



Australian Capital Territory

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

**A1999-85**

**Republication No 8**

**Effective: 20 December 2004 – 31 December 2005**

Republication date: 20 December 2004

Last amendment made by A2003-56  
(republishing for commenced expiry)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Long Service Leave (Contract Cleaning Industry) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 20 December 2004. It also includes any amendment, repeal or expiry affecting the republished law to 20 December 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Long Service Leave (Contract Cleaning Industry) Act 1999

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20/12/04

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Australian Capital Territory

# Long Service Leave (Contract Cleaning Industry) Act 1999

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An Act to provide for long service leave for employees in the contract cleaning industry, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Long Service Leave (Contract Cleaning Industry) Act 1999*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*section 29 register*—see section 29.' means that the expression 'section 29 register' is defined in that section 29.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### 2A Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 3 What are *cleaning work* and the *contract cleaning industry*

- (1) For this Act, *cleaning work* is—
- (a) work carried out in the ACT that has, as its sole or main component, the bringing of premises into, or maintaining premises in, a clean condition; or



- (b) work carried out by an employee outside the ACT that is taken to be cleaning work under section 4 (Work outside the ACT); or
  - (c) work declared by the Minister under section 3C (1) (c) to be cleaning work.
- (2) For this Act, the *contract cleaning industry* is the industry in which employers provide cleaning work to other people through the provision of employees' services.

### **3A Who is an employer**

- (1) For this Act, a person is an *employer*—
- (a) if the person—
    - (i) is engaged in the contract cleaning industry in the ACT; and
    - (ii) employs (whether in the ACT or elsewhere) 1 or more people to carry out cleaning work; and
    - (iii) is not a person mentioned in subsection (2); or
  - (b) if the person is declared to be an employer by the Minister under section 3C (Declarations by Minister about coverage of Act).
- (2) The following are not employers for this Act:
- (a) the Territory;
  - (b) the Commonwealth;
  - (c) the Australian National University;
  - (d) the University of Canberra.

### **3B Who is an employee**

For this Act, a person is an *employee* if—

- (a) the person is employed (whether in the ACT or elsewhere) by an employer to carry out cleaning work; or
- (b) if the person is declared to be an employee by the Minister under section 3C.

### **3C Declarations by Minister about coverage of Act**

- (1) The Minister may, in writing, declare—
  - (a) a person to be an employer; or
  - (b) a person to be an employee or an employee of a particular employer; or
  - (c) a kind of work to be cleaning work.
- (2) The Minister may not declare under subsection (1) (a) a person mentioned in section 3 (2).
- (3) A person declared to be an employer by the Minister under subsection (1) (a) is taken, for this Act, to be engaged in the contract cleaning industry.
- (4) A person declared to be an employee of a particular employer is taken, for this Act, to be employed by the person who is declared to be the person's employer.
- (5) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### **3D What is an *employment period***

- (1) An *employment period* of a registered employee is a period—
  - (a) beginning on a day when the person becomes an employee of an employer (and is not already an employee of another employer); and

- (b) ending on the day when the person next ceases to be an employee of an employer (and is not already an employee of another employer).
- (2) For subsection (1), the continuity of the employment period of a registered employee who ceases to be the employee of an employer but on the next day becomes the employee of another employer is not interrupted by the change in employment.
- (3) For subsection (1), an employment period of a registered employee is taken to end on the last day of the employment period if, for the next employment period (the *later period*)—
  - (a) the employer of the employee gives to the board a return under section 39 (Quarterly returns) showing that the employer made no payment of ordinary wages to the employee in the later period; or
  - (b) if the employee had 2 or more employers for the later period—each of the employers gives a return to the board showing that the employer made no payment of ordinary wages to the employee in the later period.
- (4) Despite subsection (1), a registered employee's employment period is taken to include any days when the employee does not carry out cleaning work because—
  - (a) of incapacity for an injury for which the employee is entitled to be paid compensation under the *Workers Compensation Act 1951* by an employer; or
  - (b) the employee has been dismissed by an employer to ensure that the employee does not take long service leave while in the employer's employment.
- (5) For this section, a person is taken to have become an employee on the later of—
  - (a) 23 June 2000; and

- (b) the date when the person became an employee.

**4 Work outside the ACT**

Work carried out by an employee outside the ACT is taken to be cleaning work if—

- (a) that work would, if it were carried out in the ACT, be cleaning work; and
- (b) the employer of the employee give to the board a return under section 39 (Quarterly returns) and pays to the board the amount payable under section 39A (Levy payments) for the employment of the employee.

## **Part 2 Administration**

### **Division 2.1 The board**

#### **5 Cleaning Industry Long Service Leave Board**

- (1) The Cleaning Industry Long Service Leave Board is established.
- (2) The board is a body corporate and is to have a common seal.

#### **6 Independence**

The board is not the employee or agent of the Territory.

#### **7 Functions of board**

The board's functions are—

- (a) to administer the scheme of long service leave benefits established by this Act; and
- (b) to make recommendations to the Minister under section 39B (1) (Determination of levy); and
- (c) to make payments under this Act; and
- (d) to keep the section 29 register and section 36 register; and
- (e) to exercise any other function given to the board under this Act or any other Territory law.

#### **8 Powers**

- (1) The board may do everything necessary and convenient to be done for the exercise of its functions and, for example, may—
  - (a) take action to recover money payable to the board and debts incurred against the board; and

- (b) enter into agreements for borrowing money in accordance with this Act; and
  - (c) incur legal and other costs in proceedings by or against the board; and
  - (d) refund money that is refundable under this Act.
- (2) Without limiting subsection (1), the board has the same capacity as an individual.

## 9 Delegation by board

The board may delegate the board's functions to a public servant.

*Note* For the making of delegations and the exercise of delegated functions, see Legislation Act, pt 19.4.

## 10 Members of board

- (1) The board consists of 3 members appointed by the Minister.
- (2) The Minister must appoint—
  - (a) a member to be the chairperson; and
  - (b) a member to represent employer organisations; and
  - (c) a member to represent employee organisations.

*Note 1* A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Legislation Act 2001*, s 208 (1) (c) and dict, pt 1, def of *appoint*).

*Note 2* A power to appoint a person to a position includes a power to appoint a person to act in the position (see *Legislation Act 2001*, s 209).

## 11 Term of appointment of members

A member is appointed for a term of not longer than 5 years.

