

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 March, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1963.

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Long Service Leave (Amendment) Act, 1963".

Short title
and
citation.

(2) The Long Service Leave Act, 1955, as amended by this Act, may be cited as the Long Service Leave Act, 1955-1963.

Long Service Leave (Amendment).

2. (1) The Long Service Leave Act, 1955, is amended— Amendment of Act No. 38, 1955.

(a) by omitting paragraph (a) of subsection two of section three and by inserting in lieu thereof the following paragraphs :— Sec. 3. (Interpretation.)

5 (a) the term “ordinary time rate of pay” in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker’s work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates;

10 (a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker’s work under the terms of his employment, the worker’s ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the twelve months immediately preceding the date on which he enters, or is deemed to have entered, upon long service leave, or the date of his death, as the case may require.

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25
30 For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, overtime or other penalty rates;

(a2)

Long Service Leave (Amendment).

5 (a2) where during the period of twelve months immediately preceding the date on which he enters or is deemed to have entered upon long service leave, or the date of his death, as the case may require, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period of twelve months;

20 (b) (i) by omitting paragraph (a) of subsection two of section four and by inserting in lieu thereof the following paragraphs : — Sec. 4.
(Long service leave.)

(a) Subject to paragraph (a2) of this subsection the amount of long service leave to which a worker shall be so entitled shall—

25 (i) in the case of a worker who has completed at least fifteen years service with an employer be—

30 (a) in respect of fifteen years service so completed, three months; and

(b) in respect of each ten years service with the employer completed since he last became entitled to long service leave, eight and two-third weeks; and

35 (c) on the termination of the worker's services, in respect of the number of years service with

Long Service Leave (Amendment).

with the employer completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of three months for fifteen years service; and

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(ii) in the case of a worker who has completed at least ten years service but less than fifteen years with an employer and whose services with the employer are terminated or cease for any reason, be a proportionate amount on the basis of three months for fifteen years service; and

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(iii) in the case of a worker who has completed with an employer at least five years service as an adult, and whose services are terminated by the employer for any reason or by the worker on account of illness, incapacity or domestic or other pressing necessity, or by reason of the death of the worker, be a proportionate amount on the basis of three months for fifteen years service (such service to include service with the employer as an adult and otherwise than as an adult).

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(a1) For the purposes of paragraph (a) of this subsection "service as an adult"—

30

(i) in the case of a worker employed to do any work for which the price, rate or wage has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as amended by subsequent Acts, or made under the Industrial Arbitration Act,
or

35

Long Service Leave (Amendment).

5 or has been fixed by an industrial
agreement made pursuant to or
registered under the said Acts—
means the period of service with an
employer during which the remunera-
tion applicable to the worker was at
a rate not less than the lowest rate
fixed under the award or industrial
10 agreement for an adult male or adult
female in the same trade, classification
or calling as the worker ;

15 (ii) in the case of a worker being an
apprentice the terms of whose employ-
ment are governed by an award applic-
able only to apprentices—means the
period of service with an employer
during which the remuneration applic-
able to the worker was at a rate not
less than the rate prescribed by the
award covering a journeyman carrying
20 out work in the same trade, classifica-
tion or calling as the worker ;

25 (iii) in the case of a worker employed to
do any work for which no price, rate
or wage has been fixed by any award
or industrial agreement referred to in
subparagraph (i) of this paragraph—
means the period of service with the
employer during which the worker was
30 not less than twenty-one years of age.

