

Long Service Leave (Commonwealth Employees) Regulation 2016

made under the

Long Service Leave (Commonwealth Employees) Act 1976

**Compilation No. 2**

**Compilation date:** 6 August 2021

**Includes amendments up to:** F2021L01074

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**About this compilation**

**This compilation**

This is a compilation of the *Long Service Leave (Commonwealth Employees) Regulation 2016* that shows the text of the law as amended and in force on 6 August 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1 Name 1

3 Authority 1

5 Definitions 1

Part 2—Period and continuity of service 2

6 Purpose of this Part 2

7 Employment etc. by certain bodies 2

8 Previous service—State authorities and other prescribed employers 2

9 Previous service—principal executive offices 3

10 Continuity of service—executive office 3

11 Period of service—maritime employees 4

Part 3—Allowances included in salary 6

12 Purpose of this Part 6

13 General allowances 6

14 Higher duties allowance 6

15 District allowance 8

16 Tool allowance 9

Part 4—Payments not included in salary 10

17 Purpose of this Part 10

18 Shift penalty payments 10

19 Overtime payments 10

20 Restriction, or on‑call, allowance 11

Part 5—Transitional, savings and application provisions 12

21 Repeal of the *Long Service Leave (Commonwealth Employees) Regulations 1957* 12

Schedule 1—State authorities 13

1 Previous service with State authorities 13

Schedule 2—Previous employment 19

1 Previous employment 19

Endnotes 24

Endnote 1—About the endnotes 24

Endnote 2—Abbreviation key 25

Endnote 3—Legislation history 26

Endnote 4—Amendment history 27

Part 1—Preliminary

1 Name

This is the *Long Service Leave (Commonwealth Employees) Regulation 2016*.

3 Authority

This instrument is made under the *Long Service Leave (Commonwealth Employees) Act 1976*.

5 Definitions

In this instrument:

***Act*** means the *Long Service Leave (Commonwealth Employees) Act 1976*.

***child***: see subsection 15(4).

***de facto partner***: see subsection 15(4).

***district allowance***: see subsection 15(1).

***family***: see subsection 15(4).

***GBE*** (short for Government Business Enterprise): see subsection 9(4).

***higher duties allowance***: see subsection 14(1).

***organisation***: see subsection 10(2).

***overtime payment***: see subsection 19(2).

***payment in the nature of a commuted allowance or penalty***: see subsection 18(4).

***relevant day***: see subsection 14(6).

***shift penalty payment***: see subsection 18(2).

Part 2—Period and continuity of service

6 Purpose of this Part

This Part prescribes matters relevant to determining:

(a) whether a person is, or was, employed in Government Service or another qualifying service for the purpose of determining the person’s period and continuity of service; and

(b) the period of that employment.

Note: For the meaning of employment in Government Service, see section 10 of the Act.

7 Employment etc. by certain bodies

For the purposes of subparagraph 4(6)(c)(iii) of the Act, each of the following is a body corporate to which paragraph 4(6)(c) of the Act applies:

(a) AIDC Limited;

(b) ANL Limited;

(c) Telstra Corporation Limited;

(d) Telstra Group Limited;

(e) Telstra International (Aus) Limited;

(f) Telstra Limited;

(g) Telstra Towerco No. 1 Pty Ltd.

8 Previous service—State authorities and other prescribed employers

State authorities

(1) For the purposes of subsections 7(1) and (3) of the Act, a person, authority, institution or body referred to in an item of the table in clause 1 of Schedule 1 to this instrument is taken to be, or to have been, an authority of a State, but only:

(a) in the cases or circumstances (if any) specified in the item; and

(b) on or after a particular date, before a particular date or during a particular period (if any) specified in the item.

Previous employment

(2) For the purposes of subsections 7(2) and (3) of the Act, the previous employment of an employee in the service of a person, authority, institution or body referred to in an item of the table in clause 1 of Schedule 2 to this instrument is to be taken into account for the purposes of section 11 of the Act as if it had been employment in Government Service, but only:

(a) in the cases or circumstances (if any) specified in the item; and

(b) on or after a particular date, before a particular date or during a particular period (if any) specified in the item.

9 Previous service—principal executive offices

Previous employment in a principal executive office

(1) For the purposes of subsection 7(2) of the Act, the previous employment of an employee in the service of an employer who employs a person holding a principal executive office (other than an office held by the chief executive officer of a GBE) is to be taken into account for the purposes of section 11 of the Act as if it had been employment in Government Service.

