

NORTHERN TERRITORY OF AUSTRALIA

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE AND BENEFITS  
AMENDMENT ACT 2009

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Act No. 40 of 2009

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# NORTHERN TERRITORY OF AUSTRALIA

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**Act No. 40 of 2009**

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An Act to amend the *Construction Industry Long Service Leave and Benefits Act*

[Assented to 15 December 2009]  
[Second reading 13 October 2009]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1 Short title**

This Act may be cited as the *Construction Industry Long Service Leave and Benefits Amendment Act 2009*.

**2 Commencement**

- (1) This Act (other than sections 3 to 5) commence on the day on which the Administrator's assent to this Act is declared.
- (2) Sections 3 to 5 are taken to have commenced on 1 July 2009.

**3 Act amended**

This Act amends the *Construction Industry Long Service Leave and Benefits Act*.

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#### 4        **Repeal and substitution of section 33**

Section 33

*repeal, substitute*

#### 33        **Amount of levy**

- (1) The purpose of this section is to provide for the amount of the levy for construction work in relation to which the levy is imposed.
- (2) The amount of the levy is as follows:
  - (a) if the cost of the construction work is \$1 billion or less – the amount worked out by multiplying the cost of the construction work by the prescribed percentage;
  - (b) if the cost of the construction work is more than \$1 billion – the amount worked out by adding together:
    - (i) for \$1 billion – the amount worked out by multiplying \$1 billion by the prescribed percentage; and
    - (ii) for the excess amount – the amount worked out by multiplying the excess amount by the determined percentage for the particular construction work.
- (3) An amount calculated under subsection (2) is to be rounded to the nearest dollar (with 50c to be rounded downwards).
- (4) For subsection (2)(b)(ii), the Minister must, by *Gazette* notice, determine a percentage to apply to an excess amount for particular construction work.
- (5) Before determining a percentage under subsection (4) for an excess amount, the Minister must consider the report under section 91(6) for that excess amount.
- (6) In this section:

***determined percentage*** means the percentage determined under subsection (4).

***excess amount***, in relation to construction work, means the amount that is the cost of the construction work that exceeds \$1 billion.

*Example*

*If the total cost of construction work is \$1.5 billion, the excess amount of that work is \$500 million.*

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***prescribed percentage*** means the percentage prescribed by regulation for this section.

**5 Amendment of section 91 (Appointment of actuary)**

(1) Section 91(1)

*omit*

all words from "Scheme" to "provided."

*substitute*

Scheme.

(2) Section 91(2)

*omit*

so appointed must conduct

*substitute*

must conduct, as requested by the Minister but at least once every 3 years,

(3) Section 91(2)(a), at the end

*insert*

and

(4) Section 91(6)

*omit, substitute*

(6) If the Minister asks the actuary to review, for the Scheme, liability in relation to an excess amount, as defined in section 33, for particular construction work and make a recommendation about the percentage to be the determined percentage under that section for the excess amount, the actuary must provide the Minister with a report about the review and recommendation within the time specified by the Minister.

(7) The Minister must table in the Legislative Assembly a copy of a report under subsection (3) or (6) within 6 sittings days after receiving the report.

**6 Further amendments**

The Schedule has effect.

**Schedule Further amendments of Construction Industry Long Service Leave and Benefits Act**

section 6

| Provision  | Amendment   |                   |
|--|---|-------------------|
|  | <i>omit</i>   | <i>substitute</i> |
| section 6  | In this Act, unless the contrary intention appears: | In this Act:      |
| section 6, definition <b>long service benefit</b> , paragraphs (a) and (b)   | ;   | ; or              |
| section 10(1)(a) and (b)(ii)   | ;   | ; and             |
| section 10(1)(d)(i)  | ;   | ; or              |
| sections 10(2)(a) and (b), 12(2)(a), 14(1)(a) and (b), 17(a), 19(7)(a), 20(9)(a), 21(7)(a) and 22(1)(a) and (8)(a) | ;   | ; and             |
| sections 23(2), 24(2) and 26(1)  | Penalty   | Maximum penalty   |
| section 28(1)(a)   | ;   | ; and             |
| sections 28(3), 29(3) and 30(4)  | Penalty   | Maximum penalty   |
| section 31(1)(a)   | ;   | ; and             |
| sections 32(2)(a)(ii) and 34(5)(a) and (b)   | ;   | ; or              |
| section 35   | Penalty   | Maximum penalty   |
| section 38(3)(a)   | ;   | ; or              |

|  |         |                 |
|--|---------|-----------------|
| sections 38(3), 39(4) and 40(3)  | Penalty | Maximum penalty |
| section 42(3)(a)   | ;       | ; or            |
| section 42(3)  | Penalty | Maximum penalty |
| section 44(6)(b)(i)  | ;       | ; and           |
| section 48(a)  | ;       | ; or            |
| section 50(1)(a)   | ;       | ; and           |
| section 51   | Penalty | Maximum penalty |
| sections 53(3)(a), 56(2)(a) and 59(a)                                      | ;       | ; and           |
| sections 62(a) and 63(2)(a) and (b)  | ;       | ; or            |
| section 65(1) and (3)  | Penalty | Maximum penalty |
| sections 68(2)(a), 70(1)(a) to (d) and 71(1)(a) and (b)                    | ;       | ; and           |
| section 80(2)(a)(ii) and (b) and (3)(a)                                    | ;       | ; or            |
| sections 80(3) and 81(2)   | Penalty | Maximum penalty |
| section 82(1)(a) and (2)(a) and (b)  | ;       | ; and           |
| section 82(3)  | Penalty | Maximum penalty |
| sections 83(c)(i), 86(2)(a)(ii) and 90(2)(a) and (b) and (3)(a) and (c)(i) | ;       | ; or            |
| section 90(4)  | Penalty | Maximum penalty |

sections 94(1), ; and  
definition ***transitional  
employee***, paragraph  
(a), 95(3)(a), 96(4)(a)  
and (b)(ii) and (5)(a)  
and 98(1)(a)

section 100                      Penalty                      Maximum penalty