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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