(2) Subsection (1) has effect only in relation to the employment of a person in the service of the employer in the following circumstances:

(a) the person was previously the holder of the principal executive office;

(b) the person is subsequently employed in a qualifying service;

(c) the person is employed in a qualifying service on or after 31 May 1986.

Note: This subsection commenced on 31 May 1986.

Employment by holder of prescribed principal executive office

(3) For the purposes of paragraph 10(6)(ab) of the Act, a principal executive office, other than an office held by a chief executive officer of a GBE, is prescribed.

(4) In this instrument:

***GBE*** (short for government business enterprise) means:

(a) a Commonwealth authority or Commonwealth company prescribed, before the repeal of the *Commonwealth Authorities and Companies Act 1997*, for the purposes of the definition of ***GBE*** in section 5 of that Act; or

(b) a Commonwealth entity or Commonwealth company prescribed for the purposes of the definition of ***government business enterprise*** in section 8 of the *Public Governance, Performance and Accountability Act 2013*.

10 Continuity of service—executive office

(1) For the purposes of paragraph 12(11)(b) of the Act, an office in any of the following organisations is a prescribed office:

(a) an organisation, other than an organisation of the kind specified in paragraph 12(11)(a) of the Act, the membership of which includes employees;

(b) a council of organisations;

(c) an authorised deposit‑taking institution (ADI), within the meaning of section 5 of the *Banking Act 1959*, that:

(i) is permitted to use the expression building society, credit union or credit society, in relation to a financial business carried on by the ADI, under subsection 66(1) of the *Banking Act 1959*; and

(ii) conducts its business by or on behalf of an organisation for the benefit of its members or all employees;

(d) a cooperative society, or similar body, that:

(i) is registered or incorporated by or under a law of a State or Territory; and

(ii) conducts its business by or on behalf of an organisation for the benefit of its members or all employees.

(2) In this instrument, except in paragraph (1)(a) of this section:

***organisation*** has the same meaning as in paragraph 12(11)(a) of the Act.

11 Period of service—maritime employees

For the purposes of paragraphs 15(1)(c), (d) and (e) of the Act, the following classifications of employees are a prescribed class of maritime employees:

(a) deck officers, including:

(i) chief deck officers; and

(ii) first, second, third and fourth mates;

(b) engineer officers, including:

(i) chief, second, third, fourth, fifth and junior engineers; and

(ii) first, second and third electricians;

(c) able and ordinary seafarers;

(d) crew attendants;

(e) lamp trimmers;

(f) storekeepers;

(g) greasers;

(h) motorers;

(i) stokers;

(j) oil burners;

(k) trimmers;

(l) wipers;

(m) boatswains;

(n) engine and boiler operators;

(o) deck workers;

(p) marine stewards, including:

(i) chief, second, extra second, second class, assistant second, third class, cabin, assistant bar and stores stewards; and

(ii) first saloon and second class pantry cooks; and

(iii) security guards; and

(iv) chief saloon, head, second and third waiters; and

(v) bar attendants; and

(vi) storekeepers; and

(vii) linen‑keepers; and

(viii) shop, milk bar, printing, first grade, bells, lounge, smokeroom, bedroom chief, captain’s, bridge utility, general utility, engineers’, second grade and assistant smokeroom stewards; and

(ix) second, third and fourth pantry cooks;

(q) marine cooks, including:

(i) chief, senior second, second, extra second, third, fourth, ship’s, assistant ship’s and assistant cooks; and

(ii) bakers, chief bakers and second bakers; and

(iii) butchers, chief butchers and second butchers; and

(iv) scullery workers; and

(v) cook’s attendants.

Part 3—Allowances included in salary

12 Purpose of this Part

For the purposes of section 8 of the Act, this Part sets out:

(a) the kinds of allowances to be included in salary; and

(b) the conditions (if any), or the extent to which, payments under the Act are to include allowances set out in this Part.

13 General allowances

Salary includes the following kinds of allowances:

(a) an allowance in respect of the possession of certain qualifications;

(b) an allowance in respect of the performance of duties additional to the ordinary duties of an office or position, not being an allowance in respect of the performance of such duties for a temporary period;

(c) an allowance in lieu of quarters;

(d) an allowance payable to a person as an officer‑in‑charge.

14 Higher duties allowance

(1) Salary includes an allowance (a ***higher duties allowance***) payable to a person in respect of the performance of the duties of an office having a higher classification than the person’s own office.

