

**LOCAL GOVERNMENT (BUILDING AND CONSTRUCTION INDUSTRY LONG
SERVICE PAYMENTS) AMENDMENT BILL, 1985**

EXPLANATORY NOTE

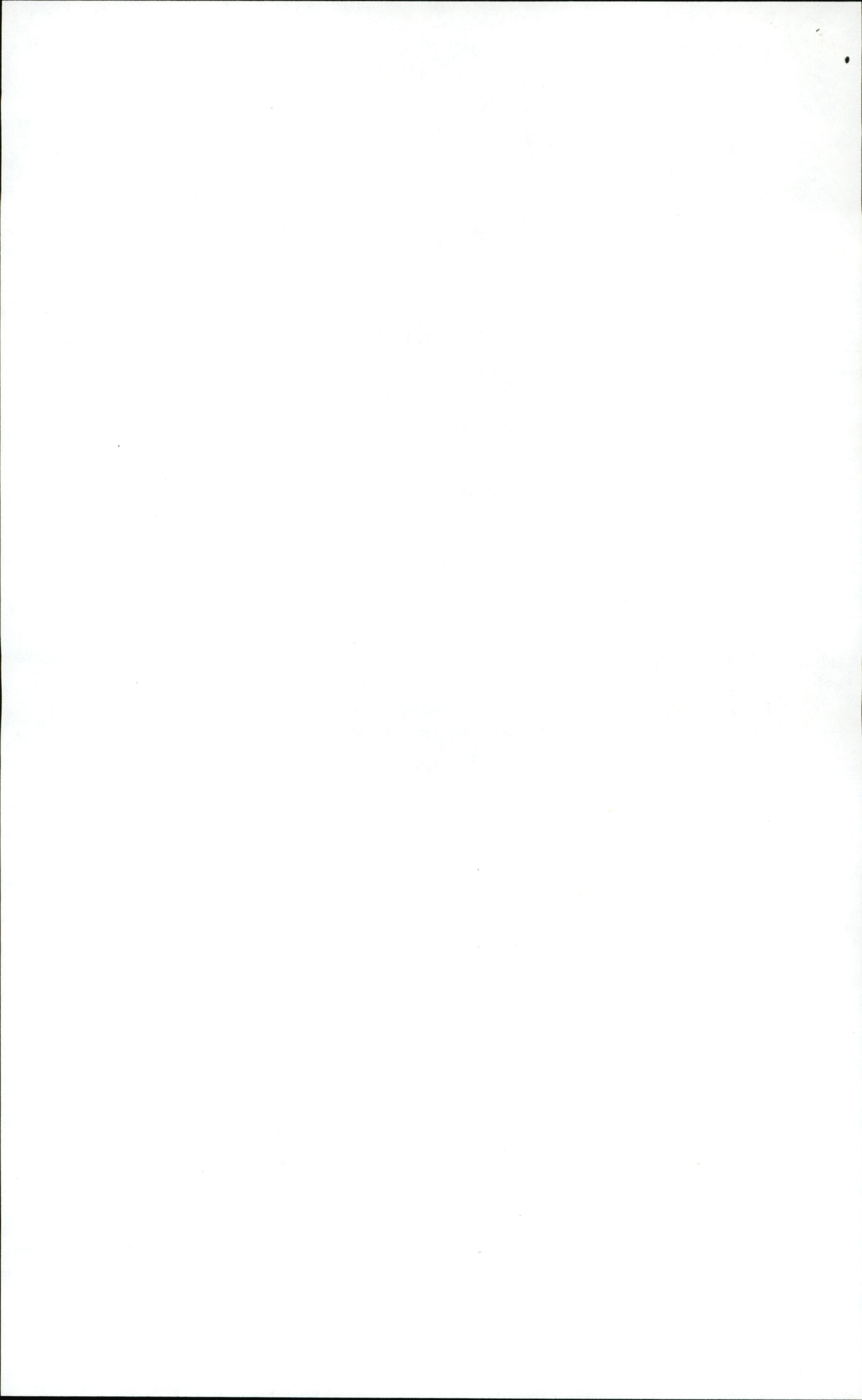
(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Building and Construction Industry Long Service Payments Bill, 1985.

The object of this Bill is to amend the Local Government Act, 1919, so as -

- (a) to prohibit the release of the plans and specifications of a building approved by a council, and to provide that any such approval has no force or effect, unless the amount, or first instalment, of the long service levy payable in respect of the building under the proposed Building and Construction Industry Long Service Payments Act, 1985, has been duly paid (Schedule 1(2) - proposed section 311B(1) and (2)); and
- (b) to require a council to notify the Building and Construction Industry Long Service Payments Corporation each month of building approvals given by the council (Schedule 1(2) - proposed section 311B(3)).

