



New South Wales

# Contract Cleaning Industry (Portable Long Service Leave Scheme) Bill 2010

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.  
The *Long Service Corporation Bill 2010* is cognate with this Bill.

## Overview of Bill

The object of this Bill is to establish a scheme for the portability of long service leave in the contract cleaning industry. The scheme will operate in a broadly similar manner to comparable schemes for the industry in the Australian Capital Territory and Queensland.

The scheme will enable certain workers in the contract cleaning industry who are registered under the proposed Act to access paid long service leave based on 10 or more years (3650 days or more) of recognised service in the industry. There will be no ability to access payments instead of leave but a pro rata payment will be granted after 5 years (1825 days) of service in limited circumstances (death, incapacity and permanent exit from the contract cleaning industry).

Payments will be funded through the imposition of a levy calculated as a prescribed percentage of the ordinary remuneration of the workers and payable by employers in the contract cleaning industry. The levies will be held in a fund to be established under the proposed *Long Service Corporation Act 2010* (which is cognate with this

Bill). The scheme is to be administered by the Building and Construction Industry Long Service Payments Corporation as reconstituted and renamed as the Long Service Corporation (the *Corporation*) by that proposed Act.

The Bill also makes provision for the entry into reciprocal arrangements with authorities in other States and Territories with laws corresponding to the proposed Act.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on 1 July 2011.

**Clause 3** defines certain words and expressions used in the proposed Act. The *contract cleaning industry* is defined as the industry in which employers provide cleaning work, and minor property maintenance work that is incidental or peripheral to such cleaning work, to other people through the provision of workers' services. A *worker* is defined (in proposed section 7) as a person who is engaged by an employer under a contract of service to perform cleaning work in the contract cleaning industry or a contractor who performs cleaning work in the contract cleaning industry. The definition of *contract cleaning industry* also includes the contract cleaning industry within the meaning of a corresponding law for a reciprocal State or Territory.

The Bill is not designed to cover people engaged directly to perform cleaning work (for example, a person engaged by a house owner to clean the owner's house).

*Contractor* is defined as a person (other than an employee) who carries out work for another person for fee or reward on the person's own account. The meaning of the term can be expanded by the Minister by an order made under proposed section 8.

**Clause 4** defines *cleaning work* as being work that has as its only or main component, the bringing of premises into, or maintaining premises in, a clean condition. The meaning of the term can be expanded by the Minister by an order made under proposed section 8.

**Clause 5** defines *employee* for the contract cleaning industry. The meaning of the term can be expanded by the Minister by an order made under proposed section 8.

**Clause 6** defines *employer* for the contract cleaning industry as a person who employs one or more persons to perform cleaning work in that industry. The meaning of the term can be expanded by the Minister by an order made under proposed section 8. The Commonwealth, the State, local government authorities and companies whose only workers are directors (if each of the directors participates in the management of the company or shares its profits) are not employers for the purposes of the definition.

**Clause 7** defines *worker* as a person who is engaged under a contract of service by an employer to perform cleaning work in the contract cleaning industry or who is a contractor who performs cleaning work in that industry. It also includes a person who

is engaged both to perform cleaning work and to supervise other workers regardless of the position title. Specific exclusions from the definition include persons working in a managerial or clerical capacity, persons who are members of a partnership where they share in the profits or participate in its management (or both) and persons employed under a contract of service with the Commonwealth, the State or a local government authority.

**Clause 8** enables the Minister administering the Act to expand its coverage by widening the scope of the definitions of *employer*, *contractor*, *employee* and *cleaning work* by order published on the NSW legislation website. The order is a disallowable instrument.

**Clause 9** constitutes a Contract Cleaning Industry Long Service Leave Committee (the *Committee*) consisting of nominees of various bodies representing the interests of peak contract cleaning industry stakeholders and chaired by the Chief Executive Officer of the Corporation.

## **Part 2 Registration**

### **Division 1 The registers**

**Clause 10** requires the Corporation to keep a register of persons it registers as employers in the contract cleaning industry in NSW (the *employers register*) and a register of persons it registers as workers in that industry (the *workers register*).

**Clause 11** details the information to be entered into the employers register.

**Clause 12** defines *employer's registration day*.

**Clause 13** details the information to be entered into the workers register for each registered worker.

**Clause 14** defines *worker's registration day* for workers. It specifies the manner in which a registration day is determined in different circumstances. In any event the earliest registration day is 1 July 2011.

**Clause 15** provides for inspection of the registers.

### **Division 2 Registration of employers**

**Clause 16** enables the Corporation to register a person as an employer on application under proposed section 17.

**Clause 17** requires an employer for the contract cleaning industry to apply for registration in an approved form within one month (or such additional time as the Corporation allows) after becoming an employer. A penalty is prescribed for failure to apply for registration.

**Clause 18** requires the Corporation to grant or refuse an application under proposed section 17. Proposed section 32 requires the Corporation to ensure that the employer is notified of a refusal and the reasons for the refusal and proposed section 77 provides for appeals against the refusal.

**Clause 19** requires the Corporation to give each employer it registers a certificate of registration containing certain information and specifying the employer's registration day.

**Clause 20** requires a registered employer to give notice to the Corporation within 7 days of any change to information in the certificate of registration. A penalty is prescribed for failure to comply.

### **Division 3 Registration of workers**

**Clause 21** enables the Corporation to register a person as worker on the application of the person or the person's employer in accordance with proposed sections 22 and 23, respectively, or on its own initiative under proposed section 25. It also makes provision for persons who are registered within the period of 6 months (or such longer period as the Corporation allows in exceptional circumstances) after the commencement of the proposed Act to be entered on the register as *foundation workers*. Under proposed section 36, a foundation worker is entitled to be credited in the register with 365 days of service.

**Clause 22** provides for an application by a person to become a registered worker to be made in an approved form.

**Clause 23** requires an employer to apply for registration of a person who is an employee if the person has not registered as a worker within 3 months after he or she commences work for the employer.

**Clause 24** requires the Corporation to grant or refuse an application under proposed section 22 or 23 for registration of a worker. Proposed section 32 requires the Corporation to ensure that the applicant is notified of a refusal and the reasons for the refusal.

**Clause 25** provides for a person to become a registered worker otherwise than by application through information received by the Corporation showing the person to be a worker.

**Clause 26** requires the Corporation to give each worker it registers an annual statement containing certain information, including the number of days credited to the person and the total ordinary remuneration paid to the worker by registered employers during the previous financial year.

**Clause 27** requires a registered worker to give notice to the Corporation within 6 months of any inaccuracies in the information in the annual statement.

### **Division 4 Cancellation and suspension of registration**

**Clause 28** details the circumstances for cancelling the registration of a registered worker and the required processes, and effect, of cancellation.

**Clause 29** details the circumstances for suspending the registration of a registered worker and the required processes, and effect, of suspension.

**Clause 30** details the circumstances in which a worker's registration that has been cancelled may be reinstated, and the effect of reinstatement.

**Clause 31** details the circumstances for cancelling the registration of a registered employer.

## **Division 5      Notices**

**Clause 32** sets out requirements for the giving of notice by the Corporation about decisions under proposed Part 2.

## **Part 3      Service credits**

**Clause 33** defines *engagement period* for the purposes of the proposed Act. It is made clear that, in the case of an engagement period for a worker who is an employee, the continuity of the engagement period is not interrupted by a change of employer. The engagement period is taken to include any day the worker did not perform cleaning work for specified reasons.

**Clause 34** stipulates that a worker is to be credited with one day's service for each day in each engagement period, irrespective of whether the worker performed cleaning work on a particular day.

**Clause 35** sets some limitations on crediting service including a maximum total of 365 days per financial year.

**Clause 36** provides for persons entered in the workers register as foundation workers to be credited with 365 days of recognised service.

**Clause 37** provides for the crediting of service where the Corporation is satisfied that, because of circumstance of a kind prescribed by the regulations, the worker was not eligible to be credited with service for a period of up to 3 months.

**Clause 38** provides for the crediting of service for each day during which a registered worker's employer is insolvent or an externally-administered body corporate.

## **Part 4      Returns and records**

### **Division 1      Returns**

**Clause 39** requires a person who was an employer during a return period to give the Corporation a return for the period within 14 days after the end of the period (a *return period* is defined in proposed section 3 as a quarterly period or such other period as may be prescribed by the regulations). It specifies the information required to be provided in the return and provides that verification of the information provided may be requested by the Corporation. A penalty is prescribed for failure to comply with specified obligations.

**Clause 40** provides for an employer to apply for an exemption from lodging returns. The Corporation may grant the exemption if satisfied that the employer no longer engages the worker or workers to perform cleaning work or the employer complies

with or makes contributions to a similar scheme in another State or a Territory. The exemption may be revoked by the Corporation by written notice.

**Clause 41** requires a contractor who was a registered worker during a return period to submit a return for the period, in the approved form, no later than 14 days after the end of the period. It specifies the information required to be provided in the return.

## **Division 2      Review of ordinary remuneration**

**Clause 42** enables the Corporation to review the total amount of ordinary remuneration stated for a worker in a return if it considers that it is insufficient or excessive because of the nature of the work performed by the worker in the return period and fix another amount if it decides that the amount stated is not reasonable. It provides a procedure for persons affected by the review to be notified and given the opportunity to make submissions to the Corporation in relation to the remuneration.

**Clause 43** requires the Corporation to give notice of its decision on a review under proposed section 42 to the affected persons. If the decision is to fix another amount to that stated in the return the notice must state the effect of the variation.

**Clause 44** outlines the effect of the Corporation fixing another amount of remuneration to that stated in a return. The Corporation may require an employer or contractor to pay an additional amount of levy or may refund overpayments made by them.

**Clause 45** makes it an offence to fail to pay an additional amount of levy if required to do so under proposed section 44.

## **Division 3      Records**

**Clause 46** specifies the particular records that an employer must keep for each worker. These records are to be kept for at least 7 years after the employee stops being employed by the employer. A penalty is prescribed for failure to comply with specified obligations.

**Clause 47** specifies the particular records that a contractor must keep. These records are to be kept for at least 7 years after they are made. A penalty is prescribed for failure to comply with specified obligations.

## **Part 5      Long service leave levy**

**Clause 48** provides for the determination of the levy payable by employers. The amount of the levy for a worker is a percentage of the ordinary remuneration paid to the worker determined by the Minister by order from time to time. The order is a disallowable instrument.

**Clause 49** provides for the determination of the levy payable by contractors. The amount of the levy is a percentage of the ordinary remuneration of a contractor to be determined by the Minister by order from time to time. The order is a disallowable instrument.

**Clause 50** requires a person who is an employer during a return period to pay to the Corporation the levy determined under proposed section 48. A penalty is prescribed for failure to comply with specified obligations.

**Clause 51** requires a person who is a contractor during a return period to pay to the Corporation the levy determined under proposed section 49.

**Clause 52** provides for payment of interest on unpaid levies and enables the Corporation to extend the time for payment of, or waive interest payable on, levies in special circumstances.

**Clause 53** enables the Corporation to assess the amount of unpaid levies owing and to give a notice of assessment to the person concerned. The person may seek a review by the Committee of the assessment under proposed section 83.

**Clause 54** permits the Corporation to enter into an agreement with an agent for the collection of the amounts of long service levies.

## **Part 6 Long service leave**

**Clause 55** states that a registered worker is entitled to leave in accordance with the proposed Part.

**Clause 56** provides that a registered worker is taken to have completed a year of recognised service for each 365 days of recognised service.

**Clause 57** sets out the long service leave formula for the contract cleaning industry used for working out long service leave entitlements.

**Clause 58** provides that a registered worker who has 10 years or more of recognised service is entitled under the proposed Act to the number of days of long service leave worked out in accordance with the long service leave formula. This is an entitlement to long service leave of 8.67 weeks after the registered worker has accrued 3650 days' or more service (10 years times 365 days). It also provides that a registered worker who completes further and subsequent periods of 1825 days additional service is entitled to 4.33 weeks' additional long service leave for each such period. Provision is made for workers in the contract cleaning industry who before the commencement of the proposed Act had accrued an entitlement, or after the commencement become entitled, to long service leave under the *Long Service Leave Act 1955* but who have not accrued any entitlement to long service leave with any employer under the proposed Act to be entitled to additional long service leave if they are credited with the requisite additional period of service after registration as workers.

**Clause 59** makes it an offence for an employer to fail to grant leave to an employee within a prescribed period after it has accrued.

**Clause 60** provides for the making of applications for and payment of leave.

**Clause 61** ensures that a worker is not paid for leave in respect of which payment has already been made.

**Clause 62** prohibits payment instead of long service leave except as provided by proposed section 63.

**Clause 63** provides for a pro rata payment of long service leave if a worker who has 5 years (1825 days) of service has permanently left the contract cleaning industry and 20 weeks have passed without the worker being credited with any service in the workers register.

**Clause 64** provides for a pro rata payment instead of long service leave if a worker has permanently left the industry (for example, because of incapacity or death).

**Clause 65** describes the method of working out leave entitlements for proposed sections 60 and 64.

**Clause 66** sets out the amount payable to a registered worker for long service leave accrued as an employee.

**Clause 67** sets out the amount payable to a registered worker for long service leave accrued as a contractor.

**Clause 68** enables regulations to be made making provision for the determination of minimum and maximum amounts for the rate of pay to be used in the calculation of amounts under proposed section 66.

