

FACT SHEET

Long Service Leave (State Employees) Amendment Bill 2019

The *Long Service Leave (State Employees) Amendment Bill 2019* (the Bill) amends the *Long Service Leave (State Employees) Act 1994* (the Act) to clarify the entitlements of employees.

The amendments contemporise the Act to better support modern employment in the Tasmanian Public Service, which is more flexible and family friendly than when the Act was introduced in the early 1990s.

A new equation for calculating long service leave entitlements varies the basis on which long service leave accruals and debits are calculated from days to hours. In addition, the calculation of long service leave in section 12 has been simplified, such that there is a single equation that can be used to calculate the long service leave entitlement of any type of employee over any period of continuous employment not exceeding one year.

Amendments to the definition of “employee” under the Act have the effect that any person appointed under the *Parliamentary Privilege Act 1898* is now an “employee” for the purposes of the Act. This is more inclusive than the previous definition, which, in relation to persons appointed under the *Parliamentary Privilege Act*, only included persons appointed as “Officers” under that Act.

Transitional provisions regarding the long service leave entitlements of persons appointed under the *Parliamentary Privilege Act* have been inserted to validate previous calculations.

References to old industrial entitlements have been updated. References to the term “sick leave” have been removed and replaced with the term “personal leave” to reflect the majority of modern Tasmanian public sector awards, in which “personal leave” is defined to include more than only leave provided for personal illness or injury. Where it is intended that a provision relate only to personal leave provided for personal illness or injury, it has been reflected in the amendments.

References to maternity leave as “sick leave” have been removed in amendments to section 11(2)(d), which have also clarified that paid maternity, adoption and partner leave are to be included in the calculation of a period of continuous employment. This better reflects modern industrial entitlements.

All employees will now be able to seek permission for and, if granted, be credited with a period of long service leave in excess of 100 days, due to the replacement of the term “relevant Minister” with the more inclusive term “relevant authority”. This will provide greater fairness between employees.

The current definition and use of the term of “Secretary” in relation to disputes and record-keeping is prohibitive for employees appointed under the *Parliamentary Privilege Act*, who

do not have a Secretary. The amendments replace the term “Secretary” with the more inclusive term “relevant manager”, which includes provision for employees appointed under the *Parliamentary Privilege Act*.

The connection between length of employment and continuous employment in sections 10 and 11 has been clarified. Section 11 will be re-named “Calculation of period of continuous employment”. This is consistent with terminology used in section 10 and throughout the Act.

Finally, outdated references have been updated. The reference to the *Long Service Leave (Construction Industry) Act 1971* has been removed and replaced with the *Construction Industry (Long Service) Act 1997*. References to the Stanley Cool Stores Board have also been removed.