

# Fact Sheet: Pro rata entitlement to long service leave

Updated 21/09/2021

Every state and territory's long service leave act provides for a pro rata payment if employment is terminated before the employee's entitlement date, but the criteria for entitlement differ from one jurisdiction to the other.

## Australian Capital Territory

An employee is entitled to a pro rata long service leave payment if their employment ends between 5 and 7 years for one of the following reasons:

- Resignation upon or after reaching 65 years of age (or, if applicable, the "minimum retiring age" as per the relevant award or agreement).
- Resignation due to illness or incapacity or a domestic or other pressing necessity of such a nature to justify the termination.
- Dismissal by the employer for any reason except serious and wilful misconduct.
- The death of the employee.

In ACT, the pro rata payment is calculated based on each completed year and month of service.

## New South Wales

An employee is entitled to a pro rata long service leave payment if their employment ends between 5 and 10 years for one of the following reasons:

- Resignation due to illness or incapacity or a domestic or other pressing necessity of such a nature to justify the termination.
- Dismissal by the employer for any reason except serious and wilful misconduct.
- The death of the employee.

In NSW, the pro rata payment is calculated based on the employee's total length of service.

## Northern Territory

An employee is entitled to a pro rata long service leave payment if their employment ends between 5 and 7 years for one of the following reasons:

- Resignation upon or after reaching retirement age (the age at which the employee is entitled to receive the age pension).
- Resignation due to illness or incapacity or a domestic or other pressing necessity which prevents the employee from being able to work.
- Dismissal by the employer for any reason except serious and wilful misconduct.
- The death of the employee.

In NT, the pro rata payment is calculated at 1.3 weeks for each completed year of service.

### Queensland

An employee is entitled to a pro rata long service leave payment if their employment ends between 7 and 10 years for one of the following reasons:

- Resignation due to illness or incapacity or a domestic or other pressing necessity of such a nature to justify the termination.
- Dismissal by the employer for any reason other than the employee's conduct, capacity, or performance.
- The employee is unfairly dismissed.
- The death of the employee.

In QLD, the pro rata payment is calculated based on the employee's total length of service.

### South Australia

An employee is entitled to a pro rata long service leave payment if their employment ends between 7 and 10 years for any reason, except:

- Dismissal for serious and wilful misconduct.
- Unlawful termination by employee (for example, not giving required notice of

resignation). In SA, the pro rata payment is calculated at 1.3 weeks for each completed year of service.

### Tasmania

An employee is entitled to a pro rata long service leave payment if their employment ends between 7 and 10 years for one of the following reasons:

- Resignation upon or after reaching retirement age (60 years for women, 65 years for men).
- Resignation due to illness or incapacity or a domestic or other pressing necessity of such a nature to justify the termination.
- Dismissal by the employer for any reason except serious and wilful misconduct.
- Employment is terminated by constructive dismissal.
- The death of the employee.

In TAS, the pro rata payment is calculated based on the employee's total length of service.

### Victoria

An employee is entitled to a pro rata long service leave payment if their employment ends for any reason on or after 7 years of service.

In VIC, this payment is calculated on the employee's total length of service and must be paid in full on the employee's last day of work.

### Western Australia

An employee is entitled to a pro rata long service leave payment if their employment ends between 7 and 10 years for any reason, except:

- Dismissal for serious misconduct.

In WA, the pro rata payment is calculated based on the employee's total length of service.

### [For more information](#)

For more information on long service leave, see our Long Service Leave Fact Sheet located on our website.

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