



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.



New South Wales

# Portable Long Service Leave Legislation Amendment Bill 2024

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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

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### **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.

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

*Legislative Council*

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*Clerk of the Parliaments*

**Tabling copy**

**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

<b>Schedule 1</b>	<b>Amendments relating to building and construction industry</b>	1
		2
<b>1.1</b>	<b>Building and Construction Industry Long Service Payments Act 1986 No 19</b>	3
		4
<b>[1]</b>	<b>Section 19 Cancellation or suspension of registration</b>	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
<b>[2]</b>	<b>Section 19A</b>	10
	Insert after section 19—	11
<b>19A</b>	<b>Restoration of cancelled registration</b>	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
	(i) is a Commonwealth place within the meaning of the <i>Commonwealth Places (Application of Laws) Act 1970</i> , and	17
		18
	(ii) is within the State, and	19
		20
	(b) the registration would not have been cancelled if the Commonwealth place days were days of service.	21
		22
<b>1.2</b>	<b>Building and Construction Industry Long Service Payments Regulation 2022</b>	23
		24
	<b>Section 7 Non-service days—the Act, s 19</b>	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

<b>Schedule 2</b>	<b>Amendments relating to contract cleaning industry</b>	1
		2
<b>2.1</b>	<b>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122</b>	3
		4
[1]	Schedule 2 Savings, transitional and other provisions	5
	Insert before clause 1—	6
	<b>Part 1 Regulations</b>	7
[2]	Schedule 2, Part 2	8
	Insert after clause 2—	9
	<b>Part 2 Provision consequent on enactment of Portable Long Service Leave Legislation Amendment Act 2024</b>	10
		11
		12
	<b>3 Reinstatement of cancelled registration</b>	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
		16
		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
<b>2.2</b>	<b>Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2022</b>	22
		23
	<b>Section 5 Non-service days—the Act, ss 28 and 29</b>	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