

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)

(AMENDMENT) ORDINANCE (NO. 3) 1988

ORDINANCE NO. 64 OF 1988

The Long Service Leave (Building and Construction Industry) Ordinance 1981 (the Principal Ordinance) confers long service leave entitlements upon employees in the building and construction industry in the ACT. Subsection 42(1) of the Principal Ordinance provides that service credits conferring a right to long service leave are contingent upon an employee performing 'building and construction work'. Section 3 of the Principal Ordinance defines 'building and construction work' by reference to a prescribed award.

The Long Service Leave (Building and Construction Industry) Regulations (the Principal Regulations), prescribe awards for the purposes of section 3 of the Principal Ordinance. Paragraph 2(b) of the Principal Regulations specifies the Builders' Labourers (A.C.T.) Award 1982 as a prescribed award. This Award was replaced by the Building Industry Labourers (On-Site) A.C.T. Award 1986, following the deregistration of The Australian Building Construction Employees' and Builders Labourers' Federation by the Builders Labourers' Federation (Cancellation of Registration) Act 1986.

The Long Service Leave (Building and Construction Industry) Regulations (Amendment) has amended the Principal Regulations to substitute reference to the Building Industry Labourers (On-Site) A.C.T. Award 1986 for the superseded 1982 Award.

The Long Service Leave (Building and Construction Industry) (Amendment) Ordinance (No. 3) 1988 (the Ordinance) amends the Principal Ordinance to deem the Building Industry Labourers (On-Site) A.C.T. Award 1986 to have been a prescribed award for the purposes of the Principal Ordinance for the period between the time when this Award applied to ACT building and construction employees (i.e. 14 April 1986) and the commencement of the Ordinance.

The effect of the Ordinance together with the amendment of the Principal Regulations is to preserve the long service leave entitlement of employees in the building and construction industry.

Details of the Ordinance are:

Section 1 cites the title of the Ordinance as the Long Service Leave (Building and Construction Industry) (Amendment) Ordinance (No. 3) 1988.

Section 2 amends section 3 of the Long Service Leave (Building and Construction Industry) Ordinance 1981 by inserting new subsection 3(3) which deems the Building Industry Labourers (On-Site) A.C.T. Award 1986 to have been a prescribed award for the purposes of the Principal Ordinance for the period from 14 April 1986 until immediately prior to the commencement of the Ordinance.

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