

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)
(AMENDMENT) BILL 1993**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

**Circulated by the Authority of the Minister for Industrial Relations
Wayne Berry MLA**

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1993

Supplementary Explanatory Memorandum

The Long Service Leave (Building and Construction Industry) (Amendment) Bill 1993 ('the Bill') amends the Long Service Leave (Building and Construction Industry) Act 1981 ('the Act') to give effect to a broad review of the Act. In particular the Bill, at paragraph 15(h), amends section 32 of the Act to enable a person to lodge an application for registration up to 12 months after his or her employment in the industry has ceased.

The purpose of the Government amendments is to make it clear at what point the registration of a person who has made an application for registration under section 32 of the Act takes effect.

Amendment 1 amends clause 17 of the Bill by adding a new paragraph (d) which omits subsection 36(7) of the Act and inserts new subsections 36(7) and 36(8).

New subsection 36(7) provides that the registration of a person takes effect according to whether the person to be registered was an employee within the meaning of the Act 12 months prior to the date of application. If the person was an employee at that time his or her registration takes effect on the day he or she commenced work in the industry with the employer with whom he or she was employed 12 months prior to the date of application or on 1 October 1981, whichever is the later. The Act commenced operation on 1 October 1981 and the amendment ensures that a period of employment in the industry for long service leave purposes cannot be taken account of prior to that time.

If the person was not an employee 12 months prior to the date of application his or her registration takes effect on the day he or she commenced work in the industry in the 12 month period.

New subsection 36(8) is an interpretation provision.

Amendment 2 omits paragraph 22(d) of the Bill and inserts a new paragraph 22(d) which omits subsection 42(8) of the Act. Subsection 42(8) clarifies when a person is considered to have become registered for the purpose of calculating long service leave credits.

Because the changes made by **Amendment 1** conclusively establish when the registration of a person takes effect subsection 42(8) is unnecessary.