

FIRST PRINT

## LONG SERVICE LEAVE (METALLIFEROUS MINING INDUSTRY) AMENDMENT BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the Industrial Arbitration (Further Amendment) Bill 1986.

The object of this Bill is to amend the Long Service Leave (Metalliferous Mining Industry) Act 1963 to limit the duration and provide for the review of exemptions granted under section 5 of that Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Schedule 1 (1) is an amendment consequential to that contained in Schedule 1 (2).

Schedule 1 (2) provides a framework for controlling exemptions granted under the Principal Act—

- (a) by limiting the duration of exemptions granted after the commencement of the proposed amendment to 3 years (or a shorter period specified by the Industrial Commission);
- (b) by empowering the Industrial Commission to extend the period of an exemption so granted by periods each not exceeding 3 years; and

(c) by enabling the Industrial Commission to review any exemption in certain specified circumstances and to confirm, vary or revoke the exemption.

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# LONG SERVICE LEAVE (METALLIFEROUS MINING INDUSTRY) AMENDMENT BILL 1986

NEW SOUTH WALES

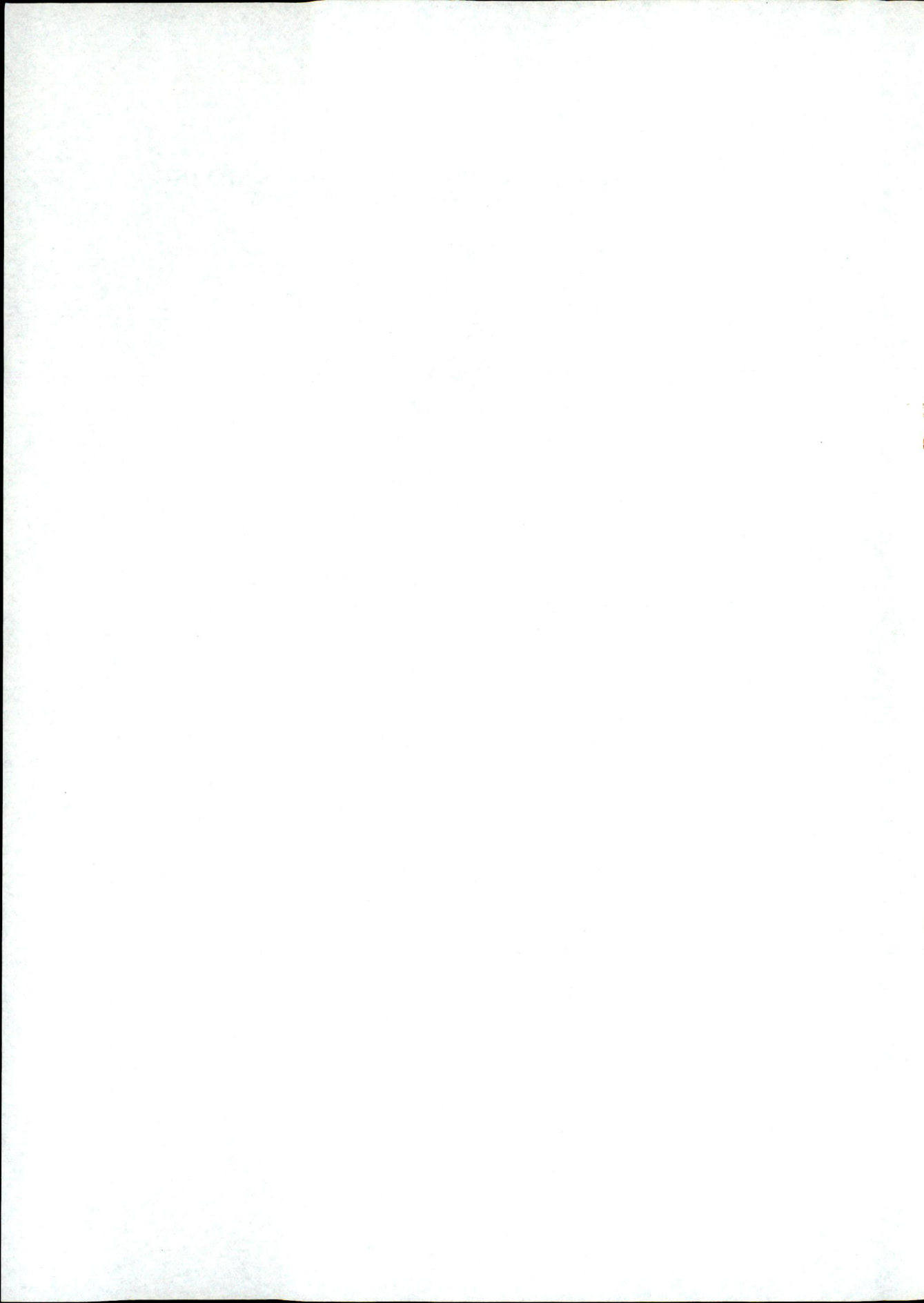


## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 48, 1963

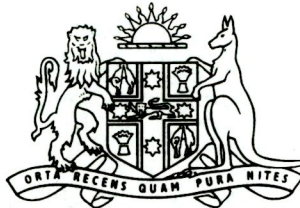
SCHEDULE 1—AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963

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**LONG SERVICE LEAVE (METALLIFEROUS MINING  
INDUSTRY) AMENDMENT BILL 1986**

NEW SOUTH WALES



No.     , 1986

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**A BILL FOR**

An Act to amend the Long Service Leave (Metalliferous Mining Industry)  
