

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

LONG SERVICE LEAVE AMENDMENT BILL 2005

Government Amendments

**Supplementary
Explanatory Statement**

**Circulated by authority of the
Minister for Industrial Relations
Katy Gallagher MLA**

LONG SERVICE LEAVE AMENDMENT BILL 2005

Outline

These amendments to the *Long Service Leave Amendment Bill 2005* will clarify that private sector workers in the ACT covered by the *Long Service Leave Act 1976* will be able to access their long service leave entitlements after 7 years of continuous service.

As a consequence of this amendment employees will also be able to access long service leave for each consecutive 5 years of service completed by the employee after 7 years service.

This entitlement to leave after 7 years is also recognised in amendments to the provisions governing pay for ineligible service and the treatment of pro rata long service leave entitlements on termination.

It should be noted that the *Long Service Leave Act 1976*, including as amended by the *Long Service Leave Amendment Bill 2005* and these amendments, applies to private sector workers in the ACT only to the extent that it is not displaced by or inconsistent with other industrial instruments under the *Workplace Relations Act 1996* (Cwlth).

Financial Implications

The amendments contained in this Bill will have no financial impact on the Territory.

Notes on Clauses

1

Clause 8 Section 3

This clause replaces the proposed section 3 of the *Long Service Leave Amendment Bill 2005* with provisions clarifying the entitlement to long service leave after 7 years service.

Replacement **section 3** clarifies that the entitlement to long service leave arises after 7 years service with an employee. New **section 3** differs from the existing provision in that new **subsection 3(1)** replaces the reference to 10 years with 7 years. Subsection 3(2) and 3(3) are omitted. New **subsection 3(2)** replaces subsection 3(4) and explains that an employee becomes entitled to further long service leave for each five years of service completed after the first 7 years of service rather than 10 years. **Subsection 3(3)** is consistent with subsection 3(5) of the Bill and replicates subsection 3(3) of the *Long Service Leave Act 1976*.

2

Clause 8A

This clause replaces the heading of 11B of the principal Act to reflect that the entitlement to long service leave arises after 7 years service rather than 10 years service.

The replacement heading clarifies that this section concerns payment for service of between 1 to 5 years after 7 years service with an employer rather than 10 years.

Clause 8B Section 11C(1)(b)

This clause omits the reference to 10 years in the principal Act and replaces it with 7 years to reflect that the entitlement to long service leave is available after 7 years rather than 10 years.