

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Contract Cleaning Industry (Portable Long Service Leave Scheme) Bill 2010*.

Overview of Bill

The object of this Bill is to reconstitute the Building and Construction Industry Long Service Payments Corporation as the Long Service Corporation (the **Corporation**) and to confer on the reconstituted Corporation additional functions with respect to the contract cleaning industry under the proposed *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 January 2011.

Clause 3 defines certain words and expressions used in the proposed Act.

Explanatory note page 2

Long Service Corporation Bill 2010

Explanatory note

Part 2 Constitution and management of Corporation

Clause 4 constitutes the Corporation.

Clause 5 makes the Corporation a NSW Government agency, which has the effect of conferring on the Corporation the status, privileges and immunities of the Crown.

Clause 6 makes the Corporation subject to the control and direction of the Minister (except in relation to the contents of any report or recommendation made by it to the Minister).

Clause 7 confers on the Chief Executive Officer of the Corporation responsibility for the day-to-day management of the affairs of the Corporation.

Clause 8 enables the Corporation to delegate its functions, other than the power of delegation.

Part 3 Functions of the Corporation

Clause 9 sets out the functions of the Corporation. In addition to its existing functions with respect to long service leave under the *Building and Construction Industry Long Service Payments Act 1986*, the Corporation will be responsible for administering the proposed scheme for portability of long service leave under the proposed *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010*.

Clause 10 sets out the powers of the Corporation with respect to purchasing and leasing of premises, contracts and other matters.

Clause 11 sets out the borrowing powers of the Corporation. The Corporation may also borrow under and in accordance with the *Public Authorities (Financial Arrangements) Act 1987* (the effect of the amendment to the *Public Finance and Audit Act 1983* in Schedule 2.3 is to make the Corporation an authority for the purposes of the *Public Authorities (Financial Arrangements) Act 1987*).

Part 4 Finance

Clause 12 provides for the Corporation to maintain, administer and control the Building and Construction Industry Long Service Payments Fund.

Clause 13 provides for the establishment of the Contract Cleaning Industry Long Service Leave Fund. Long service leave levies payable under the proposed *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* and money borrowed for the purposes of that Act are to be paid into the Fund. Long service payments provided for by that Act will be paid from the Fund.

Clause 14 specifies the financial year of the Corporation.

Clause 15 provides for the investment of money in the Funds.

Clause 16 provides for actuarial investigation of the Funds.

Explanatory note page 3

Long Service Corporation Bill 2010

Explanatory note

Clause 17 provides that no duty is payable in respect of certain transactions of the Corporation.

Part 5 Miscellaneous

Clause 18 provides for the use of the seal of the Corporation.

Clause 19 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 20 provides for the review of the proposed Act in 5 years.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act and enables the making of transitional regulations.

Schedule 2 Amendment of Acts

Schedule 2 amends the Acts specified in the Schedule.