

LONG SERVICE LEAVE (AMENDMENT) BILL.

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*Schedule of Amendments referred to in Legislative Council's  
Message of 10 March, 1966.*

No. 1.—Page 2, clause 2, lines 13 to 16 inclusive. *Omit* all words on these lines.

No. 2.—Page 8, clause 3, lines 13 to 16 inclusive. *Omit* all words on these lines.





*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, 8 March, 1966.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

J. R. STEVENSON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 10 March, 1966.*

## New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1966.

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955-1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963; and for purposes connected therewith.

**B**E 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, 1966".

Short title  
and citation.

(2)

NOTE.—The words to be omitted are ruled through.



*Long Service Leave (Amendment).*

(2) The Long Service Leave Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Long Service Leave Act, 1955-1966.

(3) The Long Service Leave (Metalliferous Mining Industry) Act, 1963, as amended by this Act, may be cited as the Long Service Leave (Metalliferous Mining Industry) Act, 1963-1966.

2. The Long Service Leave Act, 1955-1965, is amended—

Amendment  
of Act No.  
38, 1955.

Sec. 4.  
(Long  
service  
leave.)

10 (a) ~~(i)~~ by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

15 ~~(ii)~~ by inserting in subparagraph ~~(iii)~~ of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

20 Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

25 (ii) by inserting next after the same subsection the following new subsection :—

30 (3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) or (c) of subparagraph (i) of paragraph (a) of

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*Long Service Leave (Amendment).*

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of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph :—

(c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word "shall" the words ", subject to subsection twelve of this section,";
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such
- 35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an

Act



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*Long Service Leave (Amendment).*

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5 Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been  
15 the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the  
20 service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

25 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act  
30 amending or replacing either of those Acts.

“Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination”

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*Long Service Leave (Amendment).*

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“Termination” means termination by any person or by any cause.

(b) For the purposes of this subsection—

(i) where a corporation is—

5

(a) the holding company, or

(b) a subsidiary, or

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(c) a subsidiary of the holding company, of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

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(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

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(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his service with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
by any Act or award to have had with the  
10 first employer) shall be deemed to be  
service of the worker with that other  
employer.

15 (d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract  
of employment with an employer, being a corpora-  
tion, within a period of twelve months after the  
completion of an apprenticeship with another  
20 employer, being a corporation which at the time  
of such entry into employment was related to the  
first mentioned employer, the period of his appren-  
ticeship shall be taken into account for the  
purpose of ascertaining the period of his service  
with the first mentioned employer under that  
25 contract of employment.

30 (e) Where the services of a worker with  
an employer are terminated and that employer  
is a corporation to which any other corporation  
is related at the time of that termination, the  
services of the worker shall not, for the purposes  
of subsections two and five of this section, be  
deemed to have been so terminated if he transfers  
to the employment of any such related corporation.

35 (f) A worker or his personal representa-  
tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award,

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*Long Service Leave (Amendment).*

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award, to give to the worker any long service leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

**3.** The Long Service Leave (Metalliferous Mining Industry) Act, 1963, is amended—

Amendment  
of Act No.  
48, 1963.

(a) ~~(i)~~ by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

Sec. 4.  
(Long ser-  
vice leave.)

~~(ii) by inserting in subparagraph (ii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";~~

(b) (i) by inserting at the end of subsection three of the same section the following words :—

Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

(ii) by inserting next after the same subsection the following new subsection :—

(3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) of subparagraph (i) of paragraph

(a)



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*Long Service Leave (Amendment).*

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(a) of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words "; subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph : —

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- (d) by inserting in paragraph (d) of subsection eleven of this section after the word "shall" the words "subject to subsection twelve of this section,";
- 25 (e) by inserting next after the same subsection the following new subsections:—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such force after the second day of September, one thousand nine hundred and forty-five, apply to and
- 35 in respect of that period unless, pursuant to an Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that  
person



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*Long Service Leave (Amendment).*

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5 person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the  
15 naval, military or air forces of the Commonwealth was last employed before the commencement of the service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

20 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or  
25 an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act amending or replacing either of those Acts.

30 “Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination” means termination by any person or by any cause.

(b)

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*Long Service Leave (Amendment).*

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(b) For the purposes of this subsection—

(i) where a corporation is—

(a) the holding company, or

(b) a subsidiary, or

(c) a subsidiary of the holding company,

of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his services with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
10 by any Act or award to have had with the  
first employer) shall be deemed to be service  
of the worker with that other employer.

(d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract of  
15 employment with an employer, being a corporation,  
within a period of twelve months after the com-  
pletion of an apprenticeship with another employer,  
being a corporation which at the time of such entry  
into employment was related to the first mentioned  
20 employer, the period of his apprenticeship shall be  
taken into account for the purpose of ascertaining  
the period of his service with the first mentioned  
employer under that contract of employment.

(e) Where the services of a worker with  
25 an employer are terminated and that employer  
is a corporation to which any other corporation is  
related at the time of that termination, the services  
of the worker shall not, for the purposes of sub-  
sections two and five of this section, be deemed  
30 to have been so terminated if he transfers to the  
employment of any such related corporation.

(f) A worker or his personal representa-  
tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
35 of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award, to give to the worker any long service  
leave

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*Long Service Leave (Amendment).*

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5 leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