**Clause 69** makes it clear that public holidays do not count as leave.

**Clause 70** enables payment with respect to long service leave to be made directly to the worker or worker's personal representative where an employer becomes insolvent and specifies that the payment is to be the difference between the employer's payment to the worker and the amount representing the value of the worker's long service leave.

**Clause 71** provides for payment for a long service leave entitlement to be deferred.

**Clause 72** clarifies that the Corporation is not taken to be an employer of a registered worker who takes or may take a benefit under the proposed Act. The Corporation's liability is confined to long service leave.

## **Part 7 Appeals to Committee**

### **Division 1 General**

**Clause 73** makes provision with respect to the procedure for hearing and determining appeals.

**Clause 74** provides for the hearing and determination of appeals by 2 or more members of the Committee appointed by the Committee.

**Clause 75** makes provision with respect to the notification of appeal decisions.

**Clause 76** enables the personal representative of a deceased person to appeal on the person's behalf.



## **Division 2 Rights of appeal**

**Clause 77** enables an employer whose application for registration is refused by the Corporation to appeal to the Committee against the decision.

**Clause 78** enables an applicant for registration as a worker whose application is refused by the Corporation to appeal to the Committee against the decision.

**Clause 79** enables an employer whose registration is cancelled by the Corporation to appeal to the Committee against the decision.

**Clause 80** enables a worker whose registration is cancelled by the Corporation to appeal to the Committee against the decision.

**Clause 81** provides for appeals in relation to decisions made by the Corporation concerning exemptions from lodging returns.

**Clause 82** provides for the making of appeals against refusals to extend the time for, or waive payment of interest on, levies.

**Clause 83** provides for appeals against levy assessments.

**Clause 84** provides for appeals against the limitation of long service payments by operation of deemed minimum and maximum rates of pay.

## **Part 8 Enforcement**

### **Division 1 Authorisation and identification of inspectors**

**Clause 85** defines *inspector* for the purpose of the proposed Part.

**Clause 86** provides for the authorisation of inspectors.

**Clause 87** provides for the identification of inspectors.

### **Division 2 Powers of entry and inspection**

**Clause 88** enables inspectors to enter premises to determine whether workers in the contract cleaning industry are employed or engaged there and whether the proposed Act or regulations are being complied with or contravened.

**Clause 89** prohibits entry into residential premises except with the consent of the occupier or under a search warrant.

**Clause 90** provides for the issue of search warrants.

**Clause 91** sets out the powers of inspectors to inspect and seize documents and other things.

**Clause 92** sets out the powers of inspectors to deal with seized things.

**Clause 93** provides for assistance to be given to inspectors.

**Clause 94** contains provisions relating to requirements to furnish records or information or answer questions.

**Clause 95** makes it an offence to refuse or fail to comply (without lawful excuse) with requirements imposed under the proposed Part.

### **Division 3 Other enforcement matters**

**Clause 96** provides for the service of documents.

**Clause 97** provides for the authentication of documents.

**Clause 98** enables the Corporation to require an applicant for registration as an employer to provide further information or evidence to enable it to deal with the application.

**Clause 99** enables the Corporation to require an applicant for registration of a worker to provide further information or evidence to enable it to deal with the application.

**Clause 100** provides for the Corporation to pursue a person believed to be an unregistered employer through a written notice seeking information or documentation within a stated time.

**Clause 101** makes it an offence to make false or misleading statements in documents required to be provided under the proposed Act.

**Clause 102** makes it an offence to disclose information obtained in administering the proposed Act except in specified circumstances.

### **Division 4 Proceedings for offences and debt recovery**

**Clause 103** provides for proceedings for offences to be dealt with summarily before the Local Court.

**Clause 104** makes provision with respect to offences by corporations and directors of corporations.

**Clause 105** enables charges, fees, levies and other money due to the Corporation under the proposed Act to be recovered by the Corporation as a debt in a court of competent jurisdiction.

**Clause 106** enables the Local Court in imposing a penalty for non-compliance with the requirement to register as an employer under proposed section 17 to order the employer to pay to the Corporation the amount of levy that the employer would have paid if the person had complied with the proposed Act since becoming registered.

**Clause 107** provides for the issue of evidentiary certificates in relation to levy payments.

## **Part 9 Relationship to other laws**

**Clause 108** defines *relevant law*.

**Clause 109** provides for registered workers with entitlements accrued after the commencement of the proposed Act under both the proposed Act and the *Long*

*Service Leave Act 1955* or other laws to elect the law under which benefits are to be taken.

**Clause 110** provides for the reimbursement by the Corporation of employers who make payments pursuant to an election under proposed section 109.

**Clause 111** provides for the reimbursement by the Corporation of employers who make payments in respect of entitlements under the *Long Service Leave Act 1955* in respect of engagement periods during which the person concerned was a registered worker under the proposed Act.

## **Part 10 Reciprocal arrangements**

**Clause 112** provides for the Minister to enter into an agreement to administer the law of another State or Territory about making long service leave payments to persons engaged in the contract cleaning industry in the other State or Territory. The matters that may be included in the agreement are detailed in the proposed section.

**Clause 113** enables a registered worker who has an entitlement to long service leave under the proposed Act and a corresponding law to apply to the Corporation for payment of the amount under the corresponding law if a reciprocal agreement is in place.

**Clause 114** provides for the Corporation to reimburse a reciprocal authority that makes payments under a corresponding law for a long service leave entitlement under the proposed Act for work done in the contract cleaning industry.

## **Part 11 Miscellaneous**

**Clause 115** protects persons from personal liability for matters or things done in good faith for the purpose of executing the proposed Act.

**Clause 116** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 117** provides for the review of the proposed Act.

## **Schedule 1 Constitution and procedure of Committee**

**Schedule 1** contains provisions relating to the constitution and procedure of the Committee.

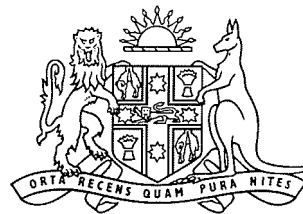
## **Schedule 2 Savings, transitional and other provisions**

**Schedule 2** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

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### **Schedule 3    Amendment of other Acts and regulation**

**Schedule 3** makes consequential amendments to the Acts and the regulation specified in the Schedule.



New South Wales

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New South Wales

# **Contract Cleaning Industry (Portable Long Service Leave Scheme) Bill 2010**

No. , 2010

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## **A Bill for**

An Act to establish a scheme for portability of long service leave in the contract cleaning industry; and for other purposes.

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**The Legislature of New South Wales enacts:** 1

**Part 1 Preliminary** 2

**1 Name of Act** 3

This Act is the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*. 4  
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**2 Commencement** 6

This Act commences on 1 July 2011. 7

**3 Definitions** 8

(1) In this Act: 9

*approved form* means in the form approved by the Corporation. 10

*Chief Executive Officer* means the Chief Executive Officer within the meaning of the *Long Service Corporation Act 2010*. 11  
12

*cleaning work*—see section 4. 13

*Committee* means the Contract Cleaning Industry Long Service Leave Committee constituted by section 9. 14  
15

*contract cleaning industry* means: 16

(a) in relation to New South Wales—the industry in which employers provide cleaning work, and minor property maintenance work that is incidental or peripheral to such cleaning work, to other people through the provision of workers’ services, and 17  
18  
19  
20  
21

(b) in relation to a reciprocating State or Territory—the contract cleaning industry within the meaning of the corresponding law of the State or Territory. 22  
23  
24

*contractor* means a person (other than an employee) who: 25

(a) performs work for another person for fee or reward on the person’s own account, or 26  
27

(b) is declared to be a contractor for the contract cleaning industry under section 8. 28  
29

*Corporation* means the Long Service Corporation constituted under the *Long Service Corporation Act 2010*. 30  
31

*corresponding law* means a law of another State or a Territory that makes provision with respect to long service leave and that is declared by the regulations to be a corresponding law. 32  
33  
34

*day*, in relation to a worker, means 24 hours or such other period as is prescribed by the regulations as a day for a worker. 35  
36

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<i>employee</i> —see section 5.	1
<i>employer</i> —see section 6.	2
<i>employers register</i> means the register referred to in section 11.	3
<i>employer’s registration day</i> —see section 12.	4
<i>engagement period</i> for a registered worker—see section 33.	5
<i>exercise</i> a function includes perform a duty.	6
<i>foundation worker</i> —see section 21 (2) and (3).	7
<i>function</i> includes a power, authority or duty.	8
<i>Fund</i> means the Contract Cleaning Industry Long Service Leave Fund maintained under the <i>Long Service Corporation Act 2010</i> .	9 10
<i>levy</i> means the long service leave levy imposed under Part 5.	11
<i>long service leave formula</i> —see section 57.	12
<i>ordinary remuneration</i> for a person means the amount paid or payable to the person for cleaning work, other than any amounts for the following:	13 14 15
(a) overtime,	16
(b) expenses incurred by the person,	17
(c) the use of materials, equipment or a motor vehicle provided by the person.	18 19
<i>premises</i> includes the whole or any part of a building, structure or place, whether built on or not.	20 21
<i>reciprocal authority</i> means the entity under a corresponding law that administers the scheme of long service benefits established by that law.	22 23
<i>reciprocating State or Territory</i> means a State or Territory with which a reciprocal agreement within the meaning of section 112 is in force.	24 25
<i>recognised service</i> , for a registered worker, means the total number of days for all engagement periods entered in the workers register for the worker.	26 27 28
<i>registered employer</i> means an employer who is registered as an employer under Part 2.	29 30
<i>registered worker</i> means a person who is registered as a worker under Part 2.	31 32
<b>Note.</b> A worker may be a contractor or an employee.	33
<i>return period</i> means:	34
(a) a 3-month period, ending at the end of 31 March, 30 June, 30 September or 31 December in any year, during which a worker performs cleaning work, or	35 36 37
(b) such other period as may be prescribed by the regulations.	38

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<i>service</i> , for a registered worker for the contract cleaning industry, means service in the industry.	1
<i>worker</i> —see section 7.	2
<i>workers register</i> means the register referred to in section 13.	3
<i>worker’s registration day</i> —see section 14.	4
(2) Notes included in this Act do not form part of this Act.	5
<b>4 Meaning of “cleaning work”</b>	6
(1) <i>Cleaning work</i> is:	7
(a) work that has, as its only or main component, the bringing of premises into, or maintaining premises in, a clean condition, or	8
(b) work, or an activity, declared to be cleaning work under section 8.	9
(2) Without limiting subsection (1) (a), work referred to in that paragraph includes the collection of trolleys (other than trolley collection of a kind described by the regulations) and hygiene and pollution control.	10
<b>5 Meaning of “employee”</b>	11
(1) A person is an <i>employee</i> for the contract cleaning industry if the person is:	12
(a) employed by an employer for that industry, or	13
(b) declared to be an employee for that industry under section 8.	14
(2) In this section:	15
<i>employed</i> includes employed as:	16
(a) a full-time employee, or	17
(b) a part-time employee, or	18
(c) a casual employee.	19
<b>6 Meaning of “employer”</b>	20
(1) An <i>employer</i> for the contract cleaning industry is a person who:	21
(a) employs one or more persons to perform cleaning work in that industry, or	22
(b) is declared to be an employer for that industry under section 8.	23
(2) The following are not employers for the purposes of subsection (1):	24
(a) the Commonwealth,	25
(b) the State,	26
(c) a local government authority,	27

- 
- (d) a company whose only workers are directors, if each of the directors participates in the management of the company or shares its profits, 1  
2  
3
  - (e) a person to whom subsection (1) (a) applies who is excluded by the regulations from being an employer. 4  
5

**7 Meaning of “worker”** 6

- (1) A **worker** for the contract cleaning industry is a person who: 7
  - (a) is engaged by an employer under a contract of service to perform cleaning work in the industry, or 8  
9
  - (b) is a contractor who performs cleaning work in the industry. 10
- (2) A **worker** includes a person who is engaged both to perform cleaning work and to supervise other workers in the contract cleaning industry, whether or not the person is known as a supervisor, leading hand or another title. 11  
12  
13  
14
- (3) However, **worker** does not include a person who performs work in the contract cleaning industry: 15  
16
  - (a) whose only or main duties are managerial or clerical, or 17
  - (b) under a contract of service with a partnership if the person is a partner and participates in the management of the partnership or shares the profits, or 18  
19  
20
  - (c) under a contract of service with the Commonwealth, the State or a Territory or a local government authority, or 21  
22
  - (d) under a contract, whether or not the contract is a contract of service, with a corporation of which the person is a director, or 23  
24
  - (e) under a contract, whether or not the contract is a contract of service, with a trust of which the person is a trustee. 25  
26

**8 Declaration by Minister—coverage of Act** 27

- (1) The Minister may, by order published on the NSW legislation website, declare that for this Act: 28  
29
  - (a) a person is an employer for the contract cleaning industry, or 30
  - (b) a person is a contractor for that industry, or 31
  - (c) a person is an employee, or an employee of a stated employer, for that industry, or 32  
33
  - (d) work, or an activity, is cleaning work. 34
- (2) Sections 40 (Notice of statutory rules to be tabled) and 35  
41 (Disallowance of statutory rules) of the *Interpretation Act 1987* 36

apply to an order under this section in the same way as those sections  
apply to statutory rules. 1  
2

