

# CONCURRENCE COPY

## LONG SERVICE LEAVE (AMENDMENT) BILL, 1983

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Industrial Arbitration (Amendment) Bill, 1983.

The object of this Bill is to amend the Long Service Leave Act, 1955 ("the Act"), so as—

- (a) to require the long service leave records relating to employees required to be kept under the Act to be kept for at least 6 years (Schedule 1 (1)); and
- (b) to empower inspectors or specially authorised public servants to obtain by post a copy of any such long service leave record and certain other information in order to investigate claims for unpaid long service leave payments (Schedule 1 (2), (3) and (4)).

The Bill also amends the Act by way of statute law revision (Schedule 2).

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# REFERENCE COPY

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**LONG SERVICE LEAVE (AMENDMENT) BILL, 1983**

No. , 1983.

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**A BILL FOR**

An Act to amend the Long Service Leave Act, 1955, with respect to the investigation of unpaid long service leave payments, and in other respects.

[MR HILLS—21 *September*, 1983.]

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SCHEDULE I



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*Long Service Leave (Amendment).*

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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:—

**5 Short title.**

**1.** This Act may be cited as the "Long Service Leave (Amendment) Act, 1983".

**Schedules.**

**2.** This Act contains the following Schedules:—

10 **SCHEDULE 1.—AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955.**

**SCHEDULE 2.—AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF STATUTE LAW REVISION.**

**Amendment of Act No. 38, 1955.**

15 **3.** The Long Service Leave Act, 1955, is amended in the manner set forth in Schedules 1 and 2.

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**SCHEDULE 1.**

(Sec. 3.)

**AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955.**

20 (1) Section 8—

After "prescribed", insert "for a period of at least 6 years after the last entry therein".

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*Long Service Leave (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955—*continued.*

(2) Section 9 (3), (4)—

After section 9 (2), insert:—

5 (3) Where a worker claims that an employer has not paid the full amount of any payment which has become due to the worker under this Act, an inspector may, by notice in writing served personally or by post, require the employer to deliver or to send by post to the inspector, within such time and to such place as are  
10 specified in the notice—

(a) a copy of such specified part of the long service leave record required to be kept under this Act; and

(b) such other information of a specified kind relating to that payment,

15 as the inspector considers necessary in order to investigate the claim.

(4) A public servant authorised in that behalf by the Under Secretary of the Department of Industrial Relations may exercise the power conferred on an inspector by subsection (3).

(3) Section 9A (1)—

20 After “inspector”, insert “or a public servant authorised under section 9 (4)”.

(4) Section 10 (5)—

After section 10 (4), insert:—

25 (5) In this section, “inspector” includes a public servant authorised under section 9 (4).

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*Long Service Leave (Amendment).*

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## SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION.

- 5 (1) Long title—  
Omit “Acts, 1940–1955”, insert instead “Act, 1940”.
- (2) (a) Section 3 (1), definition of “Award”—  
Omit the definition, insert instead:—  
10 “Award” means an award within the meaning of the Industrial  
Arbitration Act, 1940.
- (b) Section 3 (1), definition of “Industrial agreement”—  
Omit the definition, insert instead:—  
“Industrial agreement” means an industrial agreement within the  
meaning of the Industrial Arbitration Act, 1940.
- 15 (c) Section 3 (1), definition of “Industrial Arbitration Act”—  
Omit the definition.
- (d) Section 3 (1), definition of “Inspector”—  
After “Arbitration Act”, insert “, 1940”.
- (e) Section 3 (1), definition of “Prescribed”—  
20 Omit the definition.
- (f) Section 3 (4)—  
After “Arbitration Act”, insert “, 1940”.
- (3) (a) Section 4 (2) (a1) (i)—  
After “Industrial Arbitration Act”, insert “, 1940”.
- 25 (b) Section 4 (3A)—  
Omit “paragraph (b) or (c) of subparagraph (i) of paragraph (a) of  
subsection (2)”, insert instead “subsection (2) (a) (i) (b) or (c)”.
- (c) Section 4 (11) (a) (i)—  
Omit “Acts, 1940–1955”, insert instead “Act, 1940”.
- 30 (d) Section 4 (12) (a)—  
Omit “Paragraph (d) of subsection (11)”, insert instead “Subsection (11)  
(d)”.

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*Long Service Leave (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (e) Section 4 (13) (a), definition of "Award"—  
5 Omit the definition, insert instead:—  
"Award" includes—  
(a) an industrial agreement; and  
(b) an award or industrial agreement made under the Concilia-  
tion and Arbitration Act 1904 of the Commonwealth.
- 10 (4) (a) Section 5 (1) (b)—  
After "Arbitration Act", insert ", 1940".
- (b) Section 5 (2) (b)—  
Omit "subsection (4) of section 88c of the Industrial Arbitration Acts,  
1940–1955", insert instead "section 88c (4) of the Industrial Arbitration  
15 Act, 1940".
- (c) Section 5 (2) (c) (ii)—  
Omit "Acts, 1940–1955", insert instead "Act, 1940".
- (d) Section 5 (2) (c) (ii)—  
Omit "subsection (1) of section 13", insert instead "section 13 (1)".
- 20 (e) Section 5 (3)—  
Omit "paragraph (a) of subsection (2)", insert instead "subsection (2)  
(a)".
- (f) Section 5 (4)—  
Omit "paragraph (b) of subsection (2)", insert instead "subsection (2)  
25 (b)".
- (g) Section 5 (4)—  
Omit "paragraph (a) of that subsection", insert instead "subsection (2)  
(a)".



