



PUBLIC SERVICE AMENDMENT ACT 1980

No. 55 of 1980

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3. Amendment of section 88 of the *Public Service Act* 1973 (Absence from duty in relation to childbirth).

AN ACT to amend the Public Service Act 1973 for the purpose of making further provision with respect to maternity leave.

[Royal Assent 16 September 1980]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Public Service Amendment Act* 1980. Short title.

2—This Act shall commence on the seventh day after the date of assent to this Act. Commencement.

3—Section 88 of the *Public Service Act* 1973* is amended as follows:— Amendment of section 88 of Public Service Act 1973 (Absence from duty in relation to childbirth).

- (a) by omitting from subsection (1) (b) “whether or not she has been granted leave of absence” and substituting “subject to subsection (2)”;

* No. 18 of 1973. Subsequently amended by No. 50 of 1974, No. 68 of 1976, Nos. 9, 24, 30, and 40 of 1977, and No. 85 of 1979.

- (b) by omitting subsections (2) and (3) and substituting the following subsections:—

(2) The period of leave referred to in subsection (1) (a) is a period of leave that does not exceed 52 weeks in length and that commences not earlier than 20 weeks before the expected date of the female officer's confinement.

(3) Subsection (1) (b) does not apply to a female officer where the permanent head of the department in which she is an officer is satisfied on the production of a certificate from a legally-qualified medical practitioner that the officer is fit—

(a) to continue duty until a date specified in that certificate; or

(b) to resume duty after her confinement on a date specified in that certificate.

- (c) by omitting from subsection (5) "At" and substituting "Subject to subsection (5A), at";

- (d) by inserting the following subsection after subsection (5):—

(5A) A female officer shall give the Board one month's notice in writing of her intention to resume duty, unless the Board, in circumstances it considers to be exceptional, accepts a shorter period of time.

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

(6) Subject to subsection (6A), where an officer is granted leave of absence under this section, she may notify the permanent head of the department in which she is an officer that she desires to treat as leave of absence on account of sickness such amount of leave of absence granted under this section as is equal to the amount of leave of absence on the ground of sickness to which she is entitled under this Act.

(6A) The period of leave of absence on the ground of sickness which may, under subsection (6), be treated as leave of absence under this section shall not exceed 12 weeks.