is amended as follows:—

(a) by omitting “chairman of the Directorate” and substituting “Secretary of the Department”;

(b) by omitting “Directorate” (secondly occurring) and substituting “Department”.

8—Schedule 1 is amended by omitting clauses 3 (3) and 5 (4).

SCHEDULE 1—*Continued****Racing and Gaming Act 1952***

(No. 98 of 1952)

Section 58 is repealed and the following section is substituted:—

Registrar of Bookmakers

58—The Secretary of the Department may appoint a person employed under the *Tasmanian State Service Act 1984* to be Registrar of Bookmakers and that person shall hold that office in conjunction with a position or an office under that Act.

Radiographers Registration Act 1971

(No. 89 of 1971)

1—Section 2 (1) is amended by omitting the definition of “Director-General”.

2—Section 3 is amended by omitting “Director-General” (twice occurring) and substituting “Secretary of the Department”.

Railway Construction Act 1885

(49 Vict. No. 41)

Section 2 is amended by omitting “means the Minister for Lands and Works for the time being, and” from the definition of “the Minister”.

SCHEDULE 1—*Continued****Registration of Births and Deaths Act 1895***

(59 Vict. No. 9)

1—Section 3 is amended as follows:—

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

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Registrar-General, and that person shall hold that office in conjunction with a position or an office under that Act.

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

(3) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Deputy Registrar-General, and that person shall hold that office in conjunction with a position or an office under that Act.

(3A) 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 4 is amended as follows:—

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

(1) Subject to subsection (1A), the Secretary of the Department may appoint persons employed in the Department to be registrars of births and deaths for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (1B) “Registrar-General” and substituting “Secretary of the Department”.

3—Section 5 (1) is amended by omitting “Registrar-General may appoint an employee, within the meaning of the *Tasmanian State Service Act 1984*, to act, when directed to do so by the Registrar-General,” and substituting “Secretary of the Department may appoint a person employed in the Department to act, when required to do so,”.

SCHEDULE 1—*Continued****Registration of Deeds Act 1935***

(26 Geo. V No. 24)

1—Section 7 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Registrar of Deeds and that person shall hold that office in conjunction with a position or an office under that Act.

2—Section 8 is amended by omitting “The Governor, on the recommendation of the Registrar, may appoint an employee, within the meaning of the *Tasmanian State Service Act 1984*, to be the” and substituting “The Secretary of the Department may appoint a person employed in the Department to be”.

Retirement Benefits Act 1982

(No. 10 of 1982)

1—Section 11 is amended as follows:—

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

(b) one shall be the Secretary of the Department or a person nominated by the Secretary;

(b) by omitting subsection (8) and substituting the following subsection:—

(8) A person holding a position or an office under the *Tasmanian State Service Act 1984*, other than a person employed in that part of the Department responsible for the administration of superannuation matters, is eligible for appointment as a member of the Board, and may hold office as such a member in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

2—Section 13 is amended as follows:—

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

(a) one shall be the Secretary of the Department or a person employed in the Department nominated by the Secretary;

SCHEDULE 1—*Continued*

(b) by omitting subsection (8) and substituting the following subsection:—

(8) A person holding a position or an office under the *Tasmanian State Service Act 1984*, other than a person employed in that part of the Department responsible for the administration of superannuation matters, is eligible for appointment as a member of the Trust, and may hold office as such a member in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

3—Section 14 is amended by inserting the following subsection after subsection (2):—

(2A) The Trust may appoint a person to be secretary of the Trust.

4—Section 16 is amended as follows:—

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

(3) The Secretary of the Department may appoint a person employed in that part of the Department responsible for the administration of superannuation matters to be the secretary of the Board and that person shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(b) by omitting subsection (4).

5—Section 62A is amended as follows:—

(a) by omitting the definition of “Branch” in subsection (1) and substituting the following definition:—

“**Branch**” means that part of the Department responsible for superannuation matters;

(b) by omitting from paragraph (a) of subsection (3B) “Under Treasurer” and substituting “Secretary of the Department”.

Roads and Jetties Act 1935

(26 Geo. V No. 82)

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

(a) by omitting the definition of “Director”;

SCHEDULE 1—*Continued*

(b) by inserting after the definition of “road authority” the following definition:—

“Secretary” means the Secretary of the Department;

2—Section 7 (3) is amended by omitting “Director” and substituting “Secretary”.

3—Section 13 (1B) is amended by omitting “Director” and substituting “Secretary”.