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*Long Service Leave (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION—*continued.*

- (5) (a) Section 6—  
5 After “Arbitration Act”, insert “, 1940,”.
- (b) Section 6—  
Omit “the said section”, insert instead “section 4”.
- (6) Sections 11 (1), 12 (1)—  
After “Arbitration Act” wherever occurring, insert “, 1940”.
- 10 (7) Sections 12 (2), 14—  
After “Arbitration Act” wherever occurring, insert “, 1940,”.
- (8) Section 13 (3)—  
Omit “Acts, 1940–1955”, insert instead “Act, 1940”.
- (9) Section 15 (3)—  
15 Omit the subsection, insert instead:—  
(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.



**LONG SERVICE LEAVE (AMENDMENT) ACT, 1983, No. 99**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 99, 1983.**

An Act to amend the Long Service Leave Act, 1955, with respect to the investigation of unpaid long service leave payments, and in other respects. [Assented to, 9th November, 1983.]

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*Long Service Leave (Amendment).*

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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:—

**Short title.**

1. This Act may be cited as the "Long Service Leave (Amendment) Act, 1983".

**Schedules.**

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955.

SCHEDULE 2.—AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF STATUTE LAW REVISION.

**Amendment of Act No. 38, 1955.**

3. The Long Service Leave Act, 1955, is amended in the manner set forth in Schedules 1 and 2.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955.

(1) Section 8—

After "prescribed", insert "for a period of at least 6 years after the last entry therein".



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*Long Service Leave (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955—*continued.*

(2) Section 9 (3), (4)—

After section 9 (2), insert:—

(3) Where a worker claims that an employer has not paid the full amount of any payment which has become due to the worker under this Act, an inspector may, by notice in writing served personally or by post, require the employer to deliver or to send by post to the inspector, within such time and to such place as are specified in the notice—

(a) a copy of such specified part of the long service leave record required to be kept under this Act; and

(b) such other information of a specified kind relating to that payment,

as the inspector considers necessary in order to investigate the claim.

(4) A public servant authorised in that behalf by the Under Secretary of the Department of Industrial Relations may exercise the power conferred on an inspector by subsection (3).

(3) Section 9A (1)—

After “inspector”, insert “or a public servant authorised under section 9 (4)”.

(4) Section 10 (5)—

After section 10 (4), insert:—

(5) In this section, “inspector” includes a public servant authorised under section 9 (4).

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*Long Service Leave (Amendment).*

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## SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION.

## (1) Long title—

Omit "Acts, 1940–1955", insert instead "Act, 1940".

## (2) (a) Section 3 (1), definition of "Award"—

Omit the definition, insert instead:—

"Award" means an award within the meaning of the Industrial Arbitration Act, 1940.

## (b) Section 3 (1), definition of "Industrial agreement"—

Omit the definition, insert instead:—

"Industrial agreement" means an industrial agreement within the meaning of the Industrial Arbitration Act, 1940.

## (c) Section 3 (1), definition of "Industrial Arbitration Act"—

Omit the definition.

## (d) Section 3 (1), definition of "Inspector"—

After "Arbitration Act", insert ", 1940".

## (e) Section 3 (1), definition of "Prescribed"—

Omit the definition.

## (f) Section 3 (4)—

After "Arbitration Act", insert ", 1940".

## (3) (a) Section 4 (2) (a1) (i)—

After "Industrial Arbitration Act", insert ", 1940".

## (b) Section 4 (3A)—

Omit "paragraph (b) or (c) of subparagraph (i) of paragraph (a) of subsection (2)", insert instead "subsection (2) (a) (i) (b) or (c)".

## (c) Section 4 (11) (a) (i)—

Omit "Acts, 1940–1955", insert instead "Act, 1940".

## (d) Section 4 (12) (a)—

Omit "Paragraph (d) of subsection (11)", insert instead "Subsection (11) (d)".



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*Long Service Leave (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (e) Section 4 (13) (a), definition of "Award"—

Omit the definition, insert instead:—

"Award" includes—

- (a) an industrial agreement; and
- (b) an award or industrial agreement made under the Conciliation and Arbitration Act 1904 of the Commonwealth.

## (4) (a) Section 5 (1) (b)—

After "Arbitration Act", insert ", 1940".

## (b) Section 5 (2) (b)—

Omit "subsection (4) of section 88c of the Industrial Arbitration Acts, 1940–1955", insert instead "section 88c (4) of the Industrial Arbitration Act, 1940".

## (c) Section 5 (2) (c) (ii)—

Omit "Acts, 1940–1955", insert instead "Act, 1940".

## (d) Section 5 (2) (c) (ii)—

Omit "subsection (1) of section 13", insert instead "section 13 (1)".

## (e) Section 5 (3)—

Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".

## (f) Section 5 (4)—

Omit "paragraph (b) of subsection (2)", insert instead "subsection (2) (b)".

## (g) Section 5 (4)—

Omit "paragraph (a) of that subsection", insert instead "subsection (2) (a)".

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*Long Service Leave (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE LONG SERVICE LEAVE ACT, 1955, BY WAY OF  
STATUTE LAW REVISION—*continued.*

## (5) (a) Section 6—

After "Arbitration Act", insert ", 1940,".

## (b) Section 6—

Omit "the said section", insert instead "section 4".

## (6) Sections 11 (1), 12 (1)—

After "Arbitration Act" wherever occurring, insert ", 1940".

## (7) Sections 12 (2), 14—

After "Arbitration Act" wherever occurring, insert ", 1940,".

## (8) Section 13 (3)—

Omit "Acts, 1940–1955", insert instead "Act, 1940".

## (9) Section 15 (3)—

Omit the subsection, insert instead:—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 9th November, 1983.*





