

SOUTH AUSTRALIA

LONG SERVICE LEAVE REGULATIONS, 1988

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REGULATIONS UNDER THE LONG SERVICE LEAVE ACT, 1987

Long Service Leave Regulations, 1988

being

No. 291 of 1987: *Gaz.* 23 December 1987, p. 1956¹

as varied by

No. 188 of 1997: *Gaz.* 21 August 1997, p. 439²

¹ Came into operation 1 January 1988: reg. 2.

² Came into operation 21 August 1997: reg. 2.

2.

Citation

1. These regulations may be cited as the *Long Service Leave Regulations, 1988*.

Commencement

2. These regulations will come into operation on 1 January, 1988.

Interpretation

3. In these regulations—

"the Act" means the *Long Service Leave Act, 1987*:

"the Registrar" means the Industrial Registrar.

Records

4. (1) Subject to subregulation (2), the records required to be kept by an employer for the purposes of the Act must be in the form set out in the first schedule.

- (2) An employer is not required to use the form set out in the first schedule if the employer instead promptly and accurately records the information required by the first schedule in wages, leave or other similar records kept by the employer.

- (3) The statement to be given by an employer to a worker who has been granted long service leave must be in the form set out in the second schedule.

- (4) The statement to be given by an employer to a worker when a payment is made to the worker by agreement in lieu of long service leave must be in the form set out in schedule 2A.

Applications to the Commission and Court

5. (1) Application to the Industrial Relations Commission under section 9 of the Act must be in the form set out in the third schedule.

- (2) An application to the Industrial Relations Court under section 12 of the Act must be in the form set out in the fourth schedule.

- (3) Any application must be lodged with the Registrar.

- (4) Subject to a direction of the Registrar to the contrary, any document or notice filed or given by a party to an application must be served on the other party or parties to the proceedings.

- (5) The provisions relating to service in the Industrial Proceedings Rules, 1995, will apply to the service of any document or notice referred to in subregulation (4).

- (6) The Registrar must fix a date and time for the hearing of an application by the Industrial Relations Commission or the Industrial Relations Court and give notice of that date and time to the parties to the proceedings and to such other persons (if any) as the Commission or Court may direct.

FIRST SCHEDULE

LONG SERVICE LEAVE ACT, 1987

- A. Full Name of Worker Date of Commencement. . . / . . . / . . .
 Occupation. Name of Employer
- B. Is the right to leave determined by reference to the Act? Yes/No
 If No, state the following details:
 (a) Name of award, agreement or scheme by reference to which leave is determined

 (a) Date of relevant determination by the Industrial Relations Commission. . . . / /
- C. If the business has been acquired (or transmitted),
 State the name of previous owner/s: Date. . . / . . . / . . .
 Date. . . / . . . / . . .
 Date. . . / . . . / . . .
 Date. . . / . . . / . . .
 Date. . . / . . . / . . .
- D. Employment Termination details:
 Date of termination. . . . / / period of notice
 Reason
 LSL entitlement. Days Payment made \$
 On. . . . / /

Notes:

- This record must be commenced at the time of employment of the worker.
- Entries must be made on the reverse side at the appropriate times as noted.
- This record must be kept for 3 years after the date of termination of the worker's service.

Worker

- Projected Date of Entitlement to LSL. . . . / /
- Absences

Period of Absence (No. of Days)	From (Date)	To (Date)	Reason For Absence	Affects Entitlement Date?	If Yes New Entitlement Date
				Yes/No Yes/No Yes/No Yes/No	

3. Worker Information

This Section to be Completed on Each Anniversary of the Worker's Date of Commencement and when Long Service Leave is Taken or a Payment in Lieu of Long Service Leave is Made by Agreement

Date Rate of Pay	Normal/Usual Number of Hours (Exclusive of Overtime) Worked Each Week in Last 12 Months	If No Normal/ Usual Weekly Hours Average Number of Hours Worked Each Week in the Last 12 months	Number of Days Long Service Leave Entitlement	Number of Days Taken or in Lieu of which Payment Made by Agreement	From To (Date)(Date)	Balance Available

4.