**9 Constitution of Long Service Leave Committee** 3

(1) There is constituted by this Act the Contract Cleaning Industry Long  
Service Leave Committee. 4  
5

(2) The Committee is to consist of the following members: 6

(a) the Chief Executive Officer or a nominee of the Chief Executive  
Officer, 7  
8

(b) 2 persons appointed by the Minister, on the nomination of Unions  
NSW, to represent that body, 9  
10

(c) 2 persons appointed by the Minister, on the nomination of the  
Liquor, Hospitality, Miscellaneous Workers Union (NSW  
Branch), to represent that body, 11  
12  
13

(d) 2 persons appointed by the Minister, on the nomination of the  
Building Service Contractors Association, to represent that body, 14  
15

(e) 2 persons appointed by the Minister, on the nomination of the  
Australian Cleaning Contractors' Association, to represent that  
body. 16  
17  
18

(3) The person referred to in subsection (2) (a) is to be the Chairperson of  
the Committee. 19  
20

(4) If a nomination referred to in subsection (2) (b), (c), (d) or (e) is not  
made by a body within such time as the Minister allows, the Minister  
may appoint a person the Minister considers suitable to represent that  
body in place of the person required to be so nominated. 21  
22  
23  
24

(5) Schedule 1 contains provisions relating to members of the Committee. 25



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<b>Part 2</b>	<b>Registration</b>	1
<b>Division 1</b>	<b>The registers</b>	2
<b>10</b>	<b>Corporation must keep registers</b>	3
(1)	The Corporation must keep the following registers under this Act:	4
(a)	an employers register,	5
(b)	a workers register.	6
(2)	Subject to this Act, the registers are to be kept in the form and manner, and are to contain such particulars, as the Corporation determines.	7 8
<b>11</b>	<b>Employers register</b>	9
(1)	The Corporation is to enter the following information in the employers register in relation to a person it registers as an employer for the contract cleaning industry:	10 11 12
(a)	the employer's name,	13
(b)	the employer's trading name (if any),	14
(c)	the employer's ABN (if any),	15
(d)	the address of the employer's principal place of business,	16
(e)	if the employer is a corporation:	17
(i)	the address of the corporation's registered office, and	18
(ii)	the corporation's ACN,	19
(f)	the employer's registration day,	20
(g)	if the person is no longer an employer—the day the person stopped being an employer.	21 22
(2)	The Corporation may enter in the register any other information it considers necessary for the administration of this Act.	23 24
<b>12</b>	<b>Employer's registration day</b>	25
	For the purposes of section 11 (1) (f), the day on which a person becomes a registered employer (the <i>employer's registration day</i> ) is the day on which the Corporation received the application for registration under section 17.	26 27 28 29
<b>13</b>	<b>Workers register</b>	30
(1)	The Corporation is to enter the following information (or so much of it as it has or is reasonably able to obtain) in the workers register in	31 32

- relation to a person it registers as a worker for the contract cleaning industry: 1  
2
- (a) the worker’s name (entered, in the case of a foundation worker, as the name of a foundation worker), 3  
4
  - (b) if the worker is an employee—each employer for whom the employee works, 5  
6
  - (c) if the worker is a contractor—the person’s ABN (if any), 7
  - (d) the number of days of service with which the worker is credited under this Act, 8  
9
  - (e) the total ordinary remuneration of the worker for work performed by the worker, 10  
11
  - (f) the worker’s entitlement to long service leave, 12
  - (g) details of the long service leave granted to, or taken by, the worker, or payment instead of long service leave made to the worker, under this Act or the *Long Service Leave Act 1955*, 13  
14  
15
  - (h) the worker’s registration day, 16
  - (i) if the worker no longer performs cleaning work in the contract cleaning industry—the day that he or she stopped performing such work. 17  
18  
19
- (2) The Corporation may enter in the register any other information it considers necessary for the administration of this Act. 20  
21
- (3) The Corporation may, for the purposes of entering in the workers register the information referred to in subsection (1) (e), rely on the information contained in any return furnished under Part 4 or such other information as the Corporation thinks fit. 22  
23  
24  
25

**14 Worker’s registration day** 26

- (1) For the purposes of section 13 (1) (h), the day on which a person becomes a registered worker (the ***worker’s registration day***) is: 27  
28
- (a) if the person applies for registration under section 22 and the application is granted—the day on which the Corporation receives the application, or 29  
30  
31
  - (b) if an employer of the person applies for registration of the person under section 23 and the application is granted—the day on which the Corporation receives the application, or 32  
33  
34
  - (c) if the Corporation receives other information indicating the person is a worker as mentioned in section 25—the day the Corporation receives the information. 35  
36  
37
- (2) However, if the Corporation is satisfied the person was a worker for a period before the worker’s registration day, the Corporation may 38  
39

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nominate an earlier day as the day on which the person became a registered worker.	1 2
(3) The Corporation must not nominate a day:	3
(a) that is more than 2 full financial years before the person's registration day, unless the Corporation is satisfied special circumstances exist, and	4 5 6
(b) in any event—that is earlier than 1 July 2011.	7
<b>15 Inspection of registers</b>	8
An employer, a registered worker, or a person acting on behalf of the employer or registered worker, may inspect, and obtain a certified copy of, an entry in the register that relates to the employer or worker.	9 10 11
<b>Division 2 Registration of employers</b>	12
<b>16 Registration</b>	13
The Corporation may register a person as an employer on application by the person under section 17.	14 15
<b>17 Application for registration by employers</b>	16
(1) In this section:	17
<i>prescribed period</i> , in relation to an employer for the contract cleaning industry, means the following:	18 19
(a) for a person who becomes an employer on or after the commencement of this Act—one month after becoming an employer,	20 21 22
(b) for a person who is an employer immediately before the commencement of this Act—one month after that commencement.	23 24 25
(2) An employer for the contract cleaning industry must apply to the Corporation for registration as an employer not later than the end of:	26 27
(a) the prescribed period for the employer, or	28
(b) such additional time as the Corporation allows.	29
Maximum penalty: 50 penalty units.	30
(3) An application must be in the approved form.	31
(4) The approved form may require an employer:	32
(a) to state the following:	33
(i) any name under which the employer is or has been engaged in the contract cleaning industry,	34 35

(ii)	any business address of the employer,	1
(iii)	any place a record mentioned in section 46 (Employers to keep records) may be inspected during normal business hours, and	2 3 4
(b)	to give other information or produce documents the Corporation considers are relevant to the administration of this Act.	5 6
	<b>Note.</b> The Corporation may require an applicant to provide further information or evidence—see section 98.	7 8
<b>18</b>	<b>Dealing with applications for registration as an employer</b>	9
	The Corporation must:	10
(a)	register a person who makes an application under section 17 as an employer for the contract cleaning industry if satisfied the person is an employer for that industry, or	11 12 13
(b)	in any other case—refuse to register the person as an employer.	14
	<b>Note.</b> See section 32 in relation to notification requirements concerning registration decisions and section 77 with respect to appeals.	15 16
<b>19</b>	<b>Certificate of registration for employers</b>	17
(1)	The Corporation must give each person registered as an employer for the contract cleaning industry a certificate of registration that includes:	18 19
(a)	the registration information mentioned in section 11 (Employers register), and	20 21
(b)	the employer’s registration day for the person.	22
(2)	If satisfied that an employer’s certificate of registration has been stolen, lost or destroyed, the Corporation must give the employer a replacement certificate of registration.	23 24 25
(3)	An employer’s certificate of registration is evidence of the matters stated in the certificate.	26 27
<b>20</b>	<b>Registered employer to notify change of details</b>	28
(1)	If the details shown on a registered employer’s certificate of registration change, the employer must, not later than 7 days after the change, give the Corporation written notice of the change. Maximum penalty: 5 penalty units.	29 30 31 32
(2)	The Corporation must give the employer an amended certificate of registration.	33 34

<b>Division 3</b>	<b>Registration of workers</b>	1
<b>21</b>	<b>Registration</b>	2
(1)	The Corporation may register a person as a worker:	3
(a)	on application by the person under section 22, or	4
(b)	on application by the person’s employer under section 23, or	5
(c)	on the Corporation’s own initiative under section 25.	6
(2)	A person who is registered within 6 months after the commencement of this Act (the <i>foundation period</i> ) is to be entered on the register as a foundation worker.	7 8 9
(3)	In addition, the Corporation may enter a person who is registered (whether on application or on the Corporation’s own initiative) more than 6 months after the commencement of this Act on the register as a foundation worker if the Corporation is satisfied that there are exceptional circumstances that warrant entry after the end of the foundation period.	10 11 12 13 14 15
<b>22</b>	<b>Application for registration by workers</b>	16
(1)	A person may apply to the Corporation for registration as a worker for the contract cleaning industry.	17 18
	<b>Note.</b> Workers who are registered within 6 months after the commencement of the Act are entered on the register as foundation workers and credited with 365 days of service.	19 20 21
(2)	An application under this section must be in the approved form.	22
	<b>Note.</b> The Corporation may require the applicant to provide further information or evidence—see section 99.	23 24
<b>23</b>	<b>Application by employers for registration of employee</b>	25
(1)	This section applies if a person who is not a registered worker is employed by an employer in the contract cleaning industry and does not apply for registration under section 22 before the end of 3 months after the day on which the person starts to work for the employer.	26 27 28 29
(2)	The employer must apply to the Corporation for registration of the employee as a worker for the contract cleaning industry within 14 days after the end of the 3-month period.	30 31 32
	Maximum penalty: 20 penalty units.	33
(3)	The application must be in the approved form.	34
	<b>Note.</b> The Corporation may require the applicant to provide further information or evidence—see section 99.	35 36

<b>24</b>	<b>Dealing with applications for registration as registered worker</b>	1
	If an application is made under section 22 or 23 for registration of a person as a worker for the contract cleaning industry, the Corporation must:	2
		3
		4
	(a) if satisfied that the person is a worker for the contract cleaning industry (or is a worker for the contract cleaning industry who is eligible to be entered on the register as a foundation worker)—register the person as a worker for the industry (or as a foundation worker), or	5
		6
		7
		8
		9
	(b) in any other case—refuse to register the person as a worker for the industry.	10
		11
	<b>Note.</b> See section 32 in relation to notification requirements concerning registration decisions and section 78 in relation to appeals against such decisions.	12
		13
		14
<b>25</b>	<b>Corporation may register worker without application</b>	15
	The Corporation may decide to register a person as a worker in the contract cleaning industry if:	16
		17
	(a) the Corporation becomes aware of information (other than because of an application under this Part) indicating that the person is, or was, a worker for the industry, and	18
		19
		20
	(b) the Corporation is satisfied that the person should be registered as a worker for the industry.	21
		22
	<b>Note.</b> The Corporation must give notice of the registration to the worker—see section 32.	23
		24
<b>26</b>	<b>Annual statements for workers</b>	25
	(1) The Corporation must, as soon as practicable after 31 July in each year, place a statement on its website setting out the following information in relation to each registered worker:	26
		27
		28
	(a) the number of days of service, from the worker’s registration day to the end of the previous financial year, with which the worker has been credited in the workers register,	29
		30
		31
	(b) the number of days of service that the worker has been credited with for the previous financial year,	32
		33
	(c) the total ordinary remuneration paid to the worker during the previous financial year by a registered employer,	34
		35
	(d) if the worker is a contractor—the total amount paid by the contractor under section 51 (Levy payments by registered contractors) for the previous financial year.	36
		37
		38

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(2)	The Corporation must ensure that the annual statement relating to a registered worker referred to in subsection (1) may be readily accessed by the worker.	1 2 3
(3)	The Corporation must give a registered worker a written copy of the annual statement relating to the worker if requested to do so by the worker.	4 5 6
<b>27</b>	<b>Registered worker to notify inaccuracies</b>	7
	If the details shown on an annual statement relating to a registered worker under section 26 are inaccurate, the worker must, not later than 6 months after the statement is placed on the Corporation's website, give the Corporation written notice of the correct details.	8 9 10 11
<b>Division 4</b>	<b>Cancellation and suspension of registration</b>	12
<b>28</b>	<b>Cancellation of worker's registration</b>	13
(1)	The Corporation may at any time cancel the registration of a worker if it is satisfied that the person concerned is not a worker and that the person's application to become a registered worker should have been refused.	14 15 16 17
(2)	The Corporation must cancel the registration of a registered worker if the person concerned has not been credited under this Act or a corresponding law with at least one day's service for 4 consecutive years.	18 19 20 21
(3)	For the purposes of subsection (2), any day prescribed by the regulations as a non-service day is to be treated as a day's service.	22 23
(4)	The Corporation must also cancel the registration of a worker:	24
(a)	on the making of any payment in accordance with section 63 (Entitlement to pro rata payment instead of leave in limited circumstances) in respect of the worker, or	25 26 27
(b)	at the request of the worker.	28
(5)	The cancellation of the registration of a registered worker under subsection (1) takes effect:	29 30
(a)	on the expiration of the period of 42 days after the Corporation notifies the registered worker of the cancellation, or	31 32
(b)	if an appeal under section 80 is lodged against the cancellation within that period—on the date the appeal is withdrawn or the cancellation is confirmed.	33 34 35

- (6) If the registration of a person as a worker is cancelled under subsection (1) or (2):
- (a) the person stops being a registered worker on the day the registration is cancelled, and
  - (b) the person is not entitled to apply for, or to be paid an amount for long service leave for, any days of service entered in the register before the day the person stopped being a registered worker.
- (7) However, subsection (6) (b) does not apply if the person would, but for the person's ceasing to be registered, have been entitled to payment for a period under section 63 (Entitlement to pro rata payment instead of leave in limited circumstances).
- (8) Regulations may be made for or with respect to the refund of levies on cancellation of the registration of a worker.
- Note.** See section 32 in relation to notification requirements concerning registration decisions and section 80 with respect to appeals against cancellation of a worker's registration.