The Bill also contains other provisions of a saving, consequential or ancillary nature.



**LOCAL GOVERNMENT (BUILDING AND CONSTRUCTION INDUSTRY LONG
SERVICE PAYMENTS) AMENDMENT BILL, 1985**

A BILL FOR

An Act to amend the Local Government Act, 1919, in connection with the payment of long service levies under the Building and Construction Industry Long Service Payments Act, 1985.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:-



Short title.

1. This Act may be cited as the "Local Government (Building and Construction Industry Long Service Payments) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day on which the Building and Construction Industry Long Service Payments Act, 1985, commences.

Amendment of Act No. 41, 1919.

3. The Local Government Act, 1919, is amended in the manner set forth in Schedule 1.

Saving provision.

4. Section 311B of the Local Government Act, 1919, as inserted by this Act, does not apply to or in respect of an approval given by the council before the commencement of the Building and Construction Industry Long Service Payments Act, 1985.



SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) Section 311 -

Omit the section, insert instead:-

Approval of the council.

311. A building shall not be erected unless the approval of the council is obtained therefor beforehand.

(2) Sections 311A, 311B -

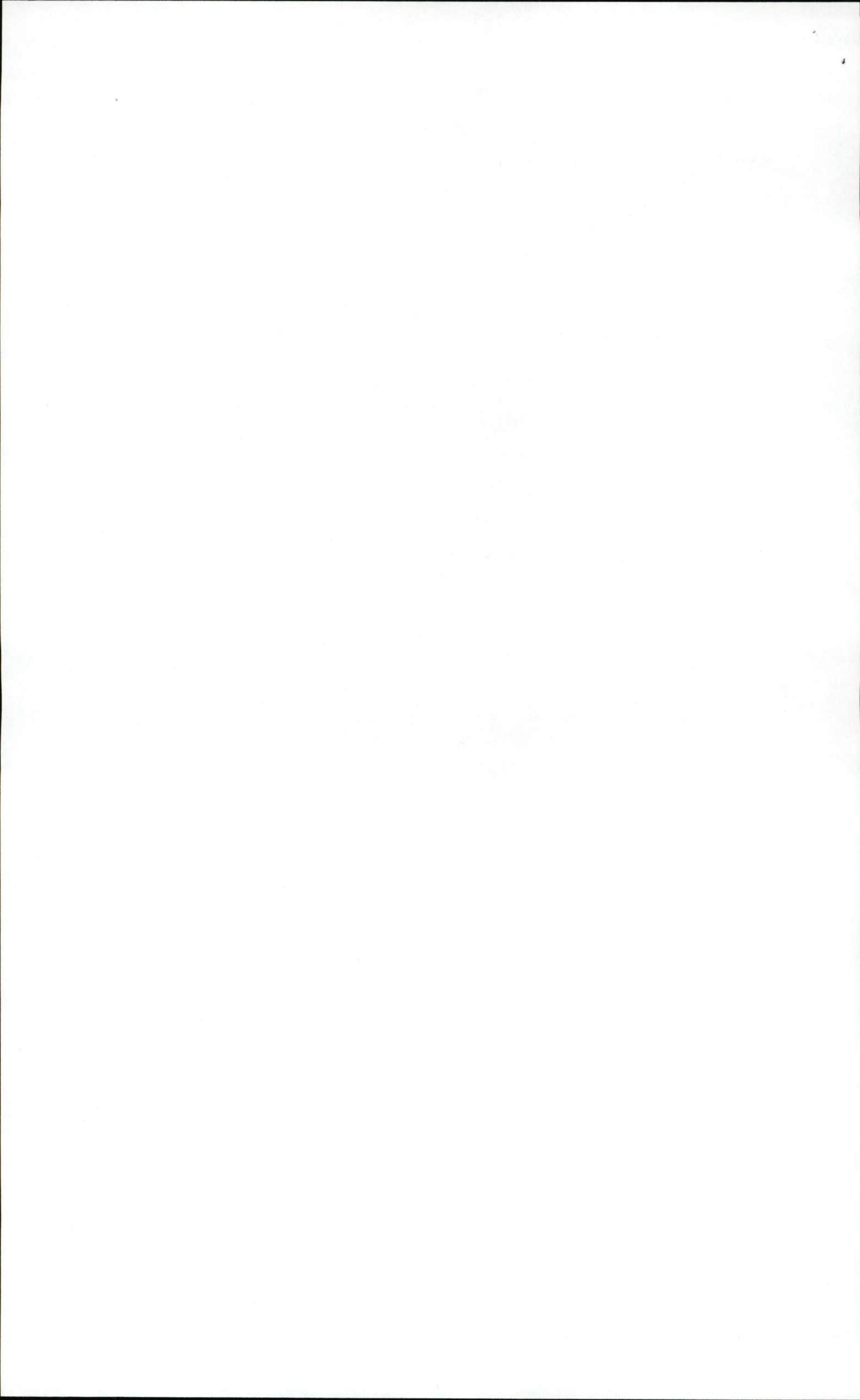
After section 311, insert:-

Payment of insurance premium under Builders Licensing Act, 1971.

