



New South Wales

# Building and Construction Industry Long Service Payments Amendment (Bushfire Relief) Regulation 2020

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*.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to provide for further circumstances in which a long service levy is not payable under the *Building and Construction Industry Long Service Payments Act 1986* in respect of the erection of a building (as defined in Part 5 of the Act).

A long service levy is not payable in respect of the first \$1,000,000 of the costs of erecting a building to replace or repair a building that was destroyed or damaged as a result of bushfire in the period starting 1 July 2019 and ending 2 March 2020.

To claim an exemption, the person liable to pay the long service levy must apply to the Long Service Corporation in writing before 2 March 2023. The Long Service Corporation has the discretion to extend this deadline.

A person who has already paid a long service levy, but who would have been eligible for an exemption of part or the whole of the levy paid is (on application in accordance with section 42 of the Act) entitled to a refund of that amount.

This Regulation is made under the *Building and Construction Industry Long Service Payments Act 1986*, including sections 34(2)(c), 42(1A) and 65 (the general regulation-making power).

## **Building and Construction Industry Long Service Payments Amendment (Bushfire Relief) Regulation 2020**

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 (Bushfire Relief) Regulation 2020*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Building and Construction Industry Long Service Payments Regulation 2017**

### **Clauses 12A and 12B**

Insert after clause 12—

#### **12A Exemptions from levy—bushfire relief**

- (1) This clause applies to the erection of a building (within the meaning of Part 5 of the Act), other than the erection of a building by or on behalf of the Crown, to replace or repair a building that was destroyed or damaged as a result of bushfire in the period starting 1 July 2019 and ending 2 March 2020.
- (2) For the purposes of section 34(2)(c) of the Act, a long service levy is not payable in respect of the first \$1,000,000 of the costs of erecting a building.
- (3) Subclause (2) applies only if the person liable to pay the long service levy under section 37 of the Act has applied to the Corporation in writing before 2 March 2023, or within a further period that the Corporation may determine, for an exemption under that subclause.

#### **12B Refunds of levy—bushfire relief**

A person who has paid a long service levy in respect of the erection of a building, on application in accordance with section 42 of the Act, is entitled to a refund of so much of that levy that would not have been payable by reason of clause 12A.