

Part 2: Operational Governance



Part 2 Operational governance

The Board

Functions and powers

The *Construction Industry Long Service Leave and Benefits Act* (CILSLB Act) sets out the Board's main functions as well as the powers that the Board may exercise in performing those functions. The functions of the Board in administering the portable long service leave scheme (provided for in section 55 of the CILSLB Act) include:

- administration of the scheme; and
- providing advice and making recommendations to the Minister concerning the operation of the Act.

In exercising its powers and carrying out its functions, the CILSLB Act obliges the Board to do so in a manner that is reasonable and accords with and furthers the object of the Act.

Membership

In April 2014 the government announced a number of changes to the Scheme. One of these changes related to the strengthening of the governance framework underpinning the administration of the Scheme through amending of the provisions regarding the constitution of the board. Legislative amendments to give effect to this change were finalised on 23 April 2015.

The provisions in the CILSLB Act at that time relating to the constitution of the board required the appointment of two representatives each from organisations representing the interests of employers and employees in the Territory. The amended provisions introduced in April 2015 substitute this mandated representation requirement with a simplified and more streamlined general requirement that will enable future board appointments to be

based on relevant qualifications, skills or knowledge in areas such as financial management, investment, legal, corporate governance and the Northern Territory construction industry.

Other Board provisions, relating to being able to hold office for a period of up to five years and being eligible for reappointment, remained unchanged.

The new amendments also capped the number of public sector employees that may be appointed to the board to a maximum of two. This restriction ensures majority industry participation in the administration of NT Build and keeps the Scheme, established for the benefit of industry, at arm's length from government.

This reporting period saw the reappointment of board member Dick Guit for a further term and the replacements of inaugural Chairperson Barry Chambers and board member Mick Huddy.

Barry Chambers made a significant contribution to the successful establishment and administration of the Scheme during the ten years of his chairmanship. Following the expiration of his appointment term, Mr Chambers was succeeded by the appointment of new Chairperson Michael Martin OAM.

Following the expiration of his appointment after five years on the Board, Mr Huddy was succeeded by the appointment of new member Michael Milatos. An additional new member, Rosemary Campbell, was also welcomed to the Board.

Therefore, the membership of the NT Build Board on 30 June 2015 was as follows.

Independent Chairperson	Michael Martin OAM Former senior NT Public Sector employee
Other members	Dick Guit General Manager Sitzler Pty Ltd President of the MBA NT
	Michael Haire Organiser (QLD/NT) Electrical Trades Union (ETU)
	David Malone Executive Officer Master Builders NT
	Michael Milatos Director Cento Pty Ltd
Additional members	Craig Graham Assistant Under Treasurer Department of Treasury and Finance Northern Territory Government
	Rosemary Campbell Director Merit Partners

Conducting business

Meetings

During this reporting period the Board convened a total of 16 times, including 7 regular meetings and 9 occasions involving specific matters that required attention between scheduled meetings. Due to the small size of the Board, all matters are dealt with by the Board as a whole.

Further detail regarding members' participation at meetings is provided in the Financial Statements included in this report.

Remuneration

Board members are remunerated in accordance with the rates and conditions determined under the *Assembly Members*

and *Statutory Officers (Remunerations and Other Entitlements) Act*; based on a classification that recognises the range of duties, powers and responsibilities assigned to the Board.

Further detail regarding payments to members is provided in the Financial Statements included in this report.

General decisions

In the course of the 14 meetings of the Board, 63 general items of business were resolved, covering a range of issues concerning governance, scheme administration and the financial and general operational management of NT Build.

Board Policies

Two policies, relating to the revised weekly benefit level and the development of a guidance note aimed at clarifying the exclusion of the long service levy on resources work, were issued during this reporting period.

All policies of the Board are intended as a guide only and are not intended to bind the Board to any particular action or decision about the nature of construction work or affecting the operation or administration of the portable long service leave scheme.

