

WESTERN AUSTRALIA

CONSTRUCTION INDUSTRY PORTABLE PAID
LONG SERVICE LEAVE ACT 1985

**CONSTRUCTION INDUSTRY
PORTABLE PAID LONG
SERVICE LEAVE
REGULATIONS 1986**

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LEAVE ACT 1985

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Citation

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

Prescribed awards

2. The awards mentioned in the first column of Schedule 1, as in force at the commencement of these regulations, are prescribed under section 3 (4) (b) of the Act.

Prescribed classifications of work

3. (1) Subject to subregulation (2), all classifications of work referred to in an award mentioned in the first column of Schedule 1 are prescribed under section 3 (4) (a) of the Act.

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(2) Where an exception, condition or limitation appears in the second column opposite the reference to an award, the classifications of work are so prescribed subject to that exception, condition or limitation.

(3) In the second column of 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.

Common seal

4. (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.

Amount of notifiable contracts

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

Prescribed corresponding laws

5A. Each of the following laws is prescribed as a corresponding law for the purposes of section 29A of the Act —

- (i) the *Building and Construction Industry Long Service Payments Act 1986* (New South Wales);
- (ia) the *Building and Construction Industry (Portable Long Service Leave) Act 1991* (Queensland);
- (ii) the *Construction Industry Long Service Leave Act 1983* (Victoria);

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(iii) the *Long Service Leave (Building Industry) Act 1987* (South Australia); and

(iv) the *Long Service Leave (Building and Construction Industry Act 1981)* (Australian Capital Territory).

[Regulation 5A inserted in Gazette 7 September 1990 pp.4652-3; amended in Gazette 12 October 1993 p.5469.]

Prescribed period for section 31

6. (1) The prescribed period for the purposes of section 31 of the Act is the period of 2 months ending on the last days of February, April, June, August, October and December in each year.

(2) Notwithstanding subregulation (1) the first prescribed period after the commencement of the Act shall be from the appointed day until 28 February 1987.

Information required for section 32

7. 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;
- (b) the award and classification of work applicable to him from time to time;
- (c) the days on which his employment started and finished respectively;
- (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.

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Amount prescribed for section 34

8. The amount payable in respect of an employee for the purposes of section 34 of the Act is 0.5% of the ordinary pay of that employee.

*[Regulation 8 amended in Gazette 30 December 1988 p.5121;
15 December 1989 p.4581; 14 December 1990 p.6142;
29 November 1991 p.6043; 18 December 1992 p.6138;
31 December 1993 p.6874.]*

Certificate of appointment of inspector

9. 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

[Regulations 2 and 3]

Prescribed awards	Classifications of work
1. Awards under the <i>Industrial Relations Act 1988</i> of the Commonwealth Parliament.	
(1) Australian Workers' Union Asphalt and Bitumen Industry (WA) Award 1988.	
(1a) Australian Workers' Union Construction and Maintenance (Consolidated) Award 1987.	
(2) 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.
(2a) Australian Workers' Union Geomembrane and Geotextile Installation Award 1989.	
(3) Bitumen Spraying Services Award 1985.	
(4) Mobile Crane Hiring Award 1990.	
(5) National Building and Construction Industry Award 1990.	
(6) Plumbing Industry (Qld and W.A.) Award 1979.	
(7) Professional Divers' Award 1988.	
(8) Transport Workers Spraypave Pty Ltd Award 1990.	
(9) Sprinkler Pipe Fitters' Award 1975.	
2. Awards under the <i>Industrial Relations Act 1979</i> .	
(1) Airconditioning and Refrigeration Industry (Construction and Servicing) Award.	
(2) Building Trades Award 1968.	
(3) Building Trades (Construction) Award 1987.	

