



Western Australia

Construction Industry Portable Paid Long Service Leave Regulations 1986

Compare between:

[01 Jan 2022, 04-q0-00] and [30 Nov 2023, 04-r0-01]

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*.

2. Prescribed awards

The awards mentioned in Schedule 1, whether or not in force, are prescribed under section 3(4)(b) of the Act.

[Regulation 2 amended: Gazette 20 Feb 2004 p. 603; 10 Jul 2012 p. 3057; SL 2021/191 r. 4.]

3. Prescribed classifications of work

- (1) Subject to subregulation (2), all classifications of work referred to in an award mentioned in Schedule 1, whether or not the award is in force, 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: Gazette 10 Jul 2012 p. 3057; SL 2021/191 r. 5.]

r. 3A

3A. Ministers, authorities and local governments not employers

For the purposes of the definition of *employer* in section 3(1) of the Act, each of the following is not an employer —

- (a) any Minister in the Government;
- (b) any authority, whether a body corporate or not, constituted for a public purpose by a written law;
- (c) any local government.

[Regulation 3A inserted: SL 2023/187 r. 4.]

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~~250 000.

[Regulation 5 amended: SL 2023/187 r. 5.]

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: 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: Gazette 20 Feb 1998 p. 929.]

7. Information required ~~for section~~ (Act s. 32-(1))

~~The~~ For the purposes of section 32(1) of the Act, the following information ~~is required to~~ must be included in the record maintained for each employee ~~for the purposes of section 32 of the Act~~ —

- (a) ~~his~~ the employee's full name, ~~address,~~ date of birth, and gender;

- (b) the following contact details of the employee —

- (i) residential address;

- (ii) postal address;

- (iii) mobile phone number;

- (iv) other phone number;

- (v) email address;

r. 7

- (c) the basis on which the employee is employed, including whether the employee is employed —
- (i) on a permanent, fixed term, casual or other basis; and
- (ii) full-time or part-time or otherwise;
- (d) whether the employer describes the employee as a contractor or subcontractor;
- (e) whether the employee is entitled to paid annual leave;
- (f) whether the employee is an apprentice or a trainee;
- (g) the number of ~~his~~the certificate of registration issued to the employee under section ~~30(1)~~31A(1)(b) of the Act; and
- (~~h~~) the ~~award~~employee's job title and ~~classification of work applicable to him from time to time~~; occupation, and the primary tasks performed by the employee;
- (~~e~~i) the days on which ~~his~~the employee's employment started and, if applicable, finished ~~respectively; and;~~
- (~~d~~) ~~the days~~j) for any day on which ~~he~~the employee was absent from work, ~~whether he was paid for any such day, and —~~
- (i) the date of the absence; and
- (ii) the reason for the absence; and
- ~~(e) —~~ (iii) whether the employee was paid for the day;
- (k) the day or days of service ~~which he~~ completed as an employee within the meaning of the Act.

[Regulation 7 inserted: SL 2023/187 r. 6.]

8. Amount prescribed for section 34

The amount payable in respect of an employee for the purposes of section 34 of the Act is 0.1% of the ordinary pay of that employee.

[Regulation 8 amended: Gazette 30 Dec 1988 p. 5121; 15 Dec 1989 p. 4581; 14 Dec 1990 p. 6142; 29 Nov 1991 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: 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; 8 Dec 2017 p. 5841; 9 Nov 2018 p. 4411; 13 Dec 2019 p. 4231; SL 2020/107 r. 4; SL 2020/227 r. 4; SL 2021/191 r. 6.]

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.

Construction Industry Portable Paid Long Service Leave Regulations 1986

Schedule 1 Prescribed awards and classifications of work

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

Schedule 1 — Prescribed awards and classifications of work

[r. 2 and 3]

[Heading inserted: SL 2021/191 r. 7.]

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

[Heading inserted: SL 2021/191 r. 7.]

Item	Prescribed awards	Exceptions, conditions and limitations
1.	Aluminium Industry Award 2020	
2.	Asphalt Industry Award 2020	
3.	Australian Workers' Union Asphalt and Bitumen Industry (WA) Award 1988	
4.	Australian Workers' Union Construction and Maintenance Award 1989	
5.	Australian Workers' Union Construction and Maintenance (Consolidated) Award 1987	
6.	Australian Workers' Union Construction, Maintenance and Services (W.A. Government) Award 1984	Limited to temporary employees in receipt of an industry allowance under the award

Construction Industry Portable Paid Long Service Leave Regulations 1986

Prescribed awards and classifications of work
Awards under the Fair Work Act 2009 (Commonwealth) and
awards given continuing effect under the Fair Work
(Transitional Provisions and Consequential Amendments) Act
2009 (Commonwealth)