(2) The conditions subject to which higher duties allowance is to be included in salary are all of the following:

(a) that the salary that has been paid or is payable to the employee in respect of the employee’s employment on the relevant day includes an amount in respect of higher duties allowance;

(b) that the approving authority has certified in writing that, for the period specified in the certificate, being a period that is the same as, or includes, the part of the period of long service leave in respect of which the salary is payable, the employee could, if the employee were not absent on long service leave, reasonably have been expected to perform:

(i) the duties that the employee was performing, or would, but for the employee’s absence on authorised leave, have performed on the relevant day; or

(ii) where the employee has performed, or would, but for the employee’s absence on authorised leave, have performed, for periods that were continuous with one another and with the period of long service leave, the duties of 2 or more offices each of which has a higher classification than the employee’s own classification—the duties of the office, being one of those last‑mentioned offices, specified in the certificate;

(c) that the period specified in the certificate referred to in paragraph (b) of this subsection is a period that commences on the expiration of:

(i) the relevant day; or

(ii) a period specified in a certificate given in accordance with paragraph (b) of this subsection by the approving authority in respect of another part of the period of long service leave of the employee.

(3) Where:

(a) the salary payable in accordance with section 20 of the Act to an employee referred to in subparagraph (2)(b)(ii) of this section, in respect of any part of a period of long service leave granted to the employee under section 16 or 17 of the Act is to include an amount in respect of higher duties allowance; and

(b) the approving authority has in accordance with paragraph (2)(b) of this section specified in a certificate given in respect of that part of the period of long service leave of the employee an office other than the office the duties of which the employee was performing, or would, but for the employee’s absence on authorised leave, have performed on the relevant day;

that amount is to be included in the salary payable to the employee in respect of that part of the period of long service leave to the extent only that it would be so included if the employee had performed on the relevant day the duties of the office specified in the certificate.

(4) The condition subject to which a payment in accordance with subsection 16(4) or 17(2) of the Act to a person who ceases to be an employee is to include an amount in respect of higher duties allowance is:

(a) that the person has, or would, but for the person’s absence on authorised leave, have, during a continuous period of not less than 12 months ending on the expiration of the relevant day, performed the duties of a single office having a higher classification than the person’s own office; or

(b) that, immediately before the person ceased to be an employee, the person has, or would, but for the person’s absence on authorised leave, have performed the duties of 2 or more offices each of which has a higher classification than the person’s own classification for periods that were continuous with one another and the aggregate of which is not less than 12 months.

(5) Where:

(a) a payment in accordance with subsection 16(4) or 17(2) of the Act to a person who ceases to be an employee is to include an amount in respect of higher duties allowance; and

(b) paragraph (4)(b) of this section applies to the person; and

(c) at any time during the period of 12 months immediately preceding the relevant day, the person performed the duties of an office in respect of which higher duties allowance was payable to the person at a rate that is lower than the rate of the allowance payable to the person for the duties performed by the person on the relevant day;

that amount is to be included in the payment referred to in paragraph (a) of this subsection to the extent only that it would be so included if the person had performed on the relevant day the duties in respect of which higher duties allowance was payable to the person at the lower or lowest rate, as the case may be, at which such an allowance was payable to the person during that period of 12 months.

(6) In this instrument:

***relevant day***:

(a) in relation to an employee who has been granted long service leave, means the day immediately preceding the day on which that leave commences; and

(b) in relation to a person who ceases to be an employee, means the day on which the person ceases to be an employee.

15 District allowance

(1) Salary includes an allowance (a ***district allowance***) payable to a person by reason of the fact that the person is required to perform duties in a particular district in Australia or in an external Territory, subject to this section.

(2) Salary includes a district allowance only on the condition that during the period of the person’s long service leave:

(a) the person remains in the district in respect of which the allowance is payable; or

(b) if the person is absent from the district, the person’s spouse, de facto partner or family remains in the district during any part of the period that the person is absent from the district.

(3) Where:

(a) a district allowance is payable at a particular rate, or in accordance with a particular scale of rates, in the case of persons:

(i) who are stationed at, or required to perform duty at, and to reside in, an established camp in the district; or

(ii) who are required, as members, whether regular or otherwise, of a camping party, to camp in the district elsewhere than at an established camp;

and at another rate, or in accordance with another scale of rates, in the case of other persons who are stationed at, and reside in, the district; and

(b) the person is in receipt of that allowance at the rate, or in accordance with the scale of rates, applicable in the case of persons referred to in subparagraph (a)(i) or (ii) of this subsection;

the district allowance is included in the salary of the person to the extent only that it would be included if the person were stationed at, and residing in, the district but was not residing in an established camp in the district, or camping, as a member of a camping party, in the district elsewhere than at an established camp, as the case may be.

