



Western Australia

## **Construction Industry Portable Paid Long Service Leave Regulations 1986**

Compare between:

[20 Nov 2015, 04-d0-02] and [01 Jan 2016, 04-e0-03]



## **Construction Industry Portable Paid Long Service Leave Regulations 1986**

### **1. Citation**

These regulations may be cited as the *Construction Industry Portable Paid Long Service Leave Regulations 1986*<sup>1</sup>.

### **2. Prescribed awards**

The awards mentioned in Schedule 1 are prescribed under section 3(4)(b) of the Act.

*[Regulation 2 amended in Gazette 20 Feb 2004 p. 603; 10 Jul 2012 p. 3057.]*

### **3. Prescribed classifications of work**

- (1) Subject to subregulation (2), all classifications of work referred to in an award mentioned in Schedule 1 are prescribed under section 3(4)(a) of the Act.
- (2) Where an exception, condition or limitation appears opposite the reference to an award, the classifications of work are so prescribed subject to that exception, condition or limitation.
- (3) In Schedule 1 *temporary employee* means a person who does not hold a permanent position but whose continuity of employment depends on the availability of work.

*[Regulation 3 amended in Gazette 10 Jul 2012 p. 3057.]*

**4. Common seal**

- (1) The common seal of the Board —
  - (a) shall be kept in the custody of the chief executive officer; and
  - (b) shall be affixed to a document only on the authority of a resolution of the Board and in the presence of not less than 2 members.
- (2) Each such member shall sign the document to attest that the common seal was duly affixed to it.

**5. Amount of notifiable contracts**

The prescribed amount for the purposes of section 17 of the Act is \$40 000.

**5A. Prescribed corresponding laws**

Each of the following laws is prescribed as a corresponding law for the purposes of section 29A of the Act —

- (a) the *Building and Construction Industry Long Service Payments Act 1986* (New South Wales);
- (b) the *Building and Construction Industry (Portable Long Service Leave) Act 1991* (Queensland);
- (c) the *Construction Industry Long Service Leave Act 1997* (Victoria);
- (d) the *Construction Industry (Long Service) Act 1997* (Tasmania);
- (e) the *Construction Industry Long Service Leave and Benefits Act* (Northern Territory);
- (f) the *Construction Industry Long Service Leave Act 1987* (South Australia);

- (g) the *Long Service Leave (Portable Schemes) Act 2009* (Australian Capital Territory) except to the extent to which it does not relate to the construction industry.

*[Regulation 5A inserted in Gazette 30 Dec 2011 p. 5574-5.]*

**6. Prescribed period for section 31**

The prescribed period for the purposes of section 31 of the Act is the period of 3 months ending on the last day of March, June, September and December in each year.

*[Regulation 6 inserted in Gazette 20 Feb 1998 p. 929.]*

**7. Information required for section 32**

The following information is required to be maintained for each employee for the purposes of section 32 of the Act —

- (a) his name, address, date of birth, and the number of his certificate of registration under section 30(10) of the Act; and
- (b) the award and classification of work applicable to him from time to time; and
- (c) the days on which his employment started and finished respectively; and
- (d) the days on which he was absent from work, whether he was paid for any such day, and the reason for the absence; and
- (e) the day or days of service which he completed as an employee within the meaning of the Act.

**8. Amount prescribed for section 34**

The amount payable in respect of an employee for the purposes of section 34 of the Act is 1.535% of the ordinary pay of that employee.

*[Regulation 8 amended in Gazette 30 Dec 1988 p. 5121; 15 Dec 1989 p. 4581; 14 Dec 1990 p. 6142; 29 Nov 1991*

**r. 9**

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*p. 6043; 18 Dec 1992 p. 6138; 31 Dec 1993 p. 6874;  
28 Nov 1997 p. 6985; 16 Oct 1998 p. 5730; 18 Oct 2002  
p. 5221; 12 Oct 2004 p. 4754 (as amended in Gazette  
14 Dec 2004 p. 6002); 7 Nov 2006 p. 4677; 30 Dec 2008  
p. 5642; 30 Dec 2011 p. 5575; 27 Dec 2013 p. 6445;  
21 Nov 2014 p. 4351; [20 Nov 2015 p. 4711.](#)]*

**9. Certificate of appointment of inspector**

The certificate of appointment of an inspector appointed under section 44 shall be in the form set out in Schedule 2.