4—Section 17D is repealed and the following section is substituted:—

Delegation

17D—(1) The Minister may, by instrument in writing, delegate to any person specified in the instrument of delegation the performance or exercise of such of the Minister’s functions and powers under this Act (other than this power of delegation) as are specified in the instrument of delegation.

(2) The Minister may, by instrument in writing, revoke wholly or in part or vary a delegation made under this section.

(3) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the instrument of delegation.

(5) Notwithstanding any delegation under this section, the Minister may continue to perform or exercise all or any of the functions or powers delegated.

(6) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the Minister and shall be deemed to have been done by or to the Minister.

SCHEDULE 1—*Continued*

(7) An instrument purporting to be signed by a delegate of the Minister in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Minister and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Minister under this section.

(8) If the Minister by whom a delegation is made dies, or ceases to hold, or is suspended from, office, that delegation shall be deemed to continue in force according to its tenor until it is revoked or varied under this section.

5—Section 43 is amended by omitting “Director” and substituting “Secretary”.

6—Section 54C (3) is amended by omitting “Director” and substituting “Secretary”.

Rules Publication Act 1953

(No. 50 of 1953)

Section 3 is repealed.

Rural Adjustment Act 1988

(No. 37 of 1988)

Section 24 is amended by omitting from subsection (2) “paid into the Treasury and”.

SCHEDULE 1—*Continued*
Sale of Condoms Act 1987
 (No. 72 of 1987)

1—Section 3 is amended as follows:—

- (a) by omitting the definition of “Director-General”;
- (b) by inserting after the definition of “relevant fee” the following definition:—

“**Secretary**” means the Secretary of the Department;

2—Section 10 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

3—Section 14 is amended by omitting “Director-General” and substituting “Secretary”.

4—Section 15 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

5—Section 16 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

6—Section 19 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

7—Section 20 is amended by omitting “Director-General” (wherever occurring) and substituting “Secretary”.

8—Section 21 is amended by omitting “Director-General” and substituting “Secretary”.

9—Section 28 (1) is amended by omitting “Director-General” and substituting “Secretary”.

Scaffolding Act 1960

(No. 52 of 1960)

1—Section 3 is amended by omitting the definition of “Assistant Secretary”.

SCHEDULE 1—*Continued*

2—Section 6 is amended by omitting subsection (6) and substituting the following subsection:—

(6) The Secretary, by virtue of holding that office, is an inspector of scaffolding for the purposes of this Act.

Seeds Act 1985

(No. 87 of 1985)

Section 3 is amended by omitting “of the Department” from the definition of “Director”.

Service Stations (Trading Hours) Act 1975

(No. 61 of 1975)

Section 3 is amended as follows:—

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

(2) The Secretary of the Department may appoint persons employed in the Department to be authorized officers for the purposes of this Act and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

(b) by omitting from subsection (3) “for Labour” and substituting “of the Department”.

Sewers and Drains Act 1954

(No. 67 of 1954)

1—Section 2 (1) is amended by omitting “Minister for Health” from the definition of “treated sewage” and substituting “Minister administering the *Public Health Act 1962*”.

SCHEDULE 1—*Continued*

2—Section 20 (2) is amended by omitting “Director of Public Works” and substituting “Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*”.

3—Section 21 (2) is amended by omitting “Director of Public Works” and substituting “Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*”.

4—Section 22 (2) is amended by omitting “Director of Public Works” and substituting “Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*”.

Shop Trading Hours Act 1984

(No. 61 of 1984)

1—Section 3 (1) is amended by inserting after the definition of “prescribed Saturday” the following definition:—

“**Secretary**” means the Secretary of the Department;

2—Section 6 is amended by omitting “for Labour” (wherever occurring).

3—Section 7 (2A) (b) is amended by omitting “for Labour”.

Silicon Development Act 1986

(No. 57 of 1986)

1—Section 3 is amended as follows:—

(a) by omitting the definition of “Director of Construction”;

(b) by inserting after the definition of “revocation order” the following definition:—

“**Secretary**” means the Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*.

SCHEDULE 1—*Continued*

2—Section 12 is amended by omitting “Director of Construction” and substituting “Secretary”.

3—Section 13 is amended by omitting “Director of Construction” (twice occurring) and substituting “Secretary”.

4—Section 14 is amended by omitting “Director of Construction” (4 times occurring) and substituting “Secretary”.

