

TASMANIA

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**LONG SERVICE LEAVE (STATE  
EMPLOYEES) AMENDMENT BILL 2003**

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# **LONG SERVICE LEAVE (STATE EMPLOYEES) AMENDMENT BILL 2003**

*(Brought in by the Minister for Infrastructure, the Honourable James Glennister Cox)*

## **A BILL FOR**

### **An Act to amend the *Long Service Leave (State Employees) Act 1994***

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### **Short title**

1. This Act may be cited as the *Long Service Leave (State Employees) Amendment Act 2003*.

#### **Commencement**

2. This Act commences on the day on which this Act receives the Royal Assent.

#### **Principal Act**

3. In this Act, the *Long Service Leave (State Employees) Act 1994*\* is referred to as the Principal Act.

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\*No. 13 of 1994

**Section 3 amended (Interpretation)**

4. Section 3 of the Principal Act is amended by omitting “person who is employed in any capacity by the State,” from the definition of “employee” and substituting “State Service officer, State Service employee or any other person who is employed in any capacity by”.

**Section 3A inserted**

5. After section 3 of the Principal Act, the following section is inserted in Part 1:

**Amendment to Schedule 1**

**3A. (1)** The Governor may amend Schedule 1 –

- (a) by omitting the name of any employee, class of employees or prescribed authority; or
- (b) by inserting the name of any employee, class of employees or prescribed authority; or
- (c) where the name of any employee, class of employees or prescribed authority is changed, by omitting the name of that employee, class of employees or prescribed authority and substituting the new name.

**(2)** The Governor may, by order, omit Schedule 1 and substitute a Schedule containing in Column 1 the names of any employee or class of employees and containing in Column 2 the titles or other description of any prescribed authority.

**Section 9 amended (Employees previously employed by Commonwealth, &c.)**

6. Section 9(1) of the Principal Act is amended by inserting “and if the employee has not received any payment in respect of that long service leave” after “ceased to be so employed”.

**Section 10 amended (Continuous employment)**

7. Section 10 of the Principal Act is amended as follows:

(a) by omitting from subsection (2) “in the employment of the State” and substituting “as an employee”;

(b) by omitting subsection (4) and substituting the following subsection:

(4) The continuous employment of an employee ceases on the day on which the employee is dismissed, resigns or retires.

(c) by inserting the following subsection after subsection (5):

(6) Subsection (4) as substituted by the *Long Service Leave (State Employees) Amendment Act 2003* is taken to have had effect on 1 May 2001.

**Section 11 amended (Length of employment)**

8. Section 11 of the Principal Act is amended as follows:

(a) by omitting paragraph (a) from subsection (3);

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(b) by inserting the following subsection after subsection (4):

**(5)** The amendment of subsection (3) made by the *Long Service Leave (State Employees) Amendment Act 2003* is taken to have had effect on 1 May 2001.

**Section 14 repealed**

**9.** Section 14 of the Principal Act is repealed.

**Section 15 substituted**

**10.** Section 15 of the Principal Act is repealed and the following section is substituted:

**Maximum amount of long service leave**

**15.** An employee is not entitled to be credited with a period of long service leave in excess of 100 days unless the Minister has given permission as provided by section 16.

**Section 21 amended (Disputes)**

**11.** Section 21 of the Principal Act is amended as follows:

- (a) by omitting paragraph (e) from subsection (1);
- (b) by omitting paragraphs (c), (d) and (e) from subsection (4).

**Schedule 1 substituted**

**12.** Schedule 1 to the Principal Act is repealed and the following Schedule is substituted:

**SCHEDULE 1 - PRESCRIBED AUTHORITIES**

Sections 3 and 3A

COLUMN 1	COLUMN 2
<b>Employee or class of employees</b>	<b>Prescribed authority</b>
Employees employed in the Legislative Council	The President of the Legislative Council
Employees employed in the House of Assembly	The Speaker of the House of Assembly
Employees employed on the recommendation of the President of the Legislative Council and the Speaker of the House of Assembly	The President of the Legislative Council and the Speaker of the House of Assembly acting jointly
Employees employed at Government House	The Official Secretary and Head of the Governor's Establishment
Employees employed by the Stanley Cool Stores Board	The Stanley Cool Stores Board
Employees employed under the <i>Police Regulation Act 1898</i>	The Commissioner of Police