



Australian Capital Territory

Long Service Leave (Portable Schemes) Amendment Act 2016

A2016-23

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Long Service Leave (Portable Schemes) Amendment Act 2016

A2016-23

An Act to amend the *Long Service Leave (Portable Schemes) Act 2009*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Long Service Leave (Portable Schemes) Amendment Act 2016*.

2 Commencement

This Act commences on 1 July 2016.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Long Service Leave (Portable Schemes) Act 2009*.

**4 Determination of levy—employers
Section 51 (2), new note**

insert

Note 2 The governing board may determine minor changes to the levy payable (see s 56A).

**5 Determination of levy—contractors
Section 56 (1), new note**

insert

Note 2 The governing board may determine minor changes to the levy payable (see s 56A).

6 New section 56A

insert

56A Minor changes to levy—employers and contractors

- (1) Despite section 51 (2) (Determination of levy—employers) and section 56 (1) (Determination of levy—contractors), the governing board may determine the levy payable for a covered industry if—
 - (a) the board would, under section 51 (3) or section 56 (2), recommend a change to the current levy; and
 - (b) the change, together with any other changes made to the levy in the 12 months before the determination is made, is less than or equal to a variation of 40 basis points.
- (2) If the governing board determines the levy, the board must tell the Minister, in writing, about the determination.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (4) Nothing in this section prevents the governing board from making a recommendation under section 51 (3) or section 56 (2).

**7 Functions of governing board
New section 79I (aa)**

insert

- (aa) determining a levy for a covered industry under section 56A (Minor changes to levy—employers and contractors); and

8 **What is *building and construction work*?**
Schedule 1, section 1.2 (1)

substitute

(1) In this Act:

building and construction work means—

- (a) work in the building and construction industry; or
- (b) direct supervision of a worker carrying out work in the building and construction industry.

Note The Minister may declare work or an activity to be building and construction work (see s 12 (2) (d)) or to not be building and construction work (see s 13 (2) (d)).

9 **Schedule 1, section 1.2 (2), definition of *prescribed award***

omit

10 **Schedule 1, new section 1.2 (3) and (4)**

insert

- (3) This section, as amended by the *Long Service Leave (Portable Schemes) Amendment Act 2016*, is taken to have effect on and from 1 January 2010.
- (4) This subsection and subsection (3) expire on the day they commence.

11 Schedule 2, section 2.2

substitute

2.2 What is *cleaning work*?

(1) In this Act:

cleaning work means—

- (a) work that has, as its only or main component, bringing premises into, or maintaining premises in, a clean condition; or
- (b) the collection or sorting of waste at, or for, an identified waste management facility if the employer providing the work through the provision of services does so under a contract with the Territory.

Note The Minister may declare work or an activity to be cleaning work (see s 12 (2) (d)) or to not be cleaning work (see s 13 (2) (d)).

- (2) The Minister may determine that a facility is an identified waste management facility for subsection (1) (b).
- (3) A determination is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the [Legislation Act](#).

Note 2 The definition of *cleaning work* was broadened to include the collection and sorting of waste with effect from 1 July 2016.

**12 What is the *community sector industry*?
Schedule 3, section 3.1, new paragraph (a) (ia) and (ib)**

insert

- (ia) the industry of providing residential aged care services;
and
- (ib) the industry of providing community aged care services;
and

13 Schedule 3, section 3.1, new note

insert

Note The definition of *community sector industry* was broadened to include residential aged care services and community aged care services with effect from 1 July 2016.

**14 What is *community sector work*?
Schedule 3, section 3.2, definition of *community sector work***

substitute

community sector work means work carried out in the community sector industry.

Note The Minister may declare work or an activity to be community sector work (see s 12 (2) (d)) or to not be community sector work (see s 13 (2) (d)).

**15 What is *security work*?
Schedule 4, section 4.2, definition of *security work***

substitute

security work means work carried out in the security industry.

Note The Minister may declare work or an activity to be work in the security industry (see s 12 (2) (d)) or to not be work in the security industry (see s 13 (2) (d)).

16 Schedule 4, section 4.5 heading

substitute

4.5 Service credit—security industry—s 64

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 April 2016.

2 Notification

Notified under the [Legislation Act](#) on 11 May 2016.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Long Service Leave (Portable Schemes) Amendment Bill 2016, which was passed by the Legislative Assembly on 3 May 2016.

Acting Clerk of the Legislative Assembly

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