**29 Suspension of worker's registration**

- (1) The Corporation may suspend the registration of a worker who has been credited with at least 1825 days of service in the register of workers if 1460 non-service days have elapsed since the last date in respect of which the worker was credited with service under this Act or under a corresponding law.
- (2) For the purposes of subsection (1), a *non-service day* is a day prescribed by the regulations as a non-service day for the purposes of this section.
- (3) The Corporation may restore a suspended registration at any time.
- (4) While the registration of a worker is suspended:
- (a) the worker is not to be credited in the workers register with any service under this Act (being service during the period of suspension), and
  - (b) the Corporation is not required to give any annual statement under section 26 to the worker, and
  - (c) subject to sections 62 (Prohibition on payments in lieu of leave) and 63:
    - (i) the worker is entitled to apply for and be paid any long service payment in respect of any days' service then credited to the worker in the workers register, and
    - (ii) if the worker has died (whether before or after the worker's registration was suspended)—the personal representative of the worker is entitled to apply for and be paid any long



	service payment in respect of any days' service then credited to the worker in the workers register.	1 2
(5)	An application under subsection (4) (c) (ii) may not be made more than 2 years after the date of suspension or the date of the worker's death (whichever is the later).	3 4 5
(6)	If a suspended registration is restored under subsection (3), any days' service under this Act that are credited to the worker as at the date of the suspension are to be restored.	6 7 8
<b>30</b>	<b>Reinstatement of cancelled registration</b>	9
(1)	The registration of a person as a worker that has been cancelled in accordance with section 28 may (if the person is eligible) be reinstated at any time within 6 years after the date of cancellation if the Corporation is satisfied that special circumstances exist warranting reinstatement of the person's registration.	10 11 12 13 14
(2)	The Corporation may reinstate the registration of a person as a worker that has been cancelled under section 28 (2) if the Corporation is satisfied that the person has been credited with a period of service under a corresponding law within the period of 4 years ending on the day on which the person's registration was cancelled.	15 16 17 18 19
(3)	If a person's registration as a worker is reinstated under this section, this Act applies in relation to the person as if the person's registration as a worker had not been cancelled.	20 21 22
(4)	This section does not affect any other right that a person whose registration has been cancelled may have to again become a registered worker.	23 24 25
<b>31</b>	<b>Cancellation of employer's registration</b>	26
(1)	The Corporation may at any time cancel the registration of an employer if it is satisfied that the person concerned is not an employer and that the person's application to become a registered employer should have been refused.	27 28 29 30
(2)	If a registered employer stops engaging workers to perform cleaning work in the contract cleaning industry, the registered employer may apply to the Corporation for cancellation of registration.	31 32 33
(3)	The application is to be in the approved form.	34
(4)	The Corporation must cancel the registration if it is satisfied that the person concerned has stopped engaging workers to perform cleaning work in the contract cleaning industry.	35 36 37

- (5) The person stops being a registered employer on the day the registration is cancelled but must pay any levy payable under section 50 that was due to the Corporation before that day. 1  
2  
3  
**Note.** See section 32 in relation to notification requirements concerning registration decisions and section 79 with respect to appeals. 4  
5

## **Division 5 Notices** 6

### **32 Notice of registration decisions** 7

- (1) The Corporation must, not later than 14 days after making a decision under this Part, give written notice of its decision to: 8  
9  
(a) the applicant, or 10  
(b) if it has decided to register a person under this Part on its own initiative—the person registered, or 11  
12  
(c) if it has cancelled the registration of a person—the person. 13  
(2) If the decision is to register a person as a worker, the notice must state the worker's registration day. 14  
15  
(3) If the Corporation's decision is to refuse to register or to cancel the registration of the person, the notice must include: 16  
17  
(a) an explanation for the decision, and 18  
(b) a statement of the effect of section 77, 78, 79 or 80 (as the case requires). 19  
20

<b>Part 3</b>	<b>Service credits</b>	1
<b>33</b>	<b>Meaning of “engagement period”</b>	2
(1)	An <i>engagement period</i> , for a worker who is an employee, is a period that:	3
		4
(a)	starts on the day the person is engaged by an employer as a worker, and	5
		6
(b)	stops on the day the person stops being engaged by an employer as a worker.	7
		8
(2)	For the purposes of subsection (1), it is not relevant whether the employer who engages the person as a worker is the employer who stops engaging the person as a worker.	9
		10
		11
(3)	An <i>engagement period</i> , for a worker who is a contractor, is a period that:	12
		13
(a)	starts on the day the person performs cleaning work as a contractor in the contract cleaning industry, and	14
		15
(b)	stops on the day the person stops performing cleaning work as a contractor in the contract cleaning industry.	16
		17
(4)	An <i>engagement period</i> , for a worker, is also taken to include any day that the person who is or was a worker did not perform cleaning work:	18
		19
(a)	because of incapacity for an injury for which the worker is entitled to compensation under the <i>Workers Compensation Act 1987</i> , or	20
		21
		22
(b)	if the worker is an employee—because the worker had been dismissed by the person’s employer to ensure that the person did not take long service leave during the worker’s employment.	23
		24
		25
<b>34</b>	<b>Service credit</b>	26
	A registered worker is to be credited in the workers register with one day’s service for each day (including a day when the worker does not perform cleaning work) in each engagement period.	27
		28
		29
	<b>Note.</b> See section 37 in relation to service credits for days when no cleaning work is performed.	30
		31
<b>35</b>	<b>Limitations on crediting service</b>	32
(1)	Except as provided by section 36, a worker must not be credited in the workers register with a day’s service unless the day is on or after the worker’s registration day.	33
		34
		35

(2)	A worker must not be credited in the workers register with more than 365 days of service in a financial year, even if a particular financial year has 366 days.	1 2 3
(3)	The days of service a worker must be credited for in the workers register must be adjusted to ensure that the total number is not more than 365 days if:	4 5 6
(a)	for a financial year—a registered worker would otherwise be entitled to be credited with a number of days of service in the workers register and a further number of days of service in a like register or record kept under a corresponding law, and	7 8 9 10
(b)	the total number of days is more than 365 days.	11
(4)	The adjustment made under subsection (3) must be made when an application is made under this Act or a corresponding law for payment of long service leave for service that includes either or both of the number of days of service mentioned in subsection (3) (a), or at any other time the Corporation may decide.	12 13 14 15 16
<b>36</b>	<b>Foundation worker service credit</b>	17
	A registered worker whose name is entered on the workers register as a foundation worker is to be credited, on the day that the worker's name is entered in the register, with 365 days of recognised service for the purposes of this Act.	18 19 20 21
	<b>Note.</b> Days credited as recognised service are not counted as service for the purposes of the <i>Long Service Leave Act 1955</i> .	22 23
<b>37</b>	<b>Service credit for breaks in engagement periods</b>	24
(1)	The Corporation may, on application by a registered worker, credit the worker with one day's service in the workers register for each day of any period not exceeding 3 months during which the Corporation is satisfied that, because of circumstances of a kind described by the regulations, the worker was not eligible to be credited with service under section 34.	25 26 27 28 29 30
(2)	The application is to be in the approved form.	31
<b>38</b>	<b>Service credit—insolvent employer</b>	32
(1)	The Corporation may credit an employee who is registered as a worker with one day's service in the workers register for each day during which the person's employer is insolvent under administration, or an externally-administered body corporate, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, on application by the worker or the administrator.	33 34 35 36 37 38
(2)	The application is to be in the approved form.	39

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<b>Part 4</b>	<b>Returns and records</b>	1
<b>Division 1</b>	<b>Returns</b>	2
<b>39</b>	<b>Returns by employers</b>	3
(1)	Within 14 days after the end of a return period, a person who is or was an employer for the contract cleaning industry during the return period must give to the Corporation a return in the approved form for the period. Maximum penalty: 40 penalty units.	4 5 6 7 8
(2)	For each worker who is an employee of the person during the return period, the return must include the following:	9 10
(a)	the total amount of ordinary remuneration paid by the employer to the worker during the period for cleaning work performed by the worker,	11 12 13
(b)	if the worker's engagement with the person began during the period—the day on which the engagement period for the worker began,	14 15 16
(c)	if the worker's engagement with the person ended during the period—the day on which the engagement period for the worker ended,	17 18 19
(d)	any other information required by the regulations. Maximum penalty: 40 penalty units.	20 21
(3)	If asked by the Corporation, the person must verify the information contained in the return in the way asked by the Corporation including, if asked, by statutory declaration. Maximum penalty: 40 penalty units.	22 23 24 25
(4)	An employer must give notice to the Corporation about a change to information mentioned in subsection (2) within 14 days after the change. Maximum penalty: 40 penalty units.	26 27 28 29
(5)	This section does not require a person to record any information in respect of a worker who is an employee of the person who:	30 31
(a)	is not a registered worker, and	32
(b)	was not recorded as a worker in the person's return for the previous return period, and	33 34
(c)	performed work for the person for less than 5 days during the current return period.	35 36

<b>40 Exemption from lodging return</b>	1
(1) An employer may apply to the Corporation for an exemption from the requirement to lodge a return under section 39 in relation to a person who is, or was, engaged by the employer as a worker.	2 3 4
(2) The application must be in the approved form.	5
(3) The Corporation may grant the exemption if the Corporation is satisfied that:	6 7
(a) the employer no longer engages the person to perform cleaning work, or	8 9
(b) the employer complies with, or makes contributions to, a similar scheme in another State or a Territory about long service leave payments for persons performing cleaning work to that established by this Act in relation to the person.	10 11 12 13
(4) The Corporation may, by notice in writing to the employer, revoke an exemption granted under subsection (3) if the Corporation is satisfied the exemption should no longer be given.	14 15 16
(5) If the Corporation refuses to grant an application for, or revokes, an exemption, the Corporation must give the employer written notice of its decision.	17 18 19
(6) The notice must include:	20
(a) an explanation for the decision, and	21
(b) a statement of the effect of section 81.	22
<b>41 Returns by contractors who are registered workers</b>	23
(1) A contractor who is, or was, a registered worker during a return period must give the Corporation a return in the approved form containing the required information not later than 14 days after the end of the return period. Maximum penalty: 20 penalty units.	24 25 26 27 28
(2) In this section:	29
<b>required information</b> , for a contractor for a return period, means:	30
(a) the number of days, or part days, during the return period on which the contractor performed work, and	31 32
(b) the contractor's total ordinary remuneration for the work during the return period, and	33 34
(c) any other information prescribed by the regulations.	35

<b>Division 2</b>	<b>Review of ordinary remuneration</b>	1
<b>42</b>	<b>Review of ordinary remuneration by Corporation</b>	2
(1)	This section applies if the Corporation considers that the total ordinary remuneration for a worker stated in a return given to the Corporation under section 39 or 41 for a return period may be insufficient or excessive because of the nature of the work performed by the worker in the return period.	3 4 5 6 7
(2)	The Corporation must give the following people a notice advising them that they may make a submission in relation to the ordinary remuneration:	8 9 10
(a)	for a return under section 39—the employer who gave the return and the employee,	11 12
(b)	for a return under section 41—the contractor.	13
(3)	A submission must be made to the Corporation in writing within one month after the notice is given.	14 15
(4)	After considering a submission (if any) made in accordance with this section, the Corporation may:	16 17
(a)	decide that the total ordinary remuneration stated in the return for the return period is reasonable, or	18 19
(b)	fix another amount as the total ordinary remuneration of the worker for the return period.	20 21
<b>43</b>	<b>Notice of Corporation’s decision on review of remuneration</b>	22
(1)	The Corporation must, not later than 14 days after it makes a decision under section 42, give written notice of the decision to:	23 24
(a)	for a decision relating to a return under section 39—the employer who gave the return and the employee, or	25 26
(b)	for a decision relating to a return under section 41—the contractor.	27 28
(2)	If the decision is to fix another amount under section 42 (4) (b), the notice must include:	29 30
(a)	the total ordinary remuneration fixed by the Corporation for the return period, and	31 32
(b)	a statement of the effect of sections 44 and 45.	33
<b>44</b>	<b>Effect of variation of ordinary remuneration</b>	34
(1)	The following provisions apply if the Corporation fixes an amount under section 42 (4) (b) as the total ordinary remuneration of a worker for a return period (the <i>varied amount</i> ) other than the amount stated for	35 36 37

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that worker for that period by the worker's employer in a return under section 39 (the *returned amount*):

- (a) if the varied amount is more than the returned amount, the employer must pay the Corporation the additional amount payable under section 48 (Determination of levy—employers) for the worker for that return period,
- (b) if the varied amount is less than the returned amount, the Corporation must:
  - (i) if asked by the employer to refund the overpayment of the levy payable under section 50—refund the overpayment, or
  - (ii) in any other case—credit the overpayment against future amounts payable under that section by the employer.