SECOND SCHEDULE
LONG SERVICE LEAVE ACT, 1987

Notice to Worker

To:

As at . . . / . . . / . . . you have an entitlement to days Long Service Leave.

. days Long Service Leave will commence on. . . / . . . / . . . and finish on. . . / . . . / . . .

At the completion of that leave, the balance available to you will be days.

.....

Name of Employer

Signature and Designation

N.B. THIS NOTICE IS TO BE PROVIDED TO EACH WORKER PRIOR TO GOING ON LONG SERVICE LEAVE.

(A copy of this notice must be retained with the Worker's Service Record)

5.

SCHEDULE 2A
LONG SERVICE LEAVE ACT 1987

Notice to Worker

To:

As at ... / ... / ... you have an entitlement todays Long Service Leave.

A payment of \$... is being made by agreement with you in lieu of days Long Service Leave.

On the making of that payment, the balance of Long Service Leave available to you will be days.

.....
Name of Employer Signature and Designation

N.B. THIS NOTICE IS TO BE PROVIDED TO EACH WORKER WHEN PAYMENT IS MADE IN LIEU OF LONG SERVICE LEAVE BY AGREEMENT.

(A copy of this notice must be retained with the Worker's Service Record.)

THIRD SCHEDULE
South Australia

FORM No. 1

LONG SERVICE LEAVE ACT, 1987

Application for Determination under section 9

Application is hereby made pursuant to section 9 of the *Long Service Leave Act, 1987*, to the Industrial Relations Commission of South Australia by
of

- * an employer,
- * a party to an award, agreement or scheme relating to long service leave (or anticipated award, agreement or scheme),
- * a registered association which has a proper interest in the matter,

for a determination that the long service leave entitlements of the particular class of workers hereinafter described will be determined by reference to the undermentioned award, agreement or scheme (or anticipated award, agreement or scheme)

(Here state the award, agreement or scheme concerned or the anticipated award, agreement or scheme and attach a copy hereto)

The particular class of workers to be covered by the determination is
.....
(Here set out the particular class of workers concerned)

The employer of the particular class of workers concerned is
.....
(Here set out the name and address of employer concerned)

The grounds on which the application is made are
(Here set out the grounds on which the application is made)

Dated this day of19.....

.....
Applicant

To the Industrial Registrar,
Industrial Relations Commission of South Australia,
Riverside Centre,
North Terrace,
Adelaide S.A. 5000

* Delete whichever is not applicable

7.

FOURTH SCHEDULE

South Australia

FORM No. 2

LONG SERVICE LEAVE ACT, 1987

Application for review of notice under section 12

Application is hereby made pursuant to section 12 of the *Long Service Leave Act, 1987*, to the Industrial Relations Court of South Australia by
of
for a review of the notice issued by
(here insert name of inspector)

on in relation to
(here insert date of notice) (here insert name of worker)

The determination sought by the employer on the review is
.....
(Here insert details of the determination sought)

Attach a copy of the notice to the application

Dated this day of19.....

.....
Applicant

To the Industrial Registrar,
Industrial Relations Court of South Australia,
Riverside Centre,
North Terrace,
Adelaide S.A. 5000

APPENDIX

LEGISLATIVE HISTORY

Regulation 4(4):	inserted by 188, 1997, reg. 3
Regulation 5(1):	varied by 188, 1997, reg. 4(a)
Regulation 5(2):	varied by 188, 1997, reg. 4(b)
Regulation 5(5):	varied by 188, 1997, reg. 4(c)
Regulation 5(6):	varied by 188, 1997, reg. 4(d)
First Schedule:	varied by 188, 1997, reg. 5
Schedule 2A:	inserted by 188, 1997, reg. 6
Third Schedule:	varied by 188, 1997, reg. 7
Fourth Schedule:	varied by 188, 1997, reg. 8