311A. (1) Where the council approves (whether or not subject to conditions) of an application for the approval of the council which relates to building work as defined in section 3(1) of the Builders Licensing Act, 1971, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval unless -

(a) the council is satisfied that -

- (i) the amount, if any, payable under Part VI of the Builders Licensing Act, 1971, as an insurance premium has been duly paid;
- or



SCHEDULE 1 - continued.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

(ii) no amount is payable under that Part,

in respect of the building work; and

(b) the council has endorsed on that copy a notation that the council is so satisfied.

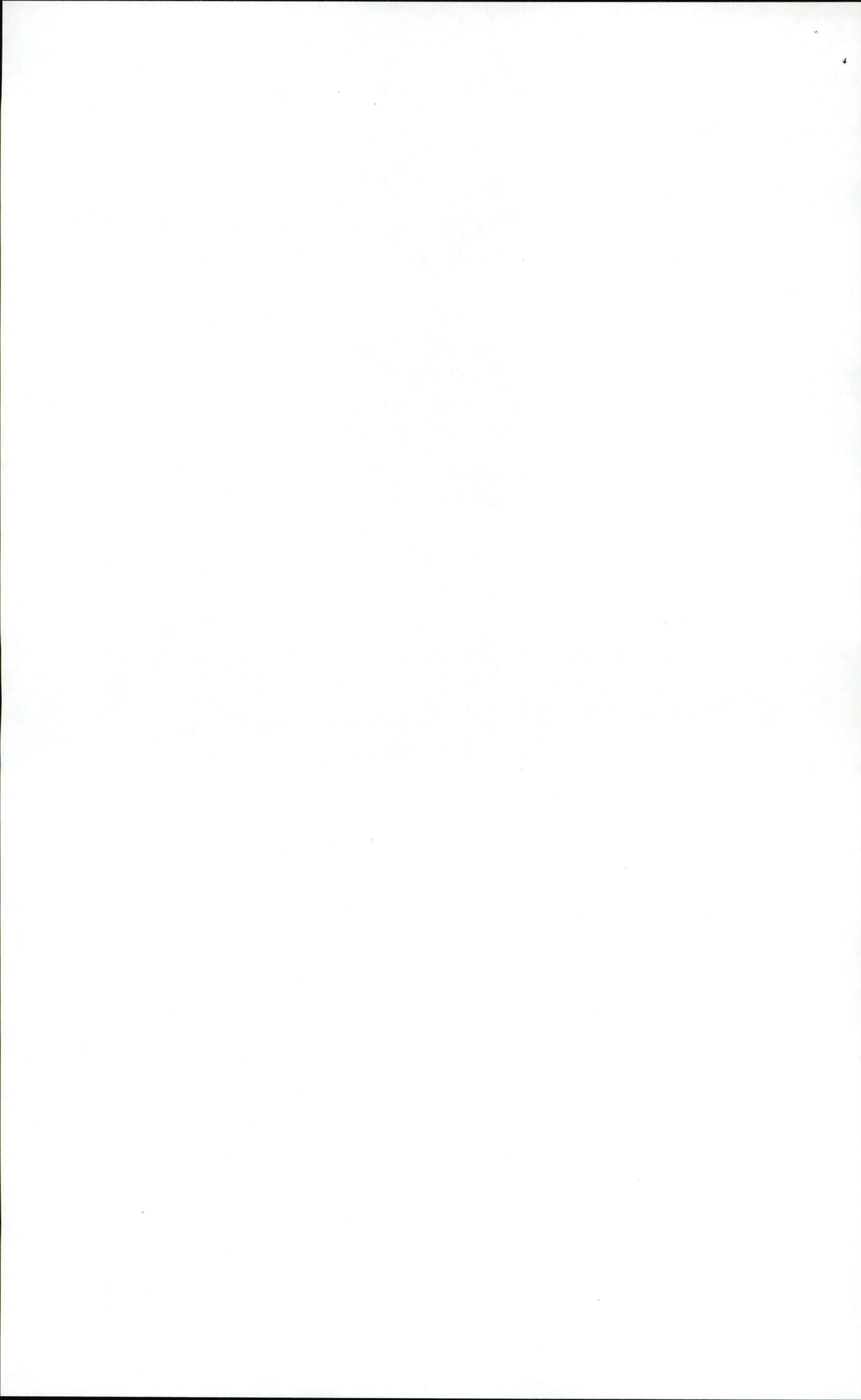
(2) Notwithstanding that the council has approved (whether or not subject to conditions) of an application referred to in subsection (1), the approval has no force or effect unless the council has endorsed a notation referred to in that subsection on a copy of the plans and specifications submitted to it with the application and forwarded or delivered by the council to the applicant after that approval was given.