Copies of all policies are published on the website at: www.ntbuild.com.au

Ministerial directions

Section 67 of the CILSLB Act enables the Minister to give a direction to the NT Build Board relating to the exercising of its powers or the performance of its functions.

No directions pursuant to section 67(1) of the CILSLB Act were given during the year ending 30 June 2015.

Ministerial advice

Following a review of the Scheme and in light of Industry feedback and Scheme performance, the Government decided to amend the Scheme during the previous 2013-14 reporting period. The major changes involved a reduction in the NT Build levy rate from 0.3% to 0.1% and an increase in the leviable project threshold from \$200,000 to \$1 million.

While both of the above changes were finalised during the 2013-14 reporting period, work on implementing the remainder of those decisions announced by the NT Government in April 2014 were completed during this reporting period. This involved the introduction of further legislative amendments that enhanced the benefits to workers by reducing the qualifying period for workers to 220 days, provided certainty on the calculation on the levy for major projects costing in excess of \$1 billion and strengthened the governance framework underpinning the administration of the Scheme.

Work was also undertaken in consultation with industry to clarify the exemption of the levy to mining and exploration activity.

Disclosure of interests

As required under the CILSLB Act a register of the interests of members of the Board is maintained. All members submit an initial declaration stating any interests of relevance to Board business and a process has been implemented to ensure any new or amended declarations are disclosed at each meeting.

Reconsideration/reviews

Under Section 84 the CILSLB Act, a person affected by a decision made by either the Registrar or the Board may request the Board to formally reconsider that decision.

As illustrated in the table 2.1 below, no applications for reconsideration were received during this reporting period.

Similarly, under Section 85 of the CILSLB Act, a person who has applied to the Board for a reconsideration of a decision may, if dissatisfied with the decision, apply to the Local Court for a review of the Board's reconsidered decision.

No applications for a review by the Local Court were received during the 2014-15 reporting period.

Table 2.1: Summary of applications for reconsideration lodged - Section 84

YEAR	B/FWD	LODGED AGAINST		RESOLVED	C/FWD
		decision of Registrar	decision of Board		
2014-15	-	-	-	-	-
2013-14	-	-	-	-	-
2012-13	-	1	1	2	-
2011-12	-	-	-	-	1
2010-11	-	-	1	1	-
2009-10	1	-	1	2	-
2008-09	-	-	2	1	1
2007-08	-	-	1	1	-
2006-07	-	-	1	1	-
2005-06	-	1	-	1	-

The Office

Registrar

The CILSLB Act requires that a Registrar (who is to be an employee within the meaning of the *Public Sector Employment and Management Act*) be formally appointed by the Board for the Scheme. The current Registrar for the Scheme, Mr Theo Tsikouris, was formally appointed in January 2006.

The specific powers and primary functions of the Registrar are set out in the CILSLB Act. The functions of the Registrar in administering the portable long service leave Scheme (provided for in section 77 of the CILSLB Act) include:

- Administering the Scheme in accordance with any directions given by the Board;
- Exercising any powers or functions delegated by the Board;
- Maintaining construction worker and employer registers;
- Approving of forms to be used for the Scheme; and
- Approving registration requests and deregistrations for the Scheme.

Table 2.2: Staffing profile as at 30 June 2015

Classification Level	At 30 June 15	
	FTE	Gender
ECO1	1	M
SAO1	1	F
AO7	1	M
AO6	2	1M, 2F
AO4	1	1M
AO2	0	-
	7	

Staff

Section 59 of the CILSLB Act enables the Board to engage any person to assist it in exercising its powers and performing its functions. For administrative efficiency however the Board made the decision to source employees from within the Northern Territory Public Sector (NTPS) rather than employ directly.

In accordance with the December 2014 Administrative Arrangements Order responsibility for the administration of the CILSLB Act was transferred from the Department of Lands, Planning and the Environment (DLPE) to the Department of Business (DoB). For administrative purposes, this means that for the reporting period ended 30 June 2015 NT Build reports direct to the Minister for Business. Likewise, the staff of NT Build were transferred from DLPE to DoB, however under an agreed arrangement the staff of NT Build are made available to the Board on a full cost recovery arrangement.