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**Schedule 1 — Prescribed awards and classifications  
of work**

[r. 2 and 3]

*[Heading inserted in Gazette 10 Jul 2012 p. 3058.]*

**Division 1 — Awards given continuing effect under the *Fair Work  
(Transitional Provisions and Consequential Amendments) Act 2009*  
(Commonwealth)**

*[Heading inserted in Gazette 10 Jul 2012 p. 3058.]*

<b>Item</b>	<b>Prescribed awards</b>	<b>Exceptions, conditions and limitations</b>
1.	Australian Workers' Union Asphalt and Bitumen Industry (WA) Award 1988	
2.	Australian Workers' Union Construction and Maintenance (Consolidated) Award 1987	
3.	Australian Workers' Union Construction and Maintenance Award 1989	
4.	Australian Workers' Union Construction, Maintenance and Services (WA Government) Award, 1984	Limited to temporary employees in receipt of an industry allowance under the award
5.	Australian Workers' Union Geomembrane and Geotextile Installation Award 1989	
6.	Bitumen Spraying Services Award 1985	
7.	Drilling and Exploration Industry (AWU) Award 1998	
8.	Mobile Crane Hiring Award 1990	

**Construction Industry Portable Paid Long Service Leave Regulations 1986**

**Schedule 1** Prescribed awards and classifications of work

**Division 2** Awards under the Industrial Relations Act 1979

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<b>Item</b>	<b>Prescribed awards</b>	<b>Exceptions, conditions and limitations</b>
9.	National Building and Construction Industry Award 1990	
10.	Plumbing Industry (Qld and WA) Award 1979	
11.	Professional Divers' Award 1988	
12.	Transport Workers Spraypave Pty Ltd Award 1990	
13.	Sprinkler Pipe Fitters' Award 1975	
14.	Western Australian Civil Contracting Award 1998	

*[Division 1 inserted in Gazette 10 Jul 2012 p. 3058-9.]*

**Division 2 — Awards under the Industrial Relations Act 1979**

*[Heading inserted in Gazette 10 Jul 2012 p. 3059.]*

<b>Item</b>	<b>Prescribed awards</b>	<b>Exceptions, conditions and limitations</b>
1.	Air Conditioning and Refrigeration Industry (Construction and Servicing) Award No. 10 of 1979	
2.	Building Trades Award 1968	
3.	Building Trades (Construction) Award 1987	
4.	Building Trades (Government) Award 1968	Limited to temporary employees
5.	Earth Moving and Construction Award	
6.	Electrical Contracting Industry Award R 22 of 1978	
7.	Electrical Trades (Security Alarms Industry) Award 1980	



**Construction Industry Portable Paid Long Service Leave Regulations 1986**Prescribed awards and classifications of work  
Awards under the Industrial Relations Act 1979**Schedule 1**  
**Division 2**

<b>Item</b>	<b>Prescribed awards</b>	<b>Exceptions, conditions and limitations</b>
8.	Electronics Industry Award No. A22 of 1985	
9.	Engine Drivers' (Building and Steel Construction) Award No. 20 of 1973	
10.	Engineering Trades (Government) Award, 1967 Award Nos. 29, 30 and 31 of 1961 and 3 of 1962	Limited to temporary employees in receipt of an allowance for construction work under the award
11.	Foremen (Building Trades) Award 1991	
12.	Furniture Trades Industry Award	Limited to cabinet making and flooring covering
13.	Gate, Fence and Frames Manufacturing Award	
14.	Industrial Spraypainting and Sandblasting Award 1991	
15.	Lift Industry (Electrical and Metal Trades) Award 1973	
16.	Materials Testing Employees' Award, 1984	
17.	Mechanical and Electrical Contractors (North West Shelf Project Platform) Award 1986	
18.	Metal Trades (General) Award	
19.	Pest Control Industry Award	
20.	Radio and Television Employees' Award	
21.	Sheet Metal Workers' Award No. 10 of 1973	

**Construction Industry Portable Paid Long Service Leave Regulations 1986**

**Schedule 1** Prescribed awards and classifications of work

**Division 2** Awards under the Industrial Relations Act 1979

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<b>Item</b>	<b>Prescribed awards</b>	<b>Exceptions, conditions and limitations</b>
22.	Thermal Insulation Contracting Industry Award	

*[Division 2 inserted in Gazette 10 Jul 2012 p. 3059-60.]*

**Schedule 2**

[Regulation 9]

*CONSTRUCTION INDUSTRY PORTABLE PAID LONG SERVICE  
LEAVE ACT 1985*

Certificate of appointment of Inspector

This is to certify that .....  
(full name)

whose signature and photograph appear below has been appointed as  
an inspector under section 44 of the above Act.

The functions of an inspector are to carry out investigations to ensure  
that proper records are kept, accurate returns are lodged and correct  
contributions are paid by employers.

.....  
Signature of inspector

Photograph of inspector

.....  
Chief Executive Officer

Date: .....

