



LONG SERVICE LEAVE AMENDMENT

No. 59 of 1979

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AN ACT to amend the Long Service Leave Act 1976 for the purpose of clarifying the provisions relating to entitlement to long service leave where the employment is on other than a full-time basis.

[Royal Assent 14 December 1979]

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 *Long Service Leave Amendment Act* 1979. Short title.

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

Principal Act.

3—In this Act, the *Long Service Leave Act 1976** is referred to as the Principal Act.

Amendment of section 2 of Principal Act (Interpretation).

4—Section 2 of the Principal Act is amended by omitting subsection (3).

Amendment of section 5 of Principal Act (Nature of continuous employment).

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

(3) Without limiting subsections (1) and (2), where throughout any period an employee is regularly employed by an employer, the employee shall be deemed for the purposes of this Act to be continuously employed by the employer, notwithstanding—

- (a) that any of the employment is not full-time employment;
- (b) that the employee was so employed under 2 or more contracts of employment separately entered into;
- (c) that, apart from this subsection, the employee would be regarded as being engaged in casual employment; or
- (d) that the employee engaged in other employment during that period.

(2) Section 5 of the Principal Act is amended—

- (a) by omitting from subsection (3) (being the subsection so numbered that is substituted by subsection (1)) “throughout any period”; and
- (b) by inserting in that subsection “for not less than 32 hours in each consecutive period of 4 weeks” after “an employer”.

* No. 95 of 1976.

6—(1) For the purposes of this subsection, the *Long Service Leave Act 1956* and the Principal Act shall, on the dates on which they respectively commenced, be deemed to have contained the amendment made by section 5 (1) to the Principal Act and, accordingly, an employee who was regularly employed throughout any period shall, by virtue of this subsection, be deemed to have been continuously employed throughout that period for the purposes of the *Long Service Leave Act 1956* or the Principal Act, as the case requires, whether or not his employment had terminated before the commencement of this Act.

Application of amendments.

(2) The amendment made by section 5 (2) applies only to a period of employment commencing on or after the commencement of this Act.