As illustrated in the following tables, the staffing profile for NT Build as at 30 June 2015 consisted of seven staff.

Table 2.3: Staffing FTE as at 30 June

As a 30 June	FTE
2015	7
2014	7
2013	7
2012	7
2011	6
2010	7
2009	5.5
2008	6.2
2007	7

For the purpose of managing staff, the Registrar and other public sector employees made available to the Board are engaged under the standard NT Public Sector employment arrangements. In addition, the Registrar has been provided with delegations equivalent to those applicable to an NTPS Chief Executive Officer under the provisions of the *Public Sector Employment and Management Act*, in relation to the staff of NT Build.

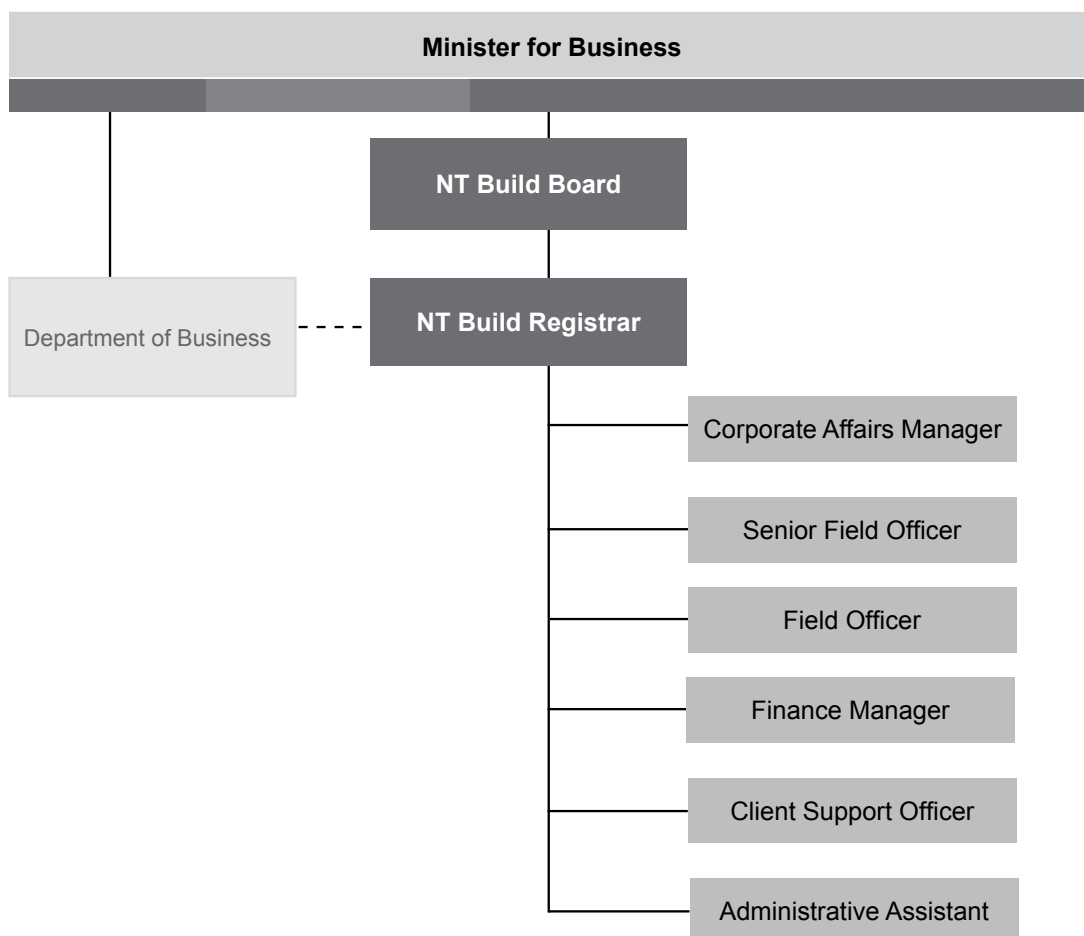
Disclosure of interests

In accordance with the Northern Territory Public Sector Code of Conduct, NT Build staff are required to disclose any financial or other interests held by them immediately upon becoming aware that a potential conflict between personal interest and official duty, whether real or apparent, has arisen or is likely to arise.