### **13 Ending of appointment**

- (1) The Minister may end the appointment of a member of the board for misbehaviour or physical or mental incapacity.
- (2) The Minister is to end the appointment of a member of the board if the member—
  - (a) 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 pay for their benefit; or
  - (b) is convicted in Australia of an offence punishable by imprisonment for 1 year or longer; or
  - (c) is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the board.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

### **14 Meetings**

- (1) The chairperson is to call a meeting of the board when the chairperson considers it is necessary for the exercise of the board's functions.
- (2) At a meeting of the board, 2 members form a quorum.
- (3) The chairperson is the presiding member at all meetings of the board at which he or she is present.
- (4) If the chairperson is not present at a meeting of the board, the members present must choose 1 of the 2 to preside at the meeting.
- (5) A question at a meeting of the board is decided by a majority of the votes of the members present and voting.
- (6) The person presiding at a meeting of the board has a deliberative vote and has, if there is an equality of votes, a casting vote.

- (7) If only 2 members are present at a meeting of the board and they differ on a question to be decided at the meeting, the question is delayed until the next meeting at which more than 2 members are present.

## **15 Disclosure of interest**

- (1) A member who has a direct or indirect financial interest in a matter being considered or about to be considered by the board must, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the board.

Maximum penalty: 20 penalty units.

- (2) If a direct or indirect financial interest is disclosed at a meeting, the member presiding must record the disclosure in the minutes of the meeting.
- (3) A member disclosing an interest must not, unless the Minister or the board otherwise decides—
- (a) be present during a deliberation of the board about that matter; or
  - (b) take part in a decision of the board about that matter.
- (4) If the board is to make a decision under subsection (3), any member who has a direct or indirect financial interest in the matter to which the disclosure relates must not—
- (a) be present during a deliberation of the board about the decision; or
  - (b) take part in making the decision.
- (5) The Minister must end the appointment of a member who fails, without reasonable excuse, to comply with this section.



**16 Providing information to Minister**

The board must give the Minister any information about its operations or the operation of this Act that the Minister requires.

**17 Protection of members**

- (1) A member does not incur civil liability for an act or omission done honestly and without negligence for this Act.
- (2) A liability that would, apart from this section, attach to a member attaches instead to the board.

**18 Staff**

- (1) The board may make arrangements with the chief executive for the use of the services of public servants in the administrative unit under the chief executive's control.
- (2) The *Public Sector Management Act 1994* applies to the management by the board of public servants under an arrangement mentioned in subsection (1).

**Division 2.2 The registrar and inspectors**

**19 Long Service Leave Registrar**

- (1) The chief executive must appoint a public servant as Long Service Leave Registrar.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) The registrar has the functions given under this Act or another Territory law.

## **20 Deputy Long Service Leave Registrar**

- (1) The chief executive must appoint a public servant as Deputy Long Service Leave Registrar.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) The deputy registrar may exercise any function of the registrar, subject to any direction of the registrar.

## **21 Inspectors**

- (1) The registrar may appoint any inspectors that the registrar considers necessary under this Act.
- (2) The registrar must only appoint a person who is a public servant to be an inspector.
- (3) An inspector must carry out the duties under this Act that the registrar directs.

## **22 Identity cards**

- (1) The Minister must give an inspector an identity card stating the name and appointment of the inspector and on which appears a recent photograph of the inspector.
- (2) A person must not, on ceasing to be an inspector, fail or refuse without reasonable excuse to return the identity card.

Maximum penalty: 1 penalty unit.

## **23 Powers of inspectors**

- (1) An inspector may, at any reasonable time, enter the premises of a person the inspector reasonably believes is an employer, and—

- (a) examine any records, books or other documents of the employer to check the accuracy of information given to, or being held by, the board; or
  - (b) require a person at the premises to give the inspector—
    - (i) information within the person's knowledge relating to the rights and liabilities under this Act of the employer or an employee (or former employee) of the employer; and
    - (ii) any records, books or documents that are in the person's possession, or to which the person has access, that are reasonably required by the inspector to check the accuracy of information given to, or held by, the board.
- (2) If an inspector enters premises under subsection (1) and does not produce his or her identity card at the request of the occupier or person in charge of the premises—
- (a) the inspector is not authorised to remain on the premises; and
  - (b) a person is not required to comply with a requirement made by the inspector under subsection (1) (b).
- (3) An inspector may, by written notice given to an employer, require the employer to produce to the board, within 14 days after the day on which the notice was given, any information, records, books, or documents mentioned in subsection (1) (b) that are stated in the notice.
- (4) The notice may be served on an employer—
- (a) if the employer is a body corporate—by leaving it at the employer's registered office; or
  - (b) if the employer is an individual—
    - (i) by delivering it to the employer personally; or
    - (ii) by leaving it at the last-known place of residence or business of the employer with a person who is, or is

reasonably believed to be, both over the age of 16 years and residing or employed at that place.

- (5) A person must not, without reasonable excuse, fail to comply with a requirement of an inspector under this section.

Maximum penalty: 50 penalty units.

## **Division 2.3 Finances**

### **24 Money of board**

The money of the board consists of—

- (a) money received by the board under section 39A (Levy payments); and
- (b) income derived from the investment of money of the board; and
- (c) money borrowed by the board; and
- (d) any other money paid to the board under this Act.

### **25 Application of money**

The money of the board must be applied only—

- (a) in payment or discharge of the costs, expenses or other obligations of the board under this Act; and
- (b) in payment of remuneration and allowances payable to any person appointed or employed under this Act.

### **26 Borrowing by board**

- (1) The board may borrow money in amounts, and on terms, approved by the Minister.
- (2) The board may give security over the whole or part of its assets for the repayment of money borrowed under this section and the payment of interest on that money.

- (3) The board must not borrow money other than in accordance with this section.

**27 Contracts**

- (1) The board must not, except with the approval of the Minister, enter into a contract for the payment or receipt by the board of an amount greater than \$250 000.
- (2) Subsection (1) does not apply to a contract for the investment of money entered into in accordance with the *Financial Management Act 1996*, section 56.

**28 Triennial investigation by actuary**

- (1) The Treasurer must, in writing, appoint an actuary.
- (2) The actuary must conduct an investigation of the state and sufficiency of the money of the board—
- (a) when requested by the board; and
  - (b) in any event, within 3 years after the commencement of this Act and at the end of each following period of 3 years.
- (3) The actuary must report to the board the result of the investigation and must state whether, in the actuary's opinion, any reduction or increase is necessary in the rates of periodic payments payable to the board by employers under this Act.
- (4) The actuary must forward to the Minister a copy of each report made under this section.

## Part 3 Registration of employers

### 29 Section 29 register

The board must keep a register of registered employers (the *section 29 register*).

### 30 Application for registration by employers

- (1) An employer must apply to the registrar for registration as an employer within—
  - (a) 1 month after becoming an employer; or
  - (b) any additional time that the registrar allows.

Maximum penalty: 50 penalty units.

