



Western Australia

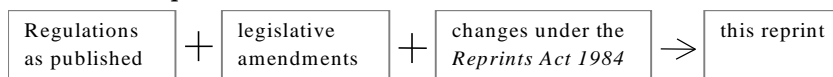
Construction Industry Portable Paid Long Service Leave Act 1985

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

Reprint 3: The regulations as at 24 August 2007

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 24 August 2007

Western Australia

Construction Industry Portable Paid Long Service Leave Regulations 1986

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 24 August 2007

Western Australia

Construction Industry Portable Paid Long Service Leave Act 1985

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*¹.

2. Prescribed awards

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

[Regulation 2 amended in Gazette 20 Feb 2004 p. 603.]

3. Prescribed classifications of work

- (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.
- (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.

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- (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.

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 —

- (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);
- (iia) the *Construction Industry (Long Service) Act 1997* (Tasmania);
- (iib) the *Construction Industry Long Service Leave and Benefits Act 2005* (Northern Territory);

- (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 Sep 1990 p. 4652-3; amended in Gazette 12 Oct 1993 p. 5469; 8 Jun 1999 p. 2470; 8 Jul 2005 p. 3159.]

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;
- (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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8. Amount prescribed for section 34

The amount payable in respect of an employee for the purposes of section 34 of the Act is 1.25% 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 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.]

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.

Schedule 1

[Regulations 2 and 3]

| Prescribed awards | Classifications of work |
|---|---|
| 1. Awards as at 26 March 2006 under the <i>Workplace Relations Act 1996</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. | |
| (1b) Australian Workers' Union Construction and Maintenance Award 1989. | |
| (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. | |
| (3a) Drilling and Exploration Industry (AWU) Award 1998. | |
| (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. | |
| (10) Western Australian Civil Contracting Award 1998. | |
| 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. | |
| (4) Building Trades (Fremantle Port Authority) Award 1968. | Limited to temporary employees. |

**Construction Industry Portable Paid Long Service Leave Regulations 1986
Schedule 1**

| | Prescribed awards | Classifications of work |
|--------|---|--|
| (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. | |
| (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. | |

Construction Industry Portable Paid Long Service Leave Regulations 1986
Schedule 1

| Prescribed awards | Classifications of work |
|---|--|
| (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 Sep 1988 p. 4006; 30 Jun 1989 p. 1899; 1 Dec 1989 p. 4430; 29 Dec 1989 p. 4669; 2 Nov 1990 p. 5453; 24 Dec 1991 p. 6469; 28 Jul 1992 p. 3729; 5 Nov 2002 p. 5417-18; 20 Feb 2004 p. 603; 7 Nov 2006 p. 4678.]

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

- ¹ This reprint is a compilation as at 24 August 2007 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. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | 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 |
| <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) |

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| Citation | Gazettal | Commencement |
|---|--------------------------|---|
| <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) |
| <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

| Citation | Gazettal | Commencement |
|--|---|---|
| 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 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)) |
| Reprint 3: The Construction Industry Portable Paid Long Service Leave Regulations 1986 as at 24 Aug 2007 (includes amendments listed above) | | |

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined Term | Provision(s) |
|-------------------------|---------------------|
| temporary employee..... | 3(3) |