

Subject: **Employer Reporting of Service Days for Registered Workers**

References: Act Section 15: Qualifying service
 Act Section 28: Obligation to report
 Act Section 30: Obligation to keep records
 Determination 7: Obligations to report
 Determination 8: Obligations to keep records

Policy:

The *Construction Industry Long Service Leave and Benefits Act 2005 (the Act)* and the *Construction Industry long Service Leave and Benefits Determinations 2005 (the Determinations)* set out the obligations of employers registered under the Scheme to report service for registered workers.

The key obligation is that employers must report the number of service days of each registered worker during a reporting period (ie. every 6 months).

The Registrar in turn (based on the information reported by the employer) must then credit each worker with that amount of qualifying service (capped at 220 days in a year).

A day of service according to section 15(3)(a) of the *Act* is “a *workday throughout which the worker carries out construction work in the Territory*”.

NT Build has permitted the above reporting requirements in accordance with the following rule set out in the Employer Information Factsheet published on the NT Build website in 2008:

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.

To clarify this existing rule, the Board, for the purposes of section 15(3)(c) of the Act, will permit employers reporting in accordance with the following:

For section 15(3(c)) of the Act, a registered worker is entitled to be credited with the maximum days of qualifying service in a reporting period where the registered employer provides a report in accordance with section 28 of the Act advising that the registered worker has:

- (a) been employed by a registered employer throughout the reporting period; and*
- (b) carried out construction work for at least half of that reporting period.*

This means that if a registered worker has been employed by an employer to undertake construction work for at least half of a 6 month reporting period, the employer can report the maximum days of qualifying service for that period. For example:

- for a 1 January to 30 June reporting period, the maximum reportable service days are 156 service days; and
- the registered worker has been employed by the employer to undertake construction work for at least half of the reporting period ie. 78 days,

the employer can report the maximum amount of service days (ie. 156 days) for the 1 January to 30 June reporting period in relation to that registered worker.

If the registered worker has been employed by the employer to undertake construction work for less than half of the reporting period (ie. 77 days or less in the above example), then the registered employer should only report that number of service days.

NT Build will only record the number of service days as reported by the employer in the relevant return.

Date Authorised: 18 June 2025, Review Date: Every three years