Solicitor-General Act 1983

(No. 13 of 1983)

Section 12A (2) is amended as follows:—

(a) by omitting “Law”;

(b) by omitting paragraph (a) and substituting the following paragraph:—

(a) provide such persons employed in the Department; or

Southern Regional Cemetery Act 1981

(No. 91 of 1981)

Section 5 is amended by omitting “Under Treasurer” (twice occurring) and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

SCHEDULE 1—Continued

Stamp Duties Act 1931

(22 Geo. V No. 19)

1—Section 4 is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act to be Commissioner of Stamp Duties and a person employed under that Act to be Deputy Commissioner of Stamp Duties, and those persons shall hold office in conjunction with their positions or offices under that Act.

(2) An employee, within the meaning of the *Tasmanian State Service Act 1984*, who is appointed as Commissioner or Deputy Commissioner may be paid, in addition to the salary payable to that employee, such additional allowance (if any) as the Commissioner for Public Employment may determine.

2—Section 5 is amended by omitting subsection (1) and substituting the following subsection:—

(1) The Secretary of the Department may—

(a) appoint persons employed in the Department; and

(b) with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint persons employed in that Agency—

to be assessors of stamp duties and those persons shall hold office in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*.

3—Section 23 (4) is amended by omitting “Treasury” and substituting “Department”.

State Employees (Long-Service Leave) Act 1950

(No. 81 of 1950)

1—Section 2 is amended as follows:—

(a) by omitting the definition of “Assistant Secretary”;

SCHEDULE 1—*Continued*

(b) by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department;

2—Section 3A is amended by omitting subsection (2) and substituting the following subsection:—

(2) The Secretary is, by virtue of that office, an inspector for the purposes of this Act.

State Grants Commission Act 1976

(No. 40 of 1976)

1—Section 4 (1) is amended by omitting paragraph (c) and substituting the following paragraph:—

(c) one shall be an employee or former employee of the Department nominated by the Secretary of the Department and approved by the Minister.

2—Section 7 is amended by omitting “Under Treasurer, appoint an employee in the Treasury” and substituting “Secretary of the Department, appoint an employee in the Department”.

State Loans to Local Bodies Act 1929

(20 Geo. V No. 38)

Section 3 is amended by omitting the definition of “Minister” and substituting the following definition:—

“Minister” means the Minister administering the *Public Works Construction Act 1880*;

SCHEDULE 1—*Continued****State Sinking Fund Act 1929***

(20 Geo. V No. 27)

1—Section 4 (3) is amended by omitting “Under-Treasurer” and substituting “Secretary of the Department”.

2—Section 5A (1) is amended by omitting “Treasury nominated by the Under-Treasurer” and substituting “Department nominated by the Secretary of the Department”.

Stock Act 1932

(23 Geo. V No. 54)

1—Section 3 is amended as follows:—

(a) by omitting the definition of “Department”;

(b) by inserting after the definition of “sale” the following definition:—

“**Secretary**” means the Secretary of the Department;

2—After section 3A, the following section is inserted:—

Director of Agriculture

3B—The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Agriculture and that person shall hold that office in conjunction with a position or an office under that Act.

3—Section 4 is amended by omitting “Director” (wherever occurring) and substituting “Secretary”.

4—Section 40 (5) is amended by omitting “Director” and substituting “Secretary”.

SCHEDULE 1—*Continued****Stock (Brands and Movement) Act 1984***

(No. 14 of 1984)

Section 5 is amended as follows:—

- (a) by omitting “Director” (twice occurring) and substituting “Secretary of the Department”;
 - (b) by omitting “of Agriculture”.
-

Substandard Housing Control Act 1973

(No. 99 of 1973)

Section 23 is amended as follows:—

- (a) by omitting from subsections (4) and (5) “Director” and substituting “Secretary of the Department”;
 - (b) by omitting from subsection (4) “of Housing”.
-

Survey Co-ordination Act 1944

(7 & 8 Geo. VI No. 86)

1—Section 3 is amended by omitting “of Lands and Surveys”.

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

Appointment, &c., of Surveyor-General

3A—(1) The Minister administering the *Tasmanian State Service Act 1984* may appoint a person employed under that Act, who shall be a surveyor registered under the *Land Surveyors Act 1909*, to be Surveyor-General and that person shall hold that office in conjunction with a position or an office under that Act.

(2) The Surveyor-General appointed under this Act shall perform such of the functions and duties of the Director-General of Lands as the Minister may appoint and the acts of the Surveyor-General when so doing shall be deemed to be those of the Director-General of Lands.

SCHEDULE 1—*Continued*

(3) Every act of the Surveyor-General so appointed shall, except in proceedings between the Crown and the Surveyor-General for breach of duty, be deemed to be in pursuance of the Minister's appointment.