Act 1963 with respect to the duration and review of exemptions  
granted under that Act.

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*Long Service Leave (Metalliferous Mining Industry) Amendment 1986*

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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 (Metalliferous Mining Industry) Amendment Act 1986".

**Commencement**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

**(2)** Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 48, 1963**

**15 3.** The Long Service Leave (Metalliferous Mining Industry) Act 1963 is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1**

(Sec. 3)

**20 AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963**

**(1) Section 5 (Exemptions)—**

Section 5 (2) (a)—

Omit "The", insert instead "Subject to section 5A, the".

**(2) Section 5A—**

**25** After section 5, insert:

**Review of exemptions**

**5A. (1)** In this section, "exemption" means an exemption granted under section 5 (2) (a).



SCHEDULE 1—*continued*AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963—*continued*

5 (2) Unless sooner revoked, an exemption granted after the commencement of this section remains in force for the period of 3 years from the date on which it is granted or for such shorter period as the Industrial Commission of New South Wales specifies when granting it, but it may be extended by the Commission from time to time for a further period or further periods of 3 years or such shorter period or periods as the Commission specifies when extending it.

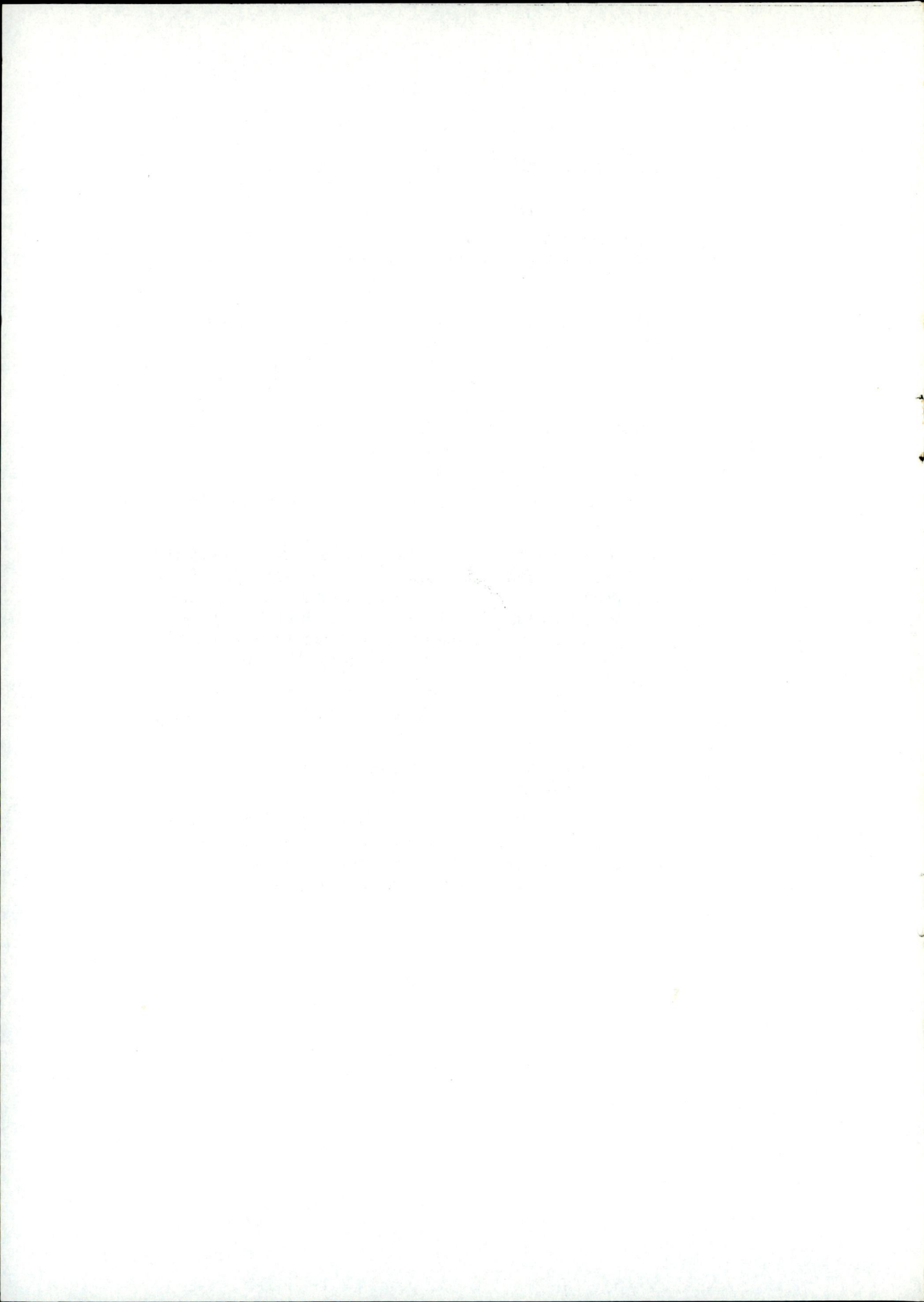
10 (3) The Industrial Commission of New South Wales may review any exemption—

