

South Australia

Long Service Leave Regulations 2017

under the *Long Service Leave Act 1987*

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1—Short title

These regulations may be cited as the *Long Service Leave Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 September 2017.

3—Interpretation

In these regulations—

Act means the *Long Service Leave Act 1987*.

4—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 Form 1 of Schedule 1.
- (2) An employer is not required to use the form set out in Form 1 of 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 (whether in hard copy or electronic form).
- (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 Form 2 of Schedule 1.
- (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 Form 3 of Schedule 1.

Schedule 1—Forms

Form 1—Records to be kept by employer (section 10)

Long Service Leave Act 1987

Full name of worker [*insert name*]

Date of commencement of service [*insert date*]

Name of employer [*insert name*]

Occupation [*insert occupation*]

State whether the right to leave is determined by reference to the Act

If not, state the following:

- (a) name of award, agreement or scheme by reference to which leave is determined
- (b) date of relevant determination by SAET

If the business has been acquired (or transmitted), state the name of the previous owner/s [*insert details of each previous owner and the date on which their ownership of the business concluded/commenced*]

Details related to termination of employment:

- (a) date of termination [*insert date*]
- (b) period of notice
- (c) reason for termination
- (d) LSL entitlement [*insert entitlement expressed in weeks and, to express a fraction of a week, in hours*]
- (e) payment made and when [*insert value of payment made in dollar amounts and date on which payment made*]

Note—

This record must be commenced at the time of employment of the worker and must be kept for 3 years after the date of termination of the worker's service.

Full name of worker [*insert name*]

Projected date of entitlement to LSL [*insert date*]

Absences as follows:

- (a) period of absence (including record of number of days absent and start and end date of absence)
- (b) reason for absence
- (c) whether entitlement date affected by absence
- (d) if entitlement date affected—insert new entitlement date

Worker information as follows (to be recorded 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):

- (a) rate of pay
- (b) normal/usual number of hours (exclusive of overtime) worked each week in last 12 months
- (c) if no normal/usual weekly hours, average number of hours worked each week in the last 12 months

- (d) number of days of long service leave taken or in lieu of which payment made by agreement (including record of leave taken setting out start and end date of leave)

Form 2—Notice to worker (section 10)

Long Service Leave Act 1987

To *[insert worker's name]*

Date to which notice relates *[insert date]*

You have an entitlement to the following amount of long service leave *[insert entitlement expressed in weeks and, to express a fraction of a week, in hours]*

The following amount of long service leave *[insert long service leave amount expressed in weeks and, to express a fraction of a week, in hours]* will commence on *[insert date]* and finish on *[insert date]*

At the completion of that leave, the balance of long service leave available to you will be *[insert balance expressed in weeks and, to express a fraction of a week, in hours]*

Name of employer

Signature and designation of employer

Date

Note—

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.)

Form 3—Notice to worker (section 10)

Long Service Leave Act 1987

To *[insert worker's name]*

Date to which notice relates *[insert date]*

You have an entitlement to the following amount of long service leave *[insert entitlement expressed in weeks and, to express a fraction of a week, in hours]*

A payment of *[insert payment amount expressed in dollars and cents]* is being made by agreement with you instead of *[insert long service leave amount expressed in weeks and, to express a fraction of a week, in hours]*

On the making of that payment, the balance of long service leave available to you will be *[insert balance expressed in weeks and, to express a fraction of a week, in hours]*

Name of employer

Signature and designation of employer

Date

Note—

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 2—Revocation of *Long Service Leave Regulations 2002*

The *Long Service Leave Regulations 2002* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 August 2017

No 264 of 2017

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