(4) In this instrument:

***child***, of a person means:

(a) an adopted child, a stepchild or an exnuptial child of the person; or

(b) someone who is a child of the person within the meaning of the *Family Law Act 1975.*

***de facto partner*** has the meaning given by the *Acts Interpretation Act 1901* (see section 2D of that Act).

***family***, of a person, includes the following:

(a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the person;

(b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the person.

16 Tool allowance

Salary includes an allowance payable to an employee in respect of the supply and maintenance by the employee of tools and equipment ordinarily required by the employee for performance of the employee’s work.

Part 4—Payments not included in salary

17 Purpose of this Part

For the purposes of section 8A of the Act, this Part sets out:

(a) the kinds of payments that are not included in salary; and

(b) the extent to which, or the circumstances in which, some kinds of payments are not included in salary.

18 Shift penalty payments

(1) A shift penalty payment is a kind of payment not included in salary.

(2) A payment is a ***shift penalty payment*** if it:

(a) does not come within a single overall rate of salary; and

(b) is in the nature of an allowance or payment that is additional to the relevant ordinary rate of salary; and

(c) satisfies the criteria stated in subsection (3).

(3) For the purposes of paragraph (2)(c), the following criteria are stated:

(a) the payment is payable because the employee to whom it is payable undertakes the employee’s normal duties:

(i) outside the hours that are regarded in the relevant industry as the normal hours of work or the standard hours of work; or

(ii) from time to time during those normal hours of work but as part of a pattern of working hours that are outside those standard hours of work;

(b) the payment is paid:

(i) to an employee for work that the employee has in fact undertaken; or

(ii) to all employees within a class of employees as a payment in the nature of a commuted allowance or penalty.

(4) For the purposes of subparagraph (3)(b)(ii), a payment is ***a payment in the nature of a commuted allowance or penalty*** if it is paid on the basis of liability to undertake shift work (whether or not shift work is in fact undertaken to any particular extent, or at all) and instead of additional payment for shift work in fact undertaken.

19 Overtime payments

(1) An overtime payment is a kind of payment not included in salary.

(2) A payment is an ***overtime payment*** if it is:

(a) a payment, however described, for overtime that has been undertaken; or

(b) a commuted overtime payment to all employees within a class of employees; or

(c) a payment to an employee for all of the employee’s overtime work regardless of its length or frequency; or

(d) any other payment instead of a payment for overtime.

20 Restriction, or on‑call, allowance

A payment in the nature of a restriction, or on‑call, allowance is a kind of payment not included in salary.

Part 5—Transitional, savings and application provisions

21 Repeal of the *Long Service Leave (Commonwealth Employees) Regulations 1957*

(1) This instrument does not apply in relation to a person, and the *Long Service Leave (Commonwealth Employees) Regulations 1957* continue to apply in relation to the person, to the extent that the person’s entitlements in relation to the grant of long service leave (whether in respect of a period of service, continuity of service or an allowance or another payment) would otherwise be reduced or adversely affected by the repeal of the *Long Service Leave (Commonwealth Employees) Regulations 1957* and the making of this instrument.

Note: The *Long Service Leave (Commonwealth Employees) Regulations 1957* are repealed by this instrument (see Schedule 3 to this instrument as made).

(2) A certificate made for the purposes of paragraph 4B(2)(b) of the *Long Service Leave (Commonwealth Employees) Regulations 1957*, before the repeal of those Regulations, has effect after that repeal as if it had been made for the purposes of paragraph 14(2)(b) of this instrument.

Schedule 1—State authorities

Note: See subsection 8(1).

1 Previous service with State authorities

The following table applies for the purposes of subsection 8(1).