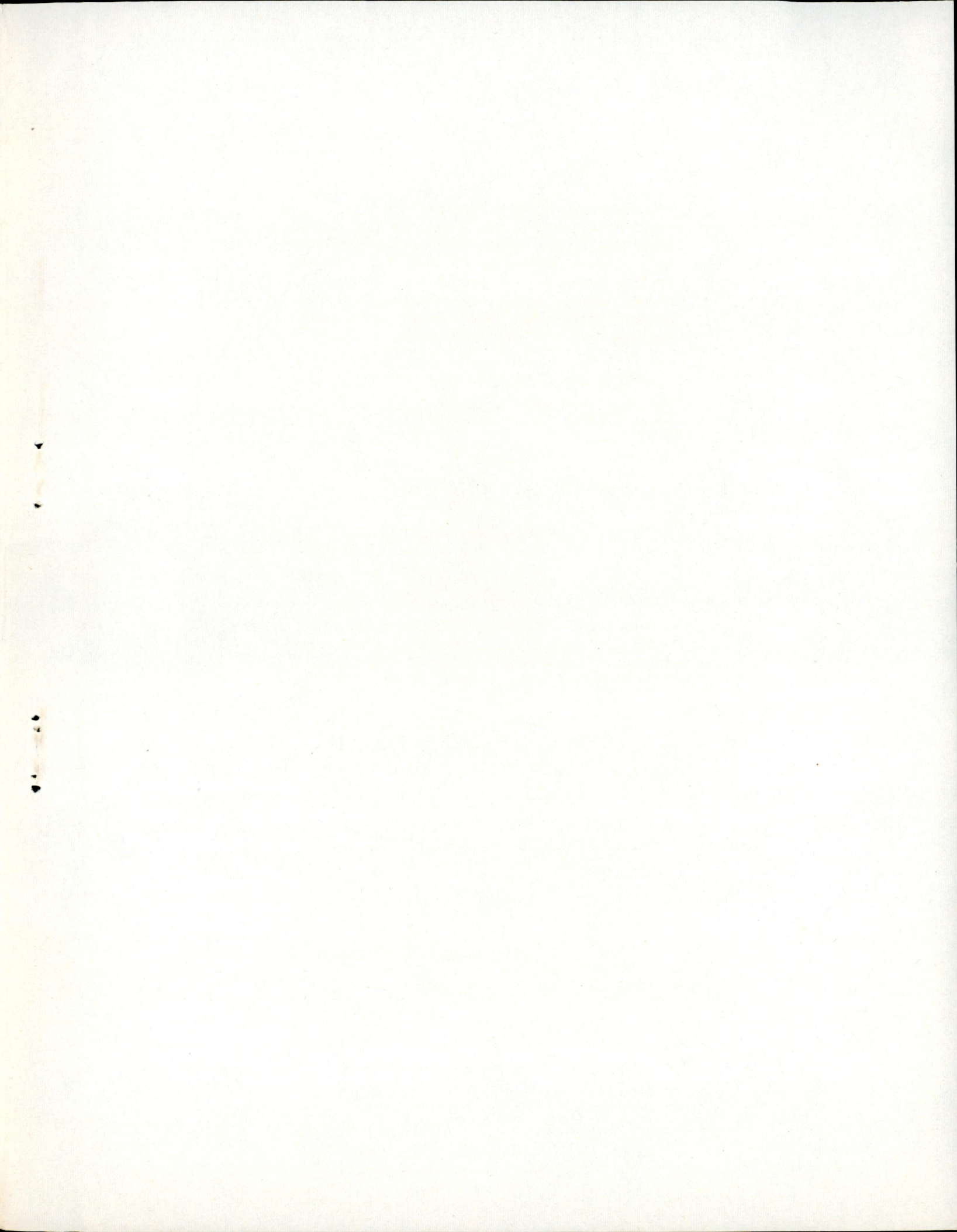
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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[15c]









*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, 8 March, 1966.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, March, 1966.*

## New South Wales



ANNO QUINTO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1966.**

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955-1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963; and for purposes connected therewith.

**B**E 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, 1966".

Short title  
and citation.

(2)

NOTE.—The words to be omitted are ruled through.



*Long Service Leave (Amendment).*

(2) The Long Service Leave Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Long Service Leave Act, 1955-1966.

(3) The Long Service Leave (Metalliferous Mining Industry) Act, 1963, as amended by this Act, may be cited as the Long Service Leave (Metalliferous Mining Industry) Act, 1963-1966.

2. The Long Service Leave Act, 1955-1965, is amended—

Amendment  
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Sec. 4.  
(Long  
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10 (a) ~~(i)~~ by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

15 ~~(ii)~~ by inserting in subparagraph ~~(iii)~~ of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

20 Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

25 (ii) by inserting next after the same subsection the following new subsection :—

30 (3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) or (c) of subparagraph (i) of paragraph (a)  
35 of



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*Long Service Leave (Amendment).*

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of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";
- 10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";
- (iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";
- 15 (iv) by inserting at the end of the same subsection the following new paragraph :—
- (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—
- 20 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or
- 25 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.
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The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
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- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word “shall” the words “, subject to subsection twelve of this section,”;
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such force after the second day of September, one
- 35 thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an

Act



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*Long Service Leave (Amendment).*

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5 Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been 15 the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the 20 service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

25 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act 30 amending or replacing either of those Acts.

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“Termination”

*Long Service Leave (Amendment).*

“Termination” means termination by any person or by any cause.

(b) For the purposes of this subsection—

(i) where a corporation is—

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(a) the holding company, or

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of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

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(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

30

(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



---

*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had had with the first employer before the commencement of his service with that other employer (including any service which by reason of a prior transfer or prior transfers or for any other reason he is deemed by this section or, for the purposes of long service leave for such service, he is deemed by any Act or award to have had with the first employer) shall be deemed to be service of the worker with that other employer.

15 (d) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has entered into a contract of employment with an employer, being a corporation, within a period of twelve months after the completion of an apprenticeship with another employer, being a corporation which at the time of such entry into employment was related to the first mentioned employer, the period of his apprenticeship shall be taken into account for the purpose of ascertaining the period of his service with the first mentioned employer under that contract of employment.

25 (e) Where the services of a worker with an employer are terminated and that employer is a corporation to which any other corporation is related at the time of that termination, the services of the worker shall not, for the purposes of subsections two and five of this section, be deemed to have been so terminated if he transfers to the employment of any such related corporation.

30 (f) A worker or his personal representative shall not be entitled by virtue of this subsection to long service leave or payment therefor in respect of any period of service if in respect of that period of service an employer was required by any other provisions of this Act, or by any other Act or any award.



*Long Service Leave (Amendment).*

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and to pay wages or other remuneration therefor,  
or to pay wages or other remuneration for long  
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5 worker, and if the obligations of that employer in  
that behalf have been fully satisfied and discharged.

3. The Long Service Leave (Metalliferous Mining  
Industry) Act, 1963, is amended—

Amendment  
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48, 1963.

10 (a) ~~(i)~~ by inserting in paragraph (a) of subsection  
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Sec. 4.

(Long ser-  
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(b) (i) by inserting at the end of subsection three of  
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30 (3A) If the employer and the worker so  
agree, a period of long service leave of not less  
than one month may be given by the employer,  
and taken by the worker, wholly or partly in  
advance before the worker has become  
entitled to any long service leave or to the  
amount so agreed to be given and taken. No  
such agreement shall, for the purposes of para-  
35 graph (b) of subparagraph (i) of paragraph

(a)



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*Long Service Leave (Amendment).*

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(a) of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph :—

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word "shall" the words ", subject to subsection twelve of this section,";
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such
- 35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person



*Long Service Leave (Amendment).*

5 person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the  
15 naval, military or air forces of the Commonwealth was last employed before the commencement of the service, as such a member, entitling him to apply to be reinstated in civil employment.

