

Passed by both Houses



New South Wales

# Portable Long Service Leave Legislation Amendment Bill 2024

## Contents

---

		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendments relating to building and construction industry</b>	<b>3</b>
<b>Schedule 2</b>	<b>Amendments relating to contract cleaning industry</b>	<b>4</b>

---

*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2024*



New South Wales

## **Portable Long Service Leave Legislation Amendment Bill 2024**

Act No \_\_\_\_\_, 2024

---

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.

---

*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

---

**The Legislature of New South Wales enacts—**

**1 Name of Act**

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

**2 Commencement**

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

## **Schedule 1 Amendments relating to building and construction industry**

### **1.1 Building and Construction Industry Long Service Payments Act 1986 No 19**

#### **[1] Section 19 Cancellation or suspension of registration**

Insert after section 19(7)—

- (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.

#### **[2] Section 19A**

Insert after section 19—

##### **19A Restoration of cancelled registration**

A special circumstance warranting reinstatement of the registration of a worker under section 19(6)(b)(i) is if—

- (a) the non-service days used as the basis for cancelling the registration included days (*Commonwealth place days*) on which the worker performed building and construction work at a place that—
- (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
  - (ii) is within the State, and
- (b) the registration would not have been cancelled if the Commonwealth place days were days of service.

### **1.2 Building and Construction Industry Long Service Payments Regulation 2022**

#### **Section 7 Non-service days—the Act, s 19**

Insert after section 7(1)(c)—

- (c1) a day on which a worker performs building and construction work at a place that—
- (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
  - (ii) is within the State,

## **Schedule 2 Amendments relating to contract cleaning industry**

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

**[1] Schedule 2 Savings, transitional and other provisions**

Insert before clause 1—

#### **Part 1 Regulations**

**[2] Schedule 2, Part 2**

Insert after clause 2—

### **Part 2 Provision consequent on enactment of Portable Long Service Leave Legislation Amendment Act 2024**

#### **3 Reinstatement of cancelled registration**

- (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.
- (2) In this section—  
*Commonwealth place* has the same meaning as in the *Commonwealth Places (Application of Laws) Act 1970*.

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

#### **Section 5 Non-service days—the Act, ss 28 and 29**

Insert after section 5(1)(c)—

- (c1) a day on which a worker performs cleaning work at a place that—
  - (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
  - (ii) is within the State,