

Building and Construction Industry Long Service Payments Amendment Act 1998 No 33

[1998-33]



New South Wales

Status Information

Currency of version

Repealed version for 27 November 2003 to 30 June 2010 (accessed 26 November 2024 at 20:41)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

The Act was repealed by sec 3 of the [Building and Construction Industry Long Service Payments Amendment Act 2010 No 15](#) with effect from 1.7.2010.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Building and Construction Industry Long Service Payments Amendment Act 1998 No 33



New South Wales

An Act to amend the *Building and Construction Industry Long Service Payments Act 1986* with respect to payments and claims under that Act; to amend certain other Acts consequentially; and for other purposes.

1 Name of Act

This Act is the *Building and Construction Industry Long Service Payments Amendment Act 1998*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 2 commences on the date of assent to this Act.

3 Amendment of *Building and Construction Industry Long Service Payments Act 1986 No 19*

The *Building and Construction Industry Long Service Payments Act 1986* is amended as set out in Schedules 1-3.

4 (Repealed)

Schedule 1 Amendments

(Section 3)

[1]-[7] (Repealed)

[8] Section 18 (2)-(4)

Omit section 18 (2). Insert instead:

- (2) The Corporation may at its discretion, of its own motion or at the request (made within 3 months after approval of the application) of a person by or in respect of

whom an application for registration is made, fix for the purposes of this section a date that is earlier than the date of lodgment of the application, if it is satisfied that special circumstances warrant its doing so.

- (3) A date fixed in accordance with subsection (2) must not be earlier than 5 years before the commencement of the financial year in which the relevant application is lodged.
- (4) On the fixing of a date in accordance with subsection (2):
 - (a) the person is taken for all purposes to have been registered on and from that date, and
 - (b) service credits to which the person is entitled under this Act may be credited to the person in respect of any subsequent dates.

[9]-[23] (Repealed)

[24] Section 24 (4)-(6)

Insert after section 24 (3):

- (4) Section 32, however, applies to each day's service referred to in subsection (3) as though it had been credited to the worker.
- (5) The Corporation may decline to credit service or accept any claim of which notice is not given to the Corporation within the time limited by section 20 or 21, as the case may be, and no credit is to be given in respect of:
 - (a) service that is not notified, in the manner required by this Act, until more than 5 years after the end of the financial year that includes the period of service, or
 - (b) any matter mentioned in section 23 in respect of which no claim is made, in the manner required by this Act, until more than 5 years after the end of the financial year that includes the period to which the claim relates.
- (6) A service credit that, calculated in accordance with section 22 or 23, results in a number of days consisting of a whole number plus a fraction is to be adjusted to the next succeeding whole number.

[25]-[56] (Repealed)

Schedules 2-4 (Repealed)