*Note* If a form is approved under s 64A (Approved forms) for an application, the form must be used.

- (2) The registrar may allow additional time for subsection (1) (b) before or after the end of the period of 1 month mentioned in subsection (1) (a).
- (3) A person who is in contravention of subsection (1) may apply to the registrar for registration as an employer.

### 31 Order to apply for registration

- (1) If a court finds a person guilty of an offence against section 30 (1) or subsection (2) of this section (whether or not it convicts the person), the court may, in addition to imposing a penalty on the person—
  - (a) order that the person apply to the registrar under section 30 for registration as an employer within a stated time; and

- (b) order that the person pay to the board all amounts that would have been payable by the person under section 39A (Levy payments) if the person had complied with this Act since becoming an employer.
- (2) A person against whom an order under subsection (1) (a) has been made must comply with the order.
- Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (3) A certified copy of an order under subsection (1) (b) may be filed in a court having civil jurisdiction to the extent of the amount stated in the order and, if so filed, has effect in all respects as if it were a judgment of the court.

### **32 How applications under s 30 (1) are dealt with**

- (1) This section applies if a person applies to the registrar under section 30 (1) for registration as an employer.
- (2) If the registrar is satisfied that the person is an employer, the registrar must register the person as an employer.
- (3) If the registrar is not satisfied that the person is an employer, the registrar must refuse to register the person as an employer.

### **33 How applications under s 30 (3) are dealt with**

- (1) This section applies if a person applies to the registrar for registration as an employer later than 1 month after becoming an employer and after the end of any additional time allowed by the registrar under section 30 (1) (b).
- (2) The registrar must refer the application to the board.
- (3) The board must direct the registrar to register the person as an employer if satisfied that—
- (a) the person is an employer; and

- (b) the person has paid to the board all the amounts that would have been payable by the person under section 39A if the person had complied with this Act since becoming an employer.
- (4) The board must direct the registrar to refuse to register the person as an employer if not satisfied of a matter mentioned in subsection (3).
- (5) The registrar must give effect to a direction under subsection (3) or (4).

**34 Registration as an employer**

- (1) The registrar registers a person as an employer by entering in the section 29 register—
  - (a) the person's name and address; and
  - (b) the name and address of the principal place of business of the person; and
  - (c) if the person is a corporation—the address of its registered office; and
  - (d) the date when the registration takes effect; and
  - (e) any other particulars that the board directs the registrar to enter in the register.
- (2) A person's registration as an employer takes effect on the later of—
  - (a) 23 June 2000; and
  - (b) the date when the person became an employer.



**35 Certificate of registration**

- (1) As soon as practicable after registering a person as an employer under section 34 (Registration as an employer), the registrar must give to the person a certificate of registration that states the date when the person's registration took effect.

*Note* If a form is approved under s 64A (Approved forms) for a certificate, the form must be used.

- (2) If satisfied that a certificate of registration has been stolen, lost or destroyed, the registrar may give to the person a replacement certificate of registration.
- (3) A certificate of registration is evidence of the particulars stated in the certificate.

## Part 4 Registration of employees

### 36 Section 36 register

The board must keep a register of registered employees (the *section 36 register*).

### 37 Application for registration by employees

A person may apply to the registrar in writing for registration as an employee.

*Note* If a form is approved under s 64A (Approved forms) for an application, the form must be used.

### 37A How applications under s 37 are dealt with

- (1) This section applies if a person applies to the registrar under section 37 for registration as an employee.
- (2) The registrar must register the person if satisfied that—
  - (a) the person is an employee; and
  - (b) all employers of the person since the person became an employee are or have been registered.
- (3) The registrar must refuse to register a person if not satisfied that the person is an employee.
- (4) The registrar must refer a person's application to the board if the registrar—
  - (a) is satisfied that the person is an employee; but
  - (b) is not satisfied that all employers of the person since the person became an employee are or have been registered.
- (5) The board must—

- (a) direct the registrar to register a person as an employee if the board is satisfied that all employers of the person since the person became an employee are or have been registered; or
  - (b) direct the registrar to refuse to register a person if the board is not so satisfied.
- (6) The registrar must give effect to a direction under subsection (5).
- (7) For this section, a person is taken to have become an employee on the later of—
- (a) 23 June 2000; and
  - (b) the date when the person became an employee.

### **38 Registration as an employee**

- (1) The registrar registers a person as an employee by entering in the section 36 register—
- (a) the person's name, address and date of birth; and
  - (b) the name and address of the principal place of business of each employer of the person; and
  - (c) if any employer of the person is a corporation—the address of its registered office; and
  - (d) the date when the registration takes effect; and
  - (e) any other particulars that the board directs the registrar to enter in the register.
- (2) A person's registration as an employee takes effect on the later of—
- (a) 23 June 2000; and
  - (b) the date when the person became an employee.

**38A Appeals against refusal of registrar to register**

- (1) If the registrar refuses, under section 37A (How applications under s 37 are dealt with), to register a person as an employee, the registrar must give to the person, within 7 days after making the decision, written notice of the decision and the reasons for the decision.
- (2) The person may apply to the board in writing for review of the registrar's decision within 2 months after receiving notice of the decision.
- (3) The board must—
  - (a) confirm the registrar's decision; or
  - (b) direct the registrar to register the person as an employee.
- (4) Within 7 days after making a decision under subsection (3), the board must give to the person written notice of the decision and the reasons for the decision.

*Note 1* The *Legislation Act 2001*, s 179 deals with the contents of a statement of reasons for a decision.

*Note 2* The *Legislation Act 2001*, pt 18.5 deals with service of documents.

## Part 5 Periodic notices and payments

### 39 Quarterly returns

- (1) Within 15 days after the end of each quarter or any longer period allowed by the registrar, a person who is (or was at any time during the quarter) an employer must give to the board a return for the quarter that complies with this Act.

Maximum penalty: 20 penalty units.

*Note* If a form is approved under section 64A (Approved forms) for a return, the form must be used.

- (2) The return must set out, in relation to each person who was an employee of the person during the quarter—
  - (a) the total ordinary wages paid by the employer to the employee during the quarter for cleaning work carried out by the employee; and
  - (b) if the employee's employment as an employee of the person began or ended during the quarter—the date of the beginning or end (or both) of the employment during the quarter.

### 39A Levy payments

- (1) If a person gives a return to the board under section 39, the person must, at the same time, pay to the board the amount of levy payable by the person for the quarter.

Maximum penalty: 20 penalty units.

- (2) The amount of levy payable by the person is the amount worked out in accordance with the determination under section 39B applying to the quarter.

**39B Determination of levy**

- (1) The board must, from time to time, recommend in writing to the Minister the levy that should be payable by employers for a quarter.
- (2) The Minister may, in writing, determine the levy payable by employers for a quarter.

