

Long Service Leave Regulation 2021

[2021-293]



New South Wales

Status Information

Currency of version

Historical version for 24 September 2021 to 31 March 2022 (accessed 18 July 2024 at 1:34)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Cl 4A(2) of this Regulation (cl 4A(2) repeals cl 4A on 1.4.2022)
- **Staged repeal status**
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2026

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 24 September 2021

Long Service Leave Regulation 2021



New South Wales

Contents

1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Calculating ordinary pay for payment of annual leave—bonuses	3
4A COVID-19 pandemic—definition of “prescribed period”	4
5 Repeal and savings	4

Long Service Leave Regulation 2021



New South Wales

1 Name of Regulation

This Regulation is the *Long Service Leave Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Long Service Leave Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this Regulation—

the Act means the *Long Service Leave Act 1955*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

4 Calculating ordinary pay for payment of annual leave—bonuses

For the purposes of section 3(2C) of the Act, the prescribed annual amount of a worker's ordinary pay is the greater of the following—

- (a) \$144,000,
- (b) the amount calculated, from time to time, in accordance with Chapter 2, regulation 2.13 of the *Fair Work Regulations 2009* of the Commonwealth.

Note—

Section 3(2C) of the Act provides that, for the purpose of paying long service leave, bonuses do not form part of a worker's ordinary pay if the worker's annual ordinary pay exceeds the amount prescribed by the regulations. This clause prescribes that amount.

4A COVID-19 pandemic—definition of “prescribed period”

- (1) For the purposes of the Act, section 15C(3), definition of ***prescribed period***, paragraph (b)(ii), 31 March 2022 is prescribed.
- (2) This clause is repealed on 1 April 2022.

5 Repeal and savings

- (1) The *Long Service Leave Regulation 2016* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Long Service Leave Regulation 2016*, had effect under that Regulation continues to have effect under this Regulation.