



New South Wales

Building and Construction Industry Long Service Payments Amendment Regulation 2004

under the

**Building and Construction Industry Long Service Payments Act
1986**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Building and Construction Industry Long Service Payments Act 1986*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Building and Construction Industry Long Service Payments Regulation 2000* to:

- (a) update references to awards, and
- (b) remove the requirement to pay the long service levy in respect of the erection of buildings, commenced after 1 May 2004, that are not subject to consent requirements under the *Environmental Planning and Assessment Act 1979* or subject to consent requirements under any other Act or regulation.

This Regulation is made under the *Building and Construction Industry Long Service Payments Act 1986*, including sections 3 (1), 34 (2) (c) and 65 (the general regulation-making power).

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Clause 1

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Building and Construction Industry Long Service Payments Amendment Regulation 2004

under the

Building and Construction Industry Long Service Payments Act 1986

1 Name of Regulation

This Regulation is the *Building and Construction Industry Long Service Payments Amendment Regulation 2004*.

2 Amendment of Building and Construction Industry Long Service Payments Regulation 2000

The *Building and Construction Industry Long Service Payments Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 4 Prescribed awards

Omit clause 4 (1) (a). Insert instead:

- (a) Building and Construction Industry (State) Award,

[2] Clause 4 (1) (c)

Omit the paragraph.

[3] Clause 4 (5)

Insert after clause 4 (4):

- (5) Despite subclause (3), a reference in this clause to the Building and Construction Industry (State) Award is a reference to that award as in force as at 31 August 2001.

[4] Clause 4A

Insert after clause 4:

4A Standard pay

For the purposes of the definition of *standard pay* in section 3 (1) of the Act, *standard pay* means the amount of ordinary pay that is payable at the rate applicable to the classification “carpenter and joiner” under the Building and Construction Industry (State) Award published in the Industrial Gazette on 31 August 2001 in respect of work on 5 working days during those hours in which ordinary pay is payable.

[5] Clause 8 Exemptions from levy

Insert after clause 8 (2):

- (2A) For the purposes of section 34 (2) (c) of the Act, a long service levy is not payable in respect of the erection of a building (within the meaning of Part 5 of the Act) if:
 - (a) consent to the erection of the building is not required to be obtained under Part 4 or 5A of the *Environmental Planning and Assessment Act 1979*, and

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Schedule 1 Amendments

- (b) consent to the erection of the building is not required to be obtained under any other Act or regulation, and
- (c) the erection of the building commenced on or after 1 May 2004.

BY AUTHORITY