**Schedule 1
Division 1**

Item	Prescribed awards	Exceptions, conditions and limitations
7.	AWU Geomembrane and Geotextile Installation Award 1989	
8.	Bitumen Spraying Services Award 1985	
9.	Building and Construction General On-site Award 2020	
10.	Dredging Industry Award 2020	
11.	Drilling and Exploration Industry (AWU) Award 1998	
12.	Electrical, Electronic and Communications Contracting Award 2020	
13.	Gardening and Landscaping Services Award 2020	
14.	Joinery and Building Trades Award 2020	
15.	Manufacturing and Associated Industries and Occupations Award 2020	
16.	Mining Industry Award 2020	
17.	Mobile Crane Hiring Award 1990	

Construction Industry Portable Paid Long Service Leave Regulations 1986**Schedule 1** Prescribed awards and classifications of work**Division 1** Awards under the Fair Work Act 2009 (Commonwealth) and awards given continuing effect under the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Commonwealth)

Item	Prescribed awards	Exceptions, conditions and limitations
18.	Mobile Crane Hiring Award 2020	
19.	National Building and Construction Industry Award 1990	
20.	Pest Control Industry Award 2020	
21.	Plumbing and Fire Sprinklers Contracting Award 2020	
22.	Plumbing Industry (Qld and W.A.) Award 1979	
23.	Professional Divers' Award 1988	
24.	Professional Diving Industry (Industrial) Award 2020	
25.	Sprinkler Pipe Fitters' Award 1975	
26.	Telecommunications Services Award 2020	Limited to employees in the classification structure A.1.3 Technical Stream in Schedule A of the award
27.	Transport Workers Spraypave Pty Ltd Award 1990	

Item	Prescribed awards	Exceptions, conditions and limitations
28.	Western Australian Civil Contracting Award 1998	

[Division 1 inserted: SL 2021/191 r. 7.]

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

[Heading inserted: SL 2021/191 r. 7.]

Item	Prescribed awards	Exceptions, conditions and limitations
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	
8.	Electronics Industry Award No. A22 of 1985	

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

Item	Prescribed awards	Exceptions, conditions and limitations
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.	Mechanical and Electrical Contractors (North West Shelf Project Platform) Award 1986	
17.	Metal Trades (General) Award	
18.	Pest Control Industry Award	
19.	Radio and Television Employees' Award	

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Prescribed awards and classifications of work **Schedule 1**
Awards under the Industrial Relations Act 1979 **Division 2**

Item	Prescribed awards	Exceptions, conditions and limitations
20.	Sheet Metal Workers' Award No. 10 of 1973	
21.	Thermal Insulation Contracting Industry Award	

[Division 2 inserted: SL 2021/191 r. 7.]

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:

=====

Notes

This is a compilation of the *Construction Industry Portable Paid Long Service Leave Regulations 1986* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. [For provisions that have not yet come into operation see the uncommenced provisions table.](#)

Compilation table

Citation	Published	Commencement
<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

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Citation	Published	Commencement
<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)
<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)
Reprint of the Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 1 Jul 1997 (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)

Citation	Published	Commencement
<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]
Reprint 2: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 3 Jan 2003 (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 by <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))
Reprint 3: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 24 Aug 2007 (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))

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Citation	Published	Commencement
Reprint 4: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 7 Mar 2014 (includes amendments listed above)		
<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))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2015</i>	20 Nov 2015 p. 4711	r. 1 and 2: 20 Nov 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2016 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2017</i>	8 Dec 2017 p. 5841	r. 1 and 2: 8 Dec 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2018 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2018</i>	9 Nov 2018 p. 4411	r. 1 and 2: 9 Nov 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2019 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2019</i>	13 Dec 2019 p. 4230-1	r. 1 and 2: 13 Dec 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2020 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2020</i>	SL 2020/107 30 Jun 2020	r. 1 and 2: 30 Jun 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2020 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 2020</i>	SL 2020/144 28 Aug 2020	r. 1 and 2: 28 Aug 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Aug 2020 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 3) 2020</i>	SL 2020/227 20 Nov 2020	r. 1 and 2: 20 Nov 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2021 (see r. 2(b))
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2021</i>	SL 2021/191 19 Nov 2021	r. 1 and 2: 19 Nov 2021 (see r. 2(a)); Regulations other than r. 1, 2 and 6: 20 Nov 2021 (see r. 2(c)); r. 6: 1 Jan 2022 (see r. 2(b))

<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2023</i> (other than r. 7)	SL 2023/187 29 Nov 2023	r. 1 and 2: 29 Nov 2023 (see r. 2(a)); Regulations other than r. 1, 2 and 7: 30 Nov 2023 (see r. 2(c))
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Uncommenced provisions table

To view the text of the uncommenced provisions see [Subsidiary legislation as made on the WA Legislation website](#).

<u>Citation</u>	<u>Published</u>	<u>Commencement</u>
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 2023</i> r. 7	SL 2023/187 29 Nov 2023	1 Jan 2024 (see r. 2(b))

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