

2 The second schedule to the Principal Act is amended—Transference
of officers.

(a) by omitting from paragraph 4 of Part II thereof the words “but does not, in either case, become a contributor within the meaning of the *Superannuation Act 1938*”; and

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

“4A. A person in respect of whom arrangements are approved under paragraph 4 of this Part of this schedule shall be deemed not to be an employee within the meaning of the *Retirement Benefits Act 1970*.

“4B. Notwithstanding anything in the *Retirement Benefits Act 1970* no contributions shall be deducted from the salary of any person who—

(a) notifies the Retirement Benefits Fund Board that he intends to make an application to the Treasurer for the approval of the arrangements referred to in paragraph 4 of this Part of this schedule; and

(b) makes that application within one month of so notifying the Board of his intention so to do,

unless, on that application, the Treasurer refuses to approve those arrangements under that paragraph.”.

PUBLIC SERVICE TRIBUNAL (No. 2).

No. 78 of 1971.

AN ACT to amend the *Public Service Tribunal Act 1958*. [14 December 1971.]

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 *Public Service Tribunal Act* Short title and citation. (No. 2) 1971.

(2) The *Public Service Tribunal Act 1958*, as subsequently amended, is in this Act referred to as the Principal Act.

General powers and functions of the Tribunal.

2 Section nine of the Principal Act is amended by omitting subsections (4), (5), and (6), and substituting therefor the following subsections:—

“(4) A principal award shall continue in force for three years unless it is sooner revoked as provided in section ten.

“(5) Where—

(a) a principal award has continued in force for three years; and

(b) no principal award has been made to replace it, the former principal award shall, subject to subsection (3AA) of section sixteen, continue in force until a principal award to replace it comes into force.

“(6) For the purposes of subsections (4) and (5) of this section, a principal award shall be deemed to come into force on the earliest date on which any provision of the award comes into force.”

Effect of awards.

3 Section sixteen of the Principal Act is amended—

(a) by inserting after subsection (3) the following subsection:—

“(3AA) Where an award or provision of an award comes into force on a day—

(a) before the date of the award; and

(b) on which another award is in force under subsection (5) of section nine or otherwise, salaries, pay, allowances, and deductions paid or made under the former award shall be adjusted to what they should have been if the first-mentioned award had been made on the day on which it or any provision of it came into force.”;

(b) by adding at the end of subsection (3A) the words “but not so as to require any repayment by a person who has ceased to be an employee before the making of the award or provision or his personal representatives”; and

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

“(6) Notwithstanding any other provision of this section, an award or a provision of an award in respect of other matters than—

(a) salaries and pay; and

(b) only where the award or provision covers salaries or pay, allowances and deductions, shall not be made to come into force on a day before the date of the award.”

4 After section sixteen of the Principal Act the following section is inserted:—

“16A—(1) A claim for an award may include a claim for the award to come into force on the date on which the claim is lodged or, in the case of a claim for a principal award to replace an expiring principal award, on the day following the day on which the latter expires.

Proceedings for retrospective awards.

“(2) Where such a claim is included, the claimant has the right, if it has at the commencement of the hearing of its whole claim elected to demand it, to have the award made to come into force as claimed.

“(3) Where the claimant has so elected, section thirteen applies to the claim as if it were being heard on the day on which the award is to come into force, and no regard may be had to anything that has taken place after that day, except as provided in subsections (4) and (5) of this section.

“(4) Where something has taken place after the day referred to in subsection (3) of this section which thing has had retrospective effect, regard may be had to so much of its effect as was retrospective to that day or any time before it.

“(5) Nothing in subsection (3) of this section affects the regard to be had to anything given in evidence by a respondent or of which the Tribunal is entitled to use its own knowledge.”.

LENDING OF MONEY.

No. 79 of 1971.

AN ACT to amend the *Lending of Money Act 1915*.
[14 December 1971.]

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 *Lending of Money Act 1971*. Short title and citation.

(2) The *Lending of Money Act 1915*, as subsequently amended, is in this Act referred to as the Principal Act.