*Note* The *Legislation Act 2001*, s 48 provides that a power to make a statutory instrument includes the power to make an instrument about 1 or more of the matters and to make different provisions with respect to different matters.

- (3) Before making a determination in relation to a quarter, the Minister must have regard to the recommendation made under subsection (1) in relation to the quarter, but need not follow it.
- (4) A determination under subsection (2) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**40 Failure to give quarterly returns or make quarterly payments**

- (1) If a person who is required to give the board a return under section 39 (Quarterly returns) fails to give the return to the board in accordance with that section, the person is liable to pay to the board \$25 for each month or part of a month in the period from the day after the last day when the return should have been given in accordance with that section to the day when it is given.
- (2) If a person who is required to pay an amount to the board under section 39A (Levy payments) fails to pay the amount to the board in accordance with that section, the person is liable to pay to the board, in addition to the amount, \$25 for each month or part of a month in the period from the day after the last day when the amount should have been paid in accordance with that section to the day when it is paid.

- (3) The registrar may, on the application of the person liable to pay an amount under subsection (1) or (2) or on the registrar's own initiative, remit all or part of the amount if satisfied that—
- (a) the circumstances that gave rise to the contravention were not caused directly or indirectly by the person; or
  - (b) because of special circumstances, it would be fair and reasonable to make the remission.
- (4) If a court finds a person guilty of an offence against section 39 (1) (whether or not it convicts the person), the court may, in addition to imposing a penalty on the person, order the person to pay the board any amount that is payable under subsection (1) to the date of the order.
- (5) If a court finds a person guilty of an offence against section 39A (1) (whether or not it convicts the person), the court may, in addition to imposing a penalty on the person, order the person to pay the board—
- (a) the amount that was the subject of the prosecution; and
  - (b) any amount that is payable under subsection (2) to the date of the order.
- (6) A certified copy of an order under subsection (4) or (5) may be filed in a court having civil jurisdiction to the extent of the amount stated in the order and, if so filed, has effect in all respects as if it were a judgment of the court.

#### **41 Exemption from payments for working directors**

- (1) The board must, on application, grant the employer of a working director an exemption from payment of an amount payable under section 39B (1) for cleaning work carried out by the working director.

*Note* If a form is approved under s 64A (Approved forms) for an application, the form must be used.

- (2) The exemption is in force until whichever of the following first occurs:
  - (a) the working director ceases to be a working director other than because he or she ceases to carry out cleaning work;
  - (b) the working director notifies the board in writing that he or she no longer wishes the exemption to apply to him or her.
- (3) The working director is taken not to be an employee under this Act while the exemption is in force.

#### **42 Employers to keep records**

- (1) An employer must, for each employee employed by him or her, make a record showing particulars of—
  - (a) the name of the employee and his or her date of birth; and
  - (b) the nature of the cleaning work carried out by the employee; and
  - (c) the ordinary pay of the employee; and
  - (d) the number of days worked in each quarter by the employee; and
  - (e) the date when the employee began employment with the employer; and
  - (f) long service leave granted, or payment instead of leave made, to the employee; and



- (g) if the employee ceases to be employed by the employer—the date on which he or she ceased employment.

Maximum penalty: 20 penalty units.

- (2) The employer must keep the record for 6 years after the date the employee ceases employment in the contract cleaning industry with the employer.

Maximum penalty: 20 penalty units.

## Part 6 Entries in section 36 register

### 43 Particulars to be entered in section 36 register

The registrar must enter the following particulars in the section 36 register for a registered employee:

- (a) the number of days employment, with each employer of the employee, with which the employee is credited under this Act;
- (b) the total ordinary wages of the employee for cleaning work carried out by the employee;
- (c) the employee's entitlement to long service leave;
- (d) details of the long service leave granted to, or taken by, the employee, or payment instead of long service leave made to the employee (whether under this Act or the *Long Service Leave Act 1976*);
- (e) if the employee has ceased employment in the contract cleaning industry—the date when the employment ceased;
- (f) any other particulars that the board directs.

### 44 Decisions about ordinary wages by the board

- (1) This section applies if the board is of the opinion that the total ordinary wages stated in a return given to the board under section 39 (Quarterly returns) for a quarter for an employee is insufficient or excessive because of the nature of the cleaning work carried out by the employee in the quarter.
- (2) The board must give to the employer and the employee a written notice that summarises their rights under subsection (3).
- (3) The employer or employee may, within 1 month of being given the notice—

- (a) by written statement to the board, ask the board to take into account any matters set out in the statement; and
  - (b) ask the board to arrange for the employer or employee to appear before the board, either in person or by a representative, and make representations about the matter.
- (4) If asked under subsection (3) (b), the board must arrange for the employer or employee to appear before the board as soon as practicable.
- (5) After considering any statement and representations under subsection (3), the board may—
  - (a) agree that the total ordinary wages stated in the return for the quarter is reasonable; or
  - (b) fix another amount as the total ordinary wages of the employee for the quarter.
- (6) If the board fixes an amount under subsection (5) (b), the amount is taken, for this Act, to be the total ordinary wages paid by the employer to the employee during the quarter for cleaning work carried out by the employee.
- (7) If the amount fixed under subsection (5) (b) is more than the amount shown as the total ordinary wages of the employee in the return, the employer must pay to the board the difference between the amount paid under section 39A (Levy payments) for the quarter and the amount that would have been payable if the amount fixed by the board had been shown in the return as the total ordinary wages of the employee for the quarter.
- (8) If the amount fixed under subsection (5) (b) is less than the amount shown as total ordinary wages of the employee in the return, the board must pay to the employer the difference between the amount paid under section 39A for the quarter and the amount that would have been payable if the amount fixed by the board had been shown

in the return as the total ordinary wages of the employee for the quarter.

#### **45 Employment credits**

- (1) A registered employee is to be credited in the section 36 register with 1 day's employment for each day (including a day when the employee does not carry out cleaning duties) in each employment period of the employee.

##### **Example**

A day when an employee attends a court in accordance with a summons to serve as a juror or a subpoena to give evidence or produce documents is a day in the employee's employment period when the employee does not carry out cleaning duties.

- (2) A registered employee must not be credited with more than 365 days in a financial year.

#### **46 Removing names from section 36 register**

- (1) The board must remove from the section 36 register the name of, and particulars relating to, a registered employee if the employee has not been credited with any day's employment for 4 consecutive years.
- (2) If an employee's name and particulars are removed under subsection (1)—
  - (a) the employee ceases to be a registered employee on the date they are removed; and
  - (b) the employee is not entitled to apply for, or be paid an amount for or instead of, long service leave for any employment days entered in the register before the day the employee's registration ceased.
- (3) However, an employee to whom subsection (2) (b) applies is entitled to be paid an amount instead of long service leave for the employment days entered in the register before the employee's

registration ceased if the employee would have been entitled to the payment under section 54 (Entitlement to payment instead of leave) if the registration had not ceased.

