

Queensland



Gladstone Power Station Agreement Act 1993

GLADSTONE POWER STATION (LONG SERVICE LEAVE) REGULATION 1994

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 SL No. 119)**

Reprint No. 1B

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Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2004 SL No. 172 s 33

Information about this reprint

This regulation is reprinted as at 1 July 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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GLADSTONE POWER STATION (LONG SERVICE LEAVE) REGULATION 1994

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GLADSTONE POWER STATION (LONG SERVICE LEAVE) REGULATION 1994

[as amended by all amendments that commenced on or before 1 July 2003]

1 Short title

This regulation may be cited as the *Gladstone Power Station (Long Service Leave) Regulation 1994*.

2 Definitions

In this regulation—

“all purpose rate” has the meaning given in the award.

“award” means the Gladstone Power Station Award—State.

“company” means NRG Gladstone Operating Services Pty Ltd.

“date of transfer” has the meaning given in the State agreement.

“employee” means an employee of the company at the Gladstone Power Station after the date of transfer who is employed on a full-time, part-time or casual basis (within the meaning of the *Industrial Relations Act 1990*).

“former QEC employee” means an employee who—

- (a) immediately before the date of transfer was employed by the Queensland Electricity Commission at the Gladstone Power Station; and
- (b) became an employee on the date of transfer because of the Power Station Sale Agreement.

“projected roster rate”, for an employee who is a continuous shift worker taking long service leave, means the all purpose rate plus the Station standard loading.

“service” means the term of continuous service (within the meaning of the *Industrial Relations Act 1990*) with the company and, for a former QEC employee, includes the term of continuous service stated in the employee’s certificate given under section 26 of the Act.

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“Station standard continuous shift roster” means the continuous shift roster mentioned in section 4.9.2 of the award.

“Station standard loading” means the average of all shift and weekend penalties (other than overtime) earned from the Station standard continuous shift roster.

3 Who is entitled to long service leave

(1) An employee is entitled to long service leave if—

- (a) the employee completes at least 10 years service; or
- (b) the employee completes at least 5 years service ending when the employee—
 - (i) dies; or
 - (ii) resigns on or after reaching 55 years; or
 - (iii) subject to subsection (2), resigns before reaching 55 because of ill-health.

(2) An employee mentioned in subsection (1)(b)(iii) is entitled to long service leave only if the employee gives the company a certificate, from a doctor agreed between the employee and the company, stating that the employee cannot continue employment because of ill-health.

4 How long service leave is calculated

An employee is entitled to long service leave calculated—

- (a) for a full-time employee—at the rate of 1.3 weeks on full pay for each year of service and a proportionate amount for an incomplete year of service; and
- (b) for a part-time or casual employee—at the rate mentioned in paragraph (a) in the proportion that the hours worked by the employee bears to the hours worked by a full-time employee.

5 Periods of absence without pay that count as service

An employee’s period of service does not include a period when the employee is absent without pay other than—

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- (a) when the employee receives compensation under the *Workers' Compensation and Rehabilitation Act 2003* for an injury sustained by the employee; or
- (b) a period of authorised leave of not more than 2 weeks; or
- (c) a period of leave that the company has approved as service for this regulation.

6 Taking long service leave

(1) An employee must apply for long service leave—

- (a) in the form approved by the company; and
- (b) at least 1 month before the leave is to be taken, unless the company agrees to accept a later application.

(2) An employee may take long service leave only at a time mutually convenient to the company and the employee.

7 Minimum period of long service leave

The minimum period of long service leave that an employee may take is 2 weeks.

8 Public holidays during long service leave

An employee's long service leave must be credited for a public holiday that falls while the employee is on long service leave if the employee is usually scheduled to work on the day.

9 Illness during long service leave

If an employee is granted sick leave of at least 1 week for an illness or injury that the employee suffers while on long service leave—

- (a) the employee's long service leave must be credited for the number of days of the sick leave; and
- (b) the period of long service leave actually taken is not subject to the minimum period requirement under section 7.

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10 Rate of payment for long service leave

The company must pay an employee for long service leave at—

- (a) for an employee who is a nominated relief shift worker—the highest of—
 - (i) 107.5% of the all purpose rate; or
 - (ii) the all purpose rate plus the average percentage loading earned by the employee in the previous year; or
 - (iii) if the employee has worked 26 or more weeks of continuous shift work immediately before the leave is taken—the Station standard continuous shift roster rate; or
- (b) for an employee who is a noncontinuous shift worker—the higher of—
 - (i) 107.5% of the all purpose rate; or
 - (ii) the all purpose rate plus the average percentage loading earned by the employee in the previous year; or
- (c) for an employee who is a continuous shift worker—the projected roster rate; or
- (d) for any other employee—the all purpose rate.

11 Payment instead of long service leave not taken

(1) If—

- (a) an employee's contract of employment with the company ends;
or
- (b) an employee dies;

the company must pay the employee or the deceased employee's personal representative for the long service leave that the employee is entitled to.

(2) Payment must be made at the all purpose rate.

(3) The company must pay the employee for any long service leave that would have accrued had the employee taken the long service leave.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Gladstone Power Station (Long Service Leave) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	25 March 1994	29 June 1995
1A	to 1997 SL No. 17	1 February 1997	21 March 1997 (Column discontinued) Notes
1B	to 2003 SL No. 119	1 July 2003	

5 List of legislation

Gladstone Power Station (Long Service Leave) Regulation 1994 SL No. 114

notfd gaz 25 March 1994 pp 1228–32

commenced on date of notification

amending legislation—

WorkCover Queensland Regulation 1997 SL No. 17 ss 1–2, 47 sch 6

notfd gaz 31 January 1997 pp 376–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 1997 (see s 2)

Workers' Compensation and Rehabilitation Regulation 2003 SL No. 119 ss 1–2, 121 sch 7

notfd gaz 20 June 2003 pp 633–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

6 List of annotations

Periods of absence without pay that count as service

s 5 amd 1997 SL No. 17 s 47 sch 6; 2003 SL No. 119 s 121 sch 7