

**9** Section forty-six of the Principal Act is amended—

Regulations.

- (a) by omitting from paragraph (b) of subsection (1) the words "product or" (twice occurring); and  
 (b) by inserting after subsection (1) the following subsection:—

"(1A) Where regulations made under paragraph (b) of subsection (1) of this section in respect of a board come into force so much of the proclamation under which that board is established as specifies the qualifications of prescribed producers ceases to have effect."

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## LONG SERVICE LEAVE (No. 2).

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No. 50 of 1963.

AN ACT to amend the *Long Service Leave Act 1956*.  
 [24 October 1963.]

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 *Long Service Leave Act (No. 2) 1963*. Short title and citation.

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

**2** Section five of the Principal Act is amended—

What constitutes continuous employment.

- (a) by inserting after paragraph (d) of subsection (1) thereof the following paragraph:—

"(da) any absence from work, by leave of the employer, for the purpose of the employee attending a meeting of the Apprenticeship Commission of Tasmania or of any committee appointed under the *Apprentices Act 1942*;"

(b) by omitting paragraph (g) of that subsection and substituting therefor the following paragraph:—

“(g) any absence of the employee from work on account of injury arising out of and in the course of his employment;”;

(c) by omitting the word “or” at the end of that paragraph and adding after paragraph (h) of that subsection the following word and paragraph:—

“; or

“(i) any other absence of the employee from work by leave of the employer.”; and

(d) by omitting subsection (2) thereof and substituting therefor the following subsection:—

“(2) In calculating the period of continuous employment of an employee, an interruption or absence of any of the kinds to which paragraphs (a), (b), (c), (da), (g), and (h) of subsection (1) of this section relate shall be counted as part of the period of his employment, but an interruption or absence of any of the kinds to which paragraphs (d), (e), (f), and (i) of that subsection relate shall not be counted as part of the period of his employment.”.

Employment  
before the  
commence-  
ment of the  
Act.

**3**—(1) Section six of the Principal Act is amended by omitting paragraph (b) of subsection (2) thereof.

(2) This section shall commence on the sixteenth day of May 1966.

Exemptions.

**4** Section seven of the Principal Act is amended by omitting subsection (3) thereof and substituting therefor the following subsection:—

“(3) Where the Chief Inspector revokes or refuses to renew an exemption granted under this section, the continuous employment, before the date of the revocation or refusal, of the employees in respect of whom or, as the case may be, of the employees included in the class of employees in respect of which, the exemption was granted shall be taken into account for the purpose of computing their entitlement to long service leave under this Act, but—

(a) any period of long service leave granted to such an employee before that date pursuant to such a scheme as is referred to in paragraph (a) of subsection (1) of this section shall be deemed to have been a period of long service leave granted to him under the provisions of this Act; and

- (b) any sum paid to such an employee in lieu of long service leave before that date pursuant to such a scheme shall be deemed to have been a payment in lieu of long service leave under the provisions of this Act.”.

**5—(1)** Section eight of the Principal Act is amended— Entitlement to long service leave.

- (a) by omitting sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) thereof and substituting therefor the words “ otherwise than by his employer on the ground of serious negligence or wilful misconduct ”, and by omitting the word “ and ” at the end of that paragraph ;

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

“(ba) in the case of an employee who has not completed twenty years’ continuous employment with his employer but has completed at least fifteen years’ continuous employment with his employer, and whose employment is terminated otherwise than by his employer on the ground of serious negligence or wilful misconduct, such period of long service leave as equals one-eightieth of the period of his continuous employment;”;

- (c) by omitting from paragraph (c) of that subsection the words “ at least fifteen years of such employment, or, if he has attained the age of forty-five years, ”;

- (d) by adding at the end of that subsection the following word and paragraph :—

“ ; and

“(d) in the case of an employee who has not completed twenty years’ continuous employment with his employer but has completed at least five years’ continuous employment with his employer, and whose employment is, at any time on or before the fifteenth day of April 1964, terminated by reason of his employer ceasing to carry on business in the State or, as the case may be, ceasing to carry on in the State the particular process, operations, or other part or section of the employer’s business in which the employee was employed, such period of long service leave as equals one-eightieth of the period of his continuous employment.”;

(e) by omitting from subsection (4) thereof the word "eighteen" and substituting therefor the word "sixteen"; and

(f) by adding at the end thereof the following subsection:—

"(5) For the purposes of paragraph (d) of subsection (2) of this section, where an employer gives notice to his employees generally or to any of them that it is the intention of the employer to cease carrying on business in the State or to cease carrying on in the State any process, operations, or other part or section of the employer's business in which those employees are employed, any such employee who at any time after the giving of the notice terminates his employment with the employer shall be deemed to be an employee whose employment is terminated as provided in that paragraph."

(2) Paragraphs (c) and (d) of subsection (1) of this section shall be deemed to have commenced on the tenth day of April 1963.

How and when long service leave shall be taken.

**6** Section ten of the Principal Act is amended by omitting subsection (7) thereof and substituting therefor the following subsection:—

"(7) Long service leave under this Act is not inclusive of any trade holiday, public holiday, bank holiday, or annual leave to which an employee is entitled under the terms of his employment occurring during the period when the leave is taken."

Transitory provisions.

**7—(1) Where—**

(a) at any time during the prescribed period—

(i) the employment of an employee was terminated and, at the time of the termination of his employment, he was not entitled to long service leave under the Principal Act; and

(ii) his employer paid to him a sum based upon or calculated with reference to the period of his employment with his employer; and

(b) the employee has become entitled to long service leave under that Act by virtue of the retrospective operation of an amendment effected by paragraph (c) or paragraph (d) of subsection (1) of section five of this Act,

any payment that, but for this section, would become due to the employee in lieu of the long service leave to which he has so become entitled shall be reduced by a sum equal to the sum so paid to him.

- (2) If a dispute arises as to—
- (a) whether any sum paid to an employee by his employer during the prescribed period was or was not based upon or calculated with reference to the period of his employment with his employer; or
  - (b) whether an employee has become entitled to long service leave under the Principal Act by virtue of the operation of any of the amendments effected by this Act,

that dispute shall be referred to, and determined by, the Chief Inspector as if it were a dispute to which section eleven of the Principal Act applies, and the provisions of that section and of section twelve of that Act, with the necessary modifications, apply in relation to such a dispute accordingly.

(3) In this section, “prescribed period” means the period commencing on the first day of January 1963 and ending on the date of the commencement of this section.

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## ENTERTAINMENTS TAX.

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### No. 51 of 1963.

AN ACT to amend the *Entertainments Tax Act 1953*.  
[24 October 1963.]

**B**E 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 *Entertainments Tax Act 1963*. Short title and citation.

(2) The *Entertainments Tax Act 1953*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** After section two of the Principal Act the following section is inserted:—

“2A This Act does not apply to any entertainment held after the twenty-eighth day of September 1963, and accordingly references in this Act to an entertainment shall be deemed not to include any reference to an entertainment held after that date.” Suspension of operation of Act.