

## LONG SERVICE LEAVE.

No. 97 of 1973.

AN ACT to amend the Long Service Leave Act,  
1958-1964.

[Assented to 27th December, 1973.]

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

1. (1) This Act may be cited as the *Long Service Leave Act Amendment Act, 1973*.

Short title  
and citation.

(2) In this Act the Long Service Leave Act, 1958-1964, is referred to as the principal Act.

Reprinted as  
approved for  
reprint 30th  
January,  
1963.

(3) The principal Act as amended by this Act may be cited as the Long Service Leave Act, 1958-1973.

Amended by  
Act No. 37  
of 1964.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 4  
amended.

3. Section 4 of the principal Act is amended by deleting the interpretations "Commission" and "Commission in Court Session" and substituting the following interpretations—

"Commission" has the same meaning as it has in and for the purposes of the Industrial Arbitration Act, 1912;

"Commission in Court Session" has the same meaning as it has in and for the purposes of the Industrial Arbitration Act, 1912; .

Section 5  
repealed and  
re-enacted.

4. Section 5 of the principal Act is repealed and the section is re-enacted as follows—

Exemptions.

5. (1) The Board of Reference may exempt an employer from the operation of this Act in respect of his employees if it is satisfied that there is an existing or proposed scheme, conferring benefits in the nature of long service leave which in its opinion are or will be, viewed as a whole, not less favourable to the whole of the employees of that employer than the benefits prescribed by this Act.

(2) In order to ensure that the benefits under a scheme in relation to which an employer is granted an exemption under subsection (1) of this section remain not less favourable to the whole of the employees of that employer than the benefits prescribed by this Act, the Board of Reference may—

(a) grant the exemption subject to such conditions as it determines are fit to impose; and

(b) from time to time, add to, vary or revoke any such conditions imposed by it.

(3) An application for an exemption under subsection (1) of this section may be made by an employer. .

5. Section 6 of the principal Act is amended by deleting paragraph (a) of subsection (1) and substituting the following paragraph—

Section 6 amended.

(a) any period of absence from duty for—

(i) annual leave;

(ii) long service leave; or

(iii) public holidays or half-holidays, or, where applicable to the employment, bank holidays; .

6. The principal Act is amended by adding after section 8 a new section as follows—

8A. Notwithstanding any other provision in this Act in the event of an agreement between the Western Australian Employers' Federation (Incorporated) and the Trades and Labor Council of Western Australia or a determination of the Commission in Court Session varying from time to time any of the provisions for qualifications or entitlement to long service leave as contained in volume fifty-two of the *Western Australian Industrial Gazette* at pages sixteen to twenty-one, both inclusive, for the majority of awards which those provisions have been incorporated in and form part of, the qualifications and entitlement of employees to long service leave shall forthwith thereafter be varied accordingly. .

Variation of qualifications and entitlement to long service leave.

Section 18  
repealed and  
re-enacted.

7. Section 18 of the principal Act is repealed and the section is re-enacted as follows—

Appeal  
against  
determin-  
ation made  
by Board of  
Reference.

18. Any party to a question or dispute on which the Board of Reference has made a determination under this Act may appeal against the determination to the Commission in Court Session. .

Section 19  
repealed and  
re-enacted.

8. Section 19 of the principal Act is repealed and the section is re-enacted as follows—

How appeals  
are to be  
made, heard  
and deter-  
mined.

19. An appeal under section eighteen of this Act shall be made in the time and manner prescribed, and be heard and determined in the manner prescribed, under the Industrial Arbitration Act, 1912 for appeals referred to in section eighty-nine of that Act, with such modifications as are necessary. .

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