

AUSTRALIAN CAPITAL TERRITORY
LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)
(AMENDMENT) ORDINANCE 1984
NO. 12 OF 1984

EXPLANATORY STATEMENT

The Long Service Leave (Building and Construction Industry) (Amendment) Ordinance 1984 (the Amending Ordinance) amends the Long Service Leave (Building and Construction Industry) Ordinance 1981 (the Principal Ordinance) to enable the expansion of the classes of employees and contractors eligible for benefits under the Principal Ordinance, and to rectify certain anomalies in the operation of the Principal Ordinance.

Sections 1 and 2 of the Amending Ordinance deal with interpretation.

Section 3 of the Amending Ordinance amends sub-section 3(1) of the Principal Ordinance as follows:

- Paragraph 3 (a) of the Amending Ordinance repeals the definition of "building and construction work", and redefines such work as being work performed in the Territory in the building and construction industry for which a rate of pay is fixed by a prescribed award. This enables the expansion of the classes of employees eligible for benefits under the existing Ordinance, and provides for greater flexibility in the administration of the Principal Ordinance;
- Paragraph 3 (b) of the Amending Ordinance amends the definition of "contractor" to take into account the new definition of "building and construction work". This amendment permits identification of contractors to whom the Ordinance applies by reference to their involvement in the building and construction industry, a term which is defined in the Principal Ordinance. It has the effect of increasing the number of contractors eligible to participate in the long service leave scheme under the Principal Ordinance;
- Paragraph 3 (c) of the Amending Ordinance amends the Definition of "employee" so that it refers to "building and construction work" rather than to the performance of work in the building and construction industry. This and the following amendment bring the requirements for registration into line with the criteria for eligibility for benefits under the Principal Ordinance;
- Paragraph 3 (d) amends the definition of "employer" to refer to someone who employs any person to perform building and construction work rather than to someone who is engaged in the building and construction industry;
- Paragraph 3 (e) of the Amending Ordinance amends paragraph (a) of the definition of "ordinary remuneration" to mean an amount paid to an employee in respect of the performance by him of building and construction work. This rectifies the anomaly in the Principal Ordinance whereby an employer's contributions

to the long service leave scheme are related to the amounts paid to all employees, whether or not those employees are engaged in building and construction work and in consequence eligible to receive benefits; and

Paragraph 3 (f) of the Amending Ordinance amends paragraph (b) of the definition of "ordinary remuneration" relating to contractors. This amendment is allied to paragraph 3 (e) of the Amending Ordinance, and follows the new definition of "building and construction work".

Section 4 of the Amending Ordinance amends section 27 of the Principal Ordinance to reflect the new definitions of "employee" and "employer" in paragraphs 3 (c) and 3 (d) respectively of the Amending Ordinance. This amendment also requires employers to furnish, on application for registration, details of the awards under which their employees are employed.

Section 5 of the Amending Ordinance amends section 28 of the Principal Ordinance to provide that the Registrar is obliged to Register only those employers who fall within the proposed new definition in paragraph 3 (d) of the Amending Ordinance.

Section 6 of the Amending Ordinance amends section 32 of the Principal Ordinance to reflect the new definitions of "contractor" and "employee" in paragraphs 3 (b) and 3 (c) respectively of the Amending Ordinance. This amendment also requires employees and contractors to furnish, on application for registration, details of building and construction work performed and it requires employees to furnish details of the awards under which they work.

Section 7 of the Amending Ordinance amends section 34 of the Principal Ordinance to reflect the new definition of "employee" in paragraph 3 (c) of the Amending Ordinance.

Section 8 of the Amending Ordinance amends section 36 of the Principal Ordinance to provide that the Registrar is obliged to register only those contractors and employees who fall under the new definitions in paragraphs 3 (b) and 3 (c) respectively of the Amending Ordinance.

Section 9 of the Amending Ordinance amends section 39 of the Principal Ordinance to provide that employers are obliged to keep records only of the building and construction work performed by employees, rather than of all work so performed.

Section 10 of the Amending Ordinance will amend section 42 of the Principal Ordinance to provide that registered contractors should accumulate service credits corresponding to those days they perform work in the building and construction industry.

Ordinance no. 27/84