35 (a2) In the case of a worker, whose service
with an employer began before the commence-
ment of the Long Service Leave (Amendment)
Act, 1963, and whose service would entitle
him to long service leave under this section,
the

Long Service Leave (Amendment).

the amount of long service leave to which such worker shall be entitled shall be the sum of the following amounts—

- 5 (i) an amount calculated on the basis of three months for twenty years service in respect of the period of his service before such commencement; and
- 10 (ii) an amount calculated on the basis of three months for fifteen years service in respect of the period of his service as from such commencement.
- 15 (ii) by omitting from paragraph (b) of the proviso to subsection six of the same section the symbols “(a)” and by inserting in lieu thereof the symbols “(a1)”;
- (iii) by omitting from paragraph (b) of subsection eleven of the same section the words “six months” and by inserting in lieu thereof the words “twelve months”;
- 20 (c) by inserting at the end of section five the following new subsections :—
- Sec. 5.
(Exemptions.)
- 25 (3) As from the date of commencement of the Long Service Leave (Amendment) Act, 1963, no exemption shall be granted pursuant to paragraph (a) of subsection two of this section to any employer, in respect of any scheme conducted by or on behalf of the employer, which does not provide for the granting of long service leave, as such, to the workers covered by such scheme.
- 30 (4) The said Industrial Commission may, of its own motion, and on application by an industrial union of employers or employees, or an employer, concerned, shall review the terms of any exemption granted, or deemed by paragraph (b) of subsection two of this section to have been granted, pursuant to paragraph (a) of that subsection before the commencement of the Long Service Leave (Amendment) Act, 1963. Where
- 35

Long Service Leave (Amendment).

Where after such a review the Commission is of the opinion that the benefits under a scheme, the subject of the exemption, are not as favourable as those specified in this Act, or that it is no longer in the best interests of the workers concerned that the exemption should continue to operate, the Commission may vary the terms of such exemption or any condition subject to which the exemption was or was deemed to have been granted, or may revoke the exemption.

- (d) (i) by omitting from subsection two of section thirteen the words "this Act" where firstly and thirdly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (ii) by omitting from subsection four of the same section the words "this Act" where firstly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (iii) by omitting from the same subsection the words "subsection one or" where firstly occurring;
- (iv) by omitting from the same subsection the words "one or" where secondly occurring.

(2) The amendment made by subparagraph (i) of paragraph (b) of subsection one of this section shall not operate to entitle a worker—

- (a) who has been granted long service leave under the Long Service Leave Act, 1955, before the commencement of this Act to long service leave under that Act, as amended by this Act; or
- (b) who has not been granted long service leave under the Long Service Leave Act, 1955, to long service leave under that Act, as well as long service leave under that Act, as amended by this Act,
- in respect of the same period of service with an employer.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