3—Section 6 is amended by omitting from subsection (4) “for the purposes of a proclamation” and substituting “for the purposes of, or in connection with, the description in an Act, proclamation or other instrument of a legislative character of an area or boundary.”.

4—Section 18 is repealed.

5—Section 20A is amended as follows:—

(a) by omitting paragraphs (b) and (c) from subsection (2) and substituting the following paragraphs:—

(b) one shall be the senior mapping officer in the Department;

(c) one shall be the senior mapping officer in the responsible Department in relation to the *Forestry Act 1920*.

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

(a) one shall be a senior officer in the responsible Department in relation to the *Mining Act 1929*;

6—Section 20C is amended as follows:—

(a) by omitting “Director-General of Lands” and substituting “Secretary of the Department”;

(b) by omitting “of Lands” (secondly occurring).

7—Section 20J (1) (b) is amended as follows:—

(a) by omitting subparagraph (i) and substituting the following subparagraph:—

(i) the Secretary of the responsible Department in relation to the *Public Works Construction Act 1880*;

(b) by omitting subparagraph (iv) and substituting the following subparagraph:—

(iv) the Secretary of the responsible Department in relation to the *Tourism Act 1977*;

SCHEDULE 1—*Continued****Tasman Bridge Disaster Trust Account Act 1975***

(No. 21 of 1975)

Section 3 (1) is amended by omitting “books of the Treasury under section 9 of the *Public Account Act 1957*” and substituting “Special Deposits and Trust Fund”.

Tasmanian Harness Racing Board Act 1976

(No. 11 of 1976)

Section 19 is amended by omitting “Directorate” and substituting “Secretary of the Department”.

Tasmanian International Velodrome Management Authority Act 1984

(No. 71 of 1984)

1—Section 3 is amended by omitting the definition of “the Minister”.

2—Section 5 (1) is amended by omitting all the words following “appointed” and substituting “by the Governor”.

3—Schedule 1 is amended by omitting from clause 1 “, other than a member referred to in section 5 (1) (a) or (b),”.

Tasmanian Museum Act 1950

(No. 55 of 1950)

Section 4B is repealed.

SCHEDULE 1—*Continued*

Tasmanian Public Finance Corporation Act 1985

(No. 59 of 1985)

Section 5 (a) is amended by omitting “Under Treasurer” and substituting “Secretary of the Department”.

Tasmanian State Service Act 1984

(No. 25 of 1984)

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

- (a) by omitting “17,” from the definition of “employee”;
- (b) by omitting “and includes the department established under section 16” from the definition of “Government department”;
- (c) by omitting the definition of “Secretary” and substituting the following definition:—

“Secretary” means the Secretary of the Department;

2—Section 12 is amended as follows:—

- (a) by omitting “employees” and substituting “persons”;
- (b) by omitting “of Public Administration”.

3—Section 13 (3) (a) is amended as follows:—

- (a) by inserting in subparagraph (i) “case or” after “particular” (firstly occurring);
- (b) by inserting in that subparagraph “cases or” after “particular” (secondly occurring).

4—The heading to Part III is omitted and the following heading substituted:—

PART III

FUNCTIONS AND POWERS OF SECRETARY

5—Sections 16 and 17 are repealed.

6—Section 22 is repealed.

SCHEDULE 1—*Continued*

7—Section 23 is amended by omitting subsections (2) and (3) and substituting the following subsection:—

(2) Before exercising any powers under subsection (1), the Minister shall consult with the Minister for the time being administering the relevant Agency.

8—Section 26 (2) (a) is amended as follows:—

(a) by inserting in subparagraph (i) “case or” after “particular” (firstly occurring);

(b) by inserting in that subparagraph “cases or” after “particular” (secondly occurring).

9—Section 29 is amended as follows:—

(a) by omitting from subsection (1) “or 3”;

(b) by inserting in paragraph (b) of subsection (13) “first” before “appointment” (twice occurring);

(c) by adding after “employee” in that paragraph “and has continuously held an office of Head of an Agency, a prescribed office or a position as a contract employee”.

10—Section 31 (1) is amended by omitting “or 3” (twice occurring).

11—Section 38 (8) is amended as follows:—

(a) by inserting in paragraph (b) “first” before “appointment”;

(b) by adding after “employee” (secondly occurring) in that paragraph “and has continuously held a position as a contract employee, an office of Head of an Agency or a prescribed office”.

12—Section 51 (2A) is amended by omitting all the words after “his” (secondly occurring) and substituting “first appointment as the Head of an Agency, to a prescribed office or as a contract employee, as the case may be”.