20 (13) (a) In this subsection—  
“Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or  
25 an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act amending or replacing either of those Acts.

30 “Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination” means termination by any person or by any cause.

(b)

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*Long Service Leave (Amendment).*

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(b) For the purposes of this subsection—

(i) where a corporation is—

(a) the holding company, or

(b) a subsidiary, or

5 (c) a subsidiary of the holding company,  
of another corporation, the first men-  
tioned corporation and that other cor-  
poration shall, and no two corporations  
10 shall in any other case, be deemed to be  
related to each other;

(ii) a worker shall be deemed to have trans-  
ferred from the service of an employer to  
the service of another employer, only if  
15 before, concurrently with or within a period  
of two months after the termination of his  
services with the first mentioned employer  
he entered into a contract of employment  
with that other employer, and the transfer  
20 shall be deemed to have occurred at the  
time of that termination.

(c) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has transferred from the ser-  
vice of an employer (in this paragraph called the  
25 first employer) being a corporation to the service  
of another employer being a corporation related to  
the first employer at the time of that transfer, then  
for the purposes of this section—

(i) the continuity of the contract of employ-  
ment of the worker shall be deemed not  
30 to have been broken by reason of the trans-  
fer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his services with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
10 by any Act or award to have had with the  
first employer) shall be deemed to be service  
of the worker with that other employer.

15 (d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract of  
employment with an employer, being a corporation,  
within a period of twelve months after the com-  
pletion of an apprenticeship with another employer,  
being a corporation which at the time of such entry  
into employment was related to the first mentioned  
20 employer, the period of his apprenticeship shall be  
taken into account for the purpose of ascertaining  
the period of his service with the first mentioned  
employer under that contract of employment.

25 (e) Where the services of a worker with  
an employer are terminated and that employer  
is a corporation to which any other corporation is  
related at the time of that termination, the services  
of the worker shall not, for the purposes of sub-  
sections two and five of this section, be deemed  
30 to have been so terminated if he transfers to the  
employment of any such related corporation.

35 (f) A worker or his personal representa-  
tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award, to give to the worker any long service

leave

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*Long Service Leave (Amendment).*

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5 leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966



TABLE I

The following table shows the results of the tests  
 conducted on the various types of paper used for  
 the purpose of determining the effect of the  
 moisture on the strength of the paper. The  
 results are given in the following table.

2

TABLE I

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

1950

REPORT OF THE DEPARTMENT OF CHEMISTRY

1950

1950

1950

1950

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1950



*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, 8 March, 1966.*

## New South Wales



ANNO QUINTO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No.           , 1966.**

An Act to make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955–1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963; and for purposes connected therewith.

**B**E 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, 1966".

Short title  
and citation.

(2)



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*Long Service Leave (Amendment).*

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(2) The Long Service Leave Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Long Service Leave Act, 1955-1966.

(3) The Long Service Leave (Metalliferous Mining Industry) Act, 1963, as amended by this Act, may be cited as the Long Service Leave (Metalliferous Mining Industry) Act, 1963-1966.

2. The Long Service Leave Act, 1955-1965, is amended—

Amendment  
of Act No.  
38, 1955.

10 (a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

Sec. 4.  
(Long  
service  
leave.)

15 (ii) by inserting in subparagraph (iii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

20 Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

25 (ii) by inserting next after the same subsection the following new subsection :—

30 (3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) or (c) of subparagraph (i) of paragraph (a)  
35 of



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*Long Service Leave (Amendment).*

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of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";
- 10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";
- (iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";
- 15 (iv) by inserting at the end of the same subsection the following new paragraph :—
- (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—
- 20 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or
- 25 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.
- 30

The



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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word “shall” the words “, subject to subsection twelve of this section,”;
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such force after the second day of September, one
- 35 thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an

Act



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*Long Service Leave (Amendment).*

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5 Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, 15 notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the 20 service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

25 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act 30 amending or replacing either of those Acts.

“Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination”

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*Long Service Leave (Amendment).*

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“Termination” means termination by any person or by any cause.

(b) For the purposes of this subsection—

(i) where a corporation is—

5

(a) the holding company, or

(b) a subsidiary, or

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(c) a subsidiary of the holding company, of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

15

(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

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(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had had with the first employer before the commencement of his service with that other employer (including any service which by reason of a prior transfer or prior transfers or for any other reason he is deemed by this section or, for the purposes of long service leave for such service, he is deemed by any Act or award to have had with the first employer) shall be deemed to be 10 service of the worker with that other employer.

15 (d) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has entered into a contract of employment with an employer, being a corporation, within a period of twelve months after the completion of an apprenticeship with another 20 employer, being a corporation which at the time of such entry into employment was related to the first mentioned employer, the period of his apprenticeship shall be taken into account for the purpose of ascertaining the period of his service with the first mentioned employer under that 25 contract of employment.

(e) Where the services of a worker with an employer are terminated and that employer is a corporation to which any other corporation is related at the time of that termination, the 30 services of the worker shall not, for the purposes of subsections two and five of this section, be deemed to have been so terminated if he transfers to the employment of any such related corporation.

35 (f) A worker or his personal representative shall not be entitled by virtue of this subsection to long service leave or payment therefor in respect of any period of service if in respect of that period of service an employer was required by any other provisions of this Act, or by any other Act or any award,

*Long Service Leave (Amendment).*

award, to give to the worker any long service leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

**3.** The Long Service Leave (Metalliferous Mining Industry) Act, 1963, is amended—

Amendment of Act No. 48, 1963.

(a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

Sec. 4. (Long service leave.)

(ii) by inserting in subparagraph (ii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

(ii) by inserting next after the same subsection the following new subsection :—

(3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) of subparagraph (i) of paragraph

(a)



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*Long Service Leave (Amendment).*

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(a) of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph : —

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word “shall” the words “, subject to subsection twelve of this section,”;
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such
- 35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person



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*Long Service Leave (Amendment).*

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5 person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the  
15 naval, military or air forces of the Commonwealth was last employed before the commencement of the service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

20 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or  
25 an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act amending or replacing either of those Acts.

30 “Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination” means termination by any person or by any cause.