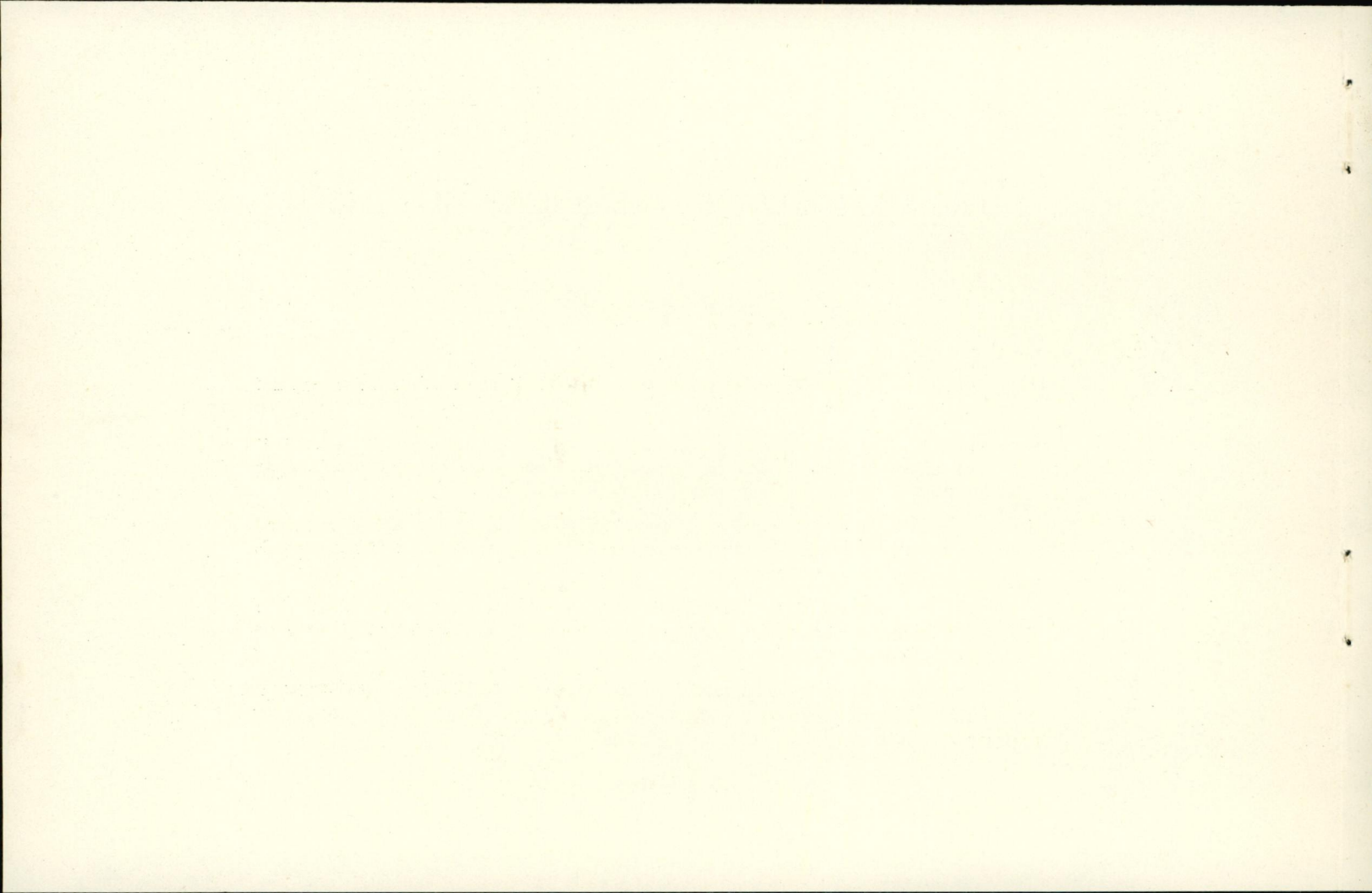
[8d.]

LONG SERVICE LEAVE (AMENDMENT) BILL, 1963.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase the amount of long service leave to which a worker is entitled under the Long Service Leave Act, 1955 ;
- (b) to amend the definition of ordinary pay in that Act so as to assure that certain amounts are taken into account in assessing the value of long service leave ;
- (c) to provide that no exemption from the provisions of the abovementioned Act shall be granted in future in respect of a scheme which does not provide for the granting of long service leave ;
- (d) to empower the Industrial Commission to review exemptions from such provisions at present in operation and in certain circumstances to vary or revoke such exemptions ;
- (e) to make other provisions incidental to or consequential upon the foregoing.



No. , 1963.

A BILL

To make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955; and for purposes connected therewith.

[MR. LANDA;—13 March, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Long Service Leave (Amendment) Act, 1963".

Short title
and
citation.

(2) The Long Service Leave Act, 1955, as amended by this Act, may be cited as the Long Service Leave Act, 1955-1963.

Long Service Leave (Amendment).

2. (1) The Long Service Leave Act, 1955, is amended— Amendment
of Act No.
38, 1955.

(a) by omitting paragraph (a) of subsection two of section three and by inserting in lieu thereof the following paragraphs : — Sec. 3.
(Interpre-
tation.)

5 (a) the term “ordinary time rate of pay” in
the case of a worker who is remunerated in
relation to an ordinary time rate of pay
fixed by the terms of his employment means
10 the time rate of pay so fixed for the worker’s
work under the terms of his employment,
but does not include any amount payable
to him in respect of shift work, overtime or
other penalty rates, and where two or more
15 time rates of pay are so fixed means the
higher or highest of those rates ;

(a1) where a worker is remunerated otherwise
than in relation to an ordinary time rate of
pay so fixed, or partly in relation to an
ordinary time rate of pay so fixed and partly
20 in relation to any other manner, or where
no ordinary time rate of pay is so fixed for
a worker’s work under the terms of his
employment, the worker’s ordinary pay
shall be deemed to be the average weekly
25 wage earned by him during the period
actually worked by him during the twelve
months immediately preceding the date on
which he enters, or is deemed to have
entered, upon long service leave, or the date
30 of his death, as the case may require.