13—Section 52 is amended as follows:—

(a) by omitting from subsection (1) (e) “his” and substituting “that employee’s”;

(b) by omitting from subsection (10) (c) “position; or” and substituting “position;”;

(c) by omitting from subsection (10) (d) “position,” and substituting “position; or”;

(d) by inserting after subsection (10) (d) the following paragraph:—

(da) is medically unfit to discharge the duties of that employee’s position,

SCHEDULE 1—*Continued*

14—Section 65 is repealed and the following section is substituted:—

Persons to be made available to Commissioner for Review

65—The Commissioner for Review may, with the approval of the Minister, make arrangements with the Head of an Agency for such persons employed in that Agency as are necessary to be made available to enable the performance of the functions and exercise of the powers of the Commissioner for Review.

Tasmanian University Act 1951

(No. 8 of 1951)

Section 5 (1) (a) is amended by omitting “Director-General of Education” and substituting “Secretary of the responsible Department in relation to the *Education Act 1932*”.

Theatre Royal Management Act 1986

(No. 17 of 1986)

1—Section 3 is amended by omitting the definition of “the Minister”.

2—Section 15 is amended by omitting “for Lands” (twice occurring) and substituting “administering the *Crown Lands Act 1976*”.

Therapeutic Goods and Cosmetics Act 1976

(No. 1 of 1976)

1—Section 2 (1) is amended by inserting after the definition of “publish” the following definition:—

“Secretary” means the Secretary of the Department;

SCHEDULE 1—*Continued*

2—Section 17 is amended as follows:—

(a) by omitting “Director-General” and “Director-General of Health Services” (wherever occurring) and substituting “Secretary”;

(b) by omitting from subsection (1) (b) “of Health Services”.

3—Section 62 is amended by omitting “Director-General” and substituting “Secretary”.

Thomas Owen and Co. (Australia) Limited Act 1948

(No. 67 of 1948)

Section 5 (1) is amended as follows:—

(a) by adding “or” at the end of paragraph (a);

(b) by omitting paragraph (b).

Tobacco Business Franchise Licences Act 1980

(No. 89 of 1980)

1—Section 10 (1) is amended by omitting “Under Treasurer may appoint an employee, employed in the Treasury Department” and substituting “Secretary of the Department may appoint a person employed in the Department”.

2—Section 11 (2) is amended as follows:—

(a) by omitting “Registrar” and substituting “Secretary of the Department”;

(b) by omitting “Treasury” and substituting “Department”.

3—Section 12 (1) is amended by omitting “Registrar” and substituting “Secretary of the Department”.

SCHEDULE 1—*Continued****Tourism Act 1977***

(No. 15 of 1977)

1—Section 3 is amended by omitting the definition of “Department”.

2—The heading to Part II is amended by omitting “: TOURISM TASMANIA”.

3—Section 5 is repealed.

4—Section 7 is amended by omitting subsections (1) and (1A) and substituting the following subsection:—

(1) The Governor may appoint a person employed under the *Tasmanian State Service Act 1984* to be Director of Tourism and that person shall hold that office in conjunction with a position or an office under that Act.

5—Section 8 is amended as follows:—

(a) by omitting from subsection (1) “the Director” (firstly occurring) and substituting “a person employed in the Department”;

(b) by omitting from subsection (1) “the Director” (secondly occurring) and substituting “that person”;

(c) by omitting from subsection (3) “the Director” (firstly occurring) and substituting “a person employed in the Department”;

(d) by omitting from subsection (3) “the Director” (secondly occurring) and substituting “that person”;

(e) by omitting from subsection (4) “the Director” (firstly occurring) and substituting “a person employed in the Department”;

(f) by omitting from subsection (4) “the Director’s” and substituting “that person’s”.

6—Section 22 is repealed.

SCHEDULE 1—*Continued****Traffic Act 1925***

(16 Geo. V No. 38)

Section 30A (6) is amended by omitting “Commissioner for Transport, appoint an employee employed in the Transport Department” and substituting “Secretary of the Department appoint an employee employed in the Department”.

Transport Act 1981

(No. 20 of 1981)

1—Section 4 is amended as follows:—

(a) by inserting in subsection (1) “person employed under the *Tasmanian State Service Act 1984* to be” before “Commissioner”;

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

(1A) The person holding office as Commissioner for Transport shall hold that office in conjunction with a position or an office under the *Tasmanian State Service Act 1984*.

(c) by omitting subsection (4).

2—Section 8A is repealed.

3—Section 9 is repealed.

4—Section 26 is repealed.

5—Schedule 1 is repealed.

