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Long Service Leave (Commonwealth Employees) Bill 1975
introduced 21 October 1976
House of Representatives
Mr. Street

Short Digest of Bill

Purpose
The principal objects of the Bill are to liberalize the existing Commonwealth law on
long service leave (hitherto called furlough) and to include all provisions for such
leave for most persons employed by the Commonwealth in one Act.

Summary
The existing law is to be found in the Public Service Act and the Commonwealth
Employees’ Furlough Act. The former Act covers permanent public servants and the
latter temporary public servants and permanent and temporary employees of
Commonwealth authorities.

Many of the provisions of the Bill repeat the substance of the existing legislation but
with some drafting changes.

The additions to the legislation include extension to part-time employees (sub-clause
10 (1)); the taking into account of service with local government bodies (paragraph 6
(b)); the reduction of the qualifying period for extended leave or pay in lieu from 4
years to 1 year (sub-clause 17 (1)); making payment in lieu of long service leave or
extended leave mandatory (subclauses 16 (4) and 17 (5)); and authorizing payments to
the legal personal representative of deceased employees where no payments have
been made to his dependents (sub-clause 23 (3))

The Bill does not alter in substance the central provision of the existing legislation
(section 7) which authorizes the grant of three months leave on full pay or six months
on half pay to a person who has been employed by the Commonwealth for 10 years.
The corresponding provision in the Bill (clause 16) uses the concept of long service
leave credit. Formulas for the calculation of this are set out in clause 18. Clause 20 of
the Bill makes more detailed provision than the existing legislation on the rate of
salary payable during long service leave.

Provision is made by clause 24 of the Bill authorizing payment to a person who
ceased to be an employee of the Commonwealth after 1 January 1973, his dependents
or his legal personal representative of any additional amount that would have been
payable if the changes made by the Bill had been in force at that date.

Like section 6A of the Commonwealth Employees Furlough Act, clause 15 of the Bill
protects awards for seamen. Special provision is made by the Bill in relation to
service in the Independent State of Papua New Guinea (clause 13).
Background

The qualifying period for long service leave was reduced from 15 years to 10 in 1973. A Bill very similar to the present Bill was introduced in 1975. It sought to provide a uniform code on long service leave, would have covered part-time employees, would have recognised prior continuous service with local government bodies and would have authorized payment in lieu after one year’s service.

The 1975 Bill provided that after 10 years service long service leave would accrue at the rate of one half of one month per year. The present Bill does not contain a similar provision.

Existing Legislation

Clause 3 of the Bill provides for the repeal of the existing Commonwealth Employees Furlough legislation. The companion Public Service Amendment Bill provides for the repeal of the long service leave provisions of the Public Service Act.

Law and Government Group

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