(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act, 1971, certifying that -

(a) the amount payable under Part VI of that Act as an insurance premium has been paid; or

(b) no such amount is payable,

in respect of any building work specified in the certificate shall, for the purpose of the council's making a notation referred to in subsection (1), be sufficient evidence of the matter referred to in paragraph (a) or (b), as the case may be.



SCHEDULE 1 - continued.
AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

Payment of long service levies under Building and Construction Industry Long Service Payments Act, 1985.

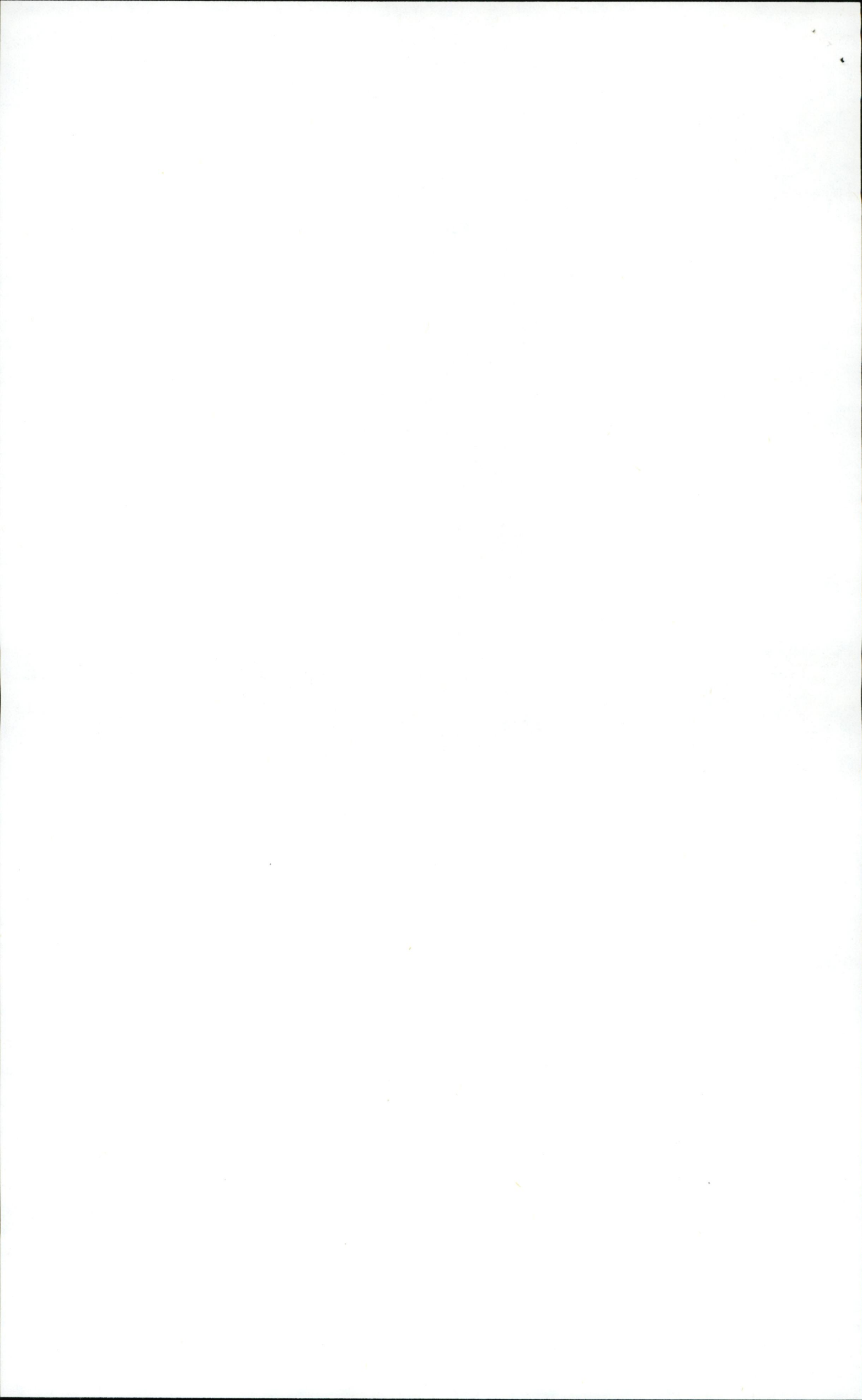
311B. (1) Where the council approves (whether or not subject to conditions) of an application for its approval of the erection of a building, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval unless -