| Previous service with State authorities | | |
| --- | --- | --- |
| Item | Name of person, authority, institution or body | Cases, circumstances or period of employment |
|  | *New South Wales* |  |
| 1 | Board of Fire Commissioners of New South Wales |  |
| 2 | Broken Hill Water Board |  |
| 3 | Charles Sturt University |  |
| 4 | Hunter District Water Board |  |
| 5 | Kosciusko State Park Trust |  |
| 6 | Macquarie University |  |
| 7 | Main Roads Board of New South Wales |  |
| 8 | Maritime Services Board of New South Wales |  |
| 9 | Metropolitan Meat Industry Commissioner of New South Wales |  |
| 10 | Metropolitan Water Sewerage and Drainage Board |  |
| 11 | Prince Henry Hospital | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 12 | A public hospital constituted as a body corporate under the *Public Hospitals Act 1929* (NSW) | Employment of a person during the period during which the name of the hospital has been included in the Second Schedule to that Act |
| 13 | Royal Alexandra Hospital for Children | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 14 | Royal Prince Alfred Hospital (including the King George V Memorial Hospital) | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 15 | Rural Bank of New South Wales |  |
| 16 | South Sydney Women’s Hospital | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 17 | A State Technical College or similar tertiary institution |  |
| 18 | Sydney Hospital | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 19 | Totalizator Agency Board |  |
| 20 | United Dental Hospital | Employment during the period during which the name of that hospital has been included in the Third Schedule to the *Public Hospitals Act 1929* (NSW) |
| 21 | University of Newcastle |  |
| 22 | University of New England |  |
| 23 | University of New South Wales |  |
| 24 | University of Sydney |  |
| 25 | University of Technology, Sydney |  |
| 26 | University of Western Sydney |  |
| 27 | University of Wollongong |  |
| 28 | Water Conservation and Irrigation Commission |  |
|  | *Victoria* |  |
| 29 | Ballarat University College |  |
| 30 | Cancer Institute Board |  |
| 31 | Council of Adult Education |  |
| 32 | Council of the Lincoln Institute of Health Sciences |  |
| 33 | Deakin University |  |
| 34 | Farmers’ Debts Adjustment Board of Victoria |  |
| 35 | Gas and Fuel Corporation of Victoria |  |
| 36 | Geelong Harbour Trust |  |
| 37 | Geelong Waterworks and Sewerage Trust |  |
| 38 | Knowledge Victoria Limited | Employment on or after 8 May 1987 |
| 39 | La Trobe University |  |
| 40 | Mayfield Centre, Malvern |  |
| 41 | Melbourne and Metropolitan Board of Works |  |
| 42 | Melbourne and Metropolitan Tramways Board |  |
| 43 | Melbourne Harbour Trust |  |
| 44 | Metropolitan Fire Brigades Board |  |
| 45 | Mildura Vineyards Protection Board |  |
| 46 | Monash University |  |
| 47 | Municipal Association of Victoria |  |
| 48 | Portland Harbour Trust Commissioners |  |
| 49 | A public hospital that is incorporated under the *Health Services Act 1988* (Vic.) | Employment on or after 1 July 1988 |
| 50 | A public hospital which is an incorporated institution under the *Hospitals and Charities Act 1958* (Vic.) or an unincorporated public hospital under that Act (not being a separate institution under that Act) |  |
| 51 | Royal Melbourne Institute of Technology |  |
| 52 | State Savings Bank of Victoria |  |
| 53 | A State Technical College or similar tertiary institution |  |
| 54 | Swinburne University of Technology |  |
| 55 | University of Melbourne |  |
| 56 | Victorian Civil Ambulance Service |  |
| 57 | Victorian College of Pharmacy | Employment after 4 July 1966 |
| 58 | Victorian Inland Meat Authority |  |
| 59 | Victorian State Coalmine, Wonthaggi |  |
| 60 | Victoria University of Technology |  |
| 61 | Zoological Board of Victoria |  |
|  | *Queensland* |  |
| 62 | Bowen Harbour Board |  |
| 63 | Bundaberg Harbour Board |  |
| 64 | Cairns Harbour Board |  |
| 65 | Committee of Direction of Fruit Marketing |  |
| 66 | Darling Downs Institute of Advanced Education |  |
| 67 | A District Fire Brigades Board |  |
| 68 | Gladstone Harbour Board |  |
| 69 | Griffith University |  |
| 70 | James Cook University of North Queensland |  |
| 71 | Mackay Harbour Board |  |
| 72 | Metropolitan Public Abattoir Board | Employment before 1969 and during that part of 1969 when that Board was known as the Queensland Meat Industry Board |
