

2013

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**LONG SERVICE LEAVE (PORTABLE SCHEMES)
AMENDMENT BILL 2013**

**EXPLANATORY STATEMENT
OCTOBER 2013**

Presented by
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Long Service Leave (Portable Schemes) Amendment Bill 2013

Overview

The purpose of this Bill is to amend the *Long Service Leave (Portable Schemes) Act 2009* to clarify the application of a number of provisions so as to ensure the intended policy is clearly reflected. The amendments are of a technical nature and provide for the continued effective administration of portable schemes by the ACT Long Service Leave Authority.

Human Rights Considerations

No provisions in this Bill engage rights under the *Human Rights Act 2004*.

Long Service Leave (Portable Schemes) Amendment Bill 2013

Detail

Clause 1 — Name of Act

This clause names the short title of the Act. The name of the Act would be the *Long Service Leave (Portable Schemes) Amendment Act 2013*.

Clause 2— Commencement

This is a clause setting out when commencement of the Act will occur. It is intended that the Act commence on 1 January 2014.

Clause 3— Legislation amended

This clause identifies the legislation amended by the Act. This Act amends the *Long Service Leave (Portable Schemes) Act 2009*.

Clause 4 — What is a covered industry?

Section 6, notes

This clause corrects references to the schedules to the Act in Notes 1 to 4.

Clause 5 – Section 7(1)(b)

This clause replaces a reference to section 11 (Declaration by Minister—coverage of Act) with a reference to section 12 (Declaration by Minister—additional coverage of Act). This amendment is consequential to amendments at clause 14 of the Bill, which alters section 11 of the Act.

Clause 6 – Section 7(2) and note

This clause makes minor amendments to clarify the operation of section 7(2) of the Act. The purpose of these amendments is to put beyond doubt the application of the section in the case of labour hire arrangements, removing an unintended apparent link between section 7(2)(a) of the Act and section 7, which defines an employer.

The clause clarifies that a person can be an employer for a covered industry without necessarily being engaged in the relevant industry, and, may not be a traditional employer. However, the clause does not seek to capture a person that is simply an employment agent.

Clause 7 – New section 7(3)(ea)

This clause inserts a further subsection to provide that a person declared not to be an employer for the industry under new section 13 of the Act will not be an employer for a covered industry under the Act. This amendment is consequential to amendments at clause 14 of the Bill, which alters sections 11 through 13 of the Act.

Clause 8 – Section 7(3), new note 2

This clause inserts a new note clarifying that, given section 48 of the *Legislation Act 2001*, a power to make a statutory instrument includes the power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors. The additional note provides greater clarity about the operation of section 7(3) of the Act.

Clause 9 – Section 8, note

This clause amends the reference in the note to section 8 of the Act so that it refers to section 11 of the Act rather than section 12. This is consequential to clause 14 of the Bill, which alters section 11 of the Act.

Clause 10 – Section 8, new note 2

This clause inserts an additional note at section 8 of the Act to clarify that application of the meaning of the term *worker* for a covered industry may be affected in specific circumstances if the responsible Minister has declared an individual not to be an employee or a contractor for a covered industry. This power is provided for by clause 14 of the Bill, which inserts a new section 13 of the Act.

Clause 11 – Who is an employee?

Section 9(1)

This clause inserts a further subsection to provide that an individual declared not to be an employee for the industry under new section 13 of the Act will not be an employee for a covered industry under the Act. This amendment is consequential to amendments at clause 14 of the Bill, which alters section 11 through 13 of the Act.

Clause 12 – Section 9(2), note

This clause amends the reference in the note to section 9(2) of the Act so that it refers to section 12(5) of the Act rather than section 11(3). This is consequential to clause 14 of the Bill, which alters sections 11 through 13 of the Act.

Clause 13 – Who is a contractor?

Section 10(1)

This clause effectively restructures section 10(1) of the Act to improve readability and to consistently use the term ‘individual’ in accordance with ACT drafting protocol.

In addition, a reference in section 10(1)(b) to a declaration made under section 11 of the Act has been amended to refer instead to section 12 of the Act. This change is consequential to clause 14 of the Bill, which alters sections 11 through 13 of the Act.

