

STATE EMPLOYEES (LONG-SERVICE LEAVE).

No. 53 of 1970.

AN ACT to amend the *State Employees (Long-Service Leave) Act 1950*. [15 December 1970.]

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 *State Employees (Long-Service Leave) Act 1970*. Short title and citation.

(2) The *State Employees (Long-Service Leave) Act 1950*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section two of the Principal Act is amended—

(a) by omitting the word “and” occurring at the end of paragraph (b) of the definition of “prescribed authority”; and

(b) by omitting paragraph (c) of that definition and substituting therefor the following paragraphs:—

“(c) in the case of such other employees or class of employees as may be prescribed, such person as may be prescribed in relation to those employees or that class of employees; and

“(d) in any other case, the Governor;”.

3 Section six of the Principal Act is amended—

(a) by omitting from paragraph (c) of subsection (1) the words “that State” and substituting therefor the words “this or any other State”; Provisions applicable to employees transferred from other authorities.

(b) by inserting, after subsection (2), the following subsection:—

“(2A) This section applies to service in any office referred to in subsection (1) of this section, and any furlough granted in respect thereof, whether or not the period of that service or furlough commenced before or after the commencement of this Act or

before or after the taking effect of any regulations by virtue of which the authority under which that office was held became an authority to which this section applies.”; and

- (c) by omitting from subsection (4) the definition of “authority to which this section applies” and substituting therefor the following definition:—

“ ‘ authority to which this section applies ’ means any authority established under the laws of the Commonwealth or of this or any other State that is prescribed as an authority to which this section applies;”.

4 Section eight of the Principal Act is amended—

- (a) by omitting from subsection (3) the word “Unless” and substituting therefor the words “Except as provided in subsection (3AA) of this section, unless”; and

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

“(3AA) Notwithstanding anything in subsection (3) of this section an eligible employee is not required to comply with the requirements of that subsection if—

(a) the length of the period of leave of absence referred to therein does not exceed ninety days; and

(b) he has not taken any leave of absence under this Act during the period of five years ending on the day on which he attains the age for retirement or, if he has so taken any such leave, the Governor, on the recommendation of the prescribed authority, directs that this paragraph should not apply in his case.”;

- (c) by inserting in subsection (3A), after the word “fails”, the words “, except as provided in subsection (3AA) of this section,”; and

- (d) by inserting after subsection (4) the following subsection:—

“(4A) Where the Governor is satisfied, on the advice of the prescribed authority, that, by reason of an honest and reasonable mistake as to his age, an eligible employee has failed to comply with the provisions of subsection (3) of this section, the Governor may, if that officer retires from his employment as soon as it becomes apparent that he has attained the age for retirement, excuse him from complying with that subsection; and, on being so excused, subsection (3A) of this section does not apply in his case.”.