SCHEDULE 1—*Continued*

Travel Agents Act 1987

(No. 111 of 1987)

Section 9 is amended by omitting subsection (1) and substituting the following subsections:—

(1) The Board may make arrangements with the Secretary of the Department for such persons employed in the Department as may be considered necessary to be made available to the Board to enable it to perform its functions and those persons shall, in conjunction with their positions or offices under the *Tasmanian State Service Act 1984*, serve the Board in any capacity.

(1A) The Minister may make arrangements to render available to the Board such assistance and accommodation as it may require.

Trustee Act 1898

(62 Vict. No. 34)

Section 5 (7) (b) is amended by omitting “a member of the staff of the Public Trust Office” and substituting “a person employed in the Department”.

Tsuneichi Fujii Fellowship Trust Act 1985

(No. 113 of 1985)

1—Section 6 (1) is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:—

(a) the Secretary of the Department;

(b) the Secretary of the responsible Department in relation to the *Public Account Act 1986*;

SCHEDULE 1—*Continued*

2—Section 14 is amended by omitting subsection (3) and substituting the following subsections:—

(3) The person referred to in section 6 (1) (a) or the deputy of that person shall preside at any meeting of the Trust.

(3A) Where a person referred to in subsection (3) is unable to preside at any meeting of the Trust, the person referred to in section 6 (1) (b) or the deputy of that person shall preside.

3—Section 15 (3) is amended by omitting “of the Premier and Cabinet”.

Unclaimed Moneys Act 1918

(9 Geo. V No. 13)

1—Section 4 is amended by omitting “Treasury” and substituting “Department”.

2—Section 10 is amended by omitting “into the Treasury” and substituting “to the State”.

*Van Diemen's Land Company's Waratah and Zeehan Railway Act
1895*

(59 Vict.—Private)

Section 3 is amended by omitting the definition of “Minister”.

SCHEDULE 1—*Continued****Vermin Destruction Act 1950***

(No. 68 of 1950)

1—Section 4 (1) is amended by inserting after the definition of “public authority” the following definition:—

“Secretary” means the Secretary of the Department.

2—Section 5 is amended by omitting subsection (1).

3—Section 6 is amended as follows:—

(a) by omitting “Director” and substituting “Secretary”;

(b) by omitting “of Agriculture”.

4—Section 10 (2) is amended by omitting “of Agriculture”.

5—Section 19 is amended by omitting “the National Parks and Wildlife Service” and substituting “National Parks and Wildlife”.

Veterinary Medicines Act 1987

(No. 40 of 1987)

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

(a) by omitting from paragraph (a) “Director” and substituting “Secretary of the Department”;

(b) by omitting from paragraph (a) “of Agriculture”;

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

(c) a member appointed by instrument in writing, by the Secretary of the responsible Department in relation to the *Public Health Act 1962*, from among the persons employed in that Department.

2—Section 9 (1) is amended as follows:—

(a) by omitting “Director” and substituting “Secretary of the Department”;

(b) by omitting “of Agriculture”.

SCHEDULE 1—*Continued*

3—Section 27 (1) is amended as follows:—

- (a) by omitting “Director” and substituting “Secretary of the Department”;
 - (b) by omitting “of Agriculture”.
-

Veterinary Surgeons Act 1987

(No. 104 of 1987)

Section 4 is amended as follows:—

- (a) by omitting from subsection (4) “of Agriculture” (firstly occurring);
 - (b) by omitting from subsection (4) “Director of Agriculture” and substituting “Secretary of the Department”;
 - (c) by omitting from subsection (5) “Director of Agriculture” and substituting “Secretary of the Department”.
-

Water Act 1957

(No. 39 of 1957)

1—Section 6 is amended by omitting subsection (3A).

2—Section 8 (1) is amended by omitting paragraph (ca).

3—Section 13 is repealed.

4—Section 14AA is repealed.

5—Section 14A (1) is amended by omitting “Commission under its common seal” and substituting “Secretary of the Department”.

6—Section 16 (4) is amended as follows:—

- (a) by omitting “for Agriculture,” and substituting “administering the *Stock Act 1932*,”;
- (b) by omitting “Salmon and Freshwater Fisheries Commissioners” and substituting “Inland Fisheries Commission”.

SCHEDULE 1—*Continued*

7—Section 33 (2) is amended by omitting from paragraph (i) “Department of Public Works” and substituting “responsible Department in relation to the *Public Works Construction Act 1880*”.