(b)

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*Long Service Leave (Amendment).*

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(b) For the purposes of this subsection—

(i) where a corporation is—

(a) the holding company, or

(b) a subsidiary, or

5 (c) a subsidiary of the holding company,

of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

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(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

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(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had had with the first employer before the commencement of his services with that other employer (including any service which by reason of a prior transfer or prior transfers or for any other reason he is deemed by this section or, for the purposes of long service leave for such service, he is deemed by any Act or award to have had with the first employer) shall be deemed to be service of the worker with that other employer.

15 (d) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has entered into a contract of employment with an employer, being a corporation, within a period of twelve months after the completion of an apprenticeship with another employer, being a corporation which at the time of such entry into employment was related to the first mentioned employer, the period of his apprenticeship shall be taken into account for the purpose of ascertaining the period of his service with the first mentioned employer under that contract of employment.

25 (e) Where the services of a worker with an employer are terminated and that employer is a corporation to which any other corporation is related at the time of that termination, the services of the worker shall not, for the purposes of subsections two and five of this section, be deemed to have been so terminated if he transfers to the employment of any such related corporation.

30 (f) A worker or his personal representative shall not be entitled by virtue of this subsection to long service leave or payment therefor in respect of any period of service if in respect of that period of service an employer was required by any other provisions of this Act, or by any other Act or any award, to give to the worker any long service  
leave



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*Long Service Leave (Amendment).*

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leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

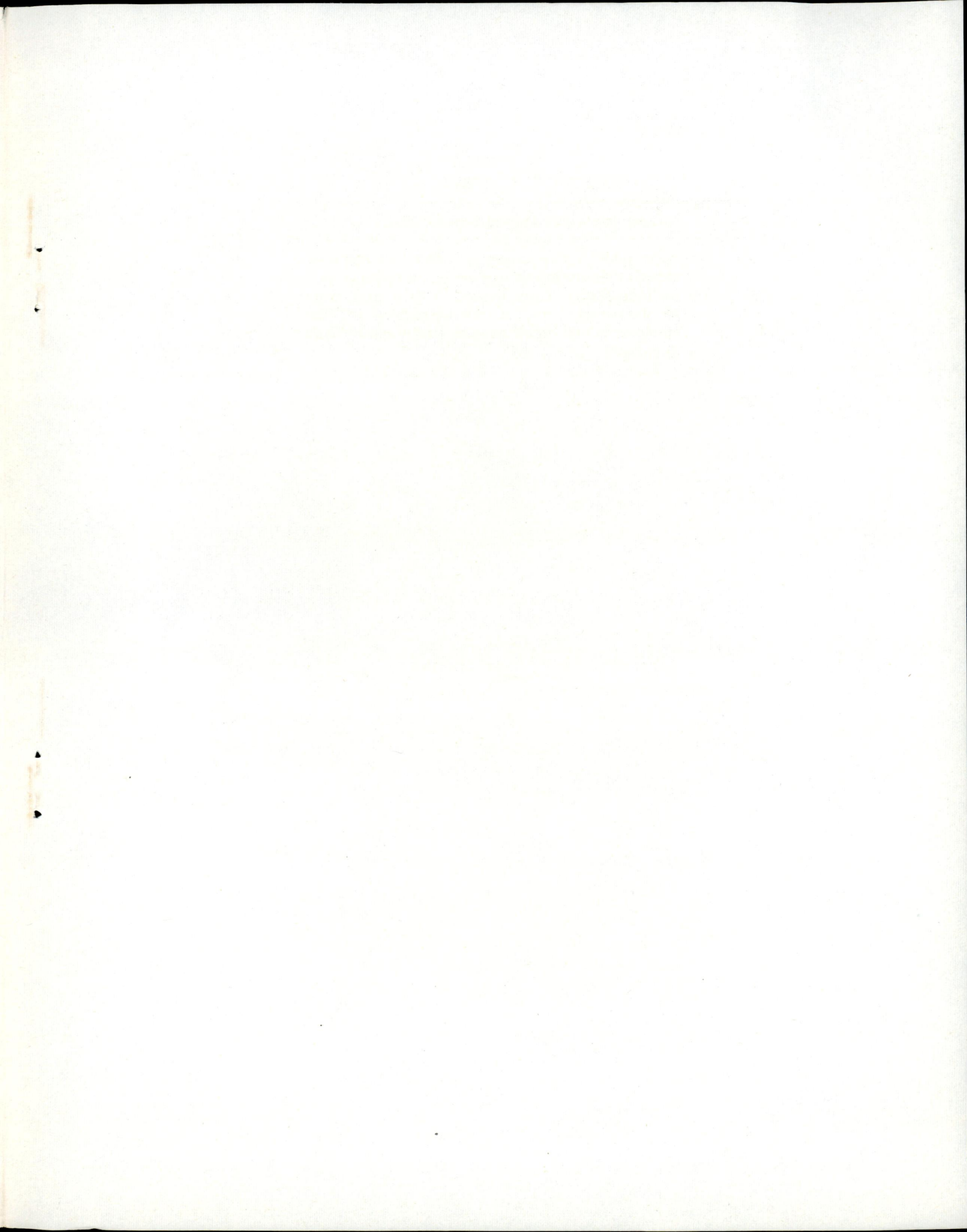
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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[15c]









No. , 1966.

## A BILL

To make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955-1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963; and for purposes connected therewith.

[MR. WILLIS;—22 February, 1966.]

**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, 1966".

Short title  
and citation.

(2)



*Long Service Leave (Amendment).*

(2) The Long Service Leave Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Long Service Leave Act, 1955-1966.

(3) The Long Service Leave (Metalliferous Mining Industry) Act, 1963, as amended by this Act, may be cited as the Long Service Leave (Metalliferous Mining Industry) Act, 1963-1966.

2. The Long Service Leave Act, 1955-1965, is amended—

Amendment  
of Act No.  
38, 1955.

Sec. 4.

(Long  
service  
leave.)

10 (a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

15 (ii) by inserting in subparagraph (iii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

20 Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

25 (ii) by inserting next after the same subsection the following new subsection :—

30 (3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) or (c) of subparagraph (i) of paragraph (a)  
35 of



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*Long Service Leave (Amendment).*

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of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words "; subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph :—

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

**The**

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word "shall" the words ", subject to subsection twelve of this section,";
- (e) by inserting next after the same subsection the following new subsections:—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such force after the second day of September, one
- 35 thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an

Act



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*Long Service Leave (Amendment).*

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5 Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, 15 notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the 20 service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

25 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act 30 amending or replacing either of those Acts.

“Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination”

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*Long Service Leave (Amendment).*

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“Termination” means termination by any person or by any cause.

(b) For the purposes of this subsection—

(i) where a corporation is—

5 (a) the holding company, or

(b) a subsidiary, or

(c) a subsidiary of the holding company,  
10 of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

15 (ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment  
20 with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

25 (c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that  
30 transfer, then for the purposes of this section—

(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his service with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
10 by any Act or award to have had with the  
first employer) shall be deemed to be  
service of the worker with that other  
employer.

15 (d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract  
of employment with an employer, being a corpora-  
tion, within a period of twelve months after the  
completion of an apprenticeship with another  
20 employer, being a corporation which at the time  
of such entry into employment was related to the  
first mentioned employer, the period of his appren-  
ticeship shall be taken into account for the  
purpose of ascertaining the period of his service  
with the first mentioned employer under that  
25 contract of employment.

30 (e) Where the services of a worker with  
an employer are terminated and that employer  
is a corporation to which any other corporation  
is related at the time of that termination, the  
services of the worker shall not, for the purposes  
of subsections two and five of this section, be  
deemed to have been so terminated if he transfers  
to the employment of any such related corporation.

35 (f) A worker or his personal representa-  
tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award,

*Long Service Leave (Amendment).*

award, to give to the worker any long service leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

3. The Long Service Leave (Metalliferous Mining Industry) Act, 1963, is amended—

Amendment  
of Act No.  
48, 1963.

(a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

Sec. 4.

(Long service leave.)

(ii) by inserting in subparagraph (ii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

(ii) by inserting next after the same subsection the following new subsection :—

(3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) of subparagraph (i) of paragraph

(a)



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*Long Service Leave (Amendment).*

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(a) of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph : —

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The

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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word "shall" the words ", subject to subsection twelve of this section,";
- (e) by inserting next after the same subsection the following new subsections :—
- 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such
- 35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that  
person



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*Long Service Leave (Amendment).*

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5 person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the  
15 naval, military or air forces of the Commonwealth was last employed before the commencement of the service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

20 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or  
25 an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act amending or replacing either of those Acts.

30 “Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination” means termination by any person or by any cause.

(b)

*Long Service Leave (Amendment).*

(b) For the purposes of this subsection—

(i) where a corporation is—

(a) the holding company, or

(b) a subsidiary, or

5 (c) a subsidiary of the holding company,

of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

10

(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

15

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

25

(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

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(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had had with the first employer before the commencement of his services with that other employer (including any service which by reason of a prior transfer or prior transfers or for any other reason he is deemed by this section or, for the purposes of long service leave for such service, he is deemed by any Act or award to have had with the first employer) shall be deemed to be service of the worker with that other employer.

10 (d) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has entered into a contract of employment with an employer, being a corporation, within a period of twelve months after the completion of an apprenticeship with another employer, being a corporation which at the time of such entry into employment was related to the first mentioned employer, the period of his apprenticeship shall be taken into account for the purpose of ascertaining the period of his service with the first mentioned employer under that contract of employment.

15 (e) Where the services of a worker with an employer are terminated and that employer is a corporation to which any other corporation is related at the time of that termination, the services of the worker shall not, for the purposes of subsections two and five of this section, be deemed to have been so terminated if he transfers to the employment of any such related corporation.

20 (f) A worker or his personal representative shall not be entitled by virtue of this subsection to long service leave or payment therefor in respect of any period of service if in respect of that period of service an employer was required by any other provisions of this Act, or by any other Act or any award, to give to the worker any long service  
leave

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*Long Service Leave (Amendment).*

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leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

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BY AUTHORITY:

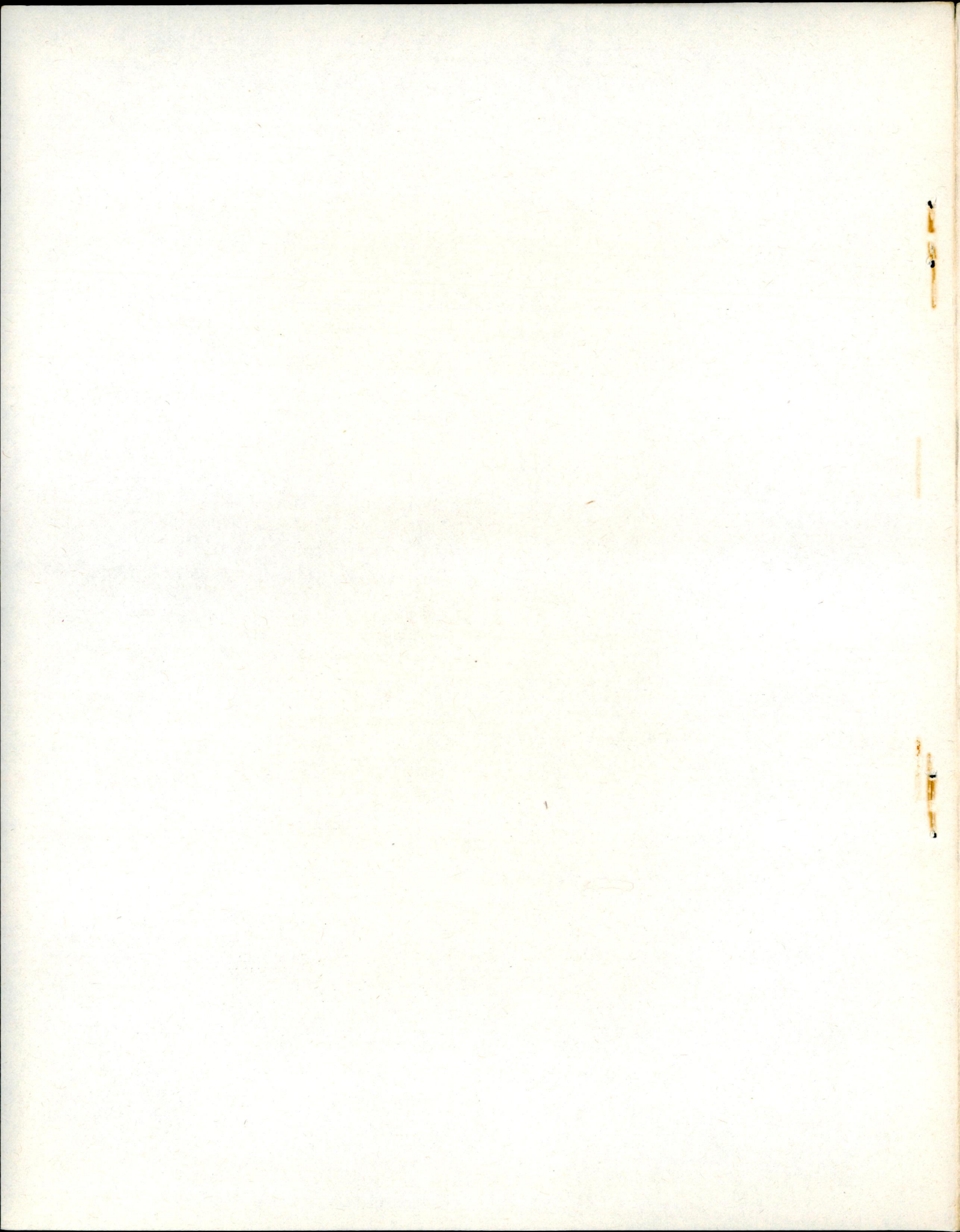
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[15c]