For the purposes of this paragraph the
average weekly wage earned by a worker
shall be the average of the amounts received
by him each week under the terms of his
employment after excluding any amount
35 payable to him in respect of shift work,
overtime or other penalty rates ;

(a2)

Long Service Leave (Amendment).

5 (a2) where during the period of twelve months immediately preceding the date on which he enters or is deemed to have entered upon long service leave, or the date of his death, as the case may require, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period of twelve months;

20 (b) (i) by omitting paragraph (a) of subsection two of section four and by inserting in lieu thereof the following paragraphs : — Sec. 4.
(Long service leave.)

(a) Subject to paragraph (a2) of this subsection the amount of long service leave to which a worker shall be so entitled shall—

25 (i) in the case of a worker who has completed at least fifteen years service with an employer be—

30 (a) in respect of fifteen years service so completed, three months; and

(b) in respect of each ten years service with the employer completed since he last became entitled to long service leave, eight and two-third weeks; and

35 (c) on the termination of the worker's services, in respect of the number of years service with

Long Service Leave (Amendment).

- 5 with the employer completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of three months for fifteen years service; and
- 10 (ii) in the case of a worker who has completed at least ten years service but less than fifteen years with an employer and whose services with the employer are terminated or cease for any reason, be a proportionate amount on the basis of three months for fifteen years service; and
- 15 (iii) in the case of a worker who has completed with an employer at least five years service as an adult, and whose services are terminated by the employer for any reason or by the
- 20 worker on account of illness, incapacity or domestic or other pressing necessity, or by reason of the death of the worker, be a proportionate amount on the basis of three months for fifteen years service (such service to include service with the employer as an adult and otherwise than as an adult).
- 25
- 30 (a1) For the purposes of paragraph (a) of this subsection "service as an adult"—
- 35 (i) in the case of a worker employed to do any work for which the price, rate or wage has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as amended by subsequent Acts, or made under the Industrial Arbitration Act,
or

Long Service Leave (Amendment).

5 or has been fixed by an industrial
agreement made pursuant to or
registered under the said Acts—
means the period of service with an
employer during which the remunera-
tion applicable to the worker was at
a rate not less than the lowest rate
fixed under the award or industrial
10 agreement for an adult male or adult
female in the same trade, classification
or calling as the worker ;

(ii) in the case of a worker being an
apprentice the terms of whose employ-
ment are governed by an award applic-
15 able only to apprentices—means the
period of service with an employer
during which the remuneration applic-
able to the worker was at a rate not
less than the rate prescribed by the
award covering a journeyman carrying
20 out work in the same trade, classifica-
tion or calling as the worker ;

(iii) in the case of a worker employed to
do any work for which no price, rate
25 or wage has been fixed by any award
or industrial agreement referred to in
subparagraph (i) of this paragraph—
means the period of service with the
employer during which the worker was
30 not less than twenty-one years of age.

(a2) In the case of a worker, whose service
with an employer began before the commence-
ment of the Long Service Leave (Amendment)
Act, 1963, and whose service would entitle
35 him to long service leave under this section,
the

Long Service Leave (Amendment).

the amount of long service leave to which such worker shall be entitled shall be the sum of the following amounts—

5 (i) an amount calculated on the basis of three months for twenty years service in respect of the period of his service before such commencement; and

10 (ii) an amount calculated on the basis of three months for fifteen years service in respect of the period of his service as from such commencement.

15 (ii) by omitting from paragraph (b) of the proviso to subsection six of the same section the symbols “(a)” and by inserting in lieu thereof the symbols “(a1)”;

(iii) by omitting from paragraph (b) of subsection eleven of the same section the words “six months” and by inserting in lieu thereof the words “twelve months”;

20 (c) by inserting at the end of section five the following new subsections :—

Sec. 5.
(Exemptions.)

