

	Entitlement	Absences not contributing to service	Re-employing after termination	Pro Rata	Rate of pay for full time employees	Rate of pay for part-time/casual employees	How can LSL be taken?	Do casual employees have entitlement	Cashing out of LSL	Notice requirement to take LSL	Interaction with public holidays	Record keeping requirements
ACT	6.0667 weeks after 7 years, then 0.8667 weeks per completed year. On termination, entitlement calculated on completed years	Unpaid Parental Leave, any other leave granted by the employer except for annual leave, LSL and up to 14 days absence per year on account of illness or injury	2 Months if terminated by employer and then re-employed. 6 Months if stood down due to slackness of trade	Between 5 and 7 years. <u>Employer</u> : dismissal other than serious and wilful misconduct; or <u>employee</u> : resignation due to retirement, illness, incapacity or domestic or other pressing necessity or death. Calculation on completed years and months.	Ordinary remuneration employee would have received if leave had not been taken. Rate includes allowances payable for skills, qualifications, board and lodging, bonuses but not overtime or penalties. If the employee has worked full-time within two years of becoming entitled to leave, payment is calculated as the average over the prior five years to becoming entitled. If employee is remunerated wholly or partly by commission, rate payable is average of all salaries/wages/commissions over the last 12 months	Average number of hours worked each week during the 12 months before the entitlement date x ordinary rate of pay	Silent	Yes	No	Employee entitled to take leave as soon as entitlement arises (taking into consideration the needs of the organisation). Employer must provide 60 days written notice when requiring the employee to take the leave.	Public holidays extend the period of LSL	7 years following termination of employment
NT	13 weeks after 10 years then 6.5 weeks for each 5 years service . Payment made on completed years only	Generally, absences on leave without pay, workers compensation, unpaid maternity leave, and unpaid sick leave will not count as time worked for the purpose of calculating the entitlement to long service leave;	2 months if terminated by either party and then re-employed	Between 7 and 10 years, calculation on completed years and months. <u>Employer</u> : dismissal other than serious and wilful misconduct; or <u>employee</u> : resignation due to retirement, illness, incapacity or domestic or other pressing necessity or death. Payment made on completed years only	Rate of pay as per the fixed terms of employment. If not fixed rate, then rate of pay = rate at commencement of leave x average hours over period of employment. For commission based employees, rate of pay = average over the last 12 months	Rate of pay = rate at commencement of leave x average hours last 12 months of continuous service	One continuous period unless agreed by employer and employee and if agreed, each period is not less than 4 weeks	Yes	No	Usually the time for taking leave is by mutual agreement between employee and employer, however the employer can require the employee to take long service leave by providing 2 month's notice.	Public holidays and weekends are deemed to be part of the long service leave	Records must be kept for 3 years after termination or 6 years after all final monies have been paid out in the case of the death of an employee.
NSW	2 months after 10 years, then 1 month for each 5 years thereafter. On termination after 15 years, entitlement is based on completed years only	Unpaid Parental Leave, any other leave granted by the employer except for annual leave, LSL, or account of illness or injury	2 months if terminated by employer and then re-employed however no time limit if stood down due to slackness of trade	Between 5 and 10 years. <u>Employer</u> : dismissal other than serious and wilful misconduct; or <u>employee</u> : resignation due to illness, incapacity or domestic or other pressing necessity or death.	Paid at the ordinary pay rate which has been paid to a worker prior to taking leave or an average of the last five years ordinary pay earnings, whichever is greater. Includes an average of any bonus or other incentive payments paid over the past 12 months or five years unless earning more than \$158,500 per year.	Where hours are not fixed (eg casual), pay the greater of the average hours over the last 12 months or the last 5 years. For commission only employees, rate of pay is the average weekly ordinary rate of pay earned during the previous 12 months, or the average weekly ordinary rate of pay earned during the previous five years.	One continuous period - separate periods may be agreed as follows: 2 months = 2 periods, less than 19.5 weeks = 2 or 3 periods, more than 19.5 weeks = 2, 3, or 4 periods	Since 9 May 1985 - no entitlement prior to this date	No	Employee entitled to take leave as soon as entitlement arises (taking into consideration the needs of the organisation). Employer must provide 1 month notice when requiring the employee to take the leave.	Public holidays extend the period of LSL	Records must be kept for 6 years following termination of employment
QLD	8.667 weeks after 10 years then 4.33 weeks for each 5 years thereafter	Absence due to illness or injury where employee is not paid; employee has been on unpaid leave granted by employer (eg unpaid parental leave), absences due to industrial dispute, defence reserve leave	3 months if terminated by either party and then re-employed however no time limit if stood down due to slackness of trade	Between 7 and 10 years. <u>Employer</u> : in any circumstance other than due to the employee's conduct, capacity or performance; or the employer unfairly dismissing the employee. <u>Employee</u> : death or due to illness, incapacity, domestic or other pressing necessity.	What the employee would have received for working their ordinary hours - not including overtime and penalties	Total ordinary hours worked during the period of service x 0.86667 / 52		For casual service between 23/6/1990 and 30/3/1994, employee must have worked at least 32 hours in each consecutive 4 week period. After 30/3/1994, casuals are entitled to LSL.	Can cash out if there is a term in industrial agreement permitting this or by approval from the Commissioner	By mutual agreement. If no mutual agreement can be reached, employer must provide 3 months written notice for the employee to take at least 4 weeks LSL	Public holidays extend the period of LSL	Records must be kept for 6 years