| 73 | A public hospital conducted by a board constituted as a body corporate in accordance with *The Hospitals Act of 1936* (Qld) |  |
| 74 | A Queensland Ambulance Transport Brigade Area Committee established under section 19 of *The Ambulance Services Act of 1967* (Qld) | Employment on or after 24 June 1967 |
| 75 | A Queensland commodity board established under *The Primary Producers’ Organisation and Marketing Act of 1926* (Qld) |  |
| 76 | Queensland Fish Board |  |
| 77 | Queensland Institute of Medical Research |  |
| 78 | Queensland State Wheat Board |  |
| 79 | Queensland University of Technology |  |
| 80 | Rockhampton Harbour Board |  |
| 81 | The State Council of the Queensland Ambulance Transport Brigade | Employment on or after 24 June 1967 |
| 82 | A State Technical College or similar tertiary institution |  |
| 83 | Sugar Experiment Stations Board |  |
| 84 | Townsville Harbour Board |  |
| 85 | University College of Central Queensland |  |
| 86 | University College of Southern Queensland |  |
| 87 | University of Queensland |  |
|  | *South Australia* |  |
| 88 | Australian Mineral Development Laboratories |  |
| 89 | Betting Control Board | Employment before 9 December 1965 |
| 90 | Electricity Trust of South Australia |  |
| 91 | Fire Brigades Board of South Australia |  |
| 92 | Flinders University of South Australia |  |
| 93 | A hospital other than a hospital registered as a private hospital or a maternity home under section 146 of the *Health Act 1935* (SA) |  |
| 94 | Institute of Medical and Veterinary Science |  |
| 95 | Local Government Association of South Australia |  |
| 96 | Metropolitan and Export Abattoirs Board |  |
| 97 | Municipal Tramways Trust of South Australia |  |
| 98 | National Fitness Council of South Australia |  |
| 99 | Public Examinations Board of South Australia |  |
| 100 | Renmark Irrigation Trust |  |
| 101 | Savings Bank of South Australia |  |
| 102 | South Australian Egg Board |  |
| 103 | South Australian Housing Trust |  |
| 104 | South Australian School of Mines |  |
| 105 | A State Technical College or similar tertiary institution |  |
| 106 | University of Adelaide |  |
| 107 | University of South Australia |  |
|  | *Western Australia* |  |
| 108 | Commissioner of Main Roads | Employment of a person as a casual employee |
| 109 | Curtin University of Technology |  |
| 110 | Edith Cowan University |  |
| 111 | Fremantle Harbour Trust |  |
| 112 | Kings Park Board |  |
| 113 | Library Board of Western Australia |  |
| 114 | Metropolitan (Perth) Passenger Transport Trust |  |
| 115 | Motor Vehicle Insurance Trust (Western Australia) |  |
| 116 | Murdoch University |  |
| 117 | National Parks Board of Western Australia |  |
| 118 | A public hospital conducted by a hospital board constituted as a body corporate under the *Hospitals Act 1927* (WA) |  |
| 119 | State Gardens Board | Employment that is continuous with employment with the National Parks Board of Western Australia |
| 120 | A State Technical College or similar tertiary institution |  |
| 121 | University of Western Australia |  |
| 122 | Wait‑Aid Ltd |  |
| 123 | Western Australia Egg Marketing Board |  |
| 124 | Western Australian Potato Marketing Board |  |
|  | *Tasmania* |  |
| 125 | Burnie Marine Board |  |
| 126 | Circular Head Marine Board |  |
| 127 | Devonport Marine Board |  |
| 128 | Engineering Board of Management of Tasmania |  |
| 129 | A Fire Brigade Board constituted under the *Fire Brigades Act 1945* (Tas.) |  |
| 130 | Flinders Marine Board |  |
| 131 | Hobart Marine Board |  |
| 132 | Hydro‑Electric Commission (Tasmania) |  |
| 133 | King Island Marine Board |  |
| 134 | Launceston Marine Board |  |
| 135 | Metropolitan Transport Trust (Tasmania) | Employment at Hobart on or after 1 March 1955 and employment at Launceston on or after 1 July 1955 |
| 136 | North Eastern Harbour Trust |  |
| 137 | A public hospital conducted by a hospital board constituted as a body corporate under the *Hospitals Act 1918* (Tas.) |  |
| 138 | Smithton Harbour Trust |  |
| 139 | A State Technical College or similar tertiary institution |  |
| 140 | Strahan Marine Board |  |
| 141 | Tasmanian College of Advanced Education |  |
| 142 | Tasmanian Grain Elevators |  |
| 143 | Tasmanian Grain Elevators Board |  |
| 144 | Tasmanian Racing Commission |  |
| 145 | Ulverstone Harbour Trust |  |
| 146 | University of Tasmania |  |
|  | *Northern Territory* |  |
| 147 | Darwin Institute of Technology |  |
| 148 | Northern Territory University |  |