25 (3) As from the date of commencement of the Long Service Leave (Amendment) Act, 1963, no exemption shall be granted pursuant to paragraph (a) of subsection two of this section to any employer, in respect of any scheme conducted by or on behalf of the employer, which does not provide for the granting of long service leave, as such, to the workers covered by such scheme.

30 (4) The said Industrial Commission may, of its own motion, and on application by an industrial union of employers or employees, or an employer, concerned, shall review the terms of any exemption granted, or deemed by paragraph (b) of subsection two of this section to have been granted, pursuant to paragraph (a) of that subsection before the commencement of the Long Service Leave (Amendment) Act, 1963. Where

35

Long Service Leave (Amendment).

5 Where after such a review the Commission is of
the opinion that the benefits under a scheme, the
subject of the exemption, are not as favourable as
those specified in this Act, or that it is no longer
in the best interests of the workers concerned that
the exemption should continue to operate, the Com-
mission may vary the terms of such exemption or
any condition subject to which the exemption was
or was deemed to have been granted, or may
10 revoke the exemption.

- (d) (i) by omitting from subsection two of section Sec. 13.
thirteen the words "this Act" where firstly and (Savings.)
thirdly occurring and by inserting in lieu
thereof the words "the Long Service Leave
15 (Amendment) Act, 1963,";
(ii) by omitting from subsection four of the same
section the words "this Act" where firstly
occurring and by inserting in lieu thereof the
words "the Long Service Leave (Amend-
20 ment) Act, 1963,";
(iii) by omitting from the same subsection the
words "subsection one or" where firstly occur-
ring;
(iv) by omitting from the same subsection the
25 words "one or" where secondly occurring.

(2) The amendment made by subparagraph (i) of
paragraph (b) of subsection one of this section shall not
operate to entitle a worker—

- 30 (a) who has been granted long service leave under the
Long Service Leave Act, 1955, before the com-
mencement of this Act to long service leave under
that Act, as amended by this Act; or
(b) who has not been granted long service leave under
35 the Long Service Leave Act, 1955, to long service
leave under that Act, as well as long service leave
under that Act, as amended by this Act,

in respect of the same period of service with an employer.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

10. The first part of the report is devoted to a general survey of the situation in the country.

10

11. The second part of the report deals with the economic situation of the country.

11

12. The third part of the report is devoted to a detailed analysis of the financial situation.

12

13. The fourth part of the report deals with the social situation of the country.

14. The fifth part of the report is devoted to a detailed analysis of the political situation.

15. The sixth part of the report deals with the international situation of the country.

16. The seventh part of the report is devoted to a detailed analysis of the cultural situation.

17. The eighth part of the report deals with the scientific situation of the country.

18. The ninth part of the report is devoted to a detailed analysis of the educational situation.

19. The tenth part of the report deals with the health situation of the country.

20. The eleventh part of the report is devoted to a detailed analysis of the sports situation.

21. The twelfth part of the report deals with the environmental situation of the country.

22. The thirteenth part of the report is devoted to a detailed analysis of the urban situation.

23. The fourteenth part of the report deals with the rural situation of the country.

24. The fifteenth part of the report is devoted to a detailed analysis of the regional situation.

25. The sixteenth part of the report deals with the national situation of the country.

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 13, 1963.

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955; and for purposes connected therewith. [Assented to, 1st April, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Long Service Leave (Amendment) Act, 1963".

Short title
and
citation.

(2) The Long Service Leave Act, 1955, as amended by this Act, may be cited as the Long Service Leave Act, 1955-1963.

Long Service Leave (Amendment).

Amendment
of Act No.
38, 1955.

2. (1) The Long Service Leave Act, 1955, is amended—

Sec. 3.
(Interpre-
tation.)

