



LONG SERVICE LEAVE (CASUAL WHARF CLERKS).

No. 78 of 1973.

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AN ACT to amend the *Long Service Leave (Casual Wharf Clerks) Act 1966*. [19 December 1973.]

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 (Casual Wharf Clerks) Act 1973*. Short title and citation.

(2) The *Long Service Leave (Casual Wharf Clerks) Act 1966*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section two of the Principal Act is amended—

(a) by inserting in subsection (1) after the definition of “casual wharf clerk” the following definition:—

“ ‘casual wharf watchman’ means a person who, not being a member of a ship’s crew, is employed at a rate calculated by the hour in work that consists principally of—

(a) the watching of ships in port or the cargoes thereof or other property thereon or of wharves or the property therein or thereon;

(b) the taking of action for the purpose of safeguarding any such ships, cargoes, wharves, or property; or

(c) the taking of action for the prevention of the unauthorized entry on or departure from any such vessel or wharf of any person or the unauthorized taking of property into or from any such vessel or wharf;” and

(b) by adding to the definition of “employee” in that subsection after the word “clerk” the words “or casual wharf watchman”.

3 Section three of the Principal Act is amended—

(a) by inserting in subsection (1), after the word “clerk”, the words “or casual wharf watchman”;

(b) by omitting from subsection (5) the word “In” (first occurring) and substituting therefor the words “Subject to subsection (6) of this section, in”; and

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

“(6) In its application to an employee who at the end of the period of twelve months referred to in subsection (1) of this section was employed as a casual wharf watchman this section has effect as if the prescribed sum were computed as twenty-eight times the hourly rate of pay prescribed for the time being in an award under the *Wages Boards Act 1920* as the rate of pay of persons employed as casual wharf watchmen.”.

Meaning of
“ordinary
pay”.

4 Section four of the Principal Act is amended—

The Fund.

- (a) by inserting in subsection (5) after the word “ dollars ” the words “ and a further sum of nine thousand dollars on the commencement of the *Long Service Leave (Casual Wharf Clerks) Act 1973*, and the Consolidated Revenue, to the necessary extent, is appropriated accordingly.”; and
- (b) by omitting from subsection (8) the words “ within five years after the commencement of this Act or such further period as may be approved by the Treasurer ”.

5 Section five of the Principal Act is amended—

Long service leave charge.

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

“(2) A long service leave charge in respect of the employment of an employee is the sum equivalent to one-sixtieth of the earnings of the employee, and subsection (2) of section three applies in the computation of his earnings as it applies in the computation of his ordinary pay.”; and

- (b) by omitting subsection (6).

6 After section five of the Principal Act the following section is inserted:—

“ 5A The long service leave charge with respect to the employment of an employee who is a casual wharf watchman shall be paid by his employer for the period (whether before or after, or partly before and partly after, the commencement of the *Long Service Leave (Casual Wharf Clerks) Act 1973*) during which that employee is or has been continuously employed as a casual wharf watchman.”

Period for which long service leave charge payable.

7 Section eight of the Principal Act is amended—

Qualifying service for long service leave.

- (a) by inserting in subsection (1) after the word “ Act ” (second occurring) the words “ or any Act amending this Act ”;
- (b) by adding at the end of that subsection the words “ or a casual wharf watchman ”;
- (c) by inserting in paragraph (e) of subsection (2) after the word “ clerk ” the words “ or a casual wharf watchman ”;
- (d) by omitting from subsection (4) the words “ employed as a casual wharf clerk ” (wherever occurring) and substituting therefor, in each case, the words “ an employee ”; and

(e) by inserting after subsection (7) the following subsection:—

“(7A) Subsection (7) of this section applies in respect of a person who was employed as a casual wharf watchman at the commencement of the *Long Service Leave (Casual Wharf Clerks) Act 1973* as if the period of ten years referred to in that subsection were a period of ten years commencing on the commencement of that Act.”.

Entitlement to long service leave.

8 Section nine of the Principal Act is amended by omitting from paragraph (b) of subsection (2) the word “ten” and substituting therefor the word “seven”.

Payment in lieu of long service leave on death of employee.

9 Section ten of the Principal Act is amended by omitting from subsection (3) the word “ten” and substituting therefor the word “seven”.