



Employer Information

Portable Long Service Leave Benefits for the Construction Industry

The *Construction Industry Long Service Leave and Benefits Act* (the Act) commenced on 1 July 2005, enabling building and construction workers in the Northern Territory to benefit from a portable long service leave scheme known as NT Build.

A Government appointed Board of Territory based members, including an independent Chairperson and worker and industry representatives is responsible for administering the Scheme.

What is portable long service leave?

The Scheme enables workers to qualify for long service leave based on their service with the construction industry rather than with the one employer. The portability extends across state borders under the National Reciprocal Agreement.

Registration

If you are an employer, you will need to register with NT Build within one month of employing a registered worker.

You can register with NT Build by completing the Employer Registration Application Form delivering it to the NT Build office or emailing it to info@ntbuild.com.au. The Employer Registration Application Form can be obtained through the "Publications" page of the NT Build website – ntbuild.com.au.

Post Registration reporting and obligations

Following registration, employers are required to:

- Keep adequate records to account for any eligible workers employed;
- Complete an Employer Return form twice a year advising NT Build of the number of days worked by each of their registered employees.

Note:

Employer Returns are undertaken twice yearly (based on a financial year cycle):

1. Period 1 is from 1 July to 31 December, usually issued mid to late January with a final lodgment date of 31 March; and
2. Period 2 is from 1 Jan to 30 June, usually issued in mid to late July with a final lodgment date of 30 September.

Construction Work

For the purposes of the Scheme, construction work includes commercial, domestic, industrial and civil construction, and covers (among other things) reclamation, earthmoving, landscaping, repair, maintenance, extension and demolition work.

Who is an eligible worker?

To be eligible for registration under the Scheme a worker must:

- Be employed to carry out construction work in the Northern Territory;
- Work on the construction site for greater than 50% of their time;
- Work in the private sector (ie: not for the government);
- Not be working in an administrative, clerical, managerial or professional capacity.

Workers employed full-time, part-time, as a casual, or as a labour-only contactor are eligible to register.

Qualifying service?

The following is a day of service for the worker:

- A workday throughout which the worker carries out at least 6 hours of construction work during any work shift;
- A public holiday or a day of paid absence for the worker other than a day that is part of long service leave.

A worker is entitled to be credited with a maximum of 6 days of qualifying service per week, however they cannot accrue more than 220 days of service in a financial year.

In circumstances where workers are employed on a FIFO/rotating roster basis, an average number of days worked over the return period should be used to calculate the qualifying service days, using the following formula:

$$\text{Total number of hours worked in return period} \div 8$$

50% Rule

NT Build either accepts the full liability for LSL or rejects it entirely. The employer must decide if the worker is likely, on the balance of probabilities, to be on site for more than 50% of their working time in any reporting period. If the answer is yes then NT Build will register the worker. The employer is not required to keep records of on site construction work versus any other work. The employer is simply required to record the total number of days worked on any work during the reporting period.