This clause also inserts a further subsection to provide that a person declared not to be a contractor for the industry under new section 13 of the Act will not be a contractor for a covered industry under the Act. This amendment is consequential to amendments at clause 14 of the Bill, which alters sections 11 through 13 of the Act.

Clause 14 – Sections 11 to 13

This clause relocates section 11 of the Act, which provides for declarations the Minister may make with respect to the coverage of the Act, to become sections 12 and 13 of the Act. These new sections are dealt with further below.

In place of section 11, the clause relocates section 13 of the Act to become section 11, to improve the logical flow of these related provisions. The new section 11(1) explicitly defines *work* in a covered industry for the purposes of all portable schemes. This was previously provided for in notes at the conclusion of section 13 of the Act and has been brought forward to clarify and emphasise the meaning of work in a covered industry as a key element that determines the intended scope of the Act.

By creating a new section 11(1), the clause amends the meaning of *work* in a covered industry for the Act to include work, or an activity, declared to be work under section 12 of the Act rather than section 11. This is consequential to clause 14 of the Bill, which alters sections 11 through 13 of the Act.

The clause also provides for a new section 11(1)(b) that incorporates those provisions previously at section 13 of the Act (When is work outside the ACT *work*?). Although these provisions have been redrafted for clarity they do not reflect any change in policy for the recognition of work in a covered industry carried out outside the ACT.

In addition, the clause provides for a further subsection 11(1)(c) to provide that *work* in a covered industry does not include work or an activity declared not to be work for the industry under new section 13 of the Act. This is a consequential amendment.

The clause removes section 12 of the Act, which defines the meaning of service period for registered workers for a covered industry for all portable schemes. The meaning of service period for each portable scheme will now be provided for separately in the respective schedules to this Act (at sections 1.4A, 2.4A, 3.5A and 4.5A).

New sections 12 and 13 of the Act provide for declarations to be made by the responsible Minister that, respectively, limit the coverage of the Act and provide for additional coverage in specific circumstances. In each instance, the power to make a declaration is clarified by the addition of further detail about when the power may be exercised and the terms of any declaration. Further, in each new section, it is made clear that the power to make a declaration may be exercised in relation to both individuals and classes of persons under the Act.

Clause 15 – Meaning of *registration day*

This clause inserts a new sub-section (ab) to clarify that when a worker is registered by the registrar under section 44, the date of the registration is the day the workers name is entered into the workers register.

Clause 16 – New section 15A

This clause inserts an additional provision that outlines the circumstances in which a worker in a covered industry is entitled to long service leave payments. The new provision reflects the intended scope of the Act by clearly setting out those tests that must be met under the Act already, to remove doubt. The effect of this provision was previously dealt with separately in relation to each portable long service leave in the schedules to the Act (at sections 1.1, 2.1, 3.1 and 4.1).

Clause 17 – Money of authority -Section 26

This clause amends section 26 of the Act (Money of authority) so that it is clear that the money of the ACT Long Service Leave Authority (the Authority), for the purposes of sections 27 through 29 of the Act, is not limited to those amounts set out in section 26(a)-(c) of the Act.

Clause 18 – Section 27

This clause amends section 27 of the Act (Application of authority money) to ensure that the money of the Authority may also be applied in payment of the costs in relation to the administration of the Authority. The provision has also been redrafted to improve clarity and readability.

Clause 19 – Authority money – separate funds for covered industries
New section 28(3)

This clause adds a new subsection to section 28 of the Act (Authority money – separate funds for covered industries). This subsection expressly permits the Authority to establish a common fund to pay costs expenses and obligations that relate to the portable scheme of more than one covered industry. It also expressly permits the Authority to invest money of the Authority in an investment for more than one covered industry, to remove doubt.

This clause reflects the maintenance of separate funds as between each portable scheme administered by the Authority.

Clause 20 – Administration
Part 3 (as amended)

This clause relocates Part 3 of the Act (Administration) to Part 8A of the Act. This reflects current ACT drafting practice and allows those provisions that establish key matters for the portable long service leave schemes to be more readily located.

Clause 21 – Application for registration by employers
Section 31(1)

This clause amends the drafting of section 31(1) of the Act to clarify the operation of the section and does not reflect any policy change.

