



New South Wales

Building and Construction Industry Long Service Payments Amendment Regulation 2011

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*.

PAUL LYNCH, MP
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to amend the *Building and Construction Industry Long Service Payments Regulation 2006* as follows:

- (a) to prescribe certain awards (including an award to the extent it relates to carpet layers) for the purposes of defining what constitutes **building and construction work** for the purposes of the *Building and Construction Industry Long Service Payments Act 1986*,
- (b) to make provision for the minimum amount for P for the purposes of the formulae in sections 29 and 32 of that Act.

This Regulation is made under the *Building and Construction Industry Long Service Payments Act 1986*, including the definition of **building and construction work** in section 3 (1), sections 32B and 65 (the general regulation-making power).

2011 No 125

Building and Construction Industry Long Service Payments Amendment
Clause 1 Regulation 2011

**Building and Construction Industry Long Service
Payments Amendment Regulation 2011**

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 2011*.

2 Commencement

This Regulation commences on 3 March 2011 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Building and Construction Industry Long Service Payments Regulation 2006

[1] Clause 4 Prescribed awards

Insert at the end of clause 4 (1) (b):

, and

- (c) the following modern awards under the *Fair Work Act 2009* of the Commonwealth:
 - (i) Asphalt Industry Award 2010 [MA000054],
 - (ii) Building and Construction General On-site Award 2010 [MA000020],
 - (iii) Electrical, Electronic and Communications Contracting Award 2010 [MA000025],
 - (iv) Joinery and Building Trades Award 2010 [MA000029],
 - (v) Mobile Crane Hiring Award 2010 [MA000032],
 - (vi) Plumbing and Fire Sprinklers Award 2010 [MA000036], and
- (d) the Manufacturing and Associated Industries and Occupations Award 2010 [MA000010] as in force on 3 March 2011 (but only to the extent to which it relates to performance of work as a carpet layer).

[2] Clause 4 (3)

Insert “other than an award referred to in subclause (1) (c) or (d)” after “an award”.

[3] Clause 9A

Insert after clause 9:

9A Deemed minimum rates of pay under section 32B of the Act

For the purposes of the application of the formulae in sections 29 and 32 of the Act, if, on 1 January 2010, the rate of pay for work under a modern award was lower than the minimum rate of pay for similar work under the terms of a State award, the reference in the matter relating to P in those sections to the rate of pay is taken to be a reference to the minimum rate of pay under that State award on that date.