

Long Service Leave (Portable Schemes) COVID-19 Emergency Leave Determination 2020 (No 1)*

Disallowable instrument DI2020–116

made under the

Long Service Leave (Portable Schemes) Act 2009, schedule 1, section 1.6 and section 1.8A; schedule 2, section 2.6 and section 2.8A; schedule 3, section 3.7 and section 3.9A; schedule 4, section 4.7 and 4.9A

1 Name of instrument

This instrument is the *Long Service Leave (Portable Schemes) COVID-19 Emergency Leave Determination 2020 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Building and construction industry (amount of leave)—Act, schedule 1, section 1.6 (3)

- (1) For the Act, schedule 1, section 1.6 (3), I determine the following criteria:
 - (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the building and construction industry in the ACT in the 12 months immediately before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency; and
 - (d) the maximum amount of workers long service leave, worked out in accordance with the long service leave formula, is 2 weeks.
- (2) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

4 Building and construction industry (entitlement to payment instead of leave)—Act, schedule 1, section 1.8A

- (1) For the Act, schedule 1, section 1.8A (2), I determine the criteria to be:

*Name amended under Legislation Act, s 60

- (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the building and construction industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency.
- (2) For the Act, schedule 1, section 1.8A (3), I determine the amount of long service leave is—
- (a) the amount of long service leave worked out in accordance with the long service leave formula; but
 - (b) not more than 2 weeks.
- (3) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

5 Contract cleaning industry (amount of leave)—Act, schedule 2, section 2.6 (3)

- (1) For the Act, schedule 2, section 2.6 (3), I determine the following criteria—
- (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the contract cleaning industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency; and
 - (d) the maximum amount of workers long service leave, worked out in accordance with the long service leave formula, is 2 weeks.
- (2) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

6 Contract cleaning industry (entitlement to payment instead of leave)—Act, schedule 2, section 2.8A

- (1) For the Act, schedule 2, section 2.8A (2), I determine the criteria to be:
- (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the contract cleaning industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency.

- (2) For the Act, schedule 2, section 2.8A (3), I determine the amount of long service leave is—
 - (a) the amount of long service leave worked out in accordance with the long service leave formula; but
 - (b) not more than 2 weeks.
- (3) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

7 Community sector industry (amount of leave)—Act, schedule 3, section 3.7 (3)

- (1) For the Act, schedule 3, section 3.7 (3), I determine the following criteria—
 - (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the community sector industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency; and
 - (d) the maximum amount of workers long service leave, worked out in accordance with the long service leave formula, is 2 weeks.
- (2) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

8 Community sector industry (entitlement to payment instead of leave)—Act, schedule 3, section 3.9A

- (1) For the Act, schedule 3, section 3.9A (1), I determine the criteria to be:
 - (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the community sector industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency.
- (2) For the Act, schedule 3, section 3.9A (2), I determine the amount of long service leave is—
 - (a) the amount of long service leave worked out in accordance with the long service leave formula; but
 - (b) not more than 2 weeks.
- (3) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

9 Security industry (amount of leave)—Act, schedule 4, section 4.7 (3)

- (1) For the Act, schedule 4, section 4.7 (3), I determine the following criteria—
 - (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the security industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency; and
 - (d) the maximum amount of workers long service leave, worked out in accordance with the long service leave formula, is 2 weeks.
- (2) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

10 Security industry (entitlement to payment instead of leave)—Act, schedule 4, section 4.9A

- (1) For the Act, schedule 4, section 4.9A (1), I determine the criteria to be:
 - (a) the registered worker has 18 months or more recognised service in the ACT; and
 - (b) the registered worker has recognised service in the security industry in the ACT in the 12 months before the COVID-19 emergency; and
 - (c) the registered worker suffers hardship because of the COVID-19 emergency.
- (2) For the Act, schedule 4, section 4.9A (2), I determine the amount of long service leave is—
 - (a) the amount of long service leave worked out in accordance with the long service leave formula; but
 - (b) not more than 2 weeks.
- (3) For subsection (1)(c), a registered worker suffers hardship if they are unable to work and unable to earn because of COVID-19.

10 Expiry

This instrument is revoked when schedule 4, section 4.9 (2) expires.

Suzanne Orr MLA
Minister for Employment and Workplace Safety
19/05/20