



New South Wales

Portable Long Service Leave Legislation Amendment Act 2024 No 84

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Portable Long Service Leave Legislation Amendment Act 2024 No 84

Act No 84, 2024

An Act to amend the *Building and Construction Industry Long Service Payments Act 1986*, the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* and regulations under the Acts to prevent the cancellation of registration under the Acts because of work carried out at Commonwealth places; and for other purposes. [Assented to 21 November 2024]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Portable Long Service Leave Legislation Amendment Act 2024*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendments relating to building and construction industry

1.1 Building and Construction Industry Long Service Payments Act 1986 No 19

[1] Section 19 Cancellation or suspension of registration

Insert after section 19(7)—

- (7A) If the cancelled registration of a person is restored under this section, this Act applies in relation to the person as if the person's registration had not been cancelled.

[2] Section 19A

Insert after section 19—

19A Restoration of cancelled registration

A special circumstance warranting reinstatement of the registration of a worker under section 19(6)(b)(i) is if—

- (a) the non-service days used as the basis for cancelling the registration included days (*Commonwealth place days*) on which the worker performed building and construction work at a place that—
 - (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
 - (ii) is within the State, and
- (b) the registration would not have been cancelled if the Commonwealth place days were days of service.

1.2 Building and Construction Industry Long Service Payments Regulation 2022

Section 7 Non-service days—the Act, s 19

Insert after section 7(1)(c)—

- (c1) a day on which a worker performs building and construction work at a place that—
 - (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
 - (ii) is within the State,

Schedule 2 Amendments relating to contract cleaning industry

2.1 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

[1] Schedule 2 Savings, transitional and other provisions

Insert before clause 1—

Part 1 Regulations

[2] Schedule 2, Part 2

Insert after clause 2—

Part 2 Provision consequent on enactment of Portable Long Service Leave Legislation Amendment Act 2024

3 Reinstatement of cancelled registration

- (1) A special circumstance warranting reinstatement of registration of a person as a worker under section 30(1) is that the registration would not have been cancelled had the days on which the worker performed cleaning work at a Commonwealth place within the State been excluded from the non-service days used as the basis for the cancellation.
- (2) In this section—
 Commonwealth place has the same meaning as in the *Commonwealth Places (Application of Laws) Act 1970*.

2.2 Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2022

Section 5 Non-service days—the Act, ss 28 and 29

Insert after section 5(1)(c)—

- (c1) a day on which a worker performs cleaning work at a place that—
 - (i) is a Commonwealth place within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*, and
 - (ii) is within the State,

[Second reading speech made in—

Legislative Assembly on 18 September 2024

Legislative Council on 14 November 2024]