



New South Wales

# Long Service Leave Legislation Amendment Bill 2001

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The long service leave legislation provides for a pro rata payment for a proportionate amount of long service leave that would have accrued after 10 years of service for an employee whose employment terminates after 5 years of service but before the employee has served 10 years and becomes entitled to long service leave. The legislation provides that such an employee is only entitled to that pro rata payment if at least 5 years of that service was service as an adult.

The object of this Bill is to remove the requirement for at least 5 years of that service to be service as an adult.

The long service leave legislation concerned is as follows:

- (a) the *Long Service Leave Act 1955* (in the case of employees generally),
- (b) the *Long Service Leave (Metalliferous Mining Industry) Act 1963* (in the case of employees employed in the metalliferous mining industry),

- (c) the *Public Sector Management Act 1988* (in the case of public servants),
- (d) the *Teaching Services Act 1980* (in the case of teachers).

## Outline of provisions

**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 a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the long service leave legislation set out in Schedules 1–4.

**Schedule 1** amends the *Long Service Leave Act 1955* to give effect to the object outlined above.

**Schedule 2** amends the *Long Service Leave (Metalliferous Mining Industry) Act 1963* to give effect to the object outlined above.

**Schedule 3** amends the *Public Sector Management Act 1988* to give effect to the object outlined above.

**Schedule 4** amends the *Teaching Services Act 1980* to give effect to the object outlined above.



New South Wales

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New South Wales

# Long Service Leave Legislation Amendment Bill 2001

No , 2001

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## A Bill for

An Act to amend the *Long Service Leave Act 1955*, the *Long Service Leave (Metalliferous Mining Industry) Act 1963* and certain other Acts with respect to the recognition of service by employees who are not adults for the purposes of long service leave payments.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Long Service Leave Legislation Amendment Act 2001</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3 Amendment of long service leave legislation</b>	7
The Acts specified in Schedules 1–4 are amended as set out in those Schedules.	8 9

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<b>Schedule 1</b>	<b>Amendment of Long Service Leave Act 1955</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Section 4 Long service leave</b>	4
	Omit “as an adult” from section 4 (2) (a) (iii) where firstly occurring.	5
<b>[2]</b>	<b>Section 4 (2) (a) (iii)</b>	6
	Omit “(such service to include service with the employer as an adult and otherwise than as an adult)”.	7
		8
<b>[3]</b>	<b>Section 4 (2) (a1)</b>	9
	Omit the paragraph.	10
<b>[4]</b>	<b>Schedule 1 Savings and transitional provisions</b>	11
	Insert after clause 1:	12
<b>2</b>	<b>Provision consequent on enactment of Long Service Leave Legislation Amendment Act 2001</b>	13
		14
(1)	An amendment made by the <i>Long Service Leave Legislation Amendment Act 2001</i> applies to any termination of employment after the commencement of the amendment, and in respect of any such termination applies to periods of service before or after the commencement of the amendment.	15
		16
		17
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		19
(2)	This clause has effect for the purposes of this Act and also for the purposes of the other Acts amended by that Act.	20
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Schedule 2      Amendment of Long Service Leave (Metalliferous Mining Industry)  
Act 1963

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<b>Schedule 2</b>	<b>Amendment of Long Service Leave</b>	1
	<b>(Metalliferous Mining Industry) Act 1963</b>	2
	(Section 3)	3
<b>[1]</b>	<b>Section 4 Long service leave</b>	4
	Omit “as an adult” from section 4 (2) (a) (ii) where firstly occurring.	5
<b>[2]</b>	<b>Section 4 (2) (a) (ii)</b>	6
	Omit “(such service to include service with the employer as an adult and otherwise than as an adult)”.	7 8
<b>[3]</b>	<b>Section 4 (2) (b)</b>	9
	Omit the paragraph.	10

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<b>Schedule 3</b>	<b>Amendment of Public Sector Management Act 1988</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Schedule 5 Extended leave for officers etc of Public Service</b>	4
	Omit “as an adult” from clause 1 (4) where firstly occurring.	5
<b>[2]</b>	<b>Schedule 5, clause 1 (4) (d)</b>	6
	Omit “(that service to include service as an adult and otherwise than as an adult)”.	7
		8
<b>[3]</b>	<b>Schedule 5, clause 1 (5)</b>	9
	Omit the subclause.	10
<b>[4]</b>	<b>Schedule 5, clause 3 (2)</b>	11
	Omit “as an adult”.	12

<b>Schedule 4    Amendment of Teaching Services Act 1980</b>	1
(Section 3)	2
<b>[1]    Section 79 Leave of absence after years of service</b>	3
Omit “as an adult” from section 79 (3) where firstly occurring.	4
<b>[2]    Section 79 (3)</b>	5
Omit “(that service to include service as an adult and otherwise than as an adult)”.	6 7
<b>[3]    Section 79 (4)</b>	8
Omit the subsection.	9
<b>[4]    Section 81 Payment of money value of leave not taken or completed</b>	10
Omit “as an adult” from section 81 (2).	11