

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

**LONG SERVICE LEAVE
(BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT)
ORDINANCE (NO. 2) 1988**

ORDINANCE NO 49 OF 1988

The Long Service Leave (Building and Construction Industry) Ordinance 1981 (the Principal Ordinance) provides for long service leave for employees and contractors in the building and construction industry. It establishes the Building and Construction Industry Long Service Leave Board (the Board) to administer the scheme of benefits provided by the Principal Ordinance.

The Long Service Leave (Building and Construction Industry) (Amendment) Ordinance (No. 2) 1988 (the Ordinance) gives effect to undertakings given to the Senate Standing Committee on Regulations and Ordinances arising out of its consideration of the Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1987. The Committee was concerned about the absence of rights of review from certain discretionary elements of the Ordinance.

The effect of each of the provisions of the Ordinance is outlined in the Attachment.

**ISSUED BY AUTHORITY OF THE MINISTER
OF STATE FOR THE ARTS,
AND TERRITORIES**

Long Service Leave (Building and Construction Industry)
(Amendment) Ordinance (No.2) 1988

Section 1 cites the short title of the Ordinance as the Long Service Leave (Building and Construction Industry) (Amendment) Ordinance (No.2) 1988.

Section 2 defines the Principal Ordinance as the Long Service Leave (Building and Construction Industry) Ordinance 1981.

Section 3 amends subparagraph 57(1)(b)(ii) of the Principal Ordinance by substituting the words "is satisfied" for the word "considers". That subparagraph applies in special circumstances where a notional weekly average of the ordinary remuneration of a person applying for a payment must be estimated for use in a formula which determines payments made under subsection 57(1).

The substitution clarifies the kind of decision that the Board makes under this subparagraph; expressing it in terms more appropriate for a provision of the kind under which reviewable decisions may be made.

Section 4 of the Ordinance amends section 59 of the Principal Ordinance, which deals with decisions that may be reviewed by the Administrative Appeals Tribunal in the following manner:

- Paragraph 4(a) makes decisions of the Board to refuse to re-register the name of an employee or contractor under subsection 45(2A) of the Principal Ordinance subject to review.
- Paragraph 4(c) makes notification by the Board that it is not satisfied that an applicant may be paid as mentioned in subparagraph 56A(3)(b)(iv) of the Principal Ordinance subject to review. The subparagraph referred to deals with advice on payments regarding the period of service credited to the applicant in the Employees and Contractors Register.
- Paragraph 4(d) makes decisions of the Board as to what it is satisfied is the notional weekly average of the ordinary remuneration of an applicant mentioned in subparagraph 57(1)(b)(ii) of the Principal Ordinance, subject to review.