



**STATE EMPLOYEES (LONG-SERVICE LEAVE)
AMENDMENT**

No. 14 of 1979

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AN ACT to amend the State Employees (Long-Service Leave) Act 1950.

[16 May 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 *State Employees (Long-Service Leave) Amendment Act 1979*. Short title.

2—In this Act, the *State Employees (Long-Service Leave) Act 1950** is referred to as the Principal Act. Principal Act.

* No. 81 of 1950. For this Act, as amended to 1968, see Appendix E to the 1969 Annual Volume of Statutes. Subsequently amended by No. 53 of 1970, Nos. 25, 35, and 100 of 1971, No. 35 of 1974, No. 97 of 1976, Nos. 17, 36, 41, and 103 of 1977, and No. 66 of 1978.

Amendment of
section 4 of
Principal Act
(Long-service
leave).

3—Section 4 of the Principal Act is amended—

(a) by inserting after subsection (2) the following subsection:—

(2A) Where an employee who, on the day immediately before the day on which he ceases to be an employee for any reason other than his resignation or his dismissal from his employment on account of serious and wilful misconduct, has completed a period of continuous service of less than a year since the last time that there accrued to him a period of long-service leave under subsection (2), the following period of long-service leave of absence shall, for the purposes of this Act, be deemed to accrue to him on that first-mentioned day:—

(a) in the case of an employee who had been a full-time employee for the whole of that completed period of continuous service, a period of days calculated in accordance with the formula specified in Schedule III; and

(b) in the case of any other employee, a period of days calculated in accordance with the formula specified in Schedule II.

(b) by renumbering subsection (2AA) and subsection (2A) (second occurring) as subsections (2B) and (2C) respectively; and

(c) by omitting from subsection (2B) (as renumbered) the words “subsection (2)” and substituting the words “subsections (2) and (2A)”.

Amendment of
section 7 of
Principal Act
(Allowances to
eligible
employees in
certain cases).

4—Section 7 of the Principal Act is amended—

(a) by transposing the word “or” at the end of subparagraph (iv) of paragraph (a) of subsection (2) to the end of subparagraph (v) of that paragraph; and

(b) by adding at the end of that paragraph the following subparagraph:—

(vi) is dismissed from his employment for any reason other than for serious and wilful misconduct;

5—Schedule II to the Principal Act is amended—Amendment of
Schedule II

- (a) by omitting from the heading the word “ YEARLY ”;
- (b) by omitting from paragraph 1 the words “ section 4 (2) (b)” and substituting the words “ subsections (2) (b) and (2A) (b) of section 4 ”;
- (c) by omitting from that paragraph the words “ completed year of continuous service ” and substituting the words “ prescribed period of continuous service completed by him ”;
- (d) by omitting from that paragraph the words “ that year ” (first occurring) and substituting the words “ that period ”;
- (e) by omitting from that paragraph the words “ that year ” (second occurring) and substituting the words “ a year ”; and
- (f) by omitting paragraph 3 and substituting the following paragraph:—

3. In this Schedule—

“ prescribed employee ” means an employee who has not been a full-time employee for the whole of the relevant prescribed period of continuous service completed by him;

“ prescribed period of continuous service ” means—

- (a) a period of a year, in the case of a prescribed employee who is entitled to a period of long-service leave of absence under section 4 (2) (b); and
- (b) a period less than a year, in the case of a prescribed employee who is entitled to a period of long-service leave of absence under section 4 (2A) (b).

New Schedule
III.

6—The Principal Act is amended by adding at the end the following Schedule:—

SCHEDULE III

(Section 4)

FORMULA FOR CALCULATING PERIOD OF DAYS OF
LONG-SERVICE LEAVE ACCRUING TO CERTAIN EMPLOYEES

1—The following formula is prescribed for the purposes of section 4 (2A)
(a):—

$$P = \frac{A}{B} \times 9,$$

where—

P represents the number of days to which a prescribed employee is entitled in respect of a final period of continuous service completed by him that is less than a year;

A represents the total number of days in that period; and

B represents 365 days.

2—Where a period of days that is calculated in accordance with paragraph 1 includes a fraction of a day—

(a) a fraction less than $\frac{1}{4}$ shall be disregarded;

(b) a fraction not less than $\frac{1}{4}$ but less than $\frac{3}{4}$ shall be treated as $\frac{1}{2}$ a day; and

(c) a fraction not less than $\frac{3}{4}$ shall be treated as 1 day.

3—In this Schedule, “prescribed employee” means an employee who has been a full-time employee for the whole of the final period completed by him that is referred to in paragraph 1.