(a) the council is satisfied that -

(i) the amount of the long service levy payable under Part V of the Building and Construction Industry Long Service Payments Act, 1985, in respect of the erection of the building has been duly paid; or

(ii) where that long service levy is to be paid by instalments pursuant to section 43 of that Act, the first instalment of that long service levy has been duly paid; and

(b) the council has endorsed on that copy a notation that the council is so satisfied.

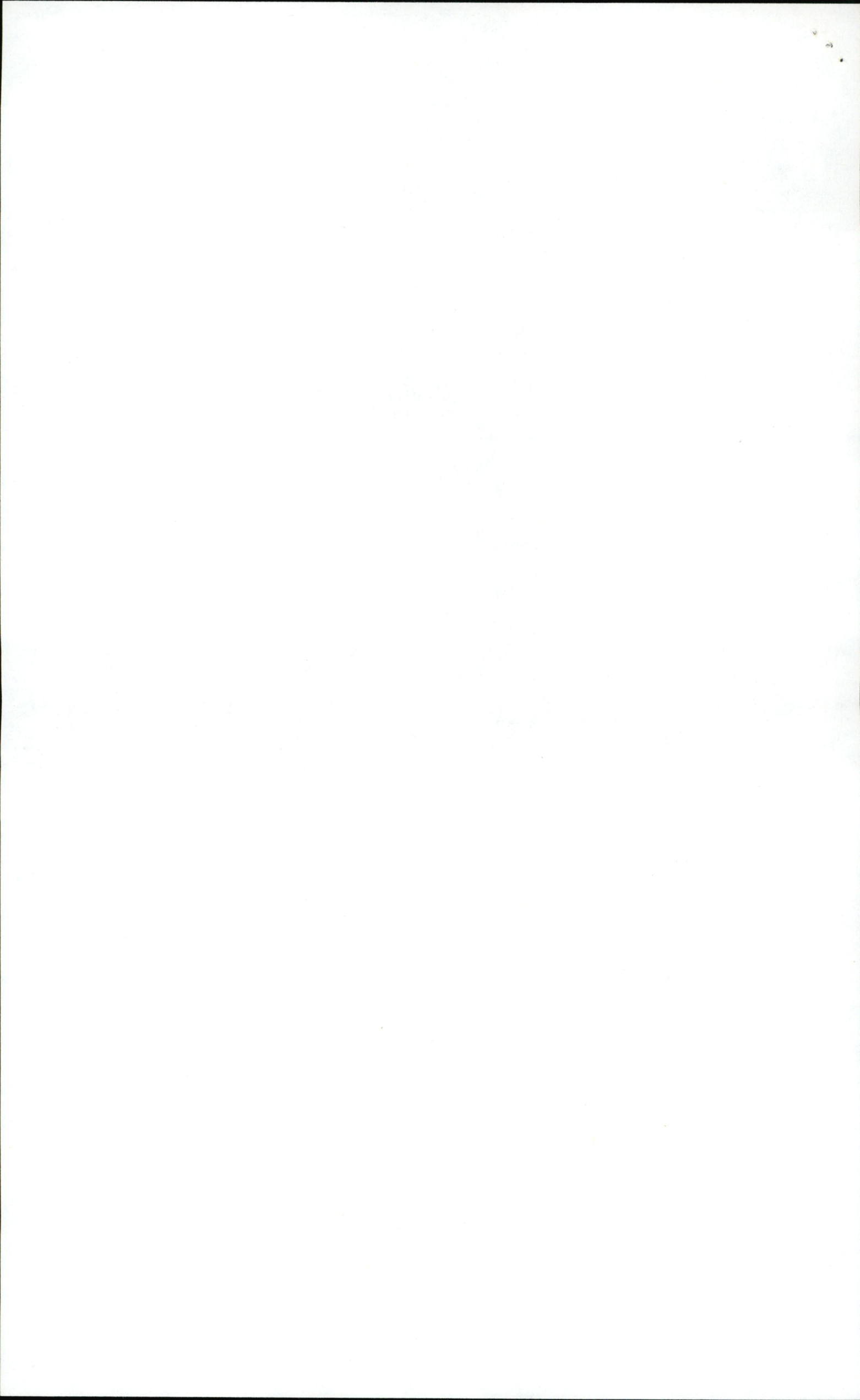


SCHEDULE 1 - continued.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

(2) Notwithstanding that the council has approved (whether or not subject to conditions) of an application for its approval of the erection of a building, the approval has no force or effect unless the council has endorsed a notation referred to in that subsection on a copy of the plans and specifications submitted to it with the application and forwarded or delivered by the council to the applicant after that approval was given.

