Western Australia

Construction Industry Portable Paid Long Service Leave Act 1985

Construction Industry Portable Paid Long Service Leave Amendment Regulations 2023

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Construction Industry Portable Paid Long Service Leave Act 1985

Construction Industry Portable Paid Long Service Leave Amendment Regulations 2023

Made by the Governor in Executive Council.

##### 1. Citation

 These regulations are the *Construction Industry Portable Paid Long Service Leave Amendment Regulations 2023*.

##### 2. Commencement

 These regulations come into operation as follows —

 (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website (publication day);

 (b) regulation 7 — on 1 January 2024;

 (c) the rest of the regulations — on the day after publication day.

##### 3. Regulations amended

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

##### 4. Regulation 3A inserted

 After regulation 3 insert:

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.

##### 5. Regulation 5 amended

 In regulation 5 delete “$40 000.” and insert:

 $250 000.

##### 6. Regulation 7 replaced

 Delete regulation 7 and insert:

7. Information required (Act s. 32(1))

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

 (a) the employee’s full name, 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;

 (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 the certificate of registration issued to the employee under section 31A(1)(b) of the Act;

 (h) the employee’s job title and occupation, and the primary tasks performed by the employee;

 (i) the days on which the employee’s employment started and, if applicable, finished;

 (j) for any day on which the employee was absent from work —

 (i) the date of the absence; and

 (ii) the reason for the absence; and

 (iii) whether the employee was paid for the day;

 (k) the day or days of service completed as an employee within the meaning of the Act.

##### 7. Regulation 8 amended

 In regulation 8 delete “0.1%” and insert:

 0.5%

N. HAGLEY, Clerk of the Executive Council

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