



NORTHERN TERRITORY OF AUSTRALIA

No. 33 of 1984

AN ACT

To amend the *Long Service Leave Act*

[Assented to 20 July 1984]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Long Service Leave Amendment Act 1984*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Long Service Leave Act* is in this Act referred to as the Principal Act.

4. APPLICATION

Section 6 of the Principal Act is amended by adding at the end the following:

"(4) Nothing in this Act allows an employee to obtain credit for long service leave more than once in respect of the same period of employment."

5. LONG SERVICE LEAVE ENTITLEMENT

Section 8 of the Principal Act is amended -

(a) by omitting from sub-section (1) "notwithstanding section 10(1),"; and

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- (b) by omitting sub-sections (4), (5) and (6) and substituting the following:

"(4) Subject to sub-section (5) and section 13, an employee who is entitled to long service leave under this Act shall not be entitled to benefits in the nature of long service leave in respect of his employment with his employer otherwise than under this Act.

"(5) The Minister may approve, subject to such conditions as he thinks fit, an agreement between an employee and his employer in respect of the entitlement of the employee to benefits in the nature of long service leave in respect of the employee's employment with that employer where the Minister is satisfied that those benefits are not less favourable than those provided under this Act.

"(5A) The Minister may revoke, subject to such conditions as he thinks fit, in whole or in part, an approval under sub-section (5) of an agreement referred to in that sub-section.

"(6) Subject to sub-sections (5) and (7) and section 13, where an employee is entitled to long service leave under this Act, an agreement referred to in sub-section (5) and approved under that sub-section, or a scheme referred to in section 13 to which an exemption under that section relates, his employer shall grant and the employee shall take the long service leave to which he is entitled -

- (a) as soon as practicable after the leave has accrued, having regard to the needs of the employer's business, or commencing on and from a date that is agreed upon between the employer and employee; and
- (b) in one continuous period or, where the employer and employee agree, in separate periods not exceeding 3, of not less than one month each."

6. PAYMENT IN LIEU OF LONG SERVICE LEAVE

Section 10 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "Where an employee" and substituting "Subject to sub-section (1A), where an employee";

- (b) by inserting after sub-section (1) the following:

"(1A) Where an employee who is entitled to long service leave ceases to be an employee by reason of serious misconduct, the employer shall pay to the

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employee, in lieu of that long service leave, an amount not less than the pay that would be payable to the employee at his ordinary rate of pay for a period equal to his long service leave credit in respect of each completed 10 years of his service with that employer at the time he ceases that employment."; and

(c) by omitting sub-section (3) and substituting the following:

"(3) Where an employee dies but, if he had lived, would have been entitled to payment under sub-section (1) or (2) had he otherwise ceased to be employed on the date of his death, his former employer shall, on the request of the personal representative of the employee, pay to the personal representative the amount that would have been payable to the employee under those circumstances."

7. ORDINARY RATE OF PAY FOR LONG SERVICE LEAVE

Section 11(2) of the Principal Act is amended by omitting "section 8(5)" and substituting "section 8(6)".

8. LEAVE RECORDS

Section 14(2)(a) of the Principal Act is amended by omitting "2 years" and substituting "3 years".

9. NEW SECTION

The Principal Act is amended by inserting after section 18 the following:

"18A. LIMITATION OF TIME FOR PROSECUTION

"Notwithstanding any other law in force in the Territory, a proceeding for an offence against this Act may be instituted within 3 years after the act or omission alleged to constitute the offence."
