



Australian Capital Territory

# Long Service Leave Legislation Amendment Act 2008

A2008-43

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J2007-637

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Long Service Leave Legislation Amendment Act 2008

**A2008-43**

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An Act to amend legislation about long service leave

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Long Service Leave Legislation Amendment Act 2008*.

### 2 Commencement

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## Part 2 Long Service Leave Act 1976

### 3 Legislation amended—pt 2

This part amends the *Long Service Leave Act 1976*.

### 4 Benefits under this Act and LSL (BCI) Act Section 2D (1) (b)

*omit*

, section 63

### 5 Benefits under this Act and LSL (CCI) Act Section 2E (1) (b)

*omit*

, section 64

### 6 Entitlement to long service leave Section 3 (2)

*omit*

consecutive 5 years

*substitute*

year

### 7 Grant of leave Section 6 (1) (a)

*substitute*

- (a) an employee of the employer becomes entitled to 4 weeks or more of long service leave; and

**8 Section 6 (5)**

*omit*

**9 Pay in lieu of long service leave  
Section 11A (4)**

*omit*

**10 Pay for ineligible service after 7 years  
Section 11B**

*omit*

## Part 3 Long Service Leave (Building and Construction Industry) Act 1981

### 11 Legislation amended—pt 3

This part amends the *Long Service Leave (Building and Construction Industry) Act 1981*.

### 12 Removing registration from workers register Section 62 (4) (b)

*substitute*

- (b) the person's employer makes an application under section 87A (Benefits under other laws—reimbursement of employer) for reimbursement of an amount paid under a relevant provision;

### 13 Section 87

*substitute*

### 87 Benefits under other laws—election

- (1) A registered worker must elect the law under which long service leave benefits are to be taken if the worker is eligible for long service benefits under this Act and any of the following laws:
- (a) the *Long Service Leave Act 1976*;
  - (b) a corresponding law;
  - (c) a law prescribed by regulation for employment in the building and construction industry.
- (2) If a registered worker makes an election under subsection (1), the worker must tell the authority in writing the nature of the election and the service period for which the election is made.

- (3) If a registered worker elects to take long service benefits under a law mentioned in subsection (1) (a), (b) or (c) for a service period, the authority must remove from the workers register the worker's credits for the period.
- (4) However, the authority must keep a record of the deleted credits.

#### **87A Benefits under other laws—reimbursement of employer**

- (1) This section applies if—
  - (a) a registered worker has made an election under section 87 (Benefits under other laws—election); and
  - (b) an employer pays the registered worker an amount under a relevant provision.
- (2) The employer may apply to the authority for reimbursement of an amount paid under the relevant provision.
- (3) The authority must pay the employer the amount paid under the relevant provision, less any amount outstanding that is payable by the employer to the authority, if—
  - (a) an application is made to the authority under subsection (2); and
  - (b) the governing board is satisfied that the amount paid by the employer was properly paid under the relevant provision.
- (4) In this section:  
*relevant provision* means—
  - (a) the *Long Service Leave Act 1976*, section 8 (Manner of payment for leave); or
  - (b) a law prescribed by regulation for employment in the building and construction industry.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 June 2008.

**2 Notification**

Notified under the Legislation Act on 9 September 2008.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Long Service Leave Legislation Amendment Bill 2008, which was passed by the Legislative Assembly on 21 August 2008.

Clerk of the Legislative Assembly

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