Weights and Measures Act 1934

(25 Geo. V No. 63)

Section 4 is amended by omitting the definition of “inspector” and substituting the following definition:—

“inspector” means an inspector appointed pursuant to this Act and includes any person appointed as an inspector in the Department;

Wesley Vale Pulp and Paper Industry Act 1961

(No. 48 of 1961)

Section 12 (5) is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:—

- (a) the Secretary of the responsible Department in relation to the *Public Health Act 1962*; or
 - (b) a person employed in that Department who is authorized in writing by the Secretary of that Department, either generally or in a particular case, to exercise the powers conferred on an authorized officer by subsection (3).
-

Whales Protection Act 1988

(No. 58 of 1988)

1—Section 3 is amended by omitting “the” (secondly occurring) and “Service” from the definition of “Director”.

SCHEDULE 1—*Continued*

2—Section 5 (1) is amended by omitting “Treasury” and substituting “Special Deposits and Trust Fund”.

Wood-pulp and Paper Industry Encouragement Act 1926

(16 Geo. V No. 82)

1—Section 3 is repealed.

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

- (a) by omitting “for Mines” and substituting “administering the *Mining Act 1929*”;
 - (b) by omitting “the *Mining Act 1917*” and substituting “that Act”.
-

Workers Compensation Act 1988

(No. 4 of 1988)

1—Section 3 (1) is amended by omitting the definition of “Secretary for Labour” and substituting the following definition:—

“**Secretary**” means the Secretary of the Department.

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

- (a) by inserting “Secretary of the responsible Department in relation to the *Fire Service Act 1979*, the” before “State” (firstly occurring);
- (b) by inserting “Secretary of that responsible Department, the” before “State” (secondly occurring);
- (c) by omitting “that Commission” and substituting “the Crown”.

3—Section 6 (1) is amended as follows:—

- (a) by inserting “Secretary of the responsible Department in relation to the *Ambulance Service Act 1982* or the” before “Director” (firstly occurring);
- (b) by inserting “Secretary of that responsible Department, the” before “Director” (secondly occurring);

SCHEDULE 1—*Continued*

(c) by omitting “Director” (fourthly occurring) and substituting “Crown”.

4—Section 9 (1) (e) is amended by omitting “for Labour” and substituting “or a person nominated by the Secretary”.

5—Section 39 is amended by omitting “for Labour” (wherever occurring).

6—Section 40 is amended by omitting “for Labour” (wherever occurring).

7—Section 42 (1) is amended by omitting “for Labour”.

8—Section 89 is amended by omitting “for Labour” (wherever occurring).

9—Section 115 (2) (b) is amended by omitting “Under Treasurer” and substituting “Secretary of the responsible Department in relation to the *Public Account Act 1986*”.

10—Section 145 (1) is amended by omitting “in the Treasury” and substituting “by the Treasurer”.

1990

*Administrative Arrangements (Miscellaneous
Amendments)*

No. 5

SCHEDULE 2

Section 4

ACTS REPEALED

Number and year of Act	Short title of Act
No. 69 of 1970	<i>Department of Lands and Surveys Act 1970</i>
No. 46 of 1972	<i>Department of Mines (Investigations) Act</i>
	1972
No. 16 of 1961	<i>Director of Agriculture Act 1961</i>
No. 16 of 1951	<i>Director of Mines Act 1951</i>

SCHEDULE 3

Section 5

SAVINGS AND TRANSITIONAL PROVISIONS

1—A person holding an office under the provisions of an Act in force immediately before the commencement of this Act, other than an office referred to in clause 3, 6 or 10, shall be deemed to hold that office or be authorized to perform the duties of that office, as the case may be, under the provisions of that Act as in force on that commencement and shall continue to hold that office or be authorized to perform the duties of that office under the same terms and conditions (including remuneration) that applied to that person immediately before that commencement.

2—A person holding office as a member of a Board, Authority, Commission or similar body under the provisions of an Act in force immediately before the commencement of this Act shall be deemed to hold that office under the provisions of the first-mentioned Act as in force on that commencement under the same terms and conditions (including remuneration) that applied to that person immediately before that commencement.

3—A person who immediately before the commencement of this Act holds office as—

(a) State Fire Commissioner; or

(b) Manager of the Tasmanian Grain Elevators—

shall, on the commencement of this Act, be deemed to have been appointed to that office under Part V of the *Tasmanian State Service Act 1984* under the same terms and conditions (including remuneration) that applied to that person immediately before that commencement.

4—A person appointed to an office or position, or purportedly appointed to an office or position, under the provisions of an enactment during the period commencing on the day on which the *Tasmanian State Service (Agencies and Heads of Agencies) Order 1989* took effect and ending on the day immediately preceding the commencement of this Act shall be deemed to have been validly appointed to that office.