SA	13 weeks after 10 years then 1.3 weeks for each year of service. Payment made on completed years only	Generally, absences on leave without pay, maternity leave and absences for industrial disputation and stand-downs do not count as time worked	2 months if terminated by employer and then re-employed	Between 7 and 10 years. <u>Employer</u> : in any circumstance other than due to the employee's conduct, <u>Employee</u> : any reason except unlawful termination of contract. Payment made on completed years only	Paid at the employee's ordinary rate of pay not including shift penalties and overtime. Commission based employees - use average weekly wage over past 12 months excluding any period where the employee was on unpaid leave for the full week.	Average weekly rate of pay over the last 3 years. When averaging wages fro part-time/casual employees, disregard any periods where the employee was on unpaid leave for the week.	One continuous period or as agreed between employer and employee	Yes	Yes - if agreement is in writing	Employee entitled to take leave as soon as entitlement arises (taking into consideration the needs of the organisation). The employer should give a worker at least 60 days notice of the date from which leave is to be taken	Public holidays do not extend LSL	Records must be kept throughout the period of the worker's service and for at least three years after the termination of that service
TAS	Until 30/6/12 – 13 weeks after 15 years. Effective 1/7/12 – 8.667 weeks after 10 years	Generally, absences on leave without pay, maternity leave and absences due to industrial disputation and stand-downs	3 Months if terminated by employer and then re-employed. 6 Months if stood down due to slackness of trade	Between 7 and 10 years. <u>Employer</u> : dismissal other than serious and wilful misconduct; or <u>employee</u> : resignation due to reaching retirement age, illness, incapacity or domestic or other pressing necessity or death.	Rate of pay that the employee would receive if the employee remained at work during that period - including shift penalties/loadings and all purpose allowances but not including overtime, bonus payments or meal allowances. Commission employees = average weekly rate over the last 3 months	Average weekly pay over the last 12 months immediately prior to the commencement of leave	One continuous period - or, if agreed between employer and employee, 2 separate periods	Must work at least 32 hours in each consecutive 4 week period. Prior to Dec 1979, there was no requirement to work the 32 hours (i.e even 1 hour per week would contribute to service)	Yes	Employee entitled to take leave as soon as entitlement arises (taking into consideration the needs of the organisation).	Public holidays extend the period of LSL	Up to 12 months following termination of employment
VIC	6.0667 weeks after 7 years service	Up to 52 weeks unpaid Leave will count as service, and in the case of a casual or seasonal employee, paid or unpaid parental leave that is not longer than 104 weeks will count towards service. Any absence on account of illness or injury counts towards service	12 weeks if termination initiated by the employer or the employee, except when terminated for serious and wilful misconduct	No pro-rata entitlement prior to 7 years continuous service	Ordinary rate of pay immediately prior to taking the leave, including cash value of any board or lodging. However if ordinary rate of pay is not fixed for more than 2+ years, then the greater of average weekly pay over last 52 weeks, 260 weeks or full period of continuous employment	If hours have changed within the 2 years immediately preceding the leave, then the average number of weekly hours immediately prior to commencement of leave for 52 weeks, 260 weeks or whole period of continuous employment, whichever is the greater. Disregard any periods the employee was on unpaid leave for the week.	A single day at a time	Yes - providing that the break between service periods is no longer than 12 weeks (or as per engagement for seasonal casuals)	No	Employer must provide 12 weeks written notice if requiring the employee to take the leave	Public holidays extend the period of LSL	Records must be kept for at least 7 years following termination of employment
WA	8.667 weeks after 10 years then 4.33 weeks for each 5 years thereafter	Unpaid/Paid Parental Leave, any other leave granted by the employer except for annual leave, LSL and up to 15 days absence per year on account of illness or injury	2 Months if terminated by employer and then re-employed. 6 Months if stood down due to slackness of trade	Between 7 and 10 years. <u>Employer</u> : dismissal other than serious and wilful misconduct; or <u>employee</u> : resignation, illness, incapacity or domestic or other pressing necessity or death.	Paid at the ordinary rate of pay applicable at the time the leave is taken. Ordinary pay does not include shift premiums, overtime, penalty rates and allowances. For an employee who is paid by results, such as piece rates or commission work, the rate of pay while on long service leave is the average weekly rate earned during the past 12 months of employment.	A part time or casual employee is paid LSL at the ordinary rate of pay for the average number of hours worked over the period of employment.	One continuous period or as agreed between employer and employee in periods of not less than 1 week.	Yes	Yes if agreed in writing	The employee is to give to the employer at least 2 weeks' notice of the period during which the employee intends to take the LSL. Otherwise by agreement between employee and employer.	Public holidays extend the period of LSL	Records must be kept for 7 years following termination of employment