Administrative Report

Administrative Report for the month of April 1944. This report covers the period from April 1st to April 30th, 1944. The report details the activities of the various departments and the progress of the work during this period. It includes a summary of the work done, a list of the work planned for the next month, and a list of the work in progress. The report is intended to provide a clear and concise summary of the administrative activities of the organization for the month of April 1944.





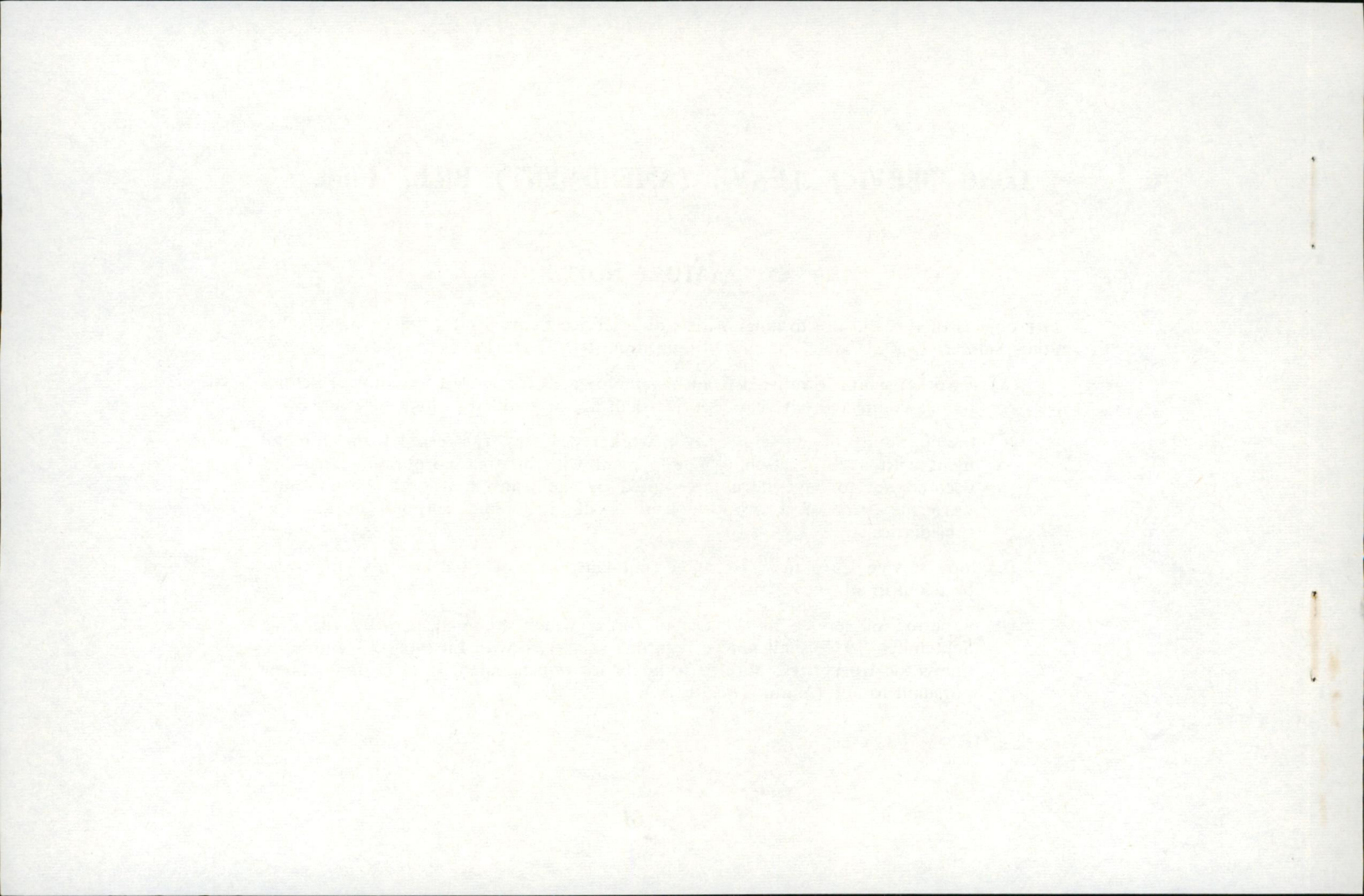
## LONG SERVICE LEAVE (AMENDMENT) BILL, 1966.

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### EXPLANATORY NOTE.

THE objects of this Bill are to amend the Long Service Leave Act, 1955-1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963, to provide that—

- (a) a worker who is dismissed from his employment for serious misconduct before he has completed ten years' service shall not be entitled to long service leave ;
- (b) the continuity of the services of a worker who has transferred from employment with a corporation to employment with another corporation shall be deemed not to have been interrupted by the transfer if both corporations were members of a group consisting of a holding corporation and its subsidiaries ;
- (c) long service leave may, by agreement between a worker and his employer, be taken in advance ; and
- (d) a period of service in the armed forces which commenced after the 2nd September, 1945, shall not be regarded as service with the worker's employer unless the worker was entitled to apply for reinstatement in civil employment pursuant to any Commonwealth Act.





PROOF

No. , 1966.

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## A BILL

To make further provisions with respect to long service leave; for this purpose to amend the Long Service Leave Act, 1955-1965, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963; and for purposes connected therewith.