Written declarations have been submitted by all relevant NT Build staff when appropriate.

Organisation structure

The following diagram represents the organisation structure as at 30 June 2015.



Information management

Information Privacy and Access (FOI)

As a 'body corporate' established under Northern Territory legislation, NT Build is an identified entity for the purpose of reporting under section 98 of the *Information Act*.

In accordance with section 98 of the *Information Act*, NT Build reported to the Information Commissioner that no requests to access information held by NT Build were received during the 2014-15 financial year.

- ***Managing Access***

NT Build strives to make information of interest available to any interested party, where such information does not interfere with the essential public interest, individual privacy or the effective operation of NT Build. In most cases, levy payers and registered workers and employers seeking access to their own information held by NT Build can obtain the information more quickly under the provisions of the CILSLB Act rather than by making an application for access under the *Information Act*.

- ***Managing Privacy and Protection***

NT Build respects the privacy of individuals and is committed to collecting, using, storing and managing personal information in a manner that complies with the Information Privacy Principles.

More information is published on our internet site at: www.ntbuild.com.au

Records management

Part 9 of the *Information Act* (Records and Archives Management) provides for the establishment and implementation of records management standards. Adequate records management underpins the access, correction and privacy components of the *Information Act* by ensuring that Government information (records) can be found, read and reproduced in response to requests.

Notwithstanding that NT Build is a 'body corporate' established by Northern Territory legislation, the Department of Business is the agency designated under the Administrative Arrangements Order with responsibility for the general administration of the CILSLB Act.

For the purpose of Part 9 of the *Information Act*, all records relating to the administration of the CILSLB Act handled by NT Build are managed in accordance with the Department of Business records management framework and policies.

Information systems

- ***Office environment***

The Northern Territory Government's information technology services are managed through a number of out sourced service provision arrangements. NT Build operates within the standard Northern Territory Government information technology server environment.

- ***Construction Benefits Services***

The Construction Industry Long Service Leave Board, South Australia, (CBS) continued to provide information technology services throughout 2014-15, relating to the ongoing development and management of a business system to support the administration of the NT Build Scheme.

Work commissioned by the Board to identify the feasibility of upgrading its business systems was also completed.

The new system is intended to accommodate future Scheme growth demands, provide a user friendly and intuitive client self-service functionality and ensure that ongoing administration costs are minimised as the Scheme grows

The introduction of the new system is scheduled for 2016.

Communication and marketing

As a result of finalising the implementation of a range of legislative changes during 2014-15, targeted marketing activities were undertaken during the reporting period. In addition the following general activities were undertaken.

General marketing activities

Throughout the reporting period a number of customer focused marketing activities were implemented.

These have included:

1. Advertising in relevant industry publications and directories;
2. Maintenance of the NT Build website;
3. Production and maintenance of a range of targeted customer information bulletins and fact sheets; and
4. Delivery of numerous formal and informal presentations to targeted customers, including conducting regional visits to Katherine, Nhulunbuy, Tennant Creek and Alice Springs, as well as local site visits and information sessions.

Industry consultation

Information sessions and briefings

During the reporting period NT Build staff provided a range of information and briefing sessions to construction industry organisations, such as:

1. General presentations at industry forums;
2. Targeted presentations to employer and developer groups; and
3. Tailored on-site briefing sessions to employees, employers and developers.

Presentations to the Board

During the reporting period two organisations accepted an invitation to make a presentation to the Board on matters of interest to the effective administration of the scheme.

Liaison with other construction industry long service leave schemes

As a party to the National Reciprocal Agreement, NT Build continues to liaise with other state and territory construction industry long service leave schemes for the purpose of processing benefit claims lodged by registered workers.

