

South Australia

Long Service Leave Regulations 2002

under the *Long Service Leave Act 1987*

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Legislative history

1—Short title

These regulations may be cited as the *Long Service Leave Regulations 2002*.

2—Commencement

These regulations will come into operation on 1 September 2002.

3—Revocation

The *Long Service Leave Regulations 1988* (see *Gazette 23.12.1987 p1956*), as varied, are revoked.

4—Interpretation

In these regulations—

Act means the *Long Service Leave Act 1987*;

Registrar means the Industrial Registrar under the *Industrial and Employee Relations Act 1994*.

5—Records

- (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 Schedule 1.
- (2) An employer is not required to use the form set out in Schedule 1 if the employer instead promptly and accurately records the information required by that form 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 Schedule 2.
- (4) The statement to be given by an employer to a worker when a payment is made to the worker by agreement instead of long service leave must be in the form set out in Schedule 3.

6—Applications to Commission and Court

- (1) An application to the Industrial Relations Commission under section 9 of the Act must be in the form set out in Schedule 4.
- (2) An application to the Industrial Relations Court under section 12 of the Act must be in the form set out in Schedule 5.
- (3) An application to the Industrial Relations Commission or the Industrial Relations Court under the Act 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 to the Industrial Relations Commission or the Industrial Relations Court under the Act 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 other persons (if any) as the Commission or Court may direct.

Schedule 1—Record to be kept by employer

- 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
.....
(b) 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—

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

Long Service Leave Regulations 2002—1.9.2002 to 30.6.2017

Schedule 1—Record to be kept by employer

Worker

1 Projected date of entitlement to LSL / /.....

2 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	
				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 instead 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 (date)	To (date)	Balance available

Schedule 2—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

NB 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)

Schedule 3—Notice to worker

To:.....

As at ... /..... /.... you have an entitlement to days long service leave.

A payment of \$ is being made by agreement with you instead 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

NB This notice is to be provided to each worker when payment is made instead of long service leave
by agreement.

(A copy of this notice must be retained with the worker's service record.)

Schedule 4—Application for determination under section 9 of *Long Service Leave Act 1987*

Application is 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 described in this form will be determined by reference to the following award, agreement or scheme (or anticipated award, agreement or scheme)

.....
(State the award, agreement or scheme concerned or the anticipated award, agreement or scheme and attach a copy)

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 of 20

.....
Applicant

To the Industrial Registrar
Industrial Relations Commission of South Australia
Riverside Centre
North Terrace
Adelaide SA 5000

** Delete whichever is not applicable*

Schedule 5—Application for review of notice under section 12 of *Long Service Leave Act 1987*

Application is 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
(insert name of inspector)

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

The determination sought by the employer on the review is

.....
.....
.....
(insert details of the determination sought)

Attach a copy of the notice to the application

Dated this day of 20

.....
Applicant

To the Industrial Registrar
Industrial Relations Court of South Australia
Riverside Centre
North Terrace
Adelaide SA 5000

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2002	163	<i>Gazette 22.8.2002 p3196</i>	1.9.2002: r 2
2017	48	<i>Gazette 16.5.2017 p1276</i>	1.7.2017: r 2