

AUSTRALIAN CAPITAL TERRITORY

LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY)  
ORDINANCE 1981

No. 23 of 1981

LONG SERVICE LEAVE (AMENDMENT) ORDINANCE 1981

NO. 240F 1981

EXPLANATORY STATEMENT

The Long Service Leave (Building and Construction Industry) Ordinance 1981 and the Long Service Leave (Amendment) Ordinance 1981 introduce a long service leave scheme into the A.C.T. which confers benefits upon employees and contractors engaged in the building and construction industry in the Territory.

A. Long Service Leave (Building and Construction Industry) Ordinance 1981

Details of the Ordinance are set out below.

Part I - Preliminary  
(Sections 1 to 3)

This Part provides for the title and interpretation of the Ordinance and for Parts I and II to come into operation on the date of notification in the Gazette. The date of operation of the remainder of the Ordinance is to be fixed by the Minister.

Part II - Administration  
(Sections 4 to 25)

Under the scheme there is established a Building and Construction Industry Long Service Leave Board ('the Board') which administers the scheme by providing benefits to eligible employees and contractors, maintaining registers, and making recommendations to the Minister for the Capital Territory regarding the appropriate levy which should be paid by employers and contractors.

In addition, the Board is vested with the usual powers possessed by a body corporate, for example, the power to recover outstanding moneys, to incur legal and other costs and to employ staff.

The Board consists of a Chairman and 2 members appointed by the Minister for a term not exceeding 5 years. The Chairman is a nominee of the Minister, and the members are appointed from lists of names submitted by employer and employee organisations.

Members of the Board are required to disclose any direct or indirect pecuniary interest which they may have in a matter coming before the Board. Where a member fails to make such a disclosure without reasonable excuse, his appointment will be terminated by the Minister.

Ord. No. 52/81      Ord. No. 53/81

reciprocal arrangement with the relevant State or Territory Minister. Such an arrangement will relate to such things as long service leave payments, information exchange, or any other matters relating to long service benefits considered necessary.

When payments are made to an applicant by a State or Territory authority, the Board is required to re-imburse the authority for that part of the payment which represents continuous service performed in the A.C.T.

Any provision of an award or an agreement which derogates from the terms or benefits conferred by the proposed Ordinance, is inoperative.

B. Long Service Leave (Amendment) Ordinance 1981

The Long Service Leave Ordinance 1976 is amended by the Long Service Leave (Amendment) Ordinance 1981 to incorporate a minor amendment consequential upon the making of the Long Service Leave (Building and Construction Industry) Ordinance 1981.

Section 2 of the Long Service Leave (Amendment) Ordinance 1981 amends section 2 of the Long Service Leave Ordinance 1976 to provide that after the commencement of the Long Service Leave (Building and Construction Industry) Ordinance 1981, a person entering the building and construction industry for the first time will not be subject to the Long Service Leave Ordinance 1976. A new section 2A is inserted to provide that once an employee elects to take benefits under the Long Service Leave Ordinance 1976, he ceases to be an employee for the purposes of that Ordinance.

Ord. No 52/81