

PUBLIC ACCOUNT.

No. 60 of 1964.

AN ACT to amend the *Public Account Act* 1962.
[17 December 1964.]

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 *Public Account Act* 1964.

Expiry of Act. **2** Section ten of the *Public Account Act* 1962 is repealed.

LONG SERVICE LEAVE.

No. 61 of 1964.

AN ACT to amend the *Long Service Leave Act* 1956. [17 December 1964.]

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 and citation. **1**—(1) This Act may be cited as the *Long Service Leave Act* 1964.

(2) The *Long Service Leave Act* 1956, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section two of the Principal Act is amended by omitting from the definition of “ordinary pay”, in subsection (1) thereof, the words “as at the time when any period of long service leave granted to him under this Act commences”.

3 Section seven of the Principal Act is amended by adding ^{Exemptions.} at the end thereof the following subsections:—

“(4) After the commencement of the *Long Service Leave Act 1964*, the Chief Inspector shall not grant an exemption under this section in respect of any scheme that does not provide for the granting of long service leave, as such, to the employees to whom the scheme relates.

“(5) The Chief Inspector—

(a) may of his own motion; and

(b) shall, on the application of an organization of employers or of employees or of the relevant employer,

review any exemption granted by him pursuant to this section before the commencement of the *Long Service Leave Act 1964*.

“(6) If on such a review as is mentioned in subsection (5) of this section, the Chief Inspector is of the opinion that the benefits under the scheme that is the subject of the exemption are not as favourable as those prescribed by this Act or that it is no longer in the best interests of the employees to whom the scheme relates that the exemption should continue to operate, the Chief Inspector may revoke the exemption or may determine that the exemption shall continue to operate only upon and subject to such terms and conditions as he may impose.”.

4 Section eight of the Principal Act is amended by omitting subsections (2), (3), (4), and (5) thereof and substituting therefor the following subsections:— ^{Entitlement to long service leave.}

“(2) Subject to subsection (4) of this section, the period of long service leave to which an employee is entitled under this Act is—

(a) on the completion by an employee of at least fifteen years' continuous employment with his employer—

(i) thirteen weeks' long service leave in respect of the first fifteen years' continuous employment with his employer;

(ii) eight and two-third weeks' long service leave in respect of each additional ten years' continuous employment with his employer; and

(iii) on the termination of his employment, an additional period of long service leave (in respect of the number of years' continuous employment with his employer since the last accrual of entitlement to long service leave under the

foregoing provisions of this paragraph), such period of long service leave as bears the same proportion to thirteen weeks as that number of years bears to fifteen years; or

(b) in the case of an employee who has not completed fifteen years' continuous employment with his employer but has completed at least ten years' continuous employment with his employer and whose employment is terminated—

(i) by the employer for any reason other than serious and wilful misconduct; or

(ii) by the employee, on account of illness, incapacity, or domestic or other pressing necessity, where the Chief Inspector certifies, in writing, that, in his opinion, the illness, incapacity, or necessity is of such a nature as to justify the termination,

such period of long service leave as bears the same proportion to thirteen weeks as the total period of the employee's continuous employment with his employer bears to fifteen years.

“(3) The Chief Inspector shall furnish to the employee to whom it relates and to his employer a copy of every certificate of the Chief Inspector under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section.

“(4) In the case of an employee whose period of employment with an employer began before the commencement of the *Long Service Leave Act 1964* and whose period of continuous employment with his employer would entitle him to long service leave under this section, the period of long service leave to which that employee is entitled is the total of the following periods, namely:—

(a) A period calculated on the basis of thirteen weeks for twenty years' continuous employment before the date of the commencement of that Act; and

(b) A period calculated on the basis of thirteen weeks for fifteen years' continuous employment on and after that date.”.

How and when long service leave shall be taken.

5 Section ten of the Principal Act is amended by inserting after subsection (4) thereof the following subsection:—

“(4A) For the purposes of subsection (4) of this section, the ordinary pay to be paid to an employee pursuant to that subsection shall be calculated—

(a) as at the rate payable to the employee at the commencement of the period of long service leave in relation to which it is payable; and

(b) if, during that period, the rate of the employee's ordinary pay is varied, as at the varied rate of that pay on and from the date on which the variation takes effect,

and if the employee is paid his ordinary pay in full when he commences his long service leave his employer shall, upon the employee's return to his employment, adjust the amount of the payment so made to the employee so as to accord with that variation."

6 The amendments effected by section four of this Act do not operate so as to entitle an employee— Savings.

- (a) who has been granted long service leave under the Principal Act before the commencement of this Act, to long service leave under that Act as amended by that paragraph; or
- (b) who has not been granted long service leave under the Principal Act before the commencement of this Act, to long service leave under that Act as it was in force before the commencement of this Act as well as long service leave under that Act as amended by that paragraph,

in respect of the same period of employment with an employer.

LOCAL GOVERNMENT.

No. 62 of 1964.

AN ACT to amend the *Local Government Act 1962.* [17 December 1964.]

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—(1) This Act may be cited as the *Local Government Act 1964.* Short title and citation.

(2) The *Local Government Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section one hundred and forty-nine of the Principal Act is amended— Certain employees entitled to long service leave.

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

“; and

“(b) ninety days for each ten years of such service completed after the first fifteen.”; and

- (b) by adding at the end thereof the following subsections:—