(2) The following provisions apply if the Corporation fixes an amount under section 42 (4) (b) as the total ordinary remuneration of a contractor who is a registered worker for a return period (the *varied amount*) other than the amount stated for that period by the contractor in a return under section 41 (the *returned amount*):

- (a) if the varied amount is more than the returned amount, the contractor must pay the Corporation the additional amount payable under section 49 (Determination of levy—contractors) for the contractor for that return period,
- (b) if the varied amount is less than the returned amount, the Corporation must:
  - (i) if asked by the contractor to refund the overpayment of the levy payable under section 51—refund the overpayment, or
  - (ii) in any other case—credit the overpayment against future amounts payable under that section by the contractor.

**45 Variation of ordinary remuneration**

An employer or contractor who is required by section 44 to pay an additional amount must pay the amount not later than:

- (a) one month after the day on which the person receives notice under section 43 of the Corporation's decision, or
- (b) the end of any additional time the Corporation allows.

Maximum penalty: 20 penalty units.



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<b>Division 3</b>	<b>Records</b>	1
<b>46</b>	<b>Employers to keep records</b>	2
(1)	An employer for the contract cleaning industry must keep a written record showing the relevant particulars for each employee who performs cleaning work for the employer. Maximum penalty: 20 penalty units.	3 4 5 6
(2)	An employer must keep the written record for 7 years after the day the employee stops being employed by the employer. Maximum penalty: 20 penalty units.	7 8 9
(3)	In this section: <i>relevant particulars</i> means the following:	10 11
(a)	the employee's name and date of birth,	12
(b)	if the employee is a registered worker—the registration number of the worker,	13 14
(c)	the nature of the work carried out by the employee,	15
(d)	the employees's ordinary remuneration for each return period,	16
(e)	the number of days worked by the employee in each return period,	17 18
(f)	the date when the employee began service with the employer,	19
(g)	long service leave granted to the employee,	20
(h)	if the employee stops service with the employer—the date the employee stops service,	21 22
(i)	payment made instead of long service leave under section 63 (Entitlement to pro rata payment instead of leave in limited circumstances) to an employee who stops service.	23 24 25
<b>47</b>	<b>Registered contractors to keep records</b>	26
(1)	A contractor who is registered as a worker for the contract cleaning industry must keep a written record of the following:	27 28
(a)	the contractor's name and date of birth,	29
(b)	the nature of the work performed by the contractor,	30
(c)	when and for whom work is performed,	31
(d)	the contractor's ordinary remuneration for each return period,	32
(e)	the number of days worked by the contractor in each return period. Maximum penalty: 20 penalty units.	33 34 35

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- (2) The contractor must keep the written record for 7 years after the day the record is made. 1  
Maximum penalty: 20 penalty units. 2  
3

<b>Part 5</b>	<b>Long service leave levy</b>	1
<b>48</b>	<b>Determination of levy—employers</b>	2
(1)	The amount of levy payable by each employer for the contract cleaning industry on the ordinary remuneration for each worker engaged by the employer to perform cleaning work is the percentage of the employee’s ordinary remuneration determined by the Minister from time to time by order published on the NSW legislation website.	3 4 5 6 7
(2)	The Corporation must, from time to time, recommend in writing to the Minister the levy that should be payable by employers.	8 9
(3)	Before making an order, the Minister must have regard to any recommendation made under subsection (2), but need not follow it.	10 11
(4)	Sections 40 (Notice of statutory rules to be tabled) and 41 (Disallowance of statutory rules) of the <i>Interpretation Act 1987</i> apply to an order under this section in the same way as those sections apply to statutory rules.	12 13 14 15
<b>49</b>	<b>Determination of levy—contractors</b>	16
(1)	The amount of levy payable by each contractor who is registered as a worker for the contract cleaning industry is the percentage of the contractor’s ordinary remuneration determined by the Minister from time to time by order published on the NSW legislation website.	17 18 19 20
(2)	The Corporation must, from time to time, recommend in writing to the Minister the levy that should be payable by contractors who are registered workers for the contract cleaning industry.	21 22 23
(3)	Before making an order, the Minister must have regard to any recommendation made under subsection (2), but need not follow it.	24 25
(4)	Sections 40 (Notice of statutory rules to be tabled) and 41 (Disallowance of statutory rules) of the <i>Interpretation Act 1987</i> apply to an order under this section in the same way as those sections apply to statutory rules.	26 27 28 29
<b>50</b>	<b>Levy payments by employers</b>	30
	A person who is, or was, an employer for the contract cleaning industry during a return period must, when the person gives the Corporation a return under section 39, pay to the Corporation the levy payable under section 48 for the return period.	31 32 33 34
	Maximum penalty: 20 penalty units.	35

<b>51 Levy payments by registered contractors</b>	1
A person who is, or was, a contractor registered as a worker for the contract cleaning industry during a return period must, when the person gives the Corporation a return under section 41, pay to the Corporation the levy payable under section 49 for the return period.	2 3 4 5
<b>52 Interest on, and extension of time for payment, of levy</b>	6
(1) A levy amount that is not paid at or before the time it is due bears compound interest at the prescribed rate.	7 8
(2) Interest forms part of, and may be recovered as, unpaid levy.	9
(3) The Corporation may, if it considers that special circumstances warrant it doing so in any particular case, direct:	10 11
(a) that the time for payment of all or part of a levy amount be changed to a later time specified in the direction, or	12 13
(b) that the amount of any interest payable under subsection (1) be waived or reduced by an amount specified in the direction.	14 15
(4) Subsection (3) has effect despite sections 50 and 51.	16
(5) In this section <i>prescribed rate</i> means:	17
(a) except as provided by paragraph (b)—2% per calendar month, or part of a calendar month, or	18 19
(b) such other rate as is prescribed by the regulations.	20
<b>Note.</b> See section 82 with respect to appeals.	21
<b>53 Assessment of unpaid levy</b>	22
(1) If it appears to the Corporation that a levy amount has not been fully paid, the Corporation may make an assessment of the amount owing.	23 24
(2) The Corporation must give a notice of the assessment to the person to whom the assessment relates.	25 26
(3) The notice must include:	27
(a) an explanation for the decision, and	28
(b) a statement of the effect of section 83.	29
<b>54 Authorised agents for collection of levies</b>	30
(1) The Corporation may enter into agreements with agents appointed by it for the collection of long service levies.	31 32
(2) Any such agreement may provide for the payment out of the Fund of remuneration for the authorised agent.	33 34

<b>Part 6</b>	<b>Long service leave</b>	1
<b>55</b>	<b>Long service leave</b>	2
	A registered worker for the contract cleaning industry is entitled to leave in accordance with this Part.	3 4
<b>56</b>	<b>Years of recognised service</b>	5
	A registered worker for the contract cleaning industry is taken to have completed a year of recognised service for each 365 days of recognised service.	6 7 8
<b>57</b>	<b>Long service leave formula—contract cleaning industry</b>	9
	The following is the <i>long service leave formula</i> for the contract cleaning industry used under this Part for working out entitlements to long service leave:	10 11 12
	$W = 0.8667 \times \frac{RS}{365}$	
	where:	13
	<i>RS</i> means the registered worker's number of days of recognised service to which the long service leave entitlement relates.	14 15
	<i>W</i> means the number of weeks of long service leave held by the registered worker.	16 17
<b>58</b>	<b>Amount of leave—contract cleaning industry</b>	18
(1)	A registered worker for the contract cleaning industry who has 3650 days or more of recognised service completed after the commencement of this Act is entitled to 8.67 weeks of long service leave under this Act.	19 20 21 22
	<b>Note.</b> Payment for leave under this Act is made by the Corporation—see section 60.	23 24
(2)	A registered worker for the contract cleaning industry who completes a further 1825 days of additional service after the worker last became entitled to long service leave under this Act:	25 26 27
(a)	is entitled under this Act to 4.33 weeks of long service leave for the additional days of service if they are credited in the workers register, and	28 29 30
(b)	to a further 4.33 weeks of long service leave under this Act for each subsequent further 1825 days of additional service that the worker completes and that is so credited.	31 32 33
(3)	A worker for the contract cleaning industry:	34

- (a) who before the commencement of this Act had accrued an entitlement, or after the commencement becomes entitled, to long service leave under the *Long Service Leave Act 1955* (the **1955 Act**) but who has not accrued any entitlement to long service leave with any employer under this Act, and 1  
2  
3  
4  
5
- (b) who after the commencement of this Act, becomes a registered worker and completes a further 1825 days of additional service in the industry after last becoming entitled to long service leave under the 1955 Act, 6  
7  
8  
9  
is entitled under this Act to 4.33 weeks of long service leave for the additional days of service if the worker is credited with the additional days of service in the workers register and to a further 4.33 weeks of long service leave for each subsequent further 1825 days of additional service that the worker completes and that is so credited. 10  
11  
12  
13  
14

**59 Grant of leave by employers—contract cleaning industry** 15

- (1) The employer of a registered worker for the contract cleaning industry is guilty of an offence if: 16  
17
  - (a) the worker becomes entitled to long service leave under this Act, and 18  
19
  - (b) the employer does not grant the worker the long service leave before the end of the prescribed period. 20  
21Maximum penalty: 50 penalty units. 22
- (2) Long service leave must not be granted for a period of less than 2 weeks. 23
- (3) In this section: 24
  - prescribed period*, for long service leave to which a registered worker engaged by an employer for the contract cleaning industry is entitled, means: 25  
26  
27
    - (a) 6 months after the day on which the worker becomes entitled to the leave under this Act, or 28  
29
    - (b) if the Corporation has allowed (on application by the employer or the worker) a period longer than 6 months—the period allowed by the Corporation, or 30  
31  
32
    - (c) if the employer and worker agree on a period longer than 6 months and less than 5 years—the period agreed. 33  
34
- (4) If an employer and a worker agree on a prescribed period as referred to in paragraph (c) of the definition of *prescribed period* in subsection (3), the employer must give written notice to the Corporation of the agreed period within 7 days after the agreement is reached. 35  
36  
37  
38

<b>60</b>	<b>Payments for leave</b>	1
(1)	A registered worker who has accrued long service leave under this Act may apply to the Corporation for payment for the leave.	2 3
(2)	The application must be in the approved form.	4
(3)	The Corporation may require an applicant to provide such documentary or other evidence (including a statutory declaration) as the Corporation may require to deal with the application.	5 6 7
(4)	If the Corporation is satisfied that the applicant is entitled to long service leave under this Act, the Corporation must approve the application and pay to the applicant the amount payable under section 66 or 67 (as the case requires) as soon as practicable after the application is made.	8 9 10 11 12
<b>61</b>	<b>Long service leave not payable if payment previously made</b>	13
(1)	A registered worker is not entitled to be paid for a day's service that is credited to the worker in the workers register if payment for the entitlement has already been made under this or another Act, or an award.	14 15 16 17
(2)	In this section: <i>award</i> means an award, agreement or industrial instrument (under a law of the State or of the Commonwealth) providing for payment of workers performing cleaning work in the contract cleaning industry.	18 19 20 21
<b>62</b>	<b>Prohibition on payments in lieu of leave</b>	22
	Except as provided by section 64, a registered worker must not be paid any amount instead of long service leave.	23 24
<b>63</b>	<b>Entitlement to pro rata payment instead of leave in limited circumstances</b>	25 26
(1)	This section applies to a registered worker for the contract cleaning industry who has 5 years of recognised service if:	27 28
(a)	the worker has permanently left the industry, and	29
(b)	20 weeks have passed since the day on which the worker permanently left the industry, and	30 31
(c)	the worker has not been credited with service in the workers register for any of the days in the 20-week period.	32 33
(2)	If the Corporation is satisfied that this section applies to the worker, the worker is entitled to payment instead of long service leave for the number of weeks of long service leave worked out in accordance with the long service leave formula.	34 35 36 37

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<b>64 Pro rata payments instead of leave</b>	1
(1) If a registered worker is entitled to payment instead of long service leave under section 63, the worker may apply to the Corporation for the payment.	2 3 4
(2) If a registered worker has died and, immediately before the death, the registered worker had 5 years of recognised service, the registered worker’s personal representative may apply to the Corporation for payment of the entitlement.	5 6 7 8
(3) An application under this section must be in the approved form.	9
(4) In this section, <i>personal representative</i> , in relation to a payment in respect of a person who has died, means:	10 11
(a) in the case of a person who died wholly or partially intestate—any person who appears to the Corporation to be entitled to obtain a grant of letters of administration of the estate of the person, and	12 13 14
(b) in the case of a person who died testate—any person who appears to the Corporation to be entitled to receive the relevant payment under the will of the person.	15 16 17
<b>65 How are leave entitlements to be worked out?</b>	18
(1) For the purposes of sections 60 (Payments for leave) and 64 (Pro rata payments instead of leave), the amount payable to a registered worker for, or instead of, long service leave is:	19 20 21
(a) for any part of the entitlement to long service leave accrued as an employee—the amount worked out in section 66, and	22 23
(b) for any part of the entitlement to long service leave accrued as a contractor—the amount worked out in accordance with section 67.	24 25 26
(2) For the purposes of subsection (1):	27
(a) long service leave must be taken in the reverse order in which it is accrued, and	28 29
(b) if pro rata payment instead of leave is being made—the payment is made in relation to the leave in the order in which it is accrued.	30 31
<b>66 Leave payments to employee for service as a registered worker</b>	32
(1) For the purposes of section 60, the amount payable to an employee for long service leave for service accrued as a registered worker is the amount worked out using the following formula:	33 34 35
$0.8667 \times \frac{D}{365} \times R$	