Clause 22 – Section 31(1), new note 3

This clause inserts an additional note for section 31(1) of the Act. This amendment is consequential to clause 22 of the Bill, which omits section 31(3) of the Act.

Clause 23 – Section 31(3)

This clause omits section 31(3) of the Act. That section merely restated the effect of section 151C of the *Legislation Act 2001*, which affords the Registrar the power to extend the time for registration by employers, on application, before or after the period set out in section 31(1)(a) ends. Clause 21 inserts a new note 3 at section 31(1) to this effect instead.

Clause 24 –Section 44

This clause substitutes a new section 44 of the Act. The new section 44 inserted by this clause more clearly reflects the policy intention that the power of the registrar to register a person as a worker only applies where the person is not already registered and does not extend to re-registering a worker that has already been registered on a different date.

Clause 25 – Registration as worker

New section 46(2)

This clause inserts an additional subsection (2) following section 46 of the Act. Section 46 sets out when a person is taken to be registered as a worker for a covered industry. A new section 46(2) inserted by this clause expressly states that a person is taken to become a registered worker on the person's registration day as a worker, to put the matter beyond doubt.

Clause 26 – Service credit – employee's prior service

Section 47(2) and (3)

This clause makes a minor technical amendment to the wording of section 47(2) and (3) to improve the phrasing of the provision.

Clause 27 – Section 47(2)(b)

This clause corrects a reference to section 51 of the Act (Determination of levy – employers) in section 47(2)(b) of the Act and substitutes a reference to section 50 of the Act (Levy payments by employers).

Clause 28 – Section 47(3)

This clause makes a minor technical amendment to the wording of section 47(3) to improve the phrasing of the provision.

Clause 29 – Section 47(3), example

This clause makes a minor technical amendment to the wording of the example at section 47(3) to improve the phrasing of the provision.

Clause 30 – Service credit – contractor's prior service

Section 48(2)

This clause makes a minor technical amendment to the wording of section 48(2) to improve the phrasing of the provision.

Clause 31 – Section 52

This clause effectively revises section 52 (Late fee-quarterly return or levy payment). The purpose of the amendment is to ensure that a court may order a person who is guilty of an offence against section 49 or section 50 of the Act to pay late fees, or a levy, whether or not the court also imposes a further penalty on the person. The remainder of section 52 has been redrafted to ensure the intended effect of the provision is clear.

Clause 32 – Removing people from worker's register

Section 65(1)

This clause makes a minor technical amendment to the wording of section 65(1) to improve the phrasing of the provision.

Clause 33 – Information for employers
Section 63(b)(ii)

This clause makes a minor technical amendment to the wording of section 63(b)(ii) to improve the phrasing of the provision.

Clause 34 – Internal review of certain decisions
Section 80A(2)

This clause corrects a reference in section 80A(2) of the Act so that it is clear that those entities mentioned in schedule 5, column 4 for a particular decision may seek internal review of that decision.

Clause 35 – Section 82

This clause effectively amends section 82 of the Act to make express the power of the ACT Civil and Administrative Tribunal (ACAT) to review decisions made by the governing board. The clause also corrects references to the appropriate schedule that lists the decision maker for the decision and those persons that may apply to ACAT for review of a particular decision.

Clause 36 – Disclosure of information to territory entities and reciprocal authorities
Section 84(1)(b)

This clause makes a minor technical amendment to the wording of section 84(1)(b) to improve the phrasing of the provision.

Clause 37 – Section 86

This clause substitutes a new section 86 of the Act to clarify the intended scope and operation of the section, which deals with attempts to contract out of obligations and rights under the Act. In particular, new section 86(3) puts beyond doubt that, notwithstanding section 86(1)-(2), to the extent that a registered worker's contract gives the worker rights that are more beneficial than those provided for under the Act the contract remains unaffected.

Clause 38 – Declaration of corresponding laws
Section 87

This clause omits section 87 of the Act, which provides for the declaration of corresponding laws for that Act by notifiable instrument. This is consequential to clause 63 of the Bill which inserts a new definition of corresponding laws for the Act into the dictionary of the Act.