- (4) This section does not affect any right that a person whose name has been removed from the section 36 register may have to again become a registered employee.

## **Part 7 Annual certificates**

### **47 Annual certificates for employees**

The registrar must, as soon as practicable after 31 July and before 1 November each year, give to each registered employee a certificate stating—

- (a) the number of days employment, from the date of registration to the end of the previous financial year, that the employee has been credited with in the section 36 register; and
- (b) the number of days employment that the employee has been credited with for the previous financial year; and
- (c) the total ordinary wages paid to the employee during the previous financial year for cleaning work carried out by the employee.

### **48 Annual certificates for employers**

The registrar must, as soon as practicable after 31 July and before 1 November each year, give to each registered employer a certificate stating—

- (a) the name of each registered employee of the employer recorded in the section 36 register; and
- (b) for each registered employee of the employer—the number of days employment, from the date of registration of the employee to the end of the previous financial year, that the employee has been credited with in the section 36 register; and
- (c) for each registered employee of the employer—the number of days employment that the employee has been credited with for the previous financial year for cleaning work carried out by the employee; and

- (d) the total of all amounts paid by the employer under section 39A (Levy payments) for the previous financial year.

**49 Objection to matter stated in annual certificate**

- (1) An employee or employer who is given a certificate under section 47 or 48 may, within 6 months after being given the certificate, make an objection in writing to the board about the accuracy of a matter stated in the certificate.
- (2) If an objection is made to the board, the board must decide the objection and must, if it allows the objection—
- (a) make any necessary correction in the section 36 register; and
  - (b) give an amended certificate to the person who made the objection.

## Part 8 Long service leave and payments

### 50 Years of recognised service

A registered employee is taken to have completed a year of recognised service for each 365 days of recognised service.

### 51 Long service leave formula

- (1) The following formula is the long service leave formula:

$$W = \frac{13}{15} \times \frac{RS}{365}$$

- (2) In this section:

*RS* means the applicant's number of days recognised service.

*W* means the number of weeks long service leave.

### 52 Amount of leave

- (1) A registered employee who has 10 years or more recognised service is entitled to the number of weeks long service leave calculated in accordance with the long service leave formula.
- (2) A registered employee who—
- (a) has become entitled to long service leave under this Act; and
  - (b) is credited with additional employment days in the section 36 register after becoming entitled to long service leave;

is entitled to long service leave for the additional employment days calculated in accordance with the long service leave formula.



**53 Grant of leave**

- (1) An employer must grant a registered employee's long service leave within 6 months after the leave has accrued unless—
  - (a) the board allows an additional period (on application made by the employer or the employee); or
  - (b) the employer and employee agree on an additional period.

Maximum penalty: 50 penalty units.

- (2) Long service leave must not be granted in a period of less than 2 weeks.
- (3) The employer must give to the employee a written notice, in accordance with subsection (4), stating the date when the long service leave starts and the date when it ends.

Maximum penalty: 50 penalty units.

- (4) Unless the employee otherwise agrees, the notice must be given to the employee at least 2 months before the date in the notice when the long service leave starts.

**54 Entitlement to payment instead of leave**

- (1) A person to whom this section applies is entitled to payment instead of long service leave for the number of weeks long service leave calculated in accordance with the long service leave formula.
- (2) This section applies to—
  - (a) a registered employee if—
    - (i) the board is satisfied that the employee has permanently ceased cleaning work because of total incapacity; and
    - (ii) the employee is credited with a period of recognised service longer than 54 days but shorter than 10 years; and
  - (b) the personal representative of a registered employee who—

- (i) has died; and
  - (ii) at the date of death was credited with a period of recognised service longer than 54 days but shorter than 10 years.
- (3) This section applies to a registered employee if—
  - (a) the employee is a working director, or has been a working director while a registered employee; and
  - (b) the employee's period of recognised service is longer than 5 years but shorter than 10 years.
- (4) This section applies to a registered employee if—
  - (a) the employee is not a working director, and has not been a working director while registered as an employee; and
  - (b) the employee's period of recognised service is longer than 5 years but shorter than 10 years; and
  - (c) the employee has ceased work in the contract cleaning industry for a reason other than total incapacity, death, or retirement with the intention of leaving the industry permanently; and
  - (d) either—
    - (i) at least 20 weeks have passed since the last employment day credited to the employee; or
    - (ii) the board is satisfied that the employee intends to live in a foreign country.

## **55 Payment for leave**

- (1) A registered employee who has been granted long service leave under section 53 may apply to the board for payment for that leave.
- (2) An application must—
  - (a) be in writing signed by the applicant; and

- (b) be given to the board; and
  - (c) state the period of long service leave for which the payment is sought; and
  - (d) be accompanied by the notice mentioned in section 53 (3).
- (3) If, on receipt of an application, the board is satisfied that the applicant is entitled to long service leave, the board must pay to the applicant out of the money of the board an amount calculated in accordance with section 57.
- (4) The board must pay an applicant any amount payable under subsection (3) at least 7 days before the applicant becomes entitled to that long service leave if—
- (a) the application is made at least 14 days before the applicant becomes entitled to long service leave under this Act; and
  - (b) the applicant makes such a request in the application.

## **56 Payment instead of leave**

- (1) If a registered employee is entitled to payment instead of long service leave under this Act, the employee may apply to the board for payment accordingly.
- (2) An application under subsection (1) must—
- (a) be in writing signed by the applicant; and
  - (b) be given to the board; and
  - (c) for an application by a registered employee on the ground that the employee has ceased work in the contract cleaning industry because of total incapacity—be accompanied by a certificate of a doctor certifying that the employee is totally incapacitated for employment in the industry.
- (3) The board may require an applicant mentioned in subsection (2) (c) to submit himself or herself to a medical examination by a doctor

chosen by the board for that purpose from a panel of 3 doctors nominated by the Australian Capital Territory Branch of the Australian Medical Association.

- (4) All fees or charges payable for a medical examination under subsection (3) are to be paid by the board.
- (5) If an applicant refuses or fails, without reasonable excuse, to comply with a requirement of the board under subsection (3), the board may refuse the application.
- (6) If an application is made under subsection (1) and the board is satisfied the applicant is entitled to payment instead of leave under this Act, the board must pay to the applicant out of the money of the board an amount calculated in accordance with section 57.