5—A person to whom the performance or exercise of any functions or powers were delegated under the provisions of an Act in force immediately before the commencement of this Act shall be deemed to have been delegated the performance or exercise of those functions and powers under the provisions of that Act as in force on that commencement.

SCHEDULE 3—*Continued*

6—(1) A person appointed under section 9 (1) of the *Ombudsman Act 1978* shall, on the commencement of this Act, become an employee appointed or employed under the *Tasmanian State Service Act 1984* and shall, where that person is the holder of a position in the Office of the Ombudsman immediately before that commencement, be deemed to have been appointed to that position under the *Tasmanian State Service Act 1984*.

(2) Where a person referred to in subclause (1) becomes an employee appointed or employed under the *Tasmanian State Service Act 1984*, by virtue of subclause (1), that person shall—

(a) be paid a salary not less than the salary or wage payable to that person immediately before the commencement of this Act and be entitled to receive the same allowances as those to which that person was entitled immediately before that commencement; and

(b) retain any rights that, immediately before the commencement of this Act, have accrued to that person or are accruing by virtue of that person being a person appointed under section 9 (1) of the *Ombudsman Act 1978*, including any rights accruing to that person under the *Retirement Benefits Act 1982*; and

(c) be entitled to any leave (including long service leave)—

as if that person had continued to hold office or be appointed, under the provisions of the *Ombudsman Act 1978*, as in force immediately before that commencement.

7—The emblem determined by the Governor to be adopted for use by the National Parks and Wildlife Service under section 8A of the *National Parks and Wildlife Act 1970* as in force immediately before the commencement of this Act shall be deemed to have been determined to be adopted for use by the Director under that section as in force on that commencement.

8—The declaration of a prison under section 6 (3) of the *Prison Act 1977*, as in force immediately before the commencement of this Act, shall be deemed to be a declaration under section 6 (3) of that Act as in force on that commencement.

9—(1) Notwithstanding clause 2, the persons who held office as chairman and vice-chairman of the Mental Health Services Commission immediately before the commencement of this Act shall on that commencement cease to hold office as chairman and vice-chairman.

SCHEDULE 3—*Continued*

(2) The person holding office as Medical Commissioner of Mental Health Services immediately before the commencement of this Act shall continue to hold that office under the same terms and conditions (including remuneration) that applied to that person immediately before that commencement notwithstanding that the person ceased to hold office as chairman of the Mental Health Services Commission by virtue of subclause (1).

10—Any legal or other proceedings that may before the commencement of this Act have been continued or instituted in relation to a matter arising before that commencement by or against the holder of a statutory office the powers and functions of which have, by virtue of this Act, become vested in some other person may, on and after that commencement, be continued or instituted by that other person.

11—Any contract, agreement, arrangement or undertaking entered into before the commencement of this Act by the holder of a statutory office the powers and functions of which have, by virtue of this Act, become vested in some other person shall, if not executed, discharged or otherwise terminated before that commencement, be deemed to be a contract, an agreement, an arrangement or an undertaking entered into with that other person.

12—All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the holder of a statutory office the powers and functions of which have, by virtue of this Act, become vested in some other person before that commencement shall, on and after that commencement, have the same force and effect as if they had been done or omitted to be done, or done or suffered in relation to, that other person.

13—The repeal by this Act of the *Department of Lands and Surveys Act 1970* does not affect the operation of the provisions of section 7 of that Act in relation to another enactment, and that other enactment shall, subject to any subsequent enactment amending or modifying it, continue to be construed as if that repeal had not occurred.

14—The repeal by this Act of the *Director of Agriculture Act 1961* does not affect the operation of the provisions of section 5 of that Act in relation to another enactment, and that other enactment shall, subject to any subsequent enactment amending or modifying it, continue to be construed as if that repeal had not occurred.

15—The repeal by this Act of the *Director of Mines Act 1951* does not affect the operation of the provisions of section 5 of that Act in relation to another enactment, and that other enactment shall, subject to any subsequent enactment amending or modifying it, continue to be construed as if that repeal had not occurred.

SCHEDULE 3—*Continued*

16—The amendments to the *Fire Service Act 1979* effected by Schedule 1, clause (2) (a) (but not including the substitution of paragraph (b)), clause 2 (c), clause 2 (d), clause 2 (e) and clause 15 (b) shall expire at the expiration of the period of 2 years after the day on which this Act commences and, after the expiration of that period, the *Fire Service Act 1979* shall have effect as if those clauses had never been enacted.