Schedule 2—Previous employment

Note: See subsection 8(2).

1 Previous employment

The following table applies for the purposes of subsection 8(2).

| Previous employment | | |
| --- | --- | --- |
| Item | Name of person, authority, institution or body | Cases, circumstances or period of employment |
| 1 | Aboriginal Corporation of the National Aboriginal Conference |  |
| 2 | Aboriginal Hostels Limited |  |
| 3 | Acoustic Research Laboratories | Employment of a person whose services were taken over by the Commonwealth on 1 January 1947 |
| 4 | Adelaide Symphony Orchestra Pty Ltd | Employment of a person who:  (a) was compulsorily transferred from the Australian Broadcasting Corporation to the Adelaide Symphony Orchestra Pty Ltd on 1 July 1997; and  (b) is subsequently employed in Government Service |
| 5 | Aerospace Technologies of Australia Pty Limited |  |
| 6 | Air Queensland Ltd | Employment before 27 June 1985 of a person whose services were taken over by the Commonwealth on that date, including continuous service with Bush Pilots Airways Pty Ltd and Bush Pilots Airways Ltd  Employment on or after 27 June 1985 until 25 March 1986 |
| 7 | Air Queensland Pty Ltd | Employment on or after 26 March 1986 and before the commencement of Part 4 of the Schedule to the *Qantas Sale Act 1992* |
| 8 | Allambee Nursing Home | Employment of a person whose services were taken over by the Department of Health on 13 March 1975 |
| 9 | Anzac Agency for the Pacific Region of the Commonwealth War Graves Commission (an agency of a body corporate established by royal charter) | Employment of a person whose services were taken over by the Department of the Special Minister of State on 1 January 1975 |
| 10 | Applied Ecology Pty Ltd |  |
| 11 | Army Health Benefits Society |  |
| 12 | Australian Airlines Limited | Employment before the commencement of Part 4 of the Schedule to the *Qantas Sale Act 1992* |
| 13 | Australian Bicentennial Authority |  |
| 14 | Australian Conference of Principals of Colleges of Advanced Education |  |
| 15 | Australian Council of Local Government Associations |  |
| 16 | Australian Institute of Agricultural Science | Employment of a person whose services were taken over by the Commonwealth Scientific and Industrial Research Organisation on 1 January 1976 |
| 17 | Australian Institute of Nuclear Science and Engineering |  |
| 18 | Australian Institute of Sport |  |
| 19 | Australian Maritime College |  |
| 20 | Australian National University |  |
| 21 | Australian Railway Research and Development Organisation |  |
| 22 | Australian Road Research Board |  |
| 22A | Australian Synchrotron Company Limited | Employment of a person whose services were taken over:  (a) by Synchrotron Light Source Australia Pty Ltd from Australian Synchrotron Company Limited on 1 January 2013; and  (b) by the Australian Nuclear Science and Technology Organisation from Synchrotron Light Source Australia Pty Ltd on 1 September 2016 |
| 23 | Australian Vice‑Chancellors’ Committee |  |
| 24 | British Defence Research and Supply Staff (an agency of the Ministry of Technology) | Employment before 18 September 1970 of a person whose services were taken over by the Department of Supply on 28 September 1970 |
| 25 | British Phosphate Commissioners | Employment before 1 July 1981 of a person whose services were taken over by the Australian Shipping Commission on that date |
| 26 | Calvary Hospital ACT Incorporated |  |
| 27 | Canberra College of Advanced Education |  |
| 28 | Canberra Mothercraft Society | Employment before 1 July 1969 of a person whose services were taken over by the Department of Health on that date  Employment before 12 November 1973 of a person whose services were taken over by the Department of the Capital Territory on that date  Employment of a person whose services were taken over by the Department of Health on 1 July 1969 |
| 29 | Canberra Tourist Bureau | Employment of a person whose services were taken over by the Department of the Interior on 1 July 1952 |
| 30 | Church Missionary Society of Australia | Employment before 9 February 1970 of a person whose services were taken over by the Commonwealth on that date |
| 31 | Coal Mines Insurance Pty Limited |  |
| 32 | Commonwealth Accommodation and Catering Services Limited |  |
| 33 | Commonwealth Brickworks (Canberra) Limited | Employment before 21 September 1979 |
| 34 | Commonwealth Collieries Pty Ltd | Employment on or after 8 March 1947 |
| 35 | Commonwealth Funds Management Limited |  |
| 36 | Commonwealth Hostels Limited |  |
| 37 | Council of the Canberra University College |  |
| 38 | Darwin Community College |  |
| 39 | Employment National (Administration) Pty Ltd | Employment of a person who was declared, under subsection 81C(1) of the *Public Service Act 1922*, to be in the employment of Employment National (Administration) Pty Ltd |