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Prescribed awards	Classifications of work
(4) Building Trades (Fremantle Port Authority) Award 1968.	Limited to temporary employees.
(5) Building Trades (Government) Award 1968.	Limited to temporary employees.
(6) Building Trades (State Energy Commission) Award.	Limited to temporary employees in receipt of construction industry rates of pay under the award.
(7) Earth Moving and Construction Award.	
(8) Electrical Contracting Industry Award 1979.	
(8a) Electrical Trades (Security Alarms Industry) Award 1980.	
(8b) Electronics Industry Award.	
(9) Engine Drivers' (Building and Steel Construction) Award.	
(10) Engineering Trades (Government) Award 1967.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(11) Engineering Trades (State Energy Commission) Consolidated Award 1978.	Limited to temporary employees.
(12) Foremen (Building Trades) Award 1991.	
(13) Furniture Trades Industry Award.	Limited to cabinet making and floor covering.
(13a) Gate, Fence and Frames Manufacturing Award.	
(14) Government Engineering and Building Trades Foremen and Sub-foremen Award.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(15) Government Water Supply (Kalgoorlie Pipe-line) Award 1981.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(16) Government Water Supply, Sewerage and Drainage Employees Award 1981.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(17) Government Water Supply, Sewerage and Drainage Foremen's Award 1984.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(17aa) Industrial Spraypainting and Sandblasting Award 1991.	

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Prescribed awards	Classifications of work
(17a) Lift Industry (Electrical and Metal Trades) Award 1973.	
(17b) Materials Testing Employees Award 1984.	
(18) Mechanical and Electrical Contractors (North West Shelf Project Platform) Award 1984.	
(19) Metal Trades (General) Award 1966.	
(19a) North Rankin Construction Award.	
(20) Pest Control Industry Award 1982.	
(20aa) Platform Modification and Hook-Up Agreement.	
(20a) Radio and Television Employees Award.	
(21) Roof Tile Fixers Award.	
(22) Sheet Metal Workers Award.	
(23) Sheet Metal Workers (Government) Award 1973.	Limited to temporary employees in receipt of an allowance for construction work under the award.
(24) State Energy Commission Construction Award.	Limited to temporary employees.
(25) Thermal Insulation Contracting Industry Award.	

[Schedule 1 amended in Gazette 29 May 1987 p.2233; 30 September 1988 p.4006; 30 June 1989 p.1899; 1 December 1989 p.4430; 29 December 1989 p.4669; 2 November 1990 p.5453; 24 December 1991 p.6469; 28 July 1992 p.3729.]

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Schedule 2

[Regulation 9]

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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

^{1.} This reprint is a compilation as at 1 July 1997 of the *Construction Industry Portable Paid Long Service Leave Regulations 1986* and includes the amendments effected by the regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Construction Industry Portable Paid Long Service Leave Regulations 1986</i>	19 December 1986 pp.4924-5	19 December 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 September 1988 p.4006	30 September 1988	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1988</i>	30 December 1988 p.5121	1 January 1989 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1989</i>	30 June 1989 p.1899	30 June 1989	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 3) 1989</i>	1 December 1989 p.4430	1 December 1989	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 4) 1989</i>	15 December 1989 p.4581	1 January 1990 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 5) 1989</i>	29 December 1989 p.4669	8 January 1990 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1990</i>	7 September 1990 pp.4652-3	7 September 1990	

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Regulation	Gazettal	Commencement	Miscellaneous
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1990</i>	2 November 1990 p.5453	2 November 1990	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 3) 1990</i>	14 December 1990 p.6142	1 January 1991 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1991</i>	24 December 1991 p.6469	24 December 1991	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1991</i>	29 November 1991 pp.6042-3	1 January 1992 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1992</i>	28 July 1992 p.3729	28 July 1992	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1992</i>	18 December 1992 pp.6137-8	1 January 1993 (see regulation 2)	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations 1993</i>	12 October 1993 p.5469	12 October 1993	
<i>Construction Industry Portable Paid Long Service Leave Amendment Regulations (No. 2) 1993</i>	31 December 1993 p.6874	1 January 1994 (see regulation 2)	