## 57 Calculation of leave payments

- (1) This section deals with the total and weekly amounts payable by the board to a registered employee under section 55 (Payment for leave) or section 56 (Payment instead of leave) in relation to a long service period of the employee.
- (2) The **total amount** is the amount worked out in accordance with the following formula:

$$\sum \text{relevant years} \left( \frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left( \frac{\text{current annual award pay}}{60} \right)$$

- (3) The **weekly amount** is the amount worked out in accordance with the following formula:

$$\frac{\text{total amount}}{\left( \frac{13}{15} \times \text{number of relevant years} \right)}$$

(4) In this section:

**actual pay**, of the registered employee, means the total ordinary pay of the employee in the long service period, as recorded by the board.

**annual award pay** means—

- (a) 52 times the weekly day shift worker rate for a full-time employee who is a cleaner under the Cleaning (Building and Property Services) (ACT) Award 1998; or
- (b) if the regulations prescribe a different rate—that rate.

**current annual award pay**, for a long service leave period, means the relevant annual award pay for the last of the relevant years in the long service leave period.

**long service period**, of the registered employee, means the period in relation to which the employee is entitled to payment under section 55 (Payment for leave) or section 56 (Payment instead of leave).

**relevant annual award pay**, for a relevant year, means the annual award pay recorded by the board as applying to the registered employee, on 1 July in the year, under the award or agreement that, on that date, applied to the employee.

**relevant year**, for a registered employee, means a financial year that falls (completely or partly) in the long service period.

**Examples**

For examples of the application of the formulas in this section, see schedule 1.

## 58 Records of payments and employment

If the board pays an amount to a registered employee in accordance with section 55 (Payment for leave) or section 56 (Payment instead of leave), the board may delete from the section 36 register the particulars relating to the employment period for which the employee has been paid, but must keep another record of—

- (a) the period of employment; and

- (b) the amount paid to the employee for long service leave or instead of long service leave; and
- (c) the period of long service leave (if any) granted to or taken by the employee.

**59 Public holidays not to count as leave**

- (1) This section applies if a public holiday or an award holiday falls during a period of long service leave taken by a registered employee.
- (2) The period of long service leave is increased by 1 day for each such holiday.
- (3) In this section:

*award holiday* means a day that is a holiday for people employed in the contract cleaning industry because of an award or agreement.

## Part 9 Miscellaneous

### 60 Review of decisions of board and registrar

- (1) Application may be made to the administrative appeals tribunal for review of a decision by the board—
  - (a) directing the registrar under section 33 (4) to refuse to register a person as an employer; or
  - (b) directing the registrar under section 37A (5) (b) to refuse to register a person as an employee; or
  - (c) confirming, under section 38A (3) (a), a decision of the registrar to refuse to register a person as an employee; or
  - (d) that it is not satisfied that a person to whom a notice under section 41 (1) relates is a working director; or
  - (e) fixing, under section 44 (5), another amount as the total ordinary wages of an employee for a quarter; or
  - (f) to allow, or not allow, an objection to matter stated in an annual certificate under section 49 (2); or
  - (g) allowing, or not allowing, an additional period mentioned in section 53 (1) (a); or
  - (h) that it is not satisfied that an applicant is entitled to payment mentioned in section 54 (1); or
  - (i) refusing to make a payment under section 55 (3), 56 (6) or 64 (5).
- (2) Application may be made to the administrative appeals tribunal for review of a decision by the registrar—
  - (a) refusing, under section 32 (3), to register a person as an employer; or

- (b) refusing, under section 39 (1), to allow a longer period for giving a return to the board; or
- (c) refusing, under section 40 (3), to remit all or part of an amount on application by a person.

**61 Notification of decisions**

- (1) If the board or the registrar makes a decision of a kind mentioned in section 60, the board or the registrar must give a written notice to the person whose interests are affected by the decision.
- (2) A notice under subsection (1) must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, subsection 25B (1).

**62 Evidentiary certificates**

- (1) In a proceeding for a contravention of section 39 (Quarterly returns), a certificate signed by or on behalf of the registrar to the effect of any of the following paragraphs is evidence of the matters stated in the certificate:
  - (a) that the registrar had allowed a stated person an additional stated period to give to the board a return under that section for a stated quarter;
  - (b) that the registrar had not allowed a stated person an additional period to give to the board a return under that section for a stated quarter;
  - (c) that a stated person had not given to the board a return under that section for a stated quarter on or before a stated date;
  - (d) that a stated person had given to the board a return under that section for a stated quarter on a stated date.
- (2) In a proceeding (including a proceeding for a contravention of section 39A), a certificate signed by or on behalf of the registrar to



the effect of any of the following paragraphs is evidence of the matters stated in the certificate:

- (a) that a stated amount of levy under section 39A was payable by a stated person for a stated quarter;
  - (b) that, on or before a stated date, a stated person had not paid to the board, under that section, a stated amount of levy that was payable by the person for a stated quarter;
  - (c) that, on a stated date, a stated person paid to the board a stated amount of levy under that section that was payable by the person for a stated quarter.
- (3) Unless the contrary is proved, a document that purports to be a certificate mentioned in subsection (1) or (2) is taken to be such a certificate.

- (4) In this section:

*stated* means stated in the certificate.

### **63 Inspection of register**

An employer, a registered employee or a person acting on his or her behalf, may inspect, and obtain a certified copy of, an entry in a register that relates to that employer or employee.

### **64 Benefits under other laws**

- (1) A registered employee who is eligible for long service benefits under this Act and the *Long Service Leave Act 1976* or a law prescribed under the regulations for employment in the contract cleaning industry must elect whether to take the benefits provided under this Act or the *Long Service Leave Act 1976* or the prescribed law.
- (2) The registered employee must notify the board in writing of the nature of his or her election and the employment period for which the election is made.

- (3) If a registered employee elects to take long service benefits under the *Long Service Leave Act 1976* or a prescribed law, the board must remove from the section 36 register the employee's credits for that employment period.
- (4) If an employer makes a payment in accordance with the *Long Service Leave Act 1976*, section 8 or in accordance with a prescribed law for, or instead of, long service leave to, or in relation to, a registered employee who has elected to take long service benefits under that Act or the prescribed law for a employment period in the contract cleaning industry, the employer may apply to the board for reimbursement of the amount paid.
- (5) If an application is made to the board by an employer under subsection (4) and the board is satisfied the amount paid by the employer was properly paid in accordance with the *Long Service Leave Act 1976*, section 8 or in accordance with the prescribed law, the board must pay to the employer out of the money of the board the amount applied for less any amount outstanding that is payable by the employer to the board.
- (6) This section expires on 31 December 2006.