Clause 39 – Section 88

This clause substitutes a new section 88 of the Act. This section continues to provide for a registered worker who has accrued long service leave benefits under the Act and is also eligible for long service leave benefits under another law to elect to take the benefits under a law other than the Act.

The new section 88 refers more accurately to registered workers. It has also been redrafted to refer separately to days of service credit in relation to a worker for the building and construction industry, and, to a service period in relation to a worker for all other industries for which there is a portable long service leave scheme. This change is consequential to amendments made at clause 50 of the Bill.

Clause 40 – Reciprocal agreements for corresponding laws
Section 90(2)(b)

This clause makes a minor technical amendment to the wording of section 90(2)(b) to improve the phrasing of the provision.

Clause 41 – Authority reimbursement of certain payments
Section 90A(2)(a)(i)

This clause amends section 90A(2)(a)(i) to correct a reference so that it is clear that, to reimburse a payment made to an employee, the registrar must be satisfied that the employee to whom the reimbursement relates was paid a long service leave entitlement under a corresponding law.

Clause 42 – Section 90A (as amended)

This clause relocates section 90A of the Act so that it becomes section 89A. This amendment is designed to make clearer the relationship between those provisions that deal with benefits under other laws.

Clause 43 – Schedule 1, sections 1.1 to 1.4

This clause makes various amendments to sections 1.1 to 1.4 of Schedule 1 and inserts a new section 1.4A to the Schedule. Schedule 1 deals specifically with the portable long service leave scheme for the building and construction industry.

Section 1.1 of the Schedule has been omitted as a consequence of clause 15 of the Bill. Clause 15 inserts a new section 15A that outlines the circumstances in which a worker in a covered industry is entitled to long service leave payments for all of the portable schemes established under the Act.

New section 1.1 of Schedule 1 has been relocated from section 1.3 of Schedule 1. This reordering follows a logical order that reflects more clearly how eligibility for the building and construction industry scheme is determined under the Act.

In addition, the clause adds the word ‘repair’ to the chapeau of section 1.1(1) to clarify that maintenance in this context incorporates the making of repairs. Further, the clause adds an additional subsection 1.2(2)(c) specifying that the building and construction industry includes building or construction work undertaken as part of training with a registered training organisation under the *Training and Tertiary Education Act 2003*. The purpose is to make it clear that apprentices are included.

The clause makes minor amendments to section 1.2 of Schedule 1 (What is *building and construction work*?). The provision has been redrafted to better reflect ACT drafting protocol. In addition, the new section 1.2 refers at (1)(a)(iii) to direct supervision, rather than supervision of a worker and adds a new subsection at section 1.2(2) for a new definition of direct supervision for this purpose. These additions reduce ambiguity and more closely reflect the intended meaning of supervision for this purpose. The clause also effectively amends references in section 1.2 to sections 12 and 13 of the Act, as a consequence of clause 14 of the Bill, which alters sections 11 through 13 of the Act.

The clause also amends section 1.3 of Schedule 1 to the Act. Those matters previously dealt with in section 1.3 now form sections 1.3 and 1.4 of the schedule. The new section 1.3(1) of Schedule 1 sets out the meaning of recognised service for the building and construction industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of recognised service to differ as between each portable scheme. The meaning of recognised service in the dictionary to the Act has been changed, as a consequence, at clause 65 of the Bill.

In addition, section 1.3(1)(a) refers to ‘days of service credit’ for the purposes of defining recognised service for the building and construction industry portable long service leave scheme. This amendment is designed to improve the language of the provision only. As amended, section 1.3 of Schedule 1 accurately sets out how service is accrued and referred to for the building and construction industry portable long service leave scheme when read in conjunction with new section 1.4 of Schedule 1 to the Act.

Further, the clause inserts an additional subsection 1.4(2), which provides that the registrar must not enter more than 220 days of service in the workers register for the worker for the financial year. This amendment incorporates the provision previously set out at 1.16 of Schedule 1 to the Act.

The clause amends Schedule 1 by inserting a new section 1.4A (*Service period – building and construction industry*). This section sets out the meaning of service period for the building and construction industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of service period to differ as between each portable scheme. The meaning of service period in the dictionary to the Act has been changed, as a consequence, at clause 67 of the Bill.

Clause 44 – How are leave payments worked out in the building and construction industry?

