

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION
INDUSTRY (AMENDMENT) ORDINANCE 1986
NO. 55 OF 1986

The Long Service Leave (Building and Construction Industry) Ordinance 1981 ("the Principal Ordinance") establishes a long service leave scheme for employees and contractors in the building and construction industry.

The Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1984 amended the definition of "building and construction work" in the Principal Ordinance, with the result that building work supervisors were no longer covered by the provisions of the Principal Ordinance. Under that amended definition "building and construction work" was defined as "work in respect of which a rate of pay is fixed by a prescribed award". As there was and still is no award for building work supervisors, these workers were not covered by the provisions of the Principal Ordinance.

As a result of this, workers temporarily promoted to supervisory positions lost access to benefits under the Principal Ordinance and in time might have lost their entire accrued service credits.

The Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1986 ("the Amending Ordinance") amends the Principal Ordinance by including work performed by building work supervisors within the definition of 'building and construction work'.

The Amending Ordinance has retrospective operation to 9 May 1984, the date of commencement of the Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1984. This retrospectivity protects the rights of workers who would otherwise have lost the benefit of the provisions of the Principal Ordinance between 9 May 1984 and the date on which the Amending Ordinance is made, but does not adversely affect the rights of employers, who had continued to make contributions under the Principal Ordinance in respect of these workers. Retrospectivity therefore simply validates current practice.

Details of the Amending Ordinance are outlined in the Attachment.

ATTACHMENT

DETAILS OF THE PROPOSED ORDINANCE

Section 1 deals with the short title.

Section 2 provides that the Amending Ordinance is deemed to have come into operation on 9 May 1984.

Section 3 substitutes a new definition of 'building and construction work' into section 3 of the Principal Ordinance. The new definition refers to work performed by building work supervisors, including foreman and leading hands.