#### **64A Approved forms**

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

#### **65 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Schedule 1 Examples of calculation of leave payments

(see s 57)

### Example 1

#### Full-time employee receiving above award

Year	Actual pay	Relevant annual award pay	Actual pay ÷ relevant annual award pay
Year 1	20800	19000	1.094736842
Year 2	21800	19000	1.147368421
Year 3	22000	19000	1.157894737
Year 4	22800	20000	1.14
Year 5	23000	21000	1.095238095
Year 6	23100	21000	1.1
Year 7	24100	21000	1.147619048
Year 8	24150	22000	1.097727273
Year 9	25000	22000	1.136363636
Year 10	25200	23000	1.095652174
Total	231950	207000	11.21260023

The total amount formula is—

$$\sum_{\text{relevant years}} \left( \frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left( \frac{\text{current annual award pay}}{60} \right)$$

Applying the formula to this example gives:

$$11.2126 \times \left( \frac{23000}{60} \right) = 4298.16342$$

**Schedule 1**      Examples of calculation of leave payments

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Which is \$4298.16.

The weekly amount formula is:

$$\sum \text{relevant years} \left( \frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left( \frac{\text{current annual award pay}}{60} \right) \div \left( \frac{13}{15} \times 10 \right)$$

As a weekly payment the amount would be:

$$4298.16 \div \left( \frac{13}{15} \times 10 \right) = \$495.94.$$

## Example 2

### Part-time employee—5 days a week at various hours

Year	Actual pay	Relevant annual award pay	Actual pay÷ relevant annual award pay
Year 1	10400	19000	0.547368421
Year 2	11400	19000	0.6
Year 3	11400	19000	0.6
Year 4	15000	20000	0.75
Year 5	14000	21000	0.666666667
Year 6	11000	21000	0.523809524
Year 7	19000	21000	0.904761905
Year 8	5000	22000	0.227272727
Year 9	14000	22000	0.636363636
Year 10	8000	23000	0.347826087
Total	119200	207000	5.804068967

The formula:

$$\sum_{\text{relevant years}} \left( \frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left( \frac{\text{current annual award pay}}{60} \right)$$

Applying the formula to this example gives:

$$5.804069 \times \left( \frac{23000}{60} \right) = 2224.893104$$

Which is \$2224.89.

**Schedule 1**      Examples of calculation of leave payments

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The weekly amount formula is:

$$\sum_{\text{relevant years}} \left( \frac{\text{actual pay}}{\text{relevant annual award pay}} \right) \times \left( \frac{\text{current annual award pay}}{60} \right) \div \left( \frac{13}{15} \times 10 \right)$$

As a weekly payment, the amount would be:

$$2224.89 \div \left( \frac{13}{15} \times 10 \right) = \$256.72.$$

## Dictionary

(see s 2)

**agreement** means an industrial agreement under the *Workplace Relations Act 1996* (Cwlth).

**award** means an award or determination under the *Workplace Relations Act 1996* (Cwlth).

**board** means the Cleaning Industry Long Service Leave Board established by section 5.

**chairperson** means the chairperson of the board.

**cleaning work**—see section 3 (1).

**contract cleaning work**—see section 3 (2).

**deputy registrar** means the Deputy Long Service Leave Registrar under section 20.

**determination** includes a variation, suspension, interpretation or cancellation of a determination.

**employee**—see section 3B.

**employer**—see section 3A.

**employment period**—see section 3D.

**long service leave formula** means the formula in section 51.

**member** means a member of the board, and includes the chairperson.

**ordinary wages**, for a person who is or has been an employee, means the amount of wages paid or payable to the person for contract cleaning work under the award or agreement applying to the person for that work, and includes the following kinds of payments (if payable to the person under the award or agreement):

- (a) over-award payments;

- (b) any weekend and public holiday penalty rates earned by shift workers on normal rostered shifts forming the ordinary hours of duty, other than when worked as overtime;
- (c) allowances relating to the person's work (other than allowances for expenses incurred by, or for the use of equipment or a motor vehicle provided by, the person).

**quarter** means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in any year.

**recognised service**, for a registered employee, means the total number of days for all employment periods entered in the section 36 register for the employee.

**registered employee** means a person registered under section 38 (Registration as an employee).

**registered employer** means a person registered under section 34 (Registration as an employer).

**registrar** means the Long Service Leave Registrar under section 19.

**section 29 register**—see section 29.

**section 36 register**—see section 36.

**working director** means a person who is both a director and an employee of a company if—

- (a) the company has no other employees; or
- (b) all of the employees of the company are also directors.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

The *Long Service Leave (Contract Cleaning Industry) Act 1999* was originally the *Long Service Leave (Cleaning, Building and Property Services) Act 1999*. It was renamed by the *Long Service Leave (Cleaning, Building and Property Services) Amendment Act 2001* (see s 4).

#### **Long Service Leave (Contract Cleaning Industry) Act 1999 No 85**

notified 23 December 1999 (Gaz 1999 No S65)

pt 1, pt 2 commenced 23 December 1999 (s 2 (1))

remainder (ss 29-70) commenced 23 June 2000 (s 2 (3))

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 231**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 231 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Long Service Leave (Cleaning, Building and Property Services) Amendment Act 2001 No 92**

notified LR 28 September 2001

s 1, s 2 commenced 28 September 2001 (LA s 75)

remainder taken to have commenced 23 June 2000 (s 2)

#### **Long Service Leave Legislation Amendment Act 2003 A2003-45 pt 4**

notified LR 2 October 2003

s 1, s 2 commenced 2 October 2003 (LA s 75 (1))

pt 4 commenced 3 October 2003 (s 2)

#### **Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.13**

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.13 commenced 19 December 2003 (s 2)

## 4 Amendment history

### Title

title am 2001 No 92 s 4

### Name of Act

s 1 sub 2001 No 92 s 5

### Dictionary

s 2 om R1 (LRA)  
ins 2001 No 92 s 5

### Notes

s 2A ins A2003-56 amdt 3.155

### What are *cleaning work* and the *contract cleaning industry*

s 3 sub 2001 No 92 s 5

### Who is an *employer*

s 3A ins 2001 No 92 s 5

### Who is an *employee*

s 3B ins 2001 No 92 s 5

### Declarations by Minister about coverage of Act

s 3C ins 2001 No 92 s 5

### What is an *employment period*

s 3D ins 2001 No 92 s 5

### Work outside the ACT

s 4 am 2001 No 92 s 6, amdt 1.1

### The board

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA (see also 2001 No 92 amdt 1.8)