(3) The council shall, in each month, furnish to the Building and Construction Industry Long Service Payments Corporation a notice, in such form and containing such particulars as may be approved by that Corporation, of each approval of the erection of a building given by the council in the immediately preceding month.



**LOCAL GOVERNMENT (BUILDING AND CONSTRUCTION INDUSTRY LONG
SERVICE PAYMENTS) AMENDMENT BILL, 1985**

EXPLANATORY NOTE

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This Bill is cognate with the Building and Construction Industry Long Service Payments Bill, 1985.

The object of this Bill is to amend the Local Government Act, 1919, so as -

- (a) to prohibit the release of the plans and specifications of a building approved by a council, and to provide that any such approval has no force or effect, unless the amount, or first instalment, of the long service levy payable in respect of the building under the proposed Building and Construction Industry Long Service Payments Act, 1985, has been duly paid (Schedule 1(2) - proposed section 311B(1) and (2)); and
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Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day on which the Building and Construction Industry Long Service Payments Act, 1985, commences.

Amendment of Act No. 41, 1919.

3. The Local Government Act, 1919, is amended in the manner set forth in Schedule 1.

Saving provision.

4. Section 311B of the Local Government Act, 1919, as inserted by this Act, does not apply to or in respect of an approval given by the council before the commencement of the Building and Construction Industry Long Service Payments Act, 1985.



SCHEDULE 1.

(Sec. 3.)

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(1) Section 311 -

Omit the section, insert instead:-

Approval of the council.

311. A building shall not be erected unless the approval of the council is obtained therefor beforehand.

(2) Sections 311A, 311B -

After section 311, insert:-

Payment of insurance premium under Builders Licensing Act, 1971.

311A. (1) Where the council approves (whether or not subject to conditions) of an application for the approval of the council which relates to building work as defined in section 3(1) of the Builders Licensing Act, 1971, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval unless -

(a) the council is satisfied that -

(i) the amount, if any, payable under Part VI of the Builders Licensing Act, 1971, as an insurance premium has been duly paid;

or



SCHEDULE 1 - continued.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

(ii) no amount is payable under that Part,

in respect of the building work; and

(b) the council has endorsed on that copy a notation that the council is so satisfied.

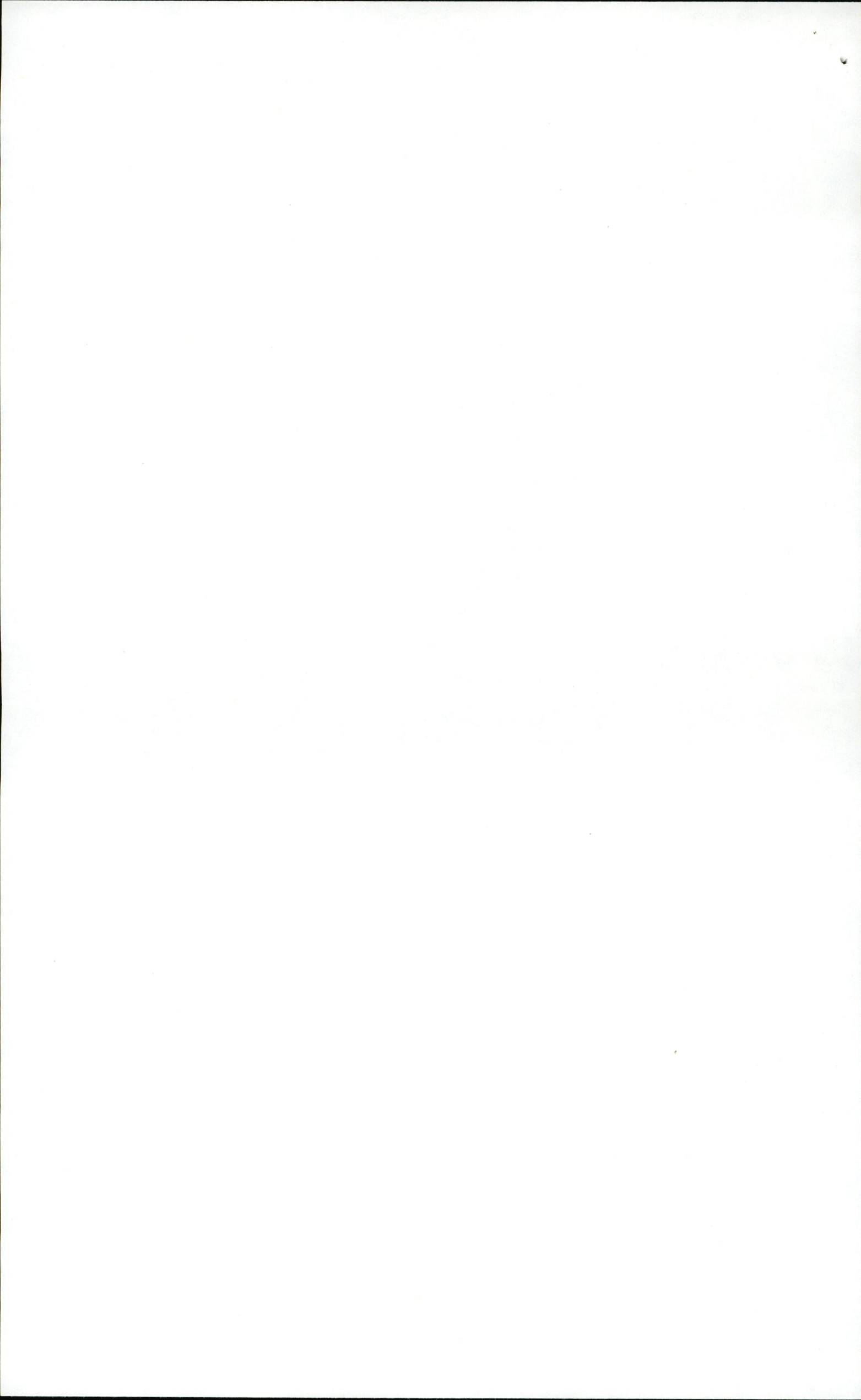
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(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act, 1971, certifying that -

