

AUSTRALIAN CAPITAL TERRITORY

Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1984

No. 12 of 1984

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 3 May 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories and Local Government

An Ordinance to amend the *Long Service Leave (Building and Construction Industry) Ordinance 1981*

Short title

1. This Ordinance may be cited as the *Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1984*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Long Service Leave (Building and Construction Industry) Ordinance 1981*.²

Interpretation

3. Section 3 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the definition of “building and construction work” and substituting the following definition:

“ ‘building and construction work’ means work performed in the Territory in the building and construction industry, being work in respect of which a rate of pay is fixed by a prescribed award;”;

- (b) by omitting from the definition of “contractor” in sub-section (1) “building and construction work” and substituting “work in the building and construction industry”;

- (c) by omitting from the definition of “employee” in sub-section (1) “in building and construction industry” and substituting “to perform building and construction work”;

- (d) by omitting from sub-section (1) the definition of “employer” and substituting the following definition:

“ ‘employer’ means a person (other than the Commonwealth, the Australian National University or the Canberra College of Advanced Education) who employs any person to perform building and construction work;”;

- (e) by omitting paragraph (a) from the definition of “ordinary remuneration” in sub-section (1) and substituting the following paragraph:

“(a) in relation to an employee—any amount paid or payable to the employee in respect of the performance by him of building and construction work, being an amount that is the sum of—

(i) the salary or wages paid or payable in respect of that work;

(ii) any allowances paid or payable in respect of that work in relation to skill or qualifications; and

(iii) any amounts paid or payable in respect of that work under a bonus or incentive scheme, being amounts that are usually paid to the employee with his salary or wages; and”;

- (f) by omitting from paragraph (b) of the definition of “ordinary remuneration” in sub-section (1) “building and construction work” and substituting “work in the building and construction industry”.

Application for registration

4. Section 27 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “A person who is an employer in the building and construction industry” and substituting “An employer”; and
- (b) by omitting sub-paragraph (2) (b) (iii) and substituting the following sub-paragraphs:
 - “(iii) the names of all persons who are employees of the applicant;
 - (iia) the award under which each of the persons referred to in sub-paragraph (iii) is employed; and”.

Registration

5. Section 28 of the Principal Ordinance is amended by omitting from sub-section (1) “in the building and construction industry”.

Application for registration by employee or contractor

6. Section 32 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (a) “in the building and construction industry”;
- (b) by omitting from paragraph (1) (b) “in that industry”; and
- (c) by omitting sub-paragraph (2) (b) (ii) and substituting the following sub-paragraphs:
 - “(ii) where the applicant is an employee—the nature of the building and construction work performed by the applicant, the date on which he commenced his current employment in that work, and the award under which he is employed;
 - (iia) where the applicant is a contractor—the nature of the work in the building and construction industry performed by the applicant and the date on which he commenced his current work in that industry;”.

Application by employee for registration of employee

7. Section 34 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “a person in the building and construction industry and that person” and substituting “an employee who”; and
- (b) by omitting from sub-section (1) “person” (last occurring) and substituting “employee”.

Registration

8. Section 36 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (a) “in the building and construction industry”;
- (b) by omitting from paragraph (1) (b) “in that industry”; and
- (c) by omitting from paragraph (1) (c) “in that industry”.

Employers to keep records

9. Section 39 of the Principal Ordinance is amended by inserting in paragraph (1) (b) “building and construction” after “nature of the”.

Service credits

10. Section 42 of the Principal Ordinance is amended by omitting paragraph (1) (a) and substituting the following paragraph:

- “(a) performs work, being—
 - (i) in the case of a registered employee—building and construction work; or
 - (ii) in the case of a registered contractor—work in the building and construction industry;”.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 9 May 1984.
- 2. No. 23, 1981.