Schedule 1, section 1.11(2), example

This clause makes a minor technical amendment to the wording of the example at Schedule 1, section 1.11(2) to improve the phrasing of the provision.

Clause 45 – Schedule 1, section 1.12(2) and 1.15(4), definition of *D*

This clause makes a minor technical amendment to the wording of the example at Schedule 1, section 1.12(2) and 1.15(4) (definition of *D*) to improve the phrasing of the provision.

**Clause 46 – Service Credit – building and construction industry – s 64
Schedule 1, section 1.16**

This clause omits section 1.16 of Schedule 1, which has been relocated to new section 1.4(2) of the schedule by amendments at clause 41 of the Bill.

Clause 47 – Schedule 2, sections 2.1 to 2.4

This clause makes various amendments to sections 2.1 to 2.4 of Schedule 2 and inserts a new section 2.4A to the Schedule. Schedule 2 deals specifically with the portable long service leave scheme for the contract cleaning industry.

Section 2.1 of the Schedule has been omitted as a consequence of clause 15 of the Bill. Clause 15 inserts a new section 15A that outlines the circumstances in which a worker in a covered industry is entitled to long service leave payments for all of the portable schemes established under the Act.

New section 2.1 of Schedule 2 has been relocated from section 2.3 of Schedule 2. This reordering follows a logical order that reflects more clearly how eligibility for the building and construction industry scheme is determined under the Act.

The clause makes minor amendments to section 2.2 of Schedule 2 (What is *cleaning work*?) to better reflect ACT drafting protocol. The clause also effectively amends references in section 2.2 to sections 12 and 13 of the Act, as a consequence of clause 14 of the Bill, which alters sections 11 through 13 of the Act.

The clause also amends section 2.3 of Schedule 2 to the Act. Those matters previously dealt with in section 2.3 now form sections 2.3 and 2.4 of the schedule. The new section 2.3(1) of Schedule 1 sets out the meaning of recognised service for the contract cleaning industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of recognised service to differ as between each portable scheme. The meaning of recognised service in the dictionary to the Act has been changed, as a consequence, at clause 65 of the Bill.

In addition, section 2.3(1)(a) refers to ‘days of service credit’ for the purposes of defining recognised service for the contract cleaning industry portable long service leave scheme. This amendment is designed to improve the language of the provision only. As amended, section 2.3 of Schedule 2 accurately sets out how service is accrued and referred to for the contract cleaning industry portable long service leave scheme when read in conjunction with new section 2.4 of Schedule 2 to the Act.

The new Section 2.4 provided for by this clause incorporates the provision previously set out at 2.16 of Schedule 2 to the Act.

The clause amends Schedule 2 by inserting a new section 2.4A (*Service period – contract cleaning industry*). This section sets out the meaning of service period for the contract cleaning industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act.

The purpose of the amendment is to allow for the terminology used in the meaning of service period to differ as between each portable scheme. The meaning of service period in the dictionary to the Act has been changed, as a consequence, at clause 67 of the Bill.

Clause 48 – How are leave payments worked out in the contract cleaning industry?

Schedule 2, section 2.11(2), example, first dot point

This clause makes a minor technical amendment to the wording of the example at Schedule 2, section 2.11(2) to improve the phrasing of the provision.

Clause 49 – Schedule 2, section 2.12(2) and 2.15(4), definition of *D*

This clause makes a minor technical amendment to the wording of the example at Schedule 2, section 2.12(2) and 2.15(4), definition of *D* to improve the phrasing of the provision.

Clause 50 – Service credit – contract cleaning industry – s 64 Schedule 2, section 2.16

This clause omits section 2.16 of Schedule 2, which has been relocated to new section 2.4(2) of the schedule by amendments at clause 45 of the Bill.

Clause 51 – Schedule 3, sections 3.1 to 3.3

This clause makes various amendments to sections 3.1 to 3.3 of Schedule 3. Schedule 3 deals specifically with the portable long service leave scheme for the community sector industry.

Section 3.1 of the Schedule has been omitted as a consequence of clause 15 of the Bill. Clause 15 inserts a new section 15A that outlines the circumstances in which a worker in a covered industry is entitled to long service leave payments for all of the portable schemes established under the Act.