- (2) In this section: 1
- D** means the number of days of service credited to the registered worker 2  
in the workers register to which the amount payable relates. 3
- designated day** means: 4
- (a) if the registered worker is taking long service leave—the day the 5  
leave begins, and 6
- (b) if the registered worker is being paid pro rata instead of taking 7  
long service leave—the day the application for payment is 8  
approved. 9
- R** is the highest of the weekly averages of the ordinary remuneration 10  
received by the registered worker during each of the following periods 11  
that applies to the worker: 12
- (a) the most recent 2 quarters of service as a registered worker before 13  
the designated day, 14
- (b) the most recent 4 quarters of service as a registered worker before 15  
the designated day, 16
- (c) the most recent 20 quarters of service as a registered worker 17  
before the designated day, 18
- (d) if relevant—the most recent 40 quarters of service as a registered 19  
worker before the designated day. 20
- Example—“R”** Henry has worked in the contract cleaning industry for 7 years. 21  
The periods in paragraphs (a), (b) and (c) apply to Henry because he has 22  
completed more than 20 return periods (ie 1825 days or 5 years), but less than 23  
40 return periods (ie 3650 days or 10 years), of relevant service. 24
- Henry’s average weekly income for the 2 return periods before the designated 25  
day is \$283. His weekly averages for the 4 and 20 return periods before the 26  
designated day are \$427 and \$375, respectively. Accordingly “R” is \$427 27  
because it is the highest of the weekly averages. 28
- 67 Leave payments to a contractor for service as a registered worker** 29
- (1) For the purposes of section 60, the amount payable to a contractor who 30  
is a registered worker for long service leave for service accrued as a 31  
registered worker is the total of the following for the service: 32
- (a) amounts paid by the contractor to the Corporation under 33  
section 51 (Levy payments by registered contractors), 34
- (b) interest at the determined rate worked out from the date of receipt 35  
of each amount paid under that section until the designated day 36  
for the leave. 37
- (2) The Corporation must determine an interim rate of interest from time to 38  
time before the determination of the rate under subsection (1) (b). 39

(3)	The determined rate of interest must:	1
(a)	be worked out after the end of each financial year for the previous financial year,	2
(b)	take into account the expenses incurred in administering the Corporation,	3
(c)	be at least 75% of the rate of interest, expressed as a percentage, earned by the Corporation and worked out in accordance with the regulations.	4
(4)	In this section:	5
	<i>designated day</i> means:	6
(a)	if the worker is taking long service leave—the day the leave begins, and	7
(b)	if the registered worker is being paid pro rata instead of taking long service leave—the day the Corporation approves the application for payment.	8
<b>68</b>	<b>Deemed minimum and maximum rates of pay</b>	9
(1)	Despite section 66, the regulations may make provision for the determination of minimum and maximum amounts for <b>R</b> for the purposes of the formula in that section.	10
(2)	The Minister is to consult with the Committee before recommending the making of a regulation under this section.	11
(3)	The Committee is to advise and make recommendations to the Minister on the operation of, and any amendment to or repeal of, any regulation made under this section.	12
(4)	If an amount of a long service payment to a worker under section 66 or 67 is, because of the operation of a regulation made under this section, less than the amount it would have been in the absence of the regulation, the Corporation is to notify the worker in writing of that fact and give an explanation of the operation of the regulation.	13
	<b>Note.</b> See section 84 with respect to appeals.	14
<b>69</b>	<b>Public holidays not to count as leave</b>	15
	A period of long service leave taken by a registered worker is increased by one day for each public holiday that falls during the period of leave.	16
<b>70</b>	<b>Corporation may pay if employer insolvent</b>	17
(1)	This section applies if:	18
(a)	the employer of a registered worker is or becomes insolvent under administration, or an externally-administered body	19

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corporate, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, and	1
(b) the worker has an entitlement to long service leave under this Act.	2
(2) The Corporation may pay to the worker, or the worker's personal representative, the difference between:	3
(a) the amount of the worker's long service leave entitlement under this Act, and	4
(b) an amount the worker or the worker's personal representative has received from or on behalf of the employer for the worker's long service leave entitlement under this Act.	5
<b>71 Payment may be deferred</b>	6
(1) A person who applies for a payment for a long service leave entitlement may ask the Corporation to defer payment.	7
(2) The Corporation may defer the payment for a period agreed between the person and the Corporation.	8
<b>72 Corporation's liability confined to long service leave</b>	9
Despite the Corporation having paid, or paying, or being liable to pay, an amount for a long service leave entitlement under this Act to a registered worker, the Corporation is not:	10
(a) an employer of the registered worker, or	11
(b) a person in a contractual relationship with the registered worker.	12

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<b>Part 7 Appeals to Committee</b>	1
<b>Division 1 General</b>	2
<b>73 Appeals—general provisions</b>	3
(1) An appeal under this Act is to be made:	4
(a) except as provided by paragraph (b)—within 21 days after the appellant is notified of the decision appealed against, or	5 6
(b) within such other time as may be prescribed by the regulations in respect of the appeal.	7 8
(2) The manner of making and the procedure for hearing and determining an appeal under this Act is, subject to the regulations, to be as determined by the Committee.	9 10 11
(3) The Committee may at any time refer the matter the subject of an appeal under this Act to the Corporation for reconsideration.	12 13
(4) The determination of the Committee in respect of an appeal under this Act is taken to be the final decision of the Corporation and must be given effect to by the Corporation.	14 15 16
(5) Despite subsection (4), in proceedings in any court a plea of issue estoppel is not available in respect of an issue decided by the Committee.	17 18 19
<b>74 Hearing and determination of appeals by 2 or more members</b>	20
(1) If the Committee in any particular case or class of cases so determines, an appeal under this Act may be heard or may be heard and determined by 2 or more members of the Committee appointed by the Committee for the purpose.	21 22 23 24
(2) If an appeal is heard but not determined by 2 or more members of the Committee, the determination of the appeal must be made by the Committee at a meeting at which a quorum is present.	25 26 27
(3) If an appeal is heard and determined by 2 or more members of the Committee, the determination of the appeal is taken to have been made by the Committee.	28 29 30
<b>75 Notice of appeal decisions</b>	31
The Committee must give the appellant written notice of its decision on an appeal under this Act not later than 14 days after the day on which the decision is made.	32 33 34

<b>76</b>	<b>Personal representative of deceased person may appeal on person's behalf</b>	1 2
(1)	A reference in Division 2 to a person who has an appeal right under that Division includes, where the person has died, the person's personal representative acting on behalf of the person.	3 4 5
(2)	In this section, <i>personal representative</i> , in relation to a person who has died, means:	6 7
(a)	in the case of a person who died wholly or partially intestate—any person who appears to the Committee to be entitled to obtain a grant of letters of administration of the estate of the person, and	8 9 10
(b)	in the case of a person who died testate—any person who appears to the Committee to be entitled to receive the relevant payment under the will of the person.	11 12 13
<b>Division 2</b>	<b>Rights of appeal</b>	14
<b>77</b>	<b>Appeals against refusal to register as employer</b>	15
(1)	This section applies if the Corporation refuses to register a person as an employer under section 18 (Dealing with applications for registration as employer).	16 17 18
(2)	The applicant for registration may appeal to the Committee against the Corporation's decision.	19 20
(3)	If an appeal is made, the Committee must:	21
(a)	if satisfied that the person to whom the application relates is an employer for the contract cleaning industry—direct the Corporation to register the person as an employer for the industry, or	22 23 24 25
(b)	in any other case—confirm the Corporation's decision.	26
<b>78</b>	<b>Appeals against refusal to register as registered worker</b>	27
(1)	This section applies if the Corporation refuses to register a person as a worker under section 24 (Dealing with applications for registration as registered worker).	28 29 30
(2)	The applicant for registration may appeal to the Committee against the Corporation's decision.	31 32
(3)	If an appeal is made, the Committee must:	33
(a)	if satisfied that the person to whom the application relates is a worker for the contract cleaning industry—direct the Corporation to register the person as a worker for the industry, or	34 35 36
(b)	in any other case—confirm the Corporation's decision.	37

<b>79</b>	<b>Appeal against cancellation of employer's registration</b>	1
(1)	A person may appeal to the Committee against a decision of the Corporation under section 31 to cancel the person's registration as an employer.	2 3 4
(2)	The Committee may, in determining an appeal, confirm the cancellation or:	5 6
(a)	in the case of a cancellation under section 31 (1)—quash the decision of the Corporation if satisfied that the person concerned is an employer and that the person's application to become a registered employer was approved in accordance with this Act, or	7 8 9 10
(b)	in the case of a cancellation under section 31 (4)—quash the decision of the Corporation if satisfied that the person concerned has not stopped engaging workers to perform cleaning work in the contract cleaning industry.	11 12 13 14
<b>80</b>	<b>Appeal against cancellation of worker's registration</b>	15
(1)	A person may appeal to the Committee against a decision of the Corporation under section 28 to cancel the person's registration as a worker (otherwise than as authorised by section 28 (4)).	16 17 18
(2)	The Committee may, in determining an appeal, confirm the cancellation or:	19 20
(a)	in the case of a cancellation under section 28 (1)—quash the decision of the Corporation if satisfied that the person concerned is a worker and that the person's application to become a registered worker was approved in accordance with this Act, or	21 22 23 24
(b)	in the case of a cancellation under section 28 (2)—quash the decision of the Corporation if satisfied that the registered worker was entitled under this Act to be credited with service in the workers register during the period of 4 years immediately preceding the cancellation.	25 26 27 28 29
<b>81</b>	<b>Appeals against refusal to grant exemption or revocation of exemption</b>	30
(1)	This section applies if the Corporation refuses to grant an exemption to an employer, or revokes an exemption granted to an employer, under section 40 (Exemption from lodging return).	31 32 33
(2)	The employer may appeal to the Committee against the Corporation's decision.	34 35
(3)	If an appeal is made, the Committee must:	36
(a)	if satisfied that the exemption should be granted or should not have been revoked—direct the Corporation to grant or reinstate the exemption (as the case requires), or	37 38 39

(b)	in any other case—confirm the Corporation’s decision.	1
<b>82</b>	<b>Appeal in relation to payment of interest on long service levies etc</b>	2
(1)	This section applies if the Corporation gives, or refuse to give, a direction under section 52 (3).	3 4
(2)	A person who is aggrieved by the Corporation’s decision may appeal to the Committee for a review of the matter.	5 6
(3)	Without affecting the generality of section 73, notice of appeal under subsection (2) must:	7 8
(a)	specify why the decision of the Corporation with respect to the direction or the refusal to give the direction is unreasonable, having regard to the circumstances notified to the Corporation at the time the decision was made, and	9 10 11 12
(b)	be accompanied by a statutory declaration verifying the particulars set out in the application.	13 14
(4)	If an appeal is made, the Committee must:	15
(a)	confirm the decision of the Corporation, or	16
(b)	if it considers that the decision of the Corporation is unreasonable having regard to the circumstances notified to the Corporation at the time the decision was made—give such directions to the Corporation with respect to the matter as the Committee considers appropriate.	17 18 19 20 21
<b>83</b>	<b>Appeals against levy assessments</b>	22
(1)	A person who is aggrieved by a decision of the Corporation in connection with an assessment under section 53 may appeal to the Committee for a review of the matter.	23 24 25
(2)	The Committee may, in determining an appeal, confirm the decision of the Corporation or quash the decision of the Corporation.	26 27
<b>84</b>	<b>Appeal against limitation of long service payment by operation of deemed minimum and maximum rates of pay</b>	28 29
(1)	A person who has received a notification under section 68 and is dissatisfied with the calculation of the long service payment may appeal to the Committee.	30 31 32
(2)	The Committee, in determining the appeal, may confirm the calculation of the long service payment or set it aside and make a new calculation in substitution for that calculation.	33 34 35