(a) by omitting paragraph (a) of subsection two of section three and by inserting in lieu thereof the following paragraphs :—

(a) the term “ordinary time rate of pay” in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker’s work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates;

(a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker’s work under the terms of his employment, the worker’s ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the twelve months immediately preceding the date on which he enters, or is deemed to have entered, upon long service leave, or the date of his death, as the case may require.

For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, overtime or other penalty rates;

(a2)

Long Service Leave (Amendment).

- (a2) where during the period of twelve months immediately preceding the date on which he enters or is deemed to have entered upon long service leave, or the date of his death, as the case may require, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period of twelve months;
- (b) (i) by omitting paragraph (a) of subsection two of section four and by inserting in lieu thereof the following paragraphs :— Sec. 4.
(Long service leave.)
- (a) Subject to paragraph (a2) of this subsection the amount of long service leave to which a worker shall be so entitled shall—
- (i) in the case of a worker who has completed at least fifteen years service with an employer be—
- (a) in respect of fifteen years service so completed, three months; and
- (b) in respect of each ten years service with the employer completed since he last became entitled to long service leave, eight and two-third weeks; and
- (c) on the termination of the worker's services, in respect of the number of years service with

Long Service Leave (Amendment).

with the employer completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of three months for fifteen years service; and

(ii) in the case of a worker who has completed at least ten years service but less than fifteen years with an employer and whose services with the employer are terminated or cease for any reason, be a proportionate amount on the basis of three months for fifteen years service; and

(iii) in the case of a worker who has completed with an employer at least five years service as an adult, and whose services are terminated by the employer for any reason or by the worker on account of illness, incapacity or domestic or other pressing necessity, or by reason of the death of the worker, be a proportionate amount on the basis of three months for fifteen years service (such service to include service with the employer as an adult and otherwise than as an adult).

(a1) For the purposes of paragraph (a) of this subsection "service as an adult"—

(i) in the case of a worker employed to do any work for which the price, rate or wage has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as amended by subsequent Acts, or made under the Industrial Arbitration Act,
or

Long Service Leave (Amendment).

or has been fixed by an industrial agreement made pursuant to or registered under the said Acts—means the period of service with an employer during which the remuneration applicable to the worker was at a rate not less than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the worker;

(ii) in the case of a worker being an apprentice the terms of whose employment are governed by an award applicable only to apprentices—means the period of service with an employer during which the remuneration applicable to the worker was at a rate not less than the rate prescribed by the award covering a journeyman carrying out work in the same trade, classification or calling as the worker;

(iii) in the case of a worker employed to do any work for which no price, rate or wage has been fixed by any award or industrial agreement referred to in subparagraph (i) of this paragraph—means the period of service with the employer during which the worker was not less than twenty-one years of age.

(a2) In the case of a worker, whose service with an employer began before the commencement of the Long Service Leave (Amendment) Act, 1963, and whose service would entitle him to long service leave under this section,

the

Long Service Leave (Amendment).

the amount of long service leave to which such worker shall be entitled shall be the sum of the following amounts—

- (i) an amount calculated on the basis of three months for twenty years service in respect of the period of his service before such commencement; and
 - (ii) an amount calculated on the basis of three months for fifteen years service in respect of the period of his service as from such commencement.
- (ii) by omitting from paragraph (b) of the proviso to subsection six of the same section the symbols "(a)" and by inserting in lieu thereof the symbols "(a1)";
 - (iii) by omitting from paragraph (b) of subsection eleven of the same section the words "six months" and by inserting in lieu thereof the words "twelve months";

Sec. 5.
(Exemptions.)

- (c) by inserting at the end of section five the following new subsections:—

(3) As from the date of commencement of the Long Service Leave (Amendment) Act, 1963, no exemption shall be granted pursuant to paragraph (a) of subsection two of this section to any employer, in respect of any scheme conducted by or on behalf of the employer, which does not provide for the granting of long service leave, as such, to the workers covered by such scheme.

