



New South Wales

Portable Long Service Leave Legislation Amendment Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to preserve the continuity of long service leave for certain workers who worked at a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970* within New South Wales (a **NSW Commonwealth place**) in the building and construction industry and the contract cleaning industry.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendments relating to building and construction industry

Building and Construction Industry Long Service Payments Act 1986 No 19

Schedule 1.1[2] provides that if the worker's registration is cancelled, the cancelled registration can be reinstated if—

- (a) the non-service days used as the basis for the cancellation included days (**Commonwealth place days**) on which the worker performed building and construction work at a NSW Commonwealth place, and
- (b) the registration would not have been cancelled if the Commonwealth place days were days of service.

Schedule 1.1[1] makes a consequential amendment.

Building and Construction Industry Long Service Payments Regulation 2022

Schedule 1.2 provides that a day on which a worker performs building and construction work at a NSW Commonwealth place is a non service day.

Schedule 2 Amendments relating to contract cleaning industry

Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

Schedule 2.1[2] provides that if a worker's registration is cancelled, the cancelled registration may be reinstated if—

- (a) non-service days used as the basis of the cancellation included days (*Commonwealth place days*) on which the worker performed cleaning work at a NSW Commonwealth place, and
- (b) the registration would not have been cancelled if the Commonwealth place days were excluded as non-service days.

Schedule 2.1[1] makes a consequential amendment.

Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2022

Schedule 2.2 provides that a day on which a worker performs cleaning work at a NSW Commonwealth place is a non-service day.



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Portable Long Service Leave Legislation Amendment Bill 2024

No. _____, 2024

A Bill for

An Act to amend the *Building and Construction Industry Long Service Payments Act 1986*, the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* and regulations under the Acts to prevent the cancellation of registration under the Acts because of work carried out at Commonwealth places; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Portable Long Service Leave Legislation Amendment Act 2024*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

5

Schedule 1	Amendments relating to building and construction industry	1
		2
1.1	Building and Construction Industry Long Service Payments Act 1986 No 19	3
		4
[1]	Section 19 Cancellation or suspension of registration	5
	Insert after section 19(7)—	6
	(7A) If the cancelled registration of a person is restored under this section, this Act applies in relation to the person as if the person’s registration had not been cancelled.	7
		8
		9
[2]	Section 19A	10
	Insert after section 19—	11
19A	Restoration of cancelled registration	12
	A special circumstance warranting reinstatement of the registration of a worker under section 19(6)(b)(i) is if—	13
		14
	(a) the non-service days used as the basis for cancelling the registration included days (<i>Commonwealth place days</i>) on which the worker performed building and construction work at a place that—	15
		16
		17
	(i) is a Commonwealth place within the meaning of the <i>Commonwealth Places (Application of Laws) Act 1970</i> , and	18
		19
	(ii) is within the State, and	20
	(b) the registration would not have been cancelled if the Commonwealth place days were days of service.	21
		22
1.2	Building and Construction Industry Long Service Payments Regulation 2022	23
		24
	Section 7 Non-service days—the Act, s 19	25
	Insert after section 7(1)(c)—	26
	(c1) a day on which a worker performs building and construction work at a place that—	27
		28
	(i) is a Commonwealth place within the meaning of the <i>Commonwealth Places (Application of Laws) Act 1970</i> , and	29
		30
	(ii) is within the State,	31

Schedule 2	Amendments relating to contract cleaning industry	1
		2
2.1	Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122	3
		4
[1]	Schedule 2 Savings, transitional and other provisions	5
	Insert before clause 1—	6
	Part 1 Regulations	7
[2]	Schedule 2, Part 2	8
	Insert after clause 2—	9
	Part 2 Provision consequent on enactment of Portable Long Service Leave Legislation Amendment Act 2024	10
		11
		12
	3 Reinstatement of cancelled registration	13
	(1) A special circumstance warranting reinstatement of registration of a person as a worker under section 30(1) is that the registration would not have been cancelled had the days on which the worker performed cleaning work at a Commonwealth place within the State been excluded from the non-service days used as the basis for the cancellation.	14
		15
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		17
		18
	(2) In this section—	19
	<i>Commonwealth place</i> has the same meaning as in the <i>Commonwealth Places (Application of Laws) Act 1970</i> .	20
		21
2.2	Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2022	22
		23
	Section 5 Non-service days—the Act, ss 28 and 29	24
	Insert after section 5(1)(c)—	25
	(c1) a day on which a worker performs cleaning work at a place that—	26
	(i) is a Commonwealth place within the meaning of the <i>Commonwealth Places (Application of Laws) Act 1970</i> , and	27
		28
	(ii) is within the State,	29