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<b>Part 8</b>	<b>Enforcement</b>	1
<b>Division 1</b>	<b>Authorisation and identification of inspectors</b>	2
<b>85</b>	<b>Definition</b>	3
	In this Part:	4
	<i>inspector</i> means a person authorised by the Corporation for the purposes of this Part.	5 6
<b>86</b>	<b>Authorisation of inspectors</b>	7
(1)	The Corporation may authorise any person, or persons included in a class of persons, to be an inspector or inspectors for the purposes of this Part.	8 9 10
(2)	The Corporation may, in and by the instrument authorising a person to be an inspector, limit the functions that the inspector may exercise under this Part.	11 12 13
(3)	An inspector is, to the extent to which the inspector is exercising functions as an inspector under this Part, subject to the control and direction of the Corporation.	14 15 16
<b>87</b>	<b>Identification of inspectors</b>	17
(1)	The Corporation is to cause each inspector to be issued with a means of identification in the form approved by the Corporation.	18 19
(2)	In the course of exercising the functions of an inspector under this Part, the inspector must, if requested to do so by any person affected by the exercise of any such function, produce the inspector's identification for inspection by the person unless to do so would defeat the purpose for which the functions are to be exercised.	20 21 22 23 24
<b>Division 2</b>	<b>Powers of entry and inspection</b>	25
<b>88</b>	<b>Power to enter premises</b>	26
(1)	An inspector may enter any premises at any time for the following purposes:	27 28
(a)	determining whether any workers in the contract cleaning industry are employed or engaged there,	29 30
(b)	determining whether there has been compliance with, or a contravention of, this Act or the regulations.	31 32
(2)	Entry may be effected under this Act by an inspector with such assistance as the inspector considers necessary and with the use of reasonable force.	33 34 35



<b>89</b>	<b>Entry into residential premises only with permission or warrant</b>	1
	This Division does not empower an inspector to enter any part of premises used only for residential purposes without the permission of the occupier or under the authority of a search warrant under section 90.	2 3 4
<b>90</b>	<b>Search warrants</b>	5
(1)	An inspector may apply to an authorised officer for the issue of a search warrant if the inspector believes on reasonable grounds that:	6 7
(a)	a provision of this Act or the regulations is being or has been contravened at any premises, or	8 9
(b)	there is in or on any premises any matter or a thing that is connected with an offence under this Act or the regulations.	10 11
(2)	An authorised officer to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:	12 13 14
(a)	to enter the premises, and	15
(b)	to exercise any function of an inspector under this Division.	16
(3)	Division 4 of Part 5 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> applies to a search warrant issued under this section.	17 18 19
(4)	In this section:	20
	<b>authorised officer</b> has the same meaning as it has in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	21 22
	<b>matter or a thing</b> connected with an offence means:	23
(a)	any matter or a thing with respect to which the offence has been committed, or	24 25
(b)	any matter or a thing that will afford evidence of the commission of an offence, or	26 27
(c)	any matter or a thing that was used, or is intended to be used, for the purpose of committing the offence.	28 29
	<b>offence</b> includes an offence that there are reasonable grounds for believing has been, or is to be, committed.	30 31
<b>91</b>	<b>Powers to inspect and seize things</b>	32
(1)	An inspector may, on any premises lawfully entered, do anything that in the opinion of the inspector is necessary to be done for the purposes of this Part, including (but not limited to) the things specified in subsection (2).	33 34 35 36

- (2) An inspector may do any or all of the following: 1
- (a) carry out surveillance activities, 2
  - (b) examine and inspect any part of the premises or any article or thing on the premises, 3  
4
  - (c) make such examinations and inquiries as the inspector considers necessary, 5  
6
  - (d) require records and other documents required to be kept for the purposes of this Act or the regulations to be produced for inspection, 7  
8  
9
  - (e) examine and inspect any such records or other documents, 10
  - (f) take copies of any such records or other documents, 11
  - (g) seize anything that the inspector has reasonable grounds for believing is connected with an offence under this Act or the regulations, 12  
13  
14
  - (h) do any other thing the inspector is empowered to do under this Part. 15  
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- (3) The power conferred on a person authorised under subsection (2) to require the production of a document includes the power: 17  
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- (a) to require its translation into the English language, if it is not written in English, and 19  
20
  - (b) to require the production, in hard-copy, or graphic form, of a document that is stored electronically or that otherwise consists of anything referred to in paragraph (b) or (c) of the definition of **document** in section 21 (1) of the *Interpretation Act 1987*. 21  
22  
23  
24
- (4) The power to seize anything connected with an offence includes a power to seize: 25  
26
- (a) a thing with respect to which the offence has been committed, and 27  
28
  - (b) a thing that will afford evidence of the commission of the offence, and 29  
30
  - (c) a thing that was used for the purpose of committing the offence. 31
- A reference to any such offence includes a reference to an offence that there are reasonable grounds for believing has been committed. 32  
33
- (5) A person may be required to furnish a document under this Division only if the document is in the person's possession or is within the person's power to obtain lawfully. 34  
35  
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<b>92</b>	<b>Dealing with seized things</b>	1
(1)	If an inspector seizes anything under section 91 on any premises, the inspector must issue the person apparently in charge of the premises with a written receipt for the thing seized.	2 3 4
(2)	An inspector may retain anything seized under section 91 until the completion of any proceedings (including proceedings on appeal) in which it may be evidence.	5 6 7
(3)	A record may be retained under subsection (2) only if the person from whom the record was seized is provided, within a reasonable time after the seizure, with a copy of the record certified by the inspector as a true copy.	8 9 10 11
(4)	Subsection (2) ceases to have effect in relation to anything seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are commenced so orders.	12 13 14
<b>93</b>	<b>Assistance to be given to inspectors</b>	15
(1)	This section applies for the purpose of enabling an inspector to exercise any of the powers of an inspector under this Division in connection with any premises.	16 17 18
(2)	The inspector may, by notice in writing given to the owner or occupier of the premises, require the owner or occupier to provide such reasonable assistance and facilities as are specified in the notice within a specified time and in a specified manner.	19 20 21 22
<b>94</b>	<b>Provisions relating to requirements to furnish records, information or answer questions</b>	23 24
(1)	<b>Warning to be given on each occasion</b>	25
	A person is not guilty of an offence of failing to comply with a requirement under this Part to furnish records or information or to answer a question unless the person was warned on that occasion that a failure to comply is an offence.	26 27 28 29
(2)	<b>Self-incrimination not an excuse</b>	30
	A person is not excused from a requirement under this Part to furnish any records or information or to answer a question on the ground that the record, information or answer might incriminate the person or make the person liable to a penalty.	31 32 33 34
(3)	<b>Information or answer not admissible if objection made</b>	35
	However, any information furnished or answer given by a natural person in compliance with a requirement under this Part is not	36 37

admissible in evidence against the person in criminal proceedings (except proceedings for an offence under this Part) if:	1
(a) the person objected at the time to doing so on the ground that it might incriminate the person, or	2
(b) the person was not warned on that occasion that the person may object to furnishing the information or giving the answer on the ground that it might incriminate the person.	3
(4) <b>Records admissible</b>	4
Any record furnished by a person in compliance with a requirement under this Part is not inadmissible in evidence against the person in criminal proceedings on the ground that the record might incriminate the person.	5
(5) <b>Further information</b>	6
Further information obtained as a result of a record or information furnished or of an answer given in compliance with a requirement under this Part is not inadmissible on the ground:	7
(a) that the record or information had to be furnished or the answer had to be given, or	8
(b) that the record or information furnished or answer given might incriminate the person.	9
(6) <b>Requirement to state name and address</b>	10
This section extends to a requirement under this Part to state a person's name and address.	11
<b>95 Offences under this Part</b>	12
(1) A person must not, without lawful excuse, refuse or fail to comply with a requirement made of the person under this Part.	13
(2) A person must not wilfully:	14
(a) obstruct, delay or hinder an inspector in the exercise of the inspector's powers under this Part, or	15
(b) refuse to allow an inspector to enter any premises the inspector may lawfully enter under this Part.	16
Maximum penalty: 50 penalty units.	17

<b>Division 3</b>	<b>Other enforcement matters</b>	1
<b>96</b>	<b>Service of documents</b>	2
(1)	A document that is authorised or required by this Act or the regulations to be served on any person may be served by:	3
	(a) in the case of a natural person:	4
	(i) delivering it to the person personally, or	5
	(ii) sending it by post to the address specified by the person for the giving or service of documents or, if no such address is specified, the residential or business address of the person last known to the person giving or serving the document, or	6
	(iii) sending it by facsimile transmission to the facsimile number of the person, or	7
	(b) in the case of a body corporate:	8
	(i) leaving it with a person apparently of or above the age of 16 years at, or by sending it by post to, the head office, a registered office or a principal office of the body corporate or to an address specified by the body corporate for the giving or service of documents, or	9
	(ii) sending it by facsimile transmission to the facsimile number of the body corporate.	10
(2)	Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.	11
<b>97</b>	<b>Authentication of certain documents by Corporation</b>	12
	Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by the Chief Executive Officer.	13
<b>98</b>	<b>Corporation may require applicant under section 17 to provide further information or evidence</b>	14
(1)	The Corporation may, by written notice, require an applicant under section 17 to provide, within a reasonable period stated in the notice:	15
	(a) such information further to the information contained in the application, and	16
	(b) such documentary or other evidence (including a statutory declaration),	17
	as the Corporation may require to enable it to deal with the application.	18

(2)	The applicant is guilty of an offence if the applicant, without reasonable excuse, fails to provide the information or evidence within the period stated in the notice.	1 2 3
	Maximum penalty: 40 penalty units.	4
<b>99</b>	<b>Corporation may require applicant under section 22 or 23 to provide further information or evidence</b>	5 6
(1)	The Corporation may, by notice in writing, require an applicant under section 22 (Application for registration by workers) or 23 (Application by employers for registration of employee) to provide within a reasonable period stated in the notice:	7 8 9 10
(a)	such information further to the information contained in the application, and	11 12
(b)	such documentary or other evidence (including a statutory declaration),	13 14
	as the Corporation may require to enable it to deal with the application.	15
(2)	The Corporation may refuse to grant the application if the applicant, without reasonable excuse, fails to provide the information or evidence in the period stated in the notice.	16 17 18
<b>100</b>	<b>Notice requiring information or documents</b>	19
(1)	This section applies if the Corporation believes a person is, or was an employer for the contract cleaning industry, but is not a registered employer.	20 21 22
(2)	The Corporation may, by written notice given to the person, require the person to give the Corporation the information or documents stated in the notice that are necessary to enable the Corporation to decide whether the person is, or was, an employer in the contract cleaning industry.	23 24 25 26 27
(3)	The notice may state a period, that must be reasonable in the circumstances, within which the information or documents must be given to the Corporation.	28 29 30
(4)	The person is guilty of an offence if the person, without reasonable excuse, fails to provide the information or documents within the period stated in the notice.	31 32 33
	Maximum penalty: 40 penalty units.	34

<b>101</b>	<b>False statements</b>	1
	A person who:	2
	(a) in any application, certificate, claim, appeal, return or record made, furnished or maintained under or for the purposes of this Act or the regulations, or	3 4 5
	(b) in any information given:	6
	(i) in purported compliance with a requirement made of the person under this Act or the regulations, or	7 8
	(ii) for the purpose of obtaining any exemption, concession, benefit or advantage under this Act or the regulations,	9 10
	makes any statement or records any matter that the person knows to be false or misleading in a material particular is guilty of an offence.	11 12
	Maximum penalty: 50 penalty units.	13
<b>102</b>	<b>Disclosure of information</b>	14
	A person must not disclose any information obtained in connection with the administration or execution of this Act (or any other Act conferring or imposing functions on the Corporation) unless that disclosure is made:	15 16 17 18
	(a) with the consent of the person from whom the information was obtained, or	19 20
	(b) in connection with the administration or execution of this Act (or any such other Act), or	21 22
	(c) for the purposes of any legal proceedings arising out of this Act (or any such other Act) or of any report of any such proceedings, or	23 24 25
	(d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> , or	26 27
	(e) with other lawful excuse.	28
	Maximum penalty: 50 penalty units.	29
<b>Division 4</b>	<b>Proceedings for offences and debt recovery</b>	30
<b>103</b>	<b>Nature of proceedings for offences</b>	31
	(1) Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.	32 33
	(2) The provisions of the <i>Industrial Relations Act 1996</i> relating to appeals from, and the stating of a case by, the Local Court to the Industrial Relations Commission in Court Session apply to proceedings before the Local Court for offences against this Act or the regulations.	34 35 36 37

(3)	Despite anything in any other Act, proceedings for an offence against this Act or the regulations may be instituted within the period of 6 years after the act or omission alleged to constitute the offence.	1 2 3
<b>104</b>	<b>Offences by corporations</b>	4
(1)	If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.	5 6 7 8 9
(2)	A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.	10 11 12
(3)	Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.	13 14 15
<b>105</b>	<b>Recovery of charges etc by Corporation</b>	16
	Any charge, fee, levy or money due to the Corporation under this Act may be recovered by the Corporation as a debt in a court of competent jurisdiction.	17 18 19
<b>106</b>	<b>Orders to make levy payments</b>	20
(1)	If the Local Court convicts a person, or finds the person guilty, of an offence against section 17 (Application for registration by employers), the Local Court may, in addition to imposing a penalty on the person, order the person to pay the Corporation the amount that would have been payable by the person under section 50 (Levy payments by employers) if the person had complied with this Act since becoming registered as an employer.	21 22 23 24 25 26 27
(2)	A person who contravenes an order under subsection (1) commits an offence.	28 29
	Maximum penalty:	30
(a)	in the case of a corporation—100 penalty units, or	31
(b)	in any other case—100 penalty units or imprisonment for one year (or both).	32 33



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**107 Certificate as to payment of levies**

A certificate purporting to be signed by the Chief Executive Officer or a person holding, or acting in, a prescribed office or position and certifying:

(a) that, on a date specified in the certificate, an amount of levy, so specified, was paid to the Corporation or an authorised agent of the Corporation, or

(b) that, during a period so specified, an amount of levy was not so paid, or

(c) that no amount of levy was payable,

is admissible in evidence in any proceedings and is evidence of the matters stated in it.