(4) The said Industrial Commission may, of its own motion, and on application by an industrial union of employers or employees, or an employer, concerned, shall review the terms of any exemption granted, or deemed by paragraph (b) of subsection two of this section to have been granted, pursuant to paragraph (a) of that subsection before the commencement of the Long Service Leave (Amendment) Act, 1963. Where

Long Service Leave (Amendment).

Where after such a review the Commission is of the opinion that the benefits under a scheme, the subject of the exemption, are not as favourable as those specified in this Act, or that it is no longer in the best interests of the workers concerned that the exemption should continue to operate, the Commission may vary the terms of such exemption or any condition subject to which the exemption was or was deemed to have been granted, or may revoke the exemption.

- (d) (i) by omitting from subsection two of section Sec. 13. thirteen the words "this Act" where firstly and (Savings.) thirdly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (ii) by omitting from subsection four of the same section the words "this Act" where firstly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (iii) by omitting from the same subsection the words "subsection one or" where firstly occurring;
- (iv) by omitting from the same subsection the words "one or" where secondly occurring.

(2) The amendment made by subparagraph (i) of paragraph (b) of subsection one of this section shall not operate to entitle a worker—

- (a) who has been granted long service leave under the Long Service Leave Act, 1955, before the commencement of this Act to long service leave under that Act, as amended by this Act; or
- (b) who has not been granted long service leave under the Long Service Leave Act, 1955, to long service leave under that Act, as well as long service leave under that Act, as amended by this Act,

in respect of the same period of service with an employer.

BY AUTHORITY:

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is too light to transcribe accurately.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 March, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 13, 1963.

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955; and for purposes connected therewith. [Assented to, 1st April, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Long Service Leave (Amendment) Act, 1963".

Short title
and
citation.

(2) The Long Service Leave Act, 1955, as amended by this Act, may be cited as the Long Service Leave Act, 1955-1963.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Long Service Leave (Amendment).

Amendment
of Act No.
38, 1955.

2. (1) The Long Service Leave Act, 1955, is amended—

Sec. 3.
(Interpre-
tation.)

(a) by omitting paragraph (a) of subsection two of section three and by inserting in lieu thereof the following paragraphs :—

(a) the term “ordinary time rate of pay” in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker’s work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates ;

(a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker’s work under the terms of his employment, the worker’s ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the twelve months immediately preceding the date on which he enters, or is deemed to have entered, upon long service leave, or the date of his death, as the case may require.

For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, overtime or other penalty rates ;

(a2)

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(a2) where during the period of twelve months immediately preceding the date on which he enters or is deemed to have entered upon long service leave, or the date of his death, as the case may require, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period of twelve months;

(b) (i) by omitting paragraph (a) of subsection two of section four and by inserting in lieu thereof the following paragraphs :—

Sec. 4.
(Long
service
leave.)

(a) Subject to paragraph (a2) of this subsection the amount of long service leave to which a worker shall be so entitled shall—

(i) in the case of a worker who has completed at least fifteen years service with an employer be—

(a) in respect of fifteen years service so completed, three months; and

(b) in respect of each ten years service with the employer completed since he last became entitled to long service leave, eight and two-third weeks; and

(c) on the termination of the worker's services, in respect of the number of years service with

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with the employer completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of three months for fifteen years service; and

- (ii) in the case of a worker who has completed at least ten years service but less than fifteen years with an employer and whose services with the employer are terminated or cease for any reason, be a proportionate amount on the basis of three months for fifteen years service; and
- (iii) in the case of a worker who has completed with an employer at least five years service as an adult, and whose services are terminated by the employer for any reason or by the worker on account of illness, incapacity or domestic or other pressing necessity, or by reason of the death of the worker, be a proportionate amount on the basis of three months for fifteen years service (such service to include service with the employer as an adult and otherwise than as an adult).

