

Serial 112  
Construction Industry Long Service Leave and Benefits Amendment Bill 2015  
Mr Styles

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 2015

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Act No. [ ] of 2015

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2015

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

[Assented to [ ] 2015]  
[Second reading [ ] 2015]

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 2015*.

## 2 Act amended

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

## 3 Section 5A inserted

After section 5, in Part 1, Division 1

*insert*

## 5A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 5A*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

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**4 Section 15 amended**

Section 15(2)

*omit*

260

*insert*

220

**5 Section 16 amended**

(1) Section 16(1)

*omit*

260

*insert*

220

(2) Section 16, example

*omit*

260

*insert*

220

**6 Section 33 amended**

(1) Section 33(5)

*omit, insert*

(5) Before determining a determined percentage for particular construction work, the Minister must ask the actuary to provide a report under section 91(6) for that excess amount.

(5A) The Minister must determine the determined percentage for particular construction work:

(a) after considering the report mentioned in subsection (5); and

- 
- (b) so that the amount worked out under subsection (2)(b) is, in the Minister's opinion, sufficient to yield the amount likely to be required to fund the long service benefits of the registered employees who carry out the particular construction work.

(2) Section 33(6), definition ***determined percentage***

*omit*

subsection (4)

*insert*

this section

**7 Section 35 replaced**

Section 35

*repeal, insert*

**35 When levy must be paid**

- (1) A person who is liable to pay an amount of the levy for construction work commits an offence if:
- (a) the person engages in conduct; and
  - (b) the result of the conduct is that the amount of the levy is not paid to the Board:
    - (i) for a levy mentioned in section 33(2)(a), or the part of a levy mentioned in section 33(2)(b)(i):
      - (A) before the construction work starts; or
      - (B) if the Board allows a later time for the payment of the levy under section 44, 46 or 48 – at or before the later time; or
    - (ii) for the part of a levy mentioned in section 33(2)(b)(ii) – within 90 days after the notice under section 33(4) is published in the *Gazette*.

Maximum penalty: 100 penalty units.

- (2) Strict liability applies to subsection (1)(b).

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**8 Section 44 amended**

Section 44(1), after "an amount of the levy"

*insert*

(other than an amount worked out under section 33(2)(b)(ii))

**9 Section 46 amended**

Section 46(1), after "a person"

*insert*

(other than an amount worked out under section 33(2)(b)(ii))

**10 Section 48 amended**

Section 48(a) and (b), after "levy"

*insert*

(other than an amount worked out under section 33(2)(b)(ii))

**11 Section 54 amended**

(1) Section 54(2)(b) and (c)

*omit, insert*

(b) 4 other members.

(2) After section 54(3)

*insert*

(3A) The Minister may appoint a person to be a Board member under subsection (2) or (3) only if the Minister is satisfied that the person holds suitable qualifications, or has suitable knowledge or experience, relating to the functions of the Board.

(3B) Not more than 2 Board members may be public sector employees.



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**12 Section 61 amended**

Section 61(2)

*omit, insert*

- (2) However, the person appointed to act as a Board member must be a person who could otherwise be appointed to be a Board member under section 54(3A).

**13 Section 91 amended**

Section 91(6)

*omit, insert*

- (6) The actuary must do the following in relation to a report that the Minister has asked for under section 33(5):
- (a) review relevant material relating to the entitlement of registered employees who carry out the construction work to long service leave or long service benefits;
  - (b) make a recommendation about the percentage to be the determined percentage under that section for the excess amount in order to ensure the funding of those long service benefits;
  - (c) provide the Minister with the report about the review and recommendation within the time specified by the Minister.

**14 Expiry of Act**

This Act expires on the day after it commences.