

1990  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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Presented, 29 March 1990

(Minister for Finance and Urban Services)

**Long Service Leave (Building and  
Construction Industry) (Amendment)  
Bill 1990**

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**A BILL**

FOR

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

The Legislative Assembly for the Australian Capital Territory enacts  
as follows:

**Short title**

5       1. This Act may be cited as the *Long Service Leave (Building and  
Construction Industry) (Amendment) Act 1990*.

**Commencement**

2. (1) Sections 1 to 4 (inclusive), 7 and 13 are to be taken to have  
commenced on 1 January 1990.

10       (2) The remaining provisions commence on the day on which this  
Act is notified in the *Gazette*.

16323/89 (T55/89) Cat. No. 90 4186 8

320/30.3.1990



**Powers of the Board**

“19C. (1) At, or as soon as practicable after, the expiration of—  
(a) the period of 3 months commencing on 1 January 1990; and  
(b) each subsequent period of 3 months;

5 the Board may transfer to the Fund an amount not exceeding 10% of the sum of the amounts paid to the Board under sections 37 and 38 during that period.

“(2) The Board may invest Fund money as it sees fit, subject to section 23.

10 **Application of Fund money**

“19D. (1) The Minister may apply money out of the Fund for the purposes of training in the building and construction industry, or for any other purpose connected with that industry.

15 “(2) In exercising his or her power under subsection (1), the Minister shall consider any written recommendation of the ACT Regional Building and Construction Industry Training Council Incorporated in relation to the application of money under that subsection.”.

**Contracts**

20 8. Section 23 of the Principal Act is amended by adding at the end the following subsection:

“(2) Subsection (1) does not apply in relation to a contract for the investment of money entered into in accordance with section 90 of the *Audit Act 1989*.”.

**Triennial investigation by the Actuary**

25 9. Section 24 of the Principal Act is amended—

(a) by omitting from subsections (1), (2) and (3) “Australian Government”;

(b) by omitting from subsection (2) “his” (first occurring) and substituting “the”;

30 (c) by omitting from subsection (2) “his” (last occurring) and substituting “the Actuary’s”;

(d) by omitting from subsection (3) “by him”; and

(e) by adding at the end the following subsections:

35 “(4) The Treasurer shall, in writing, appoint an actuary for the purposes of this section.

“(5) In this section—

‘the Actuary’ means the actuary appointed under subsection (4).”.



5 **DA** is the number of days during the assessment time during which the applicant was absent from employment in the building and construction industry and was paid, or was entitled to be paid, ordinary remuneration, or compensation under the *Workmen's Compensation Act 1951*, by an employer in that industry, being days which are not credited to the applicant as service in the Employees and Contractors Register; and

10 **PH** is the number of public holidays and award holidays during the assessment time;

(ii) the amount calculated in accordance with the formula

$$\frac{\text{OR}}{(\text{DS} + \text{DA} + \text{PH})} \times 5, \text{ where—}$$

15 **OR** is the aggregate of the ordinary remuneration recorded in the Employees and Contractors Register as received by the applicant during the 12 month period ending at the termination of the last assessment period before the assessment date;

20 **DS** is the number of days' service during the 12 month period ending at the termination of the last assessment period before the assessment date, being service which is credited to the applicant in the Employees and Contractors Register;

25 **DA** is the number of days during the 12 month period ending at the termination of the last assessment period before the assessment date during which the applicant was absent from employment in the building and construction industry and was paid, or was entitled to be paid, ordinary remuneration, or compensation under the *Workmen's Compensation Act 1951*, by an employer in that industry, being days which are not credited to the applicant as service in the Employees and Contractors Register; and

30 **PH** is the number of public holidays and award holidays during the 12 month period ending at the termination of the last assessment period before the assessment date"; and

40 (b) by adding at the end the following subsection:

“(3) In subsection (1)—

‘assessment date’ in relation to an applicant, means the date on which the relevant application is received by the Board;

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'assessment period' means—

- (a) in relation to an applicant who is an employee—a period in relation to which a notice specifying the applicant as an employee has been lodged pursuant to section 37; or 5
- (b) in relation to an applicant who is a contractor—a period in relation to which the applicant has lodged a notice pursuant to section 38;

'assessment time' means the 2 assessment periods most recently completed before the assessment date, whether or not those periods are consecutive." 10

**Saving**

13. (1) Money set aside by the Board between 1 July 1989 and the expiration of 31 December 1989 for the purposes of the establishment of a fund for training in the building and construction industry is to be taken to constitute part of the Building and Construction Industry Training and Projects Fund. 15

(2) The action of the Board referred to in subsection (1) is to be taken to be as valid and effectual for all purposes as if Division 2A of Part II of the Principal Act as amended by this Act had been in force when that action was taken and as if the money had been transferred to the Fund in accordance with that Division. 20

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**NOTE**

- 1. Ordinance No. 23, 1981 as amended by Nos. 12 and 56, 1984; No. 55, 1986; Nos. 16 and 74, 1987; Nos. 22, 49, 64 and 74, 1988; Nos. 21 and 38, 1989.