New section 3.1 of Schedule 3 has been relocated from section 3.3 of Schedule 3. This reordering follows a logical order that reflects more clearly how eligibility for the building and construction industry scheme is determined under the Act.

The clause makes minor amendments to section 3.2 of Schedule 3 (What is *community sector work*?) to better reflect ACT drafting protocol. The clause also effectively amends references in section 3.2 to sections 12 and 13 of the Act, as a consequence of clause 14 of the Bill, which alters sections 11 through 13 of the Act.

The clause also amends section 3.3 of Schedule 3 to the Act. Those matters previously dealt with in section 3.3 now form sections 3.3 and 3.5 of the schedule.

The new section 3.3(1) of Schedule 1 sets out the meaning of recognised service for the community sector industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of recognised service to differ as between each portable scheme. The meaning of recognised service in the dictionary to the Act has been changed, as a consequence, at clause 65 of the Bill.

In addition, section 3.3(1) refers to ‘days of service credit’ for the purposes of defining recognised service for the community sector industry portable long service leave scheme. This amendment is designed to improve the language of the provision only. As amended, section 3.3 of Schedule 3 accurately sets out how service is accrued and referred to for the community sector industry portable long service leave scheme when read in conjunction with new section 3.5 of Schedule 3 to the Act.

Clause 52 – Schedule 3, section 3.5

This clause substitutes a new section 3.5 of Schedule 3 to the Act and also inserts a new section 3.5A to the Schedule.

The new Section 3.5 provided for by this clause incorporates the provision previously set out at 3.17 of Schedule 3 to the Act.

The clause amends Schedule 3 by inserting a new section 3.5A (*Service period – community sector industry*). This section sets out the meaning of service period for the community sector industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of service period to differ as between each portable scheme. The meaning of service period in the dictionary to the Act has been changed, as a consequence, at clause 67 of the Bill.

Clause 53 – How are leave payments worked out in the community sector industry?

Schedule 3, section 3.12(2), example, first dot point

This clause makes a minor technical amendment to the wording of the example at Schedule 3, section 3.12(2) to improve the phrasing of the provision.

Clause 54 –Schedule 3, section 3.13(2) and 3.16(4), definition of *D*

This clause makes a minor technical amendment to the wording of the example at Schedule 3, section 3.13(2) and 3.16(4), definition of *D* to improve the phrasing of the provision.

Clause 55 – Service credit – community sector industry – s 64 **Schedule 3, section 3.17**

This clause omits section 3.17 of Schedule 3, which has been relocated to new section 3.5 of the schedule by amendments at clause 51 of the Bill.

Clause 56 – Schedule 4, sections 4.1 to 4.3

This clause makes various amendments to sections 4.1 to 4.3 of Schedule 4. Schedule 4 deals specifically with the portable long service leave scheme for the security industry.

Section 4.1 of the Schedule has been omitted as a consequence of clause 15 of the Bill. Clause 15 inserts a new section 15A that outlines the circumstances in which a worker in a covered industry is entitled to long service leave payments for all of the portable schemes established under the Act.

New section 4.1 of Schedule 4 has been relocated from section 4.3 of Schedule 3. This reordering follows a logical order that reflects more clearly how eligibility for the building and construction industry scheme is determined under the Act.

The clause makes minor amendments to section 4.2 of Schedule 4 (What is *security work*?) to better reflect ACT drafting protocol. The clause also effectively amends references in section 4.2 to sections 12 and 13 of the Act, as a consequence of clause 14 of the Bill, which alters sections 11 through 13 of the Act.

The clause also amends section 4.3 of Schedule 4 to the Act. Those matters previously dealt with in section 4.3 now form sections 4.3 and 4.5 of the schedule. The new section 4.3(1) of Schedule 4 sets out the meaning of recognised service for the security industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of recognised service to differ as between each portable scheme. The meaning of recognised service in the dictionary to the Act has been changed, as a consequence, at clause 65 of the Bill.

In addition, section 4.3(1) refers to ‘days of service credit’ for the purposes of defining recognised service for the security industry portable long service leave scheme. This amendment is designed to improve the language of the provision only. As amended, section 4.3 of Schedule 4 accurately sets out how service is accrued and referred to for the security industry portable long service leave scheme when read in conjunction with new section 4.5 of Schedule 4 to the Act.