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<b>Part 9</b>	<b>Relationship to other laws</b>	1
<b>108</b>	<b>Definition</b>	2
	In this Part:	3
	<i>relevant law</i> means the following:	4
	(a) the <i>Long Service Leave Act 1955</i> ,	5
	(b) a corresponding law,	6
	(c) a law prescribed by the regulations for employment in the contract cleaning industry.	7 8
<b>109</b>	<b>Benefits under other laws—election</b>	9
(1)	A registered worker must elect the law under which long service leave benefits are to be taken if the worker is eligible both for long service benefits under this Act and to long service benefits accrued after the commencement of this Act under a relevant law.	10 11 12 13
(2)	If a registered worker makes an election under subsection (1), the worker must give the Corporation notice in writing of the nature of the election and the engagement period for which the election is made.	14 15 16
(3)	If a registered worker elects to take long service benefits under a relevant law, the Corporation must remove from the relevant workers register the workers's credits for the engagement period.	17 18 19
(4)	However, the Corporation must keep a record of the removed credits.	20
<b>110</b>	<b>Benefits under other laws—reimbursement of employer</b>	21
(1)	This section applies if:	22
	(a) a registered worker has made an election under section 109, and	23
	(b) an employer pays the registered worker an amount under a relevant law.	24 25
(2)	The employer may apply to the Corporation for reimbursement of an amount paid under the relevant law, less any levy or other amount outstanding that is payable by the employer to the Corporation under this Act, if:	26 27 28 29
	(a) an application is made to the Corporation, and	30
	(b) the Corporation is satisfied that the amount paid by the employer was properly paid by the employer under the relevant law.	31 32
(3)	The application is to be made in the approved form.	33

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<b>111</b>	<b>Reimbursement for certain payments under Long Service Leave Act 1955</b>	1
		2
(1)	This section applies if an employee in the contract cleaning industry has an entitlement to long service leave with an employer that was accrued under the <i>Long Service Leave Act 1955</i> but has not accrued any entitlement with any employer under this Act.	3 4 5 6
(2)	The employer may apply to the Corporation for reimbursement of so much of the amount of long service leave as is payable to the employee for any part of the entitlement to long service leave accrued under the <i>Long Service Leave Act 1955</i> during an engagement period in which the employee was a registered worker under this Act.	7 8 9 10 11
(3)	The Corporation must pay the employer the amount if satisfied the amount paid by the employer was properly paid by the employer under the <i>Long Service Leave Act 1955</i> .	12 13 14
(4)	If the Corporation makes a payment under subsection (3), the Corporation must remove from the workers register the workers's credits for the engagement period concerned.	15 16 17

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## Part 10 Reciprocal arrangements 1

### 112 Reciprocal agreements for corresponding laws 2

- (1) The Minister administering this Act may enter into an agreement (a *reciprocal agreement*) with the Minister of another State or a Territory who administers a corresponding law in relation to payment of long service leave to people carrying out work in the contract cleaning industry. 3  
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- (2) Without limiting subsection (1), the agreement may make provision in relation to the following: 8  
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- (a) payments for, or instead of, long service leave, 10
- (b) the exchange of information about service credits and entitlements to long service benefits between the Corporation and the reciprocal authority under the corresponding law, 11  
12  
13
- (c) anything else in relation to long service benefits that the Minister administering this Act considers appropriate. 14  
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### 113 Payment by Corporation on reciprocal authority's behalf 16

- (1) This section applies to a registered worker who has a long service leave entitlement under this Act and a corresponding law. 17  
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- (2) The worker may apply to the Corporation for payment of a long service leave entitlement worked out in accordance with the corresponding law. 19  
20
- (3) The application must be in the approved form. 21
- (4) The Corporation must pay the worker the amount of the entitlement worked out in the way stated in the corresponding law if the Corporation is authorised by the reciprocal authority to make the payment. 22  
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### 114 Payments by reciprocal authority on Corporation's behalf 25

- (1) This section applies if, under a corresponding law, a reciprocal authority pays to a person an amount that, but for the payment, would have been payable for a long service leave entitlement under this Act for work done in the contract cleaning industry. 26  
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- (2) If the Corporation is notified about the payment and is satisfied that the payment was properly made, the Corporation must reimburse the reciprocal authority the amount worked out using the following formula: 30  
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$$0.8667 \times \frac{D}{365} \times R$$

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- (3) If the Corporation makes a reimbursement under subsection (2), the obligation of the Corporation to make the payment to the person for the entitlement is discharged. 1  
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3
- (4) In this section: 4
- D** means the number of days of service credited to the registered person in the workers register to which the payment relates. 5  
6
- R** is the amount decided by the reciprocal authority as the weekly amount payable to the person for the service credited to the person in this State. 7  
8  
9

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## **Part 11 Miscellaneous**

### **115 Personal liability**

A matter or thing done or omitted to be done by the Minister, the Corporation, the Committee or a member of the Committee, the Chief Executive Officer, or a person acting under the direction of the Minister, the Corporation, the Committee or the Chief Executive Officer does not, if the matter or thing was done or omitted in good faith for the purpose of executing this or any other Act, subject the member of the Committee, the Chief Executive Officer, or the person so acting personally, to any action, liability, claim or demand.

### **116 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), regulations may be made with respect to fees (if any) payable under this Act and the waiver and refund of such fees.
- (3) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.

### **117 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

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<b>Schedule 1</b>	<b>Constitution and procedure of Committee</b>	1
		2
	(Section 9 (5))	3
<b>Part 1</b>	<b>General</b>	4
<b>1</b>	<b>Definitions</b>	5
	In this Schedule:	6
	<i>appointed member</i> means a member other than the Chairperson.	7
	<i>Chairperson</i> means the Chairperson of the Committee.	8
	<i>member</i> means any member of the Committee.	9
<b>Part 2</b>	<b>Constitution</b>	10
<b>2</b>	<b>Terms of office of members</b>	11
	Subject to this Schedule and the regulations, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	12 13 14 15
<b>3</b>	<b>Part-time appointments</b>	16
	Appointed members hold office as part-time members.	17
<b>4</b>	<b>Reimbursement of nominating body</b>	18
	The body that nominated an appointed member is entitled to be reimbursed such amount as the Minister may from time to time determine for time expended by the appointed member in carrying out the functions of a member.	19 20 21 22
<b>5</b>	<b>Deputies</b>	23
(1)	The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and may revoke any such appointment.	24 25
(2)	A deputy of an appointed member is to be appointed on the nomination of the same body as the body that nominated the appointed member for membership of the Committee.	26 27 28
(3)	In the absence of an appointed member, the member's deputy may, if available, act in the place of the member.	29 30
(4)	While acting in the place of an appointed member, a person has all the functions of the member and is taken to be a member.	31 32

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(5)	For the purposes of this clause, a vacancy in the office of an appointed member is taken to be an absence of the member.	1 2
<b>6</b>	<b>Vacancy in office of member</b>	3
(1)	The office of an appointed member becomes vacant if the member:	4
(a)	dies, or	5
(b)	completes a term of office and is not re-appointed, or	6
(c)	resigns the office by instrument in writing addressed to the Minister, or	7 8
(d)	is removed from office by the Minister under this clause, or	9
(e)	is absent from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or	10 11 12 13 14
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	15 16 17 18
(g)	becomes a mentally incapacitated person, or	19
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	20 21 22 23 24
(2)	The Minister may remove an appointed member from office at any time.	25
<b>7</b>	<b>Filling of vacancy in office of appointed member</b>	26
	If the office of any appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	27 28 29
<b>8</b>	<b>Disclosure of pecuniary interests</b>	30
(1)	If:	31
(a)	a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Committee, and	32 33 34
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	35 36 37



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the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.	1 2 3
(2) A disclosure by a member at a meeting of the Committee that the member:	4 5
(a) is a member, or is in the employment, of a specified company or other body, or	6 7
(b) is a partner, or is in the employment, of a specified person, or	8
(c) has some other specified interest relating to a specified company or other body or to a specified person,	9 10
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).	11 12 13 14
(3) Particulars of any disclosure made under this clause must be recorded by the Committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Committee.	15 16 17 18
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Committee otherwise determines:	19 20 21
(a) be present during any deliberation of the Committee with respect to the matter, or	22 23
(b) take part in any decision of the Committee with respect to the matter.	24 25
(5) For the purposes of the making of a determination by the Committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	26 27 28
(a) be present during any deliberation of the Committee for the purpose of making the determination, or	29 30
(b) take part in the making by the Committee of the determination.	31
(6) A contravention of this clause does not invalidate any decision of the Committee.	32 33
(7) This clause applies to a member of a subcommittee of the Committee and the subcommittee in the same way as it applies to a member of the Committee and the Committee.	34 35 36

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<b>9</b>	<b>Effect of certain other Acts</b>	1
(1)	Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of an appointed member.	2 3 4
(2)	If by or under any Act provision is made:	5
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	6 7
(b)	prohibiting the person from engaging in employment outside the duties of that office,	8 9
	the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as a member.	10 11 12 13
<b>Part 3</b>	<b>Procedure</b>	14
<b>10</b>	<b>General procedure</b>	15
	The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Committee.	16 17 18
<b>11</b>	<b>Quorum</b>	19
	The quorum for a meeting of the Committee is a majority of its members for the time being.	20 21
<b>12</b>	<b>Presiding member</b>	22
(1)	The Chairperson (or, in the absence of the Chairperson, a person elected by the members of the Committee who are present at a meeting of the Committee) is to preside at a meeting of the Committee.	23 24 25
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	26 27
<b>13</b>	<b>Voting</b>	28
	A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.	29 30 31
<b>14</b>	<b>Transaction of business outside meetings or by telephone</b>	32
(1)	The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the	33 34

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time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.	1 2
(2) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	3 4 5 6 7
(3) For the purposes of:	8
(a) the approval of a resolution under subclause (1), or	9
(b) a meeting held in accordance with subclause (2),	10
the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee.	11 12
(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee.	13 14
(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	15 16 17
<b>15 First meeting</b>	18
The Minister may call the first meeting of the Committee in such manner as the Minister thinks fit.	19 20

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<b>Schedule 2</b>	<b>Savings, transitional and other provisions</b>	1
		2
<b>1</b>	<b>Regulations</b>	3
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: this Act	4 5 6
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	7 8
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	9 10 11
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	12 13 14
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	15 16 17
<b>2</b>	<b>Transitional arrangements affecting other laws</b>	18
	Regulations under clause 1 may have effect despite any provision of Part 9 (Relationship to other laws).	19 20

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<b>Schedule 3</b>	<b>Amendment of other Acts and regulation</b>	1
<b>3.1</b>	<b>Government Information (Public Access) Regulation 2009</b>	2
	<b>Schedule 3 Agencies declared to be part of other agencies</b>	3
	Omit “Building and Construction Industry Long Service Payments Corporation” from the column headed “Parent agency”.	4
		5
	Insert instead “Long Service Corporation”.	6
<b>3.2</b>	<b>Industrial Relations Act 1996 No 17</b>	7
	<b>Section 382 Jurisdiction of Chief and other Industrial Magistrates</b>	8
	Insert after the matter relating to the <i>Building and Construction Industry Long Service Payments Act 1986</i> in section 382 (1):	9
		10
	<i>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010</i>	11
<b>3.3</b>	<b>Law Enforcement (Powers and Responsibilities) Act 2002 No 103</b>	12
		13
	<b>Schedule 2 Search warrants under other Acts</b>	14
	Insert in alphabetical order:	15
	<i>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010</i> ,	16
	section 90	17
<b>3.4</b>	<b>Long Service Leave Act 1955 No 38</b>	18
<b>[1]</b>	<b>Section 4 Long service leave</b>	19
	Insert after section 4 (5A):	20
	(5B) An employer must not give to a person who is a registered worker under the <i>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010</i> any long service leave or pay to any such person any payment in respect of long service leave unless that person applies to the employer for the leave or payment.	21
		22
		23
		24
		25
<b>[2]</b>	<b>Sections 4B and 4C</b>	26
	Insert after section 4A:	27
	<b>4B Payments to contract cleaning industry workers to be notified</b>	28
	An employer who intends to make any payment by way of a benefit under this Act to or in respect of an employee employed	29
		30

(or who was employed) in cleaning work (within the meaning of the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*) must notify the Long Service Corporation of its intention before making the payment.

**4C Benefits under this Act and Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010**

- (1) This section applies to an employee who:
  - (a) is registered under the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*, and
  - (b) has elected under that Act to take long service leave benefits under that Act for a period stated by the employee.
- (2) The employee’s election does not prevent the employee from receiving benefits under this Act.
- (3) However, the employee is not entitled to a benefit under this Act for a period for which the employee received a benefit under the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*.

**3.5 Workers Compensation Act 1987 No 70**

**Section 174 Records relating to wages, contracts etc to be kept and supplied**

Insert in paragraph (b1) of the definition of *wages* in section 174 (9) “or the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*” after “1986”.