### Independence

s 6 am 2001 No 92 amdt 1.2

### Functions of board

s 7 sub 2001 No 92 s 7

### Powers

s 8 am 2001 No 92 amdt 1.3

### Delegation by board

s 9 sub A2003-56 amdt 3.156

### Members of board

s 10 sub 2001 No 92 amdt 1.4

## Endnotes

### 4 Amendment history

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#### **Term of appointment of members**

s 11 sub 2001 No 92 amdt 1.4; A2003-56 amdt 3.157

#### **Resignation**

s 12 om 2001 No 92 amdt 1.4

#### **Ending of appointment**

s 13 hdg sub A2003-56 amdt 3.158

s 13 am A2003-56 amdt 3.159

#### **Providing information to Minister**

s 16 sub 2001 No 92 amdt 1.5

#### **The registrar and inspectors**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R2 LA (see also 2001 No 92 amdt 1.8)

#### **Protection of members**

s 17 sub 2001 No 92 amdt 1.5

#### **Long Service Leave Registrar**

s 19 sub A2003-56 amdt 3.160  
(3)-(5) exp 19 December 2004 (s 19 (5))

#### **Deputy Long Service Leave Registrar**

s 20 sub A2003-56 amdt 3.160  
(3)-(5) exp 19 December 2004 (s 20 (5))

#### **Powers of inspectors**

s 23 am 2001 No 92 s 8, amdt 1.6

#### **Finances**

div 2.3 hdg (prev pt 2 div 3 hdg) renum R2 LA (see also 2001 No 92 amdt 1.8)

#### **Money of board**

s 24 am 2001 No 92 amdt 1.7

#### **Registration of employers**

pt 3 hdg sub 2001 No 92 s 9

#### **Section 29 register**

s 29 sub 2001 No 92 s 9

#### **Application for registration by employers**

s 30 sub 2001 No 92 s 9

#### **Order to apply for registration**

s 31 sub 2001 No 92 s 9

#### **How applications under s 30 (1) are dealt with**

s 32 sub 2001 No 92 s 9

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<b>How applications under s 30 (3) are dealt with</b>	
s 33	sub 2001 No 92 s 9
<b>Registration as an employer</b>	
s 34	sub 2001 No 92 s 9
<b>Certificate of registration</b>	
s 35	sub 2001 No 92 s 9
<b>Registration of employees</b>	
pt 4 hdg	sub 2001 No 92 s 9
<b>Section 36 register</b>	
s 36	sub 2001 No 92 s 9
<b>Application for registration by employees</b>	
s 37	sub 2001 No 92 s 9
<b>How applications under s 37 are dealt with</b>	
s 37A	sub 2001 No 92 s 9
<b>Registration as an employee</b>	
s 38	sub 2001 No 92 s 9
<b>Appeals against refusal of registrar to register</b>	
s 38A	sub 2001 No 92 s 9
<b>Quarterly returns</b>	
s 39	sub 2001 No 92 s 10
<b>Levy payments</b>	
s 39A	ins 2001 No 92 s 10
<b>Determination of levy</b>	
s 39B	ins 2001 No 92 s 10
<b>Failure to give quarterly returns or make quarterly payments</b>	
s 40	sub 2001 No 92 s 10
<b>Exemption from payments for working directors</b>	
s 41	am 2001 No 44 amdts 1.2704-1.2706; 2001 No 92 amdt 1.9
<b>Employers to keep records</b>	
s 42	am 2001 No 92 amdts 1.10-1.13
<b>Entries in section 36 register</b>	
pt 6 hdg	sub 2001 No 92 s 11
<b>Particulars to be entered in section 36 register</b>	
s 43	sub 2001 No 92 s 11
<b>Decisions about ordinary wages by the board</b>	
s 44	sub 2001 No 92 s 11

## Endnotes

### 4 Amendment history

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#### **Employment credits**

s 45 sub 2001 No 92 s 11

#### **Removing names from section 36 register**

s 46 sub 2001 No 92 s 11

#### **Annual certificates for employees**

s 47 am 2001 No 92 s 12

#### **Annual certificates for employers**

s 48 am 2001 No 92 s 13

#### **Objection to matter stated in annual certificate**

s 49 am 2001 No 92 amdt 1.14-1.16

#### **Years of recognised service**

s 50 sub 2001 No 92 s 14

#### **Long service leave formula**

s 51 am 2001 No 92 s 15

#### **Amount of leave**

s 52 am 2001 No 92 amdt 1.17

#### **Grant of leave**

s 53 am 2001 No 92 amdt 1.18, amdt 1.19

#### **Entitlement to payment instead of leave**

s 54 sub 2001 No 92 s 16

#### **Payment instead of leave**

s 56 am 2001 No 92 amdts 1.20-1.22

#### **Calculation of leave payments**

s 57 sub 2001 No 92 s 17

#### **Records of payments and employment**

s 58 sub 2001 No 92 amdt 1.23

#### **Public holidays not to count as leave**

s 59 am 2001 No 92 amdt 1.24, amdt 1.25  
sub A2003-45 s 9

#### **Review of decisions of board and registrar**

s 60 am 2001 No 92 ss 18-20

#### **Evidentiary certificates**

s 62 sub 2001 No 92 s 21

#### **Benefits under other laws**

s 64 hdg sub 2001 No 92 amdt 1.29  
s 64 am 2001 No 92 ss 22-24, amdts 1.26-1.28, amdt 1.30  
exp 31 December 2006 (s 64 (6))

**Approved forms**

s 64A ins 2001 No 44 amdt 1.2707

**Regulation-making power**

s 65 am 2001 No 44 amdt 1.2708

**Transitional**

pt 10 hdg om R5 LA

**Application for registration by employer**

s 66 exp 23 June 2002 (s 66 (2))

**Periodic notices and payments by employers**

s 67 exp 23 June 2002 (s 67 (2))

**Employment credits for first year**

s 68 hdg sub 2001 No 92 amdt 1.31  
s 68 am 2001 No 92 s 25, s 26, amdt 1.32, amdt 1.33  
exp 23 June 2002 (s 68 (3))

**Consequential amendments**

pt 11 hdg om R1 LRA

**Transitional—Long Service Leave (Cleaning, Building and Property Services) Amendment Act 2001**

s 69 om R1 LRA  
ins 2001 No 92 s 27  
exp 23 June 2000 (s 69 (6))

**Amendment of the Workers' Compensation Act**

s 70 om R1 LRA

**Examples of calculation of leave payments**

sch 1 ins 2001 No 92 sch 2

**Dictionary**

dict ins 2001 No 92 s 28

## Endnotes

4 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	24 July 2000
2	Act 2001 No 92	9 November 2001
3	Act 2001 No 92	9 November 2001
4	Act 2001 No 92	9 November 2001
5	A2001-92	24 October 2002
6	A2003-45	3 October 2003
7	A2003-56	19 December 2003

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