[MR. WILLIS;—22 February, 1966.]

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**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, 1966".

Short title  
and citation.

(2)



*Long Service Leave (Amendment).*

(2) The Long Service Leave Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Long Service Leave Act, 1955-1966.

(3) The Long Service Leave (Metalliferous Mining Industry) Act, 1963, as amended by this Act, may be cited as the Long Service Leave (Metalliferous Mining Industry) Act, 1963-1966.

2. The Long Service Leave Act, 1955-1965, is amended—

Amendment  
of Act No.  
38, 1955.  
Sec. 4.  
(Long  
service  
leave.)

10 (a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

15 (ii) by inserting in subparagraph (iii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

20 Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

25 (ii) by inserting next after the same subsection the following new subsection :—

30 (3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) or (c) of subparagraph (i) of paragraph (a) of



*Long Service Leave (Amendment).*

of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.

5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";

10 (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";

(iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";

15 (iv) by inserting at the end of the same subsection the following new paragraph :—

20 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—

25 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or

30 (ii) if the worker had become so entitled—ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and taken by the worker.

The



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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is of the same duration as the
- 20 period in respect of which the deduction is to be made.

25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word “shall” the words “, subject to subsection twelve of this section,”;

(e) by inserting next after the same subsection the following new subsections :—

30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such

35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an

Act



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*Long Service Leave (Amendment).*

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5 Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, 15 notwithstanding anything contained in any such Act, be deemed to be and always to have been the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the 20 service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

25 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act 30 amending or replacing either of those Acts.

“Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination”



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*Long Service Leave (Amendment).*

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“Termination” means termination by any person or by any cause.

(b) For the purposes of this subsection—

(i) where a corporation is—

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(a) the holding company, or

(b) a subsidiary, or

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(c) a subsidiary of the holding company, of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be related to each other;

15

(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

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(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his service with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
by any Act or award to have had with the  
10 first employer) shall be deemed to be  
service of the worker with that other  
employer.

15 (d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract  
of employment with an employer, being a corpora-  
tion, within a period of twelve months after the  
completion of an apprenticeship with another  
20 employer, being a corporation which at the time  
of such entry into employment was related to the  
first mentioned employer, the period of his appren-  
ticeship shall be taken into account for the  
purpose of ascertaining the period of his service  
with the first mentioned employer under that  
25 contract of employment.

30 (e) Where the services of a worker with  
an employer are terminated and that employer  
is a corporation to which any other corporation  
is related at the time of that termination, the  
services of the worker shall not, for the purposes  
of subsections two and five of this section, be  
deemed to have been so terminated if he transfers  
to the employment of any such related corporation.

35 (f) A worker or his personal representa-  
tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award,



*Long Service Leave (Amendment).*

award, to give to the worker any long service leave and to pay wages or other remuneration therefor, or to pay wages or other remuneration for long service leave deemed to have been given to the worker, and if the obligations of that employer in that behalf have been fully satisfied and discharged.

3. The Long Service Leave (Metalliferous Mining Industry) Act, 1963, is amended—

Amendment of Act No. 48, 1963.

(a) (i) by inserting in paragraph (a) of subsection two of section four after the word "subsection" the words "and subsection thirteen of this section";

Sec. 4. (Long service leave.)

(ii) by inserting in subparagraph (ii) of the same paragraph after the words "for any reason" the words "other than the worker's serious misconduct,";

(b) (i) by inserting at the end of subsection three of the same section the following words :—

Provided that where any leave has been given to and taken by the worker pursuant to subsection (3A) of this section, this subsection shall apply to and in respect of so much only of the leave to which the worker has become entitled as has not been so given and taken.

(ii) by inserting next after the same subsection the following new subsection :—

(3A) If the employer and the worker so agree, a period of long service leave of not less than one month may be given by the employer, and taken by the worker, wholly or partly in advance before the worker has become entitled to any long service leave or to the amount so agreed to be given and taken. No such agreement shall, for the purposes of paragraph (b) of subparagraph (i) of paragraph

(a)



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*Long Service Leave (Amendment).*

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- (a) of subsection two of this section, be deemed to confer on the worker an entitlement to long service leave.
- 5 (c) (i) by inserting in subparagraph (ii) of paragraph (a) of subsection five of the same section after the word "termination" the words "and has not been taken";
- (ii) by inserting in the same paragraph after the words "the worker shall" the words ", subject to subsection thirteen of this section,";
- 10 (iii) by inserting in paragraph (b) of the same subsection after the word "death" the words "and has not been taken";
- (iv) by inserting at the end of the same subsection the following new paragraph :—
- 15 (c) On the termination of the services of a worker who had taken any leave pursuant to subsection (3A) of this section his employer may, subject to this paragraph and subsection thirteen of this section, deduct from any remuneration payable on such termination in respect of the worker's services—
- 20 (i) if the worker had not become entitled to any long service leave in the course of or upon the termination of his services—ordinary pay for the leave so taken; or
- 25 (ii) if the worker had become so entitled —ordinary pay for the excess, if any, over his total entitlement of the period or total of the periods of long service leave on ordinary pay given pursuant to this Act by that employer to and
- 30 taken by the worker.

The



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*Long Service Leave (Amendment).*

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The amount so deducted shall not exceed the lesser of—

- 5 (i) the amount which would have been payable as ordinary pay for the period of leave or excess leave, as the case may be, had it been taken on such termination; and
- 10 (ii) (a) where the period in respect of which the deduction is to be made is of the same duration as the leave taken, the ordinary pay for the period during which the leave was taken; or
- 15 (b) where the period in respect of which the deduction is to be made is not of the same duration as the leave taken, the ordinary pay for the lowest paid period during the leave taken which is
- 20 of the same duration as the period in respect of which the deduction is to be made.
- 25 (d) by inserting in paragraph (d) of subsection eleven of the same section after the word "shall" the words ", subject to subsection twelve of this section,";
- (e) by inserting next after the same subsection the following new subsections :—
  - 30 (12) (a) Paragraph (d) of subsection eleven of this section shall not, where the period during which a person served as a member of the naval, military or air forces of the Commonwealth commenced by enlistment or appointment in any such
  - 35 force after the second day of September, one thousand nine hundred and forty-five, apply to and in respect of that period unless, pursuant to an Act of the Parliament of the Commonwealth enacted before or after the commencement of the Long Service Leave (Amendment) Act, 1966, that  
person



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*Long Service Leave (Amendment).*

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5 person was entitled to apply to be reinstated in his former civil employment on the termination of his period of service as such a member and he did not, at the expiration of the period during which that right subsisted, continue as a member of such a force.