(a) the amount payable under Part VI of that Act as an insurance premium has been paid; or

(b) no such amount is payable,

in respect of any building work specified in the certificate shall, for the purpose of the council's making a notation referred to in subsection (1), be sufficient evidence of the matter referred to in paragraph (a) or (b), as the case may be.



SCHEDULE 1 - continued.
AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

Payment of long service levies under Building and Construction Industry Long Service Payments Act, 1985.

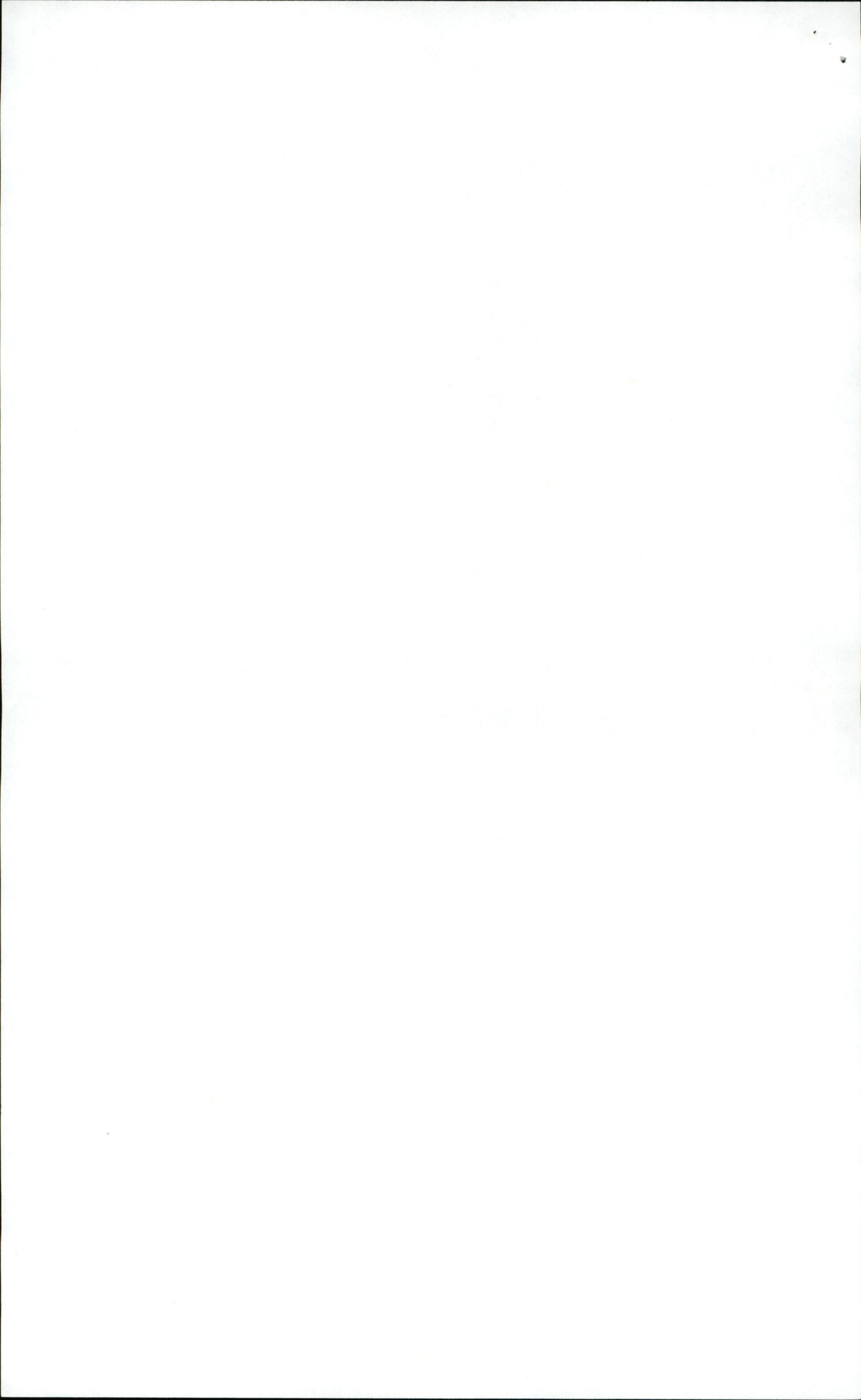
311B. (1) Where the council approves (whether or not subject to conditions) of an application for its approval of the erection of a building, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval unless -