Clause 57 – Schedule 4, section 4.5

This clause substitutes a new section 4.5 of Schedule 4 to the Act and also inserts a new section 4.5A to the Schedule.

The new Section 4.5 provided for by this clause incorporates the provision previously set out at 4.17 of Schedule 4 to the Act.

The clause amends Schedule 4 by inserting a new section 4.5A (*Service period – security industry*). This section sets out the meaning of service period for the security industry portable long service leave scheme. This matter was previously dealt with for all portable schemes in the dictionary to the Act. The purpose of the amendment is to allow for the terminology used in the meaning of service period to differ as between each portable scheme. The meaning of service period in the dictionary to the Act has been changed, as a consequence, at clause 67 of the Bill.

**Clause 58 – How are leave payments worked out in the security industry?
Schedule 4, section 4.12(2), example, first dot point**

This clause makes a minor technical amendment to the wording of the example at Schedule 4, section 4.12(2) to improve the phrasing of the provision.

Clause 59 – Schedule 4, section 4.13 and 4.16(2), definition of *D*

This clause makes a minor technical amendment to the wording of the example at Schedule 4, section 4.13 and 4.16(2), definition of *D* to improve the phrasing of the provision.

**Clause 60 – Service credit – security industry – s 64
Schedule 4, section 4.17**

This clause omits section 4.17 of Schedule 3, which has been relocated to new section 4.5 of the schedule by amendments at clause 55 of the Bill.

Clause 61 – Reviewable decisions - Schedule 5, item 12, column 2

This clause corrects a reference to section 60(5)(b) in Schedule 5, item 12, column 2 and replaces it with a reference to section 60(4)(b) of the Act.

Clause 62 – Dictionary, definition of *building and construction industry*

This clause amends the definition of *building and construction industry* in the dictionary to the Act to refer to section 1.1 of Schedule 1 rather than section 1.3 of Schedule 1. This amendment is consequential to clause 41 of the Bill.

Clause 63 – Dictionary, definition of *community sector industry*

This clause amends the definition of *community sector industry* in the dictionary to the Act to refer to section 3.1 of Schedule 3 rather than section 3.3 of Schedule 3. This amendment is consequential to clause 49 of the Bill.

Clause 64 – Dictionary, definition of *contract cleaning industry*

This clause amends the definition of *contract cleaning industry* in the dictionary to the Act to refer to section 2.1 of Schedule 2 rather than section 2.3 of Schedule 2. This amendment is consequential to clause 45 of the Bill.

Clause 65 – Dictionary, definition of *corresponding law*

This clause provides for a definition of corresponding law for the purposes of the Act, a matter dealt with by section 87 of the Act, which provides for the declaration of corresponding laws for that Act by notifiable instrument. Clause 36 of the Bill amends the Act to omit section 87 of the Act.

This clause defines *corresponding law* to mean a law of the Commonwealth or a State about long service leave. This definition is intended to cover, but is not limited to,

entitlements to long service leave set out in agreements made under the industrial law of the Commonwealth.

Clause 66 – Dictionary, definition of *ordinary remuneration*

This clause amends the definition of *ordinary remuneration* for the purposes of the Act. The new definition provided for in this clause more clearly expresses the intended meaning of the former expression “to the person for work”. The definition also explicitly deals with workers’ compensation payments, superannuation contributions, payments in the nature of travel, meal and protective clothing allowances and amounts paid to workers on termination of employment.

Clause 67 – Dictionary, definition of *recognised service*

This clause inserts an amended signpost definition of *recognised service* as a consequence of amendments made at clauses 41, 45, 49 and 54 of the Bill.

Clause 68 – Dictionary, definition of *security industry*

This clause amends the definition of *security industry* in the dictionary to the Act to refer to section 4.1 of Schedule 4 rather than section 4.3 of Schedule 4. This amendment is consequential to clause 54 of the Bill.

Clause 67 – Dictionary, definition of *service period*

This clause inserts an amended signpost definition of *service period* as a consequence of amendments made at clauses 41, 45, 50 and 55 of the Bill.