10 (b) For the purposes of this subsection, the former employer to whom application for reinstatement is required to be made pursuant to an Act of the Parliament of the Commonwealth referred to in paragraph (a) of this subsection shall, notwithstanding anything contained in any such Act, be deemed to be and always to have  
15 been the employer by whom the member of the naval, military or air forces of the Commonwealth was last employed before the commencement of the service, as such a member, entitling him to apply to be reinstated in civil employment.

(13) (a) In this subsection—

20 “Award” means award or industrial agreement made under the Commonwealth Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth of Australia, or an award made or  
25 an industrial agreement filed under the Industrial Arbitration Act, 1940, or any Act amending or replacing either of those Acts.

30 “Corporation” means any body corporate formed or incorporated in or outside New South Wales.

35 “Holding company” and “subsidiary” have and shall be deemed always to have had the meanings respectively ascribed thereto by the Companies Act, 1961, or any Act amending or replacing that Act.

“Termination” means termination by any person or by any cause.

(b)



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*Long Service Leave (Amendment).*

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(b) For the purposes of this subsection—

(i) where a corporation is—

(a) the holding company, or

(b) a subsidiary, or

5 (c) a subsidiary of the holding company,

of another corporation, the first mentioned corporation and that other corporation shall, and no two corporations shall in any other case, be deemed to be

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related to each other;

(ii) a worker shall be deemed to have transferred from the service of an employer to the service of another employer, only if before, concurrently with or within a period of two months after the termination of his services with the first mentioned employer he entered into a contract of employment with that other employer, and the transfer shall be deemed to have occurred at the time of that termination.

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(c) Where before or after the commencement of the Long Service Leave (Amendment) Act, 1966, a worker has transferred from the service of an employer (in this paragraph called the first employer) being a corporation to the service of another employer being a corporation related to the first employer at the time of that transfer, then for the purposes of this section—

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(i) the continuity of the contract of employment of the worker shall be deemed not to have been broken by reason of the transfer; and

(ii)



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*Long Service Leave (Amendment).*

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5 (ii) the period of service which the worker had  
had with the first employer before the com-  
mencement of his services with that other  
employer (including any service which by  
reason of a prior transfer or prior transfers  
or for any other reason he is deemed by  
this section or, for the purposes of long  
service leave for such service, he is deemed  
by any Act or award to have had with the  
10 first employer) shall be deemed to be service  
of the worker with that other employer.

(d) Where before or after the commence-  
ment of the Long Service Leave (Amendment)  
Act, 1966, a worker has entered into a contract of  
15 employment with an employer, being a corporation,  
within a period of twelve months after the com-  
pletion of an apprenticeship with another employer,  
being a corporation which at the time of such entry  
into employment was related to the first mentioned  
20 employer, the period of his apprenticeship shall be  
taken into account for the purpose of ascertaining  
the period of his service with the first mentioned  
employer under that contract of employment.

(e) Where the services of a worker with  
25 an employer are terminated and that employer  
is a corporation to which any other corporation is  
related at the time of that termination, the services  
of the worker shall not, for the purposes of sub-  
sections two and five of this section, be deemed  
30 to have been so terminated if he transfers to the  
employment of any such related corporation.

(f) A worker or his personal representa-  
35 tive shall not be entitled by virtue of this subsection  
to long service leave or payment therefor in respect  
of any period of service if in respect of that period  
of service an employer was required by any other  
provisions of this Act, or by any other Act or any  
award, to give to the worker any long service

leave

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*Long Service Leave (Amendment).*

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5 leave and to pay wages or other remuneration  
therefor, or to pay wages or other remuneration  
for long service leave deemed to have been given  
to the worker, and if the obligations of that  
employer in that behalf have been fully satisfied and  
discharged.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966



The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting. The names are given in alphabetical order.

Mr. J. H. Smith  
 Mr. W. B. Jones  
 Mr. T. C. Brown  
 Mr. R. M. White  
 Mr. S. D. Green  
 Mr. L. K. Black  
 Mr. P. Q. Grey  
 Mr. U. V. Blue  
 Mr. X. Y. Red  
 Mr. Z. A. Purple  
 Mr. B. C. Orange  
 Mr. F. G. Yellow  
 Mr. H. I. Pink  
 Mr. J. K. Light  
 Mr. M. N. Dark  
 Mr. O. P. Gold  
 Mr. Q. R. Silver  
 Mr. S. T. Bronze  
 Mr. U. V. Iron  
 Mr. W. X. Steel  
 Mr. Y. Z. Lead  
 Mr. A. B. Tin  
 Mr. C. D. Copper  
 Mr. E. F. Zinc  
 Mr. G. H. Nickel  
 Mr. I. J. Cobalt  
 Mr. K. L. Manganese  
 Mr. M. N. Magnesium  
 Mr. O. P. Calcium  
 Mr. Q. R. Strontium  
 Mr. S. T. Barium  
 Mr. U. V. Radium  
 Mr. W. X. Uranium  
 Mr. Y. Z. Thorium  
 Mr. A. B. Actinium  
 Mr. C. D. Polonium  
 Mr. E. F. Astatine  
 Mr. G. H. Francium  
 Mr. I. J. Radium  
 Mr. K. L. Actinium  
 Mr. M. N. Thorium  
 Mr. O. P. Uranium  
 Mr. Q. R. Plutonium  
 Mr. S. T. Americium  
 Mr. U. V. Curium  
 Mr. W. X. Berkelium  
 Mr. Y. Z. Californium  
 Mr. A. B. Einsteinium  
 Mr. C. D. Fermium  
 Mr. E. F. Mendelevium  
 Mr. G. H. Nobelium  
 Mr. I. J. Lawrencium  
 Mr. K. L. Rutherfordium  
 Mr. M. N. Dubnium  
 Mr. O. P. Seaborgium  
 Mr. Q. R. Bohrium  
 Mr. S. T. Hassium  
 Mr. U. V. Meitnerium  
 Mr. W. X. Darmstadtium  
 Mr. Y. Z. Roentgenium  
 Mr. A. B. Copernicium  
 Mr. C. D. Nihonium  
 Mr. E. F. Tennessine  
 Mr. G. H. Oganesson

