



Minister for Disability
Minister for Community Services and Facilities
Minister for Employment and Workplace Safety
Minister for Government Services and Procurement
Member for Yerrabi

Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
Via email: Scrutiny@parliament.act.gov.au

CMTEDD2020/2644

Dear Mrs Jones

I refer to *Scrutiny Report 43* of the Standing Committee on Justice and Community Safety (the Committee) and the comments made by the Committee in relation to the *Long Service Leave (Portable Schemes) COVID-19 Emergency Leave Determination 2020 (No 1)* (eligibility instrument).

This eligibility instrument sets out the eligibility criteria for temporary amendments made to the *Portable Long Service Leave (Portable Schemes) Act 2009* (the Act). The amendments and eligibility instrument were designed to allow special early access to leave entitlements for eligible workers whose employment has been affected by the COVID-19 emergency.

The amendments and eligibility instrument are clear and will operate for the period of the COVID-19 emergency such that eligible workers are able to get early access to *up to two weeks* of their leave entitlements that would not have otherwise been allowed under the Act. For the avoidance of any doubt, the explanatory statement referred to sections 138 and 139 of the *Legislation Act 2001*, in relation to the amendments to the Act, to make it clear the special early access to leave amendments were separate and distinguishable from circumstances where a worker accesses their normal leave entitlement under the Act. This was to avoid any uncertainty for the majority of workers accessing their normal portable long service leave entitlement who may only access their leave in blocks of two weeks or more.

I thank the Committee for their consideration of the eligibility instrument and trust that the above information clarifies the explanation provided in the explanatory statement.

Yours sincerely

Suzanne Orr MLA
Minister for Employment and Workplace Safety

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