In addition, the Registrar and nominated board members participate in regular meetings with the chief executives and chairpersons of equivalent interstate construction industry portable long service leave schemes for the purpose of exchanging ideas on scheme coverage, administrative practices, legislation, investments, and information technology.

Hosting of these meetings are managed on state/territory rotation basis.

Insurance and risk management

Insurance

As a self funded statutory body corporate, insurance policies relating to public liability, vehicle and property damage and workers compensation have been endorsed by the Board to mitigate any financial risk to the Scheme.

Financial and internal audit services

As the contracted financial advisers for the Scheme, TDH Chartered Accounts continued to provide NT Build with independent financial, accounting and taxation advice and services.

During the reporting period the following range of services were provided under the contracted consultancy arrangement.

- On-going ad-hoc general advice in regard to the accounting and taxation implications of NT Build activities.
- Preparation of annual Financial Statements for statutory auditing and reporting.
- Advice and assistance with the delivery of a compliance audit program.

Levy compliance program

NT Build operates a 'Strategic audit and levy compliance program' to support its strategic audit framework. This framework introduced an annual audit program aimed at strengthening levy compliance and supporting the effective and efficient administration of the scheme, whereby routine audits of selected construction projects are to be conducted to ensure that levy payers are declaring and remitting the correct amount of levy that is required.

All audits are undertaken by contracted external auditors. For this purpose, a panel contract arrangement has been established for the purpose of conducting levy compliance audits.

The final report prepared by the auditor of a compliance review, including audit findings, are submitted in full to the Board for consideration and to determine any further action.

Where, as a result of the audit findings, the reconciled cost of the construction project results in a finding that the actual cost was less than the original estimate, NT Build will refund the overpaid portion of the levy payment.

This includes a full refund where the reconciled total cost of the construction project is determined to be less than:

- \$1 million for projects that started on or after 7/4/2014; or
- \$200,000 for projects that started before 7/4/2014, regardless of completion date.

However, if the total cost of construction is determined to be more than the amount originally notified to the Board, the payer will be required to pay the additional amount of levy. An interest penalty may also be applied.

Pending the completion of a review of the Scheme and the Government's consideration of the findings and recommendations of the Review, the levy compliance audit program was temporarily postponed during this reporting period.

Notwithstanding the above, the following Table 2.4 provides a summary of the status of the levy compliance audits undertaken.

Table 2.4: Summary of the audits undertaken

	B/FWD	STARTED	FINALISED	C/FWD
2014-15	-	-	-	-
2013-14	-	-	-	-
2012-13	2	-	2 ^{(a)(d)}	-
2011-12	4	-	2 ^(a)	2
2010-11	2	4	2 ^(a)	4
2009-10	1	2	1 ^(a)	2
2008-09	-	1	-	1

(a) = Additional levy and interest penalty payable - audited final construction cost more than reconciled project cost declared.

(b) = Partial levy refunded - audited final construction cost less than reconciled project cost declared.

(c) = Full levy refunded - audited final construction cost assessed as less than \$200 000 levy exemption amount.

(d) = No levy adjustment required - audited final construction cost same as reconciled project cost declared.

External audit

As required under the provisions of the CILSLB Act the annual statutory audit of the financial statements relating to the Board's operation for the year ending 30 June 2015 was undertaken by the NT Auditor-General.

The audited financial statements and accompanying report from the Auditor-General are included in this Annual Report.

Legal advice

Legal support services for NT Build are predominately provided by the Northern Territory Government Department of the Attorney-General and Justice. As such, the Solicitor for the Northern Territory provides both general and high level advice on the interpretation and application of the CILSLB Act, including the undertaking of any prosecutions on behalf of NT Build when necessary.

When required, the Solicitor for the Northern Territory facilitates the outsourcing of a request for legal services for specialist advice or assistance. During this reporting period two such out sourced legal services were engaged to assist with the preparation of an office accommodation lease and for the drafting of a software development agreement.