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### Notes

- <sup>1</sup> This is a compilation of the *Construction Industry Portable Paid Long Service Leave Regulations 1986* and includes the amendments made by the other written laws referred to in the following table-<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Construction Industry Portable Paid Long Service Leave Regulations 1986</i>	19 Dec 1986 p. 4924-5	19 Dec 1986
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1987</i>	29 May 1987 p. 2233	29 May 1987
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1988</i>	30 Sep 1988 p. 4006	30 Sep 1988
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1988</i>	30 Dec 1988 p. 5121	1 Jan 1989 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1989</i>	30 Jun 1989 p. 1899	30 Jun 1989
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 3) 1989</i>	1 Dec 1989 p. 4430	1 Dec 1989
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 4) 1989</i>	15 Dec 1989 p. 4581	1 Jan 1990 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 5) 1989</i>	29 Dec 1989 p. 4669	29 Dec 1989 (see r. 2 and <i>Gazette</i> 29 Dec 1989 p. 4665)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1990</i>	7 Sep 1990 p. 4652-3	7 Sep 1990
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1990</i>	2 Nov 1990 p. 5453	2 Nov 1990
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 3) 1990</i>	14 Dec 1990 p. 6142	1 Jan 1991 (see r. 2)

**Construction Industry Portable Paid Long Service Leave Regulations 1986**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1991</i>	29 Nov 1991 p. 6042-3	1 Jan 1992 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1991</i>	24 Dec 1991 p. 6469	24 Dec 1991
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1992</i>	28 Jul 1992 p. 3729	28 Jul 1992
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1992</i>	18 Dec 1992 p. 6137-8	1 Jan 1993 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1993</i>	12 Oct 1993 p. 5469	12 Oct 1993
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1993</i>	31 Dec 1993 p. 6874	1 Jan 1994 (see r. 2)
<b>Reprint of the Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 1 Jul 1997</b> (includes amendments listed above)		
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1997</i>	28 Nov 1997 p. 6985	1 Jan 1998 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1998</i>	20 Feb 1998 p. 929	20 Feb 1998
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1998</i>	16 Oct 1998 p. 5730	1 Jan 1999 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1999</i>	8 Jun 1999 p. 2470	8 Jun 1999
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2002 r. 4</i>	18 Oct 2002 p. 5221	1 Jan 2003 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 2002</i>	5 Nov 2002 p. 5417-18	5 Nov 2002 [Published again in <i>Gazette</i> 12 Nov 2002 p. 5466 but amendment of 12 Nov 2002 has no effect]

**Construction Industry Portable Paid Long Service Leave Regulations 1986**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<b>Reprint 2: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 3 Jan 2003</b> (includes amendments listed above)		
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2004</i>	20 Feb 2004 p. 603	20 Feb 2004
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 2004</i>	12 Oct 2004 p. 4753-4 (as amended in <i>Gazette</i> 14 Dec 2004 p. 6002)	1 Jan 2005 (see r. 2)
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2005</i>	8 Jul 2005 p. 3159	8 Jul 2005
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2006</i>	7 Nov 2006 p. 4677-8	Regulations other than r. 4: 7 Nov 2006 (see r. 2(1)); r. 4: 1 Jan 2007 (see r. 2(2))
<b>Reprint 3: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 24 Aug 2007</b> (includes amendments listed above)		
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2008</i>	30 Dec 2008 p. 5642	r. 1 and 2: 30 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2011</i>	30 Dec 2011 p. 5574-5	r. 1 and 2: 30 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Dec 2011 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2012</i>	10 Jul 2012 p. 3057-60	r. 1 and 2: 10 Jul 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Jul 2012 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2013</i>	27 Dec 2013 p. 6445	r. 1 and 2: 27 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2014 (see r. 2(b))
<b>Reprint 4: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 7 Mar 2014</b> (includes amendments listed above)		

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2014</i>	21 Nov 2014 p. 4351	r. 1 and 2: 21 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2015 (see r. 2(b))

~~<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

**Provisions that have not come into operation**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2015</i> <del>r. 3 and 4</del> <sup>2</sup>	20 Nov 2015 p. 4711	<a href="#">r. 1 and 2: 20 Nov 2015</a> <a href="#">(see r. 2(a));</a> <a href="#">Regulations other than r. 1 and 2:</a> 1 Jan 2016 (see r. 2(b))

~~<sup>2</sup> On the date as at which this compilation was prepared, the *Construction Industry Portable Paid Long Service Leave Amendment Regulations 2015* r. 3 and 4 had not come into operation. They read as follows:~~

~~**3. Regulations amended**~~

~~— These regulations amend the *Construction Industry Portable Paid Long Service Leave Regulations 1986*.~~

~~**4. Regulation 8 amended**~~

~~— In regulation 8 delete “1.5%” and insert:~~

~~— 1.35%~~