15 (a) of its own motion, after causing a notice to be served on such persons as appear to be appropriate in the circumstances stating that the Commission requires them to show cause why the exemption should not be varied or revoked on the ground that the benefits provided by this Act are more favourable than those then applying;

(b) on application by an industrial union of employers or employees, or by an employer, affected by the exemption; or

20 (c) at the request of the Minister or following a report by the Industrial Registrar.

25 (4) After reviewing an exemption, the Industrial Commission of New South Wales may confirm the exemption, vary the terms of the exemption or any condition subject to which the exemption was granted, or revoke the exemption.





**LONG SERVICE LEAVE (METALLIFEROUS MINING  
INDUSTRY) AMENDMENT ACT 1986 No. 25**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 48, 1963

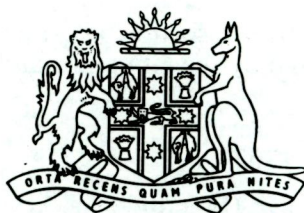
**SCHEDULE 1—AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963**

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**LONG SERVICE LEAVE (METALLIFEROUS MINING INDUSTRY)  
AMENDMENT ACT 1986 No. 25**

NEW SOUTH WALES



**Act No. 25, 1986**

An Act to amend the Long Service Leave (Metalliferous Mining Industry) Act 1963 with respect to the duration and review of exemptions granted under that Act. [Assented to 2 May 1986.]

*Long Service Leave (Metalliferous Mining Industry) Amendment 1986*

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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 (Metalliferous Mining Industry) Amendment Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 48, 1963**

3. The Long Service Leave (Metalliferous Mining Industry) Act 1963 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963

(1) Section 5 (**Exemptions**)—

Section 5 (2) (a)—

Omit "The", insert instead "Subject to section 5A, the".

(2) Section 5A—

After section 5, insert:

**Review of exemptions**

5A. (1) In this section, "exemption" means an exemption granted under section 5 (2) (a).

*Long Service Leave (Metalliferous Mining Industry) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE LONG SERVICE LEAVE  
(METALLIFEROUS MINING INDUSTRY) ACT 1963—*continued*

(2) Unless sooner revoked, an exemption granted after the commencement of this section remains in force for the period of 3 years from the date on which it is granted or for such shorter period as the Industrial Commission of New South Wales specifies when granting it, but it may be extended by the Commission from time to time for a further period or further periods of 3 years or such shorter period or periods as the Commission specifies when extending it.

(3) The Industrial Commission of New South Wales may review any exemption—

- (a) of its own motion, after causing a notice to be served on such persons as appear to be appropriate in the circumstances stating that the Commission requires them to show cause why the exemption should not be varied or revoked on the ground that the benefits provided by this Act are more favourable than those then applying;
- (b) on application by an industrial union of employers or employees, or by an employer, affected by the exemption; or
- (c) at the request of the Minister or following a report by the Industrial Registrar.

(4) After reviewing an exemption, the Industrial Commission of New South Wales may confirm the exemption, vary the terms of the exemption or any condition subject to which the exemption was granted, or revoke the exemption.









