



**CONSTRUCTION INDUSTRY LONG SERVICE LEAVE
(TRANSITIONAL PROVISIONS) AMENDMENT ACT 1997**

No. 44 of 1997

SUMMARY OF PROVISIONS

1. **Short title**
2. **Insertion of schedule 4**



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ELIZABETHAE II REGINAE

A.D. 1997

No. 44 of 1997

An Act to amend the Construction Industry Long Service Leave Act 1987.

[Assented to 24 July 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Construction Industry Long Service Leave (Transitional Provisions) Amendment Act 1997*.

(2) The *Construction Industry Long Service Leave Act 1987* is referred to in this Act as "the principal Act".

Insertion of schedule 4

2. The following schedule is inserted after schedule 3 of the principal Act:

SCHEDULE 4

Transitional Provisions — 1975 Act

Interpretation

1. In this schedule—

"1987 transitional provisions" means the provisions that constituted the third schedule of this Act at the time that this Act came into operation (1 April 1988).

Effective service entitlements not previously recognised

2. The Board may, on its own initiative or on application under this schedule, credit to a person under this Act any effective service entitlement that accrued to the person under the repealed Act in respect of any period of service occurring after the commencement of that Act (and that has not been previously credited to the person under this Act).

Employer contributions

3. (1) If—

(a) a person is credited with an effective service entitlement under the 1987 transitional provisions or under this schedule; and

- (b) contributions have not been paid by the person who was the employer in respect of the period of service to which the entitlement relates,

the Board is entitled to recover from the person referred to in paragraph (b), in respect of any period of service occurring after the commencement of the repealed Act, an amount assessed or estimated by the Board as being equal to the total contributions that would have been payable by the person as an employer under the repealed Act in respect of that period of service, together with interest on each such contribution at a rate equal to the rate that applies under section 29(1)(a) for each full financial year from the date on which the contribution would have been so payable.

(2) An amount that the Board is entitled to recover from a person under subclause (1) will be taken to be unpaid levy assessed by the Board as being payable by the person as an employer under section 28(2) (and may be recovered by the Board as such).

(3) The Board may—

- (a) allow an amount payable under subclause (1) to be paid by instalments over a period not exceeding 12 months;
- (b) for any proper reason remit interest payable under subclause (1) wholly or in part.

Leave previously granted

4. Long service leave granted, or a payment made on account of long service leave, before the commencement of this Act will, in respect of the period or entitlement to which it related, be presumed to have been granted or made under this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor