

**THE LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**EXPLANATORY STATEMENT**

**LONG SERVICE LEAVE LEGISLATION  
AMENDMENT BILL 2003**

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Minister for Industrial Relations**

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# Contents

## Part 1 Preliminary

### 1. Name of Act

This is a formal provision setting out the name of the Act.

### 2. Commencement

This is a formal provision specifying when the Act commences operation. The Act will commence on the day after it is notified in accordance with the *Legislation Act 2001*.

## Part 2 Long Service Leave Act 1976

### 3. Act amended pt 2

This is a formal provision specifying the name of the principal Act that is amended by this part of the Act.

### 4. Section 9

This amendment extends a person's long service leave entitlements by one day for each public holiday that falls within the period covered by their long service leave.

For example, a worker who took long service leave between June and August would have their leave extended by a day due to the Queen's Birthday public holiday that falls in June.

This amendment mirrors the situation that exists in New South Wales under the *Long Service Leave Act 1955 (NSW)*.

### 5. Pro rata long service leave entitlement Section 11C (1) (b)

This amendment would provide that workers who are otherwise entitled to pro rata payment of long service leave entitlements can access these payments after five years of service with their employer rather than seven years. This will bring the *Long Service Leave Act 1976* in to line with the *Long Service Leave (Building and Construction*

*Industry) Act 1981* and the *Long Service Leave (Contract Cleaning Industry) Act 1999* with already allow for access to the pro rata entitlement at five years.

It will also mean that ACT workers will enjoy the same entitlements as workers in NSW who are also able to access pro rata payments at five years.

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

#### **6. Act amended pt 3**

This is a formal provision specifying the name of the principal Act that is amended by this part of the Act.

#### **7. Section 58**

This amendment extends a person's long service leave entitlements by one day for each public holiday or award holiday that falls within the period covered by their long service leave.

For example, a worker who took long service leave between June and August would have their leave extended by one day due to the Queen's Birthday public holiday that falls in June.

### **Part 4      *Long Service Leave (Contract Cleaning Industry) Act 1999***

#### **8. Act amended pt 4**

This is a formal provision specifying the name of the principal Act that is amended by this part of the Act.

#### **9. Section 59**

This amendment extends a person's long service leave entitlements by one day for each public holiday or award holiday that falls within the period covered by their long service leave.

For example, a worker who took long service leave between June and August would have their leave extended by one day due to the Queen's Birthday public holiday that falls in June.