



New South Wales

Building and Construction Industry Long Service Payments Amendment Regulation 2005

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

Section 35 of the *Building and Construction Industry Long Service Payments Act 1986* provides that the long service levy payable in respect of the erection of certain buildings is an amount calculated at such rate as may be prescribed of the cost of erecting the building (but not exceeding 0.6 per cent). The object of this Regulation is to increase this rate to 0.35 per cent from 1 January 2006 (the rate has been 0.2 per cent since 1 July 1997).

This Regulation is made under the *Building and Construction Industry Long Service Payments Act 1986*, including sections 35 and 65 (the general regulation-making power).

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Clause 1

Building and Construction Industry Long Service Payments Amendment
Regulation 2005

**Building and Construction Industry Long Service
Payments Amendment Regulation 2005**

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 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

**3 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 3)

[1] Clause 9 Prescribed rate of long service levy

Omit clause 9 (1) (d). Insert instead:

- (d) if the Corporation determines that work on the erection of the building commenced between 1 July 1997 and 31 December 2005—0.2%, or
- (e) if the Corporation determines that work on the erection of the building commenced on or after 1 January 2006—0.35%.

[2] Clause 9 (4) (c) and (d)

Omit clause 9 (4) (c). Insert instead:

- (c) being an additional amount payable between 1 July 1997 and 31 December 2005—is 0.2% of the excess cost of erecting the building, or
- (d) being an additional amount payable on or after 1 January 2006—is 0.35% of the excess cost of erecting the building.

[3] Clause 11 Commencement of work

Omit clause 11 (5). Insert instead:

- (5) The Corporation must not determine that work on the erection of a building commenced between 1 July 1997 and 31 December 2005 unless the Corporation is satisfied that one of the following events occurred:
 - (a) in the case of a building the erection of which required approval under Part 1 of Chapter 7 of the *Local Government Act 1993*—there was lodged with the council, between 1 July 1997 and 31 December 2005, an application for the approval required for the erection of the building,
 - (b) in the case of a building referred to in section 34 (1) (b) of the Act as in force before 1 July 1998—a contract for the erection of the building was entered into between 1 July 1997 and 31 December 2005,

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Schedule 1

Amendments

- (c) there was lodged with the consent authority under the *Environmental Planning and Assessment Act 1979*, between 1 July 1997 and 31 December 2005, an application under that Act for the development consent or complying development certificate that would enable the erection of the building.
- (6) The Corporation must not determine that work on the erection of a building commenced on or after 1 January 2006 unless the Corporation is satisfied that one of the following events occurred:
 - (a) in the case of a building the erection of which required approval under Part 1 of Chapter 7 of the *Local Government Act 1993*—there was lodged with the council, on or after 1 January 2006, an application for the approval required for the erection of the building,
 - (b) in the case of a building referred to in section 34 (1) (b) of the Act as in force before 1 July 1998—a contract for the erection of the building was entered into on or after 1 January 2006,
 - (c) there was lodged with the consent authority under the *Environmental Planning and Assessment Act 1979*, on or after 1 January 2006, an application under that Act for the approval under Part 3A, the development consent or complying development certificate that would enable the erection of the building.

BY AUTHORITY