(a1) For the purposes of paragraph (a) of this subsection "service as an adult"—

- (i) in the case of a worker employed to do any work for which the price, rate or wage has been fixed by an award made under the Commonwealth Conciliation and Arbitration Act 1904, as amended by subsequent Acts, or made under the Industrial Arbitration Act,
or

Long Service Leave (Amendment).

or has been fixed by an industrial agreement made pursuant to or registered under the said Acts—means the period of service with an employer during which the remuneration applicable to the worker was at a rate not less than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification or calling as the worker;

(ii) in the case of a worker being an apprentice the terms of whose employment are governed by an award applicable only to apprentices—means the period of service with an employer during which the remuneration applicable to the worker was at a rate not less than the rate prescribed by the award covering a journeyman carrying out work in the same trade, classification or calling as the worker;

(iii) in the case of a worker employed to do any work for which no price, rate or wage has been fixed by any award or industrial agreement referred to in subparagraph (i) of this paragraph—means the period of service with the employer during which the worker was not less than twenty-one years of age.

(a2) In the case of a worker, whose service with an employer began before the commencement of the Long Service Leave (Amendment) Act, 1963, and whose service would entitle him to long service leave under this section, the

Long Service Leave (Amendment).

the amount of long service leave to which such worker shall be entitled shall be the sum of the following amounts—

- (i) an amount calculated on the basis of three months for twenty years service in respect of the period of his service before such commencement; and
 - (ii) an amount calculated on the basis of three months for fifteen years service in respect of the period of his service as from such commencement.
- (ii) by omitting from paragraph (b) of the proviso to subsection six of the same section the symbols “(a)” and by inserting in lieu thereof the symbols “(a1)”;
 - (iii) by omitting from paragraph (b) of subsection eleven of the same section the words “six months” and by inserting in lieu thereof the words “twelve months”;

Sec. 5.
(Exemptions.)

- (c) by inserting at the end of section five the following new subsections :—

(3) As from the date of commencement of the Long Service Leave (Amendment) Act, 1963, no exemption shall be granted pursuant to paragraph (a) of subsection two of this section to any employer, in respect of any scheme conducted by or on behalf of the employer, which does not provide for the granting of long service leave, as such, to the workers covered by such scheme.

(4) The said Industrial Commission may, of its own motion, and on application by an industrial union of employers or employees, or an employer, concerned, shall review the terms of any exemption granted, or deemed by paragraph (b) of subsection two of this section to have been granted, pursuant to paragraph (a) of that subsection before the commencement of the Long Service Leave (Amendment) Act, 1963. Where

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Where after such a review the Commission is of the opinion that the benefits under a scheme, the subject of the exemption, are not as favourable as those specified in this Act, or that it is no longer in the best interests of the workers concerned that the exemption should continue to operate, the Commission may vary the terms of such exemption or any condition subject to which the exemption was or was deemed to have been granted, or may revoke the exemption.

- (d) (i) by omitting from subsection two of section Sec. 13. thirteen the words "this Act" where firstly and (Savings.) thirdly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (ii) by omitting from subsection four of the same section the words "this Act" where firstly occurring and by inserting in lieu thereof the words "the Long Service Leave (Amendment) Act, 1963,";
- (iii) by omitting from the same subsection the words "subsection one or" where firstly occurring;
- (iv) by omitting from the same subsection the words "one or" where secondly occurring.
- (2) The amendment made by subparagraph (i) of paragraph (b) of subsection one of this section shall not operate to entitle a worker—
- (a) who has been granted long service leave under the Long Service Leave Act, 1955, before the commencement of this Act to long service leave under that Act, as amended by this Act; or
- (b) who has not been granted long service leave under the Long Service Leave Act, 1955, to long service leave under that Act, as well as long service leave under that Act, as amended by this Act,
- in respect of the same period of service with an employer.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 1st April, 1963.*

April 11, 1901

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter mentioned therein. I am sorry to hear that you are not satisfied with the results of the investigation. I have had the matter reviewed and the same has been referred to the proper authorities for their consideration. I am sure that you will be satisfied with the results of their action.

I am, Sir, very respectfully,
Your obedient servant,
J. W. Woodruff,
General.

In witness whereof, I have hereunto set my hand and the seal of the Department of the Interior at Washington, D. C., this 11th day of April, 1901.