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(i) the amount of the long service levy payable under Part V of the Building and Construction Industry Long Service Payments Act, 1985, in respect of the erection of the building has been duly paid; or

(ii) where that long service levy is to be paid by instalments pursuant to section 43 of that Act, the first instalment of that long service levy has been duly paid; and

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SCHEDULE 1 - continued.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919 - continued.

(2) Notwithstanding that the council has approved (whether or not subject to conditions) of an application for its approval of the erection of a building, the approval has no force or effect unless the council has endorsed a notation referred to in that subsection on a copy of the plans and specifications submitted to it with the application and forwarded or delivered by the council to the applicant after that approval was given.

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PAYMENTS) AMENDMENT BILL, 1985**

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- (b) to require a council to notify the Building and Construction Industry Long Service Payments Corporation each month of building approvals given by the council (Schedule 1 (2)—proposed section 311B (3)).

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No. , 1985.

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*Local Government (Building and Construction Industry Long Service Payments)
Amendment 1985*

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15 in Schedule 1.

Saving provision.

4. Section 311B of the Local Government Act, 1919, as inserted by this Act, does not apply to or in respect of an approval given by the council before the commencement of the Building and Construction Industry Long
20 Service Payments Act, 1985.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) Section 311—

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Approval of the council.

311. A building shall not be erected unless the approval of the council is obtained therefor beforehand.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

(2) Sections 311A, 311B—

After section 311, insert:—

5 **Payment of insurance premium under Builders Licensing Act, 1971.**

311A. (1) Where the council approves (whether or not subject to conditions) of an application for the approval of the council which relates to building work as defined in section 3 (1) of the Builders Licensing Act, 1971, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval unless—

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(ii) no amount is payable under that Part,

in respect of the building work; and

20 (b) the council has endorsed on that copy a notation that the council is so satisfied.

25 (2) Notwithstanding that the council has approved (whether or not subject to conditions) of an application referred to in subsection (1), the approval has no force or effect unless the council has endorsed a notation referred to in that subsection on a copy of the plans and specifications submitted to it with the application and forwarded or delivered by the council to the applicant after that approval was given.

(3) A certificate purporting to be issued under section 22 of the Builders Licensing Act, 1971, certifying that—

30 (a) the amount payable under Part VI of that Act as an insurance premium has been paid; or

SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

(b) no such amount is payable,

5 in respect of any building work specified in the certificate shall, for the purpose of the council's making a notation referred to in subsection (1), be sufficient evidence of the matter referred to in paragraph (a) or (b), as the case may be.

Payment of long service levies under Building and Construction Industry Long Service Payments Act, 1985.

10 311B. (1) Where the council approves (whether or not subject to conditions) of an application for its approval of the erection of a building, the council shall not forward or deliver to the applicant for the approval or to any other person a copy of the plans and specifications submitted to it with the application for approval
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*Local Government (Building and Construction Industry Long Service Payments)
Amendment 1985*

SCHEDULE 1—*continued.*

AMENDMENT TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

- 5 (3) The council shall, in each month, furnish to the Building and Construction Industry Long Service Payments Corporation a notice, in such form and containing such particulars as may be approved by that Corporation, of each approval of the erection of a building given by the council in the immediately preceding month.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

