

2016

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Workplace Safety and Industrial Relations)

# Long Service Leave (Portable Schemes) Amendment Bill 2016

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# Long Service Leave (Portable Schemes) Amendment Bill 2016

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## A Bill for

An Act to amend the *Long Service Leave (Portable Schemes) Act 2009*

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

- 1 **1 Name of Act**
- 2 This Act is the *Long Service Leave (Portable Schemes) Amendment*  
3 *Act 2016*.
- 4 **2 Commencement**
- 5 This Act commences on 1 July 2016.
- 6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the *Long Service Leave (Portable Schemes)*  
10 *Act 2009*.
- 11 **4 Determination of levy—employers**  
12 **Section 51 (2), new note**
- 13 *insert*
- 14 *Note 2* The governing board may determine minor changes to the levy payable  
15 (see s 56A).
- 16 **5 Determination of levy—contractors**  
17 **Section 56 (1), new note**
- 18 *insert*
- 19 *Note 2* The governing board may determine minor changes to the levy payable  
20 (see s 56A).

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**6 New section 56A**

*insert*

**56A Minor changes to levy—employers and contractors**

- (1) Despite section 51 (2) (Determination of levy—employers) and section 56 (1) (Determination of levy—contractors), the governing board may determine the levy payable for a covered industry if—
- (a) the board would, under section 51 (3) or section 56 (2), recommend a change to the current levy; and
  - (b) the change, together with any other changes made to the levy in the 12 months before the determination is made, is less than or equal to a variation of 40 basis points.
- (2) If the governing board determines the levy, the board must tell the Minister, in writing, about the determination.
- (3) A determination is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (4) Nothing in this section prevents the governing board from making a recommendation under section 51 (3) or section 56 (2).

**7 Functions of governing board  
New section 79I (aa)**

*insert*

- (aa) determining a levy for a covered industry under section 56A (Minor changes to levy—employers and contractors); and

1 **8** **What is *building and construction work*?**  
2 **Schedule 1, section 1.2 (1)**

3 *substitute*

4 (1) In this Act:

5 ***building and construction work*** means—

- 6 (a) work in the building and construction industry; or  
7 (b) direct supervision of a worker carrying out work in the  
8 building and construction industry.

9 *Note* The Minister may declare work or an activity to be building and  
10 construction work (see s 12 (2) (d)) or to not be building and  
11 construction work (see s 13 (2) (d)).

12 **9** **Schedule 1, section 1.2 (2), definition of *prescribed award***

13 *omit*

14 **10** **Schedule 1, new section 1.2 (3) and (4)**

15 *insert*

- 16 (3) This section, as amended by the *Long Service Leave (Portable*  
17 *Schemes) Amendment Act 2016*, is taken to have effect on and from  
18 1 January 2010.  
19 (4) This subsection and subsection (3) expire on the day they  
20 commence.

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**11 Schedule 2, section 2.2**

*substitute*

**2.2 What is *cleaning work*?**

(1) In this Act:

*cleaning work* means—

- (a) work that has, as its only or main component, bringing premises into, or maintaining premises in, a clean condition; or
- (b) the collection or sorting of waste at, or for, an identified waste management facility if the employer providing the work through the provision of services does so under a contract with the Territory.

*Note* The Minister may declare work or an activity to be cleaning work (see s 12 (2) (d)) or to not be cleaning work (see s 13 (2) (d)).

(2) The Minister may determine that a facility is an identified waste management facility for subsection (1) (b).

(3) A determination is a notifiable instrument.

*Note 1* A notifiable instrument must be notified under the [Legislation Act](#).

*Note 2* The definition of *cleaning work* was broadened to include the collection and sorting of waste with effect from 1 July 2016.

**12 What is the *community sector industry*?**  
**Schedule 3, section 3.1, new paragraph (a) (ia) and (ib)**

*insert*

(ia) the industry of providing residential aged care services;  
and

(ib) the industry of providing community aged care services;  
and

1 **13 Schedule 3, section 3.1, new note**

2 *insert*

3 *Note* The definition of *community sector industry* was broadened to include  
4 residential aged care services and community aged care services with  
5 effect from 1 July 2016.

6 **14 What is *community sector work*?**  
7 **Schedule 3, section 3.2, definition of *community sector***  
8 ***work***

9 *substitute*

10 *community sector work* means work carried out in the community  
11 sector industry.

12 *Note* The Minister may declare work or an activity to be community sector  
13 work (see s 12 (2) (d)) or to not be community sector work  
14 (see s 13 (2) (d)).

15 **15 What is *security work*?**  
16 **Schedule 4, section 4.2, definition of *security work***

17 *substitute*

18 *security work* means work carried out in the security industry.

19 *Note* The Minister may declare work or an activity to be work in the security  
20 industry (see s 12 (2) (d)) or to not be work in the security industry  
21 (see s 13 (2) (d)).

22 **16 Schedule 4, section 4.5 heading**

23 *substitute*

24 **4.5 Service credit—security industry—s 64**



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 7 April 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 2016.

**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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