



TASMANIAN INDUSTRIAL COMMISSION

CITATION: [2026] TASIC 15 - T1515223 of 2025 – Sarah Anderton v Canine Defence League Inc (t/a Dogs Home of Tasmania)

PARTIES: Sarah Anderton (Applicant)

Canine Defence League Inc (t/a Dogs Home of Tasmania)

SUBJECT: Industrial Relations Act 1984, s 29(1A) application for hearing of an industrial dispute

FILE NO: T152235

HEARING DATE(S): 13 August 2025

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 1 April 2026

COMMISSIONER: President D J Barclay

CATCHWORDS: Calculation of long service leave entitlements – 12 months prior to termination – application dismissed

SARAH ANDERTON V TASMANIAN CANINE DEFENCE LEAGUE (T/A DOGS HOME OF TASMANIA)

REASONS FOR DECISION

HOBART, 1 APRIL 2026

Edited reasons for decision given *ex tempore* on 13 August 2025.

[1] Sarah Anderton (the Applicant) has made an application in relation to alleged underpayment of long service leave by Tasmanian Canine Defence League (t/a Dogs Home of Tasmania) (the Respondent).

[2] The Applicant's entitlement to long service leave vested when she ceased work on 27 August 2024. On 2 September 2024, the Applicant was paid an amount equivalent to 134.22 hours. The Respondent calculated the amount of long service leave on the basis of ordinary pay calculated using the average weekly hours of 15.27 per week, calculated over the 12 months immediately preceding the vesting of the entitlement to long service leave, namely 27 August 2023 to 27 August 2024.

[3] The applicant calculates her average weekly earnings at 18.57 hours per week, using the 12-month period 24 June 2023 to 24 June 2024. The significance of the date 24 June 2024 is that that was the last day that the Applicant worked. From 24 June, the Applicant was on sick leave for apparent work-related stress. She ceased employment on 27 August 2024. The question for determination is whether the long service leave should be calculated from 24 June 2024, when she last worked, or 27 August 2024, when she ceased employment. The question is answered by ss 11(6) and 12(4) of the Long Service Leave Act 1976. Section 11(6) provides that:

“(6) Where no normal weekly number of hours of work is fixed for an employee under the terms of his employment, his normal weekly number of hours of work shall, for the purposes of this section, be taken to be the average weekly number of hours worked by him in that employment during the period of 12 months ending on the commencement of the relevant period.”¹

[4] Section 12(4) provides that:

“(4) ... where the employment of an employee is for any reason terminated before he takes any long service leave to which he is entitled, or where any long service leave entitlement accrues to an employee because of the termination of his employment, the employee shall be deemed to have commenced to take his leave on the date of the termination of employment and to be entitled to be paid by his employer ordinary pay in respect of that leave accordingly.”

[5] In this instance, the Applicant's employment was both terminated before long service leave was taken and long service leave accrued because of termination.

¹ Emphasis added.

[6] Therefore, the effect of ss 11(6) and 12(4) is that the commencement of the relevant period to which 11(6) refers is the date of termination. Accordingly, the relevant period for calculation of the 12 months is 27 August 2023 to 27 August 2024.

[7] In light of the above, it is common ground that the Applicant has received that to which she is entitled. Accordingly, I dismiss the application.