| 40 | Enterprise and Career Education Foundation Limited | Employment of a person whose services were taken over by the Department of Education, Science and Training on 1 October 2003 |
| 41 | Grazcos Supplies Pty Limited | Employment of a person whose services were taken over by the Australian Wool Corporation on 1 July 1978 |
| 42 | Health Services Australia | Employment of a person who was declared, under subsection 81C(1) of the *Public Service Act 1922*, to be in the employment of Health Services Australia |
| 43 | H.S. Sales and Contracting Pty Ltd | Employment between 11 March 1988 and 31 December 1990 |
| 44 | International Development Program of Australian Universities and Colleges Limited |  |
| 45 | Joint Coal Board |  |
| 46 | Koomarri Training Centre | Employment before 25 January 1974 of a person whose services were taken over by the Department of Education on that date |
| 47 | Legal Aid Committee of the Australian Capital Territory established by the *Legal Aid Ordinance 1972* of that Territory | Employment that is continuous with employment with the Legal Aid Commission (ACT) |
| 48 | Medibank Limited | Employment of a person who was taken to be engaged by Medibank Limited because of the operation of a declaration under section 21 of the *Health Insurance Commission (Reform and Separation of Functions) Act 1997* |
| 49 | Melbourne Symphony Orchestra Pty Ltd | Employment of a person who:  (a) was compulsorily transferred from the Australian Broadcasting Corporation to the Melbourne Symphony Orchestra Pty Ltd on 1 July 1997; and  (b) is subsequently employed in Government Service |
| 50 | National Aboriginal Sports Foundation Aboriginal Corporation |  |
| 50A | National E‑Health Transition Authority Ltd | Employment of a person whose services were taken over by the Australian Digital Health Agency on 1 July 2016 |
| 51 | National Institute of Dramatic Art |  |
| 52 | National Training Board Ltd |  |
| 53 | North Australia District of the Methodist Overseas Mission of the General Conference of the Methodist Church of Australasia | Employment before 5 February 1968 of a person whose services were taken over by the Commonwealth on that date |
| 54 | NSW Mining Company Pty Ltd |  |
| 55 | Papua New Guinea University of Technology | Employment before 16 September 1975 |
| 56 | Phosphate Mining Company of Christmas Island Limited |  |
| 57 | Qantas Airways Limited | Employment before the commencement of Part 4 of the Schedule to the *Qantas Sale Act 1992* |
| 58 | River Murray Commission |  |
| 59 | Science and Engineering Research Council | Employment with the Science and Engineering Research Council for the period spent with the United Kingdom Schmidt Telescope Unit before 15 June 1988 of a person whose services were taken over by the Anglo‑Australian Telescope Board on that day |
| 60 | Shepherdson College | Employment before 1 February 1976 of a person whose services were taken over by the Department of Education on that date |
| 61 | Symphony Australia Holdings Pty Ltd | Employment of a person who:  (a) was compulsorily transferred from the Australian Broadcasting Corporation to Symphony Australia Holdings Pty Ltd on 1 July 1997; and  (b) is subsequently employed in Government Service |
| 61A | Synchrotron Light Source Australia Pty Ltd | Employment of a person whose services were taken over by the Australian Nuclear Science and Technology Organisation on 1 September 2016 |
| 62 | Telecom Australia (International) Limited |  |
| 63 | Travelstrength Limited |  |
| 64 | University of Canberra |  |
| 65 | University of Papua New Guinea | Employment before 16 September 1975 |
| 66 | VIP Building Maintenance Contractors Pty Limited | Employment of a person whose services were taken over by the Department of Administrative Services on 1 June 1978 |
| 67 | West Australian Symphony Orchestra Holdings Pty Ltd | Employment of a person who:  (a) was compulsorily transferred from the Australian Broadcasting Corporation to West Australian Symphony Orchestra Holdings Pty Ltd on 2 March 1998; and  (b) is subsequently employed in Government Service |

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Long Service Leave (Commonwealth Employees) Regulation 2016 | 29 Sept 2016 (F2016L01544) | 30 Sept 2016 (s 2(1) item 1) |  |
| Long Service Leave (Commonwealth Employees) Amendment (2017 Measures No. 1) Regulations 2017 | 22 May 2017 (F2017L00568) | 23 May 2017 (s 2(1) item 1) | — |
| Long Service Leave (Commonwealth Employees) Amendment (Telstra New Entities) Regulations 2021 | 5 Aug 2021 (F2021L01074) | 6 Aug 2021 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 2 | rep LA s 48D |
| s 4 | rep LA s 48C |
| **Part 2** |  |
| s 7 | am F2021L01074 |
| **Schedule 2** |  |
| Schedule 2 | am F2017L00568 |
| Schedule 3 | rep LA s 48C |