

STEVEDORING INDUSTRY CHARGE ASSESSMENT.

No. 61 of 1960.

An Act to amend the *Stevedoring Industry Charge Assessment Act 1947-1958*.

[Assented to 25th November, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Stevedoring Industry Charge Assessment Act 1960*.

Short title
and citation.

(2.) The *Stevedoring Industry Charge Assessment Act 1947-1958** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Stevedoring Industry Charge Assessment Act 1947-1960*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commence-
ment.

3. Section three of the Principal Act is repealed and the following section inserted in its stead:—

“ 3. This Act is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-10).

Part III.—Liability to the Charge (Sections 11-12).

Part IV.—Returns (Sections 13-16).

Part V.—Collection and Recovery of the Charge (Sections 17-33).

Part VI.—Penal Provisions (Sections 34-40).

Part VII.—Prosecutions (Sections 41-56).

Part VIII.—Miscellaneous (Sections 57-63).”.

4.—(1.) After section eleven of the Principal Act the following section is inserted:—

“ 11A.—(1.) For the purposes of this section, a waterside worker is a permanent waterside worker in relation to an employer if—

Exemption
from charge—
permanent
employees.

(a) the waterside worker is employed by the employer on a weekly hiring or a hiring for a period longer than one week; and

- (b) no provision of an award or order of the Commonwealth Conciliation and Arbitration Commission that directs the Australian Stevedoring Industry Authority to make to waterside workers payments of all or any of the following kinds, that is to say, payments of attendance money, payments in respect of public holidays, payments in respect of annual leave and payments in respect of sick leave, applies in relation to the waterside worker.

“(2.) Where a waterside worker—

- (a) is a permanent waterside worker in relation to an employer at the commencement of the first pay period ending in a month; and
- (b) does not cease to be a permanent waterside worker in relation to the employer before the end of the last pay period ending in that month,

the charge is not payable in respect of the employment of the waterside worker by the employer at any time after the commencement of that first pay period and before he ceases to be a permanent waterside worker in relation to the employer.”.

(2.) Where—

- (a) a waterside worker was, immediately before the commencing date, a permanent waterside worker in relation to an employer; and
- (b) the charge would, if this Act had commenced at the time when the waterside worker became such a permanent waterside worker, not have been payable by virtue of section eleven A of the Principal Act as amended by this Act in respect of the employment of the waterside worker by the employer at a time on or after the commencing date,

the charge is not payable in respect of that employment at the last-mentioned time.

(3.) In the last preceding sub-section—

“permanent waterside worker” has the same meaning as in section eleven A of the Principal Act as amended by this Act;

“the commencing date” means the date of commencement of this Act.

Returns by
employers.

5. Section thirteen of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) The last preceding sub-section does not apply in relation to employment in respect of which the charge is not payable by virtue of section eleven A of this Act.”.

6. The Principal Act is amended as set out in the Schedule to this Act. Additional amendments.

THE SCHEDULE.

Section 6.

ADDITIONAL AMENDMENTS.

Sections amended.	Amendments.
4	Insert in sub-section (1.), after the definition of " person ", the following definition:— " ' Second Commissioner ' means a Second Commissioner of Taxation ;".
5	Omit from sub-section (1.) the definition of " the Second Commissioner ". Omit from sub-section (2.) " the Second Commissioner of Taxation ", insert " a Second Commissioner of Taxation ". Omit from sub-sections (3.) and (4.) " the Second Commissioner " (wherever occurring), insert " a Second Commissioner ".
8	Omit from paragraph (a) " the Second Commissioner " (first occurring), insert " a Second Commissioner ". Omit from paragraph (a) " the Second Commissioner " (last occurring), insert " that Second Commissioner ".
10	Omit from sub-section (4.) " Second Commissioner " (first occurring), insert " a Second Commissioner ". Omit from paragraph (d) of sub-section (4.) " the Second Commissioner ", insert " a Second Commissioner ". Omit from sub-section (7.) " Second Commissioner ", insert " a Second Commissioner ".
23	Omit from sub-section (2.) " the Second Commissioner ", insert " a Second Commissioner ".
33	Omit " the Second Commissioner " (wherever occurring), insert " a Second Commissioner ".