

Serial 58
Construction Industry Long Service Leave and Benefits Amendment Bill 2009
Ms Lawrie

A Bill for an Act to amend the *Construction Industry Long Service Leave and
Benefits Act*

NORTHERN TERRITORY OF AUSTRALIA

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE AND BENEFITS
AMENDMENT ACT 2009

Act No. [] of 2009

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Industry Long Service Leave and Benefits
Act**



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2009

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

[Assented to [] 2009]
[Second reading [] 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*.

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.

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 long service benefit , 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