

WESTERN AUSTRALIA

CONSTRUCTION INDUSTRY PORTABLE PAID LONG SERVICE LEAVE AMENDMENT ACT

No. 30 of 1989

AN ACT to amend the *Construction Industry Portable Paid Long Service Leave Act 1985*.

[Assented to 12 December 1989]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Construction Industry Portable Paid Long Service Leave Amendment Act 1989*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or such days as are respectively, fixed by proclamation.

Section 15 amended

5. Section 15 of the principal Act is amended in subsection (3) by deleting “—1978”.

Section 21 amended

6. Section 21 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) Notwithstanding any other Act or award but subject to this Act, a person registered as an employee under this Act is entitled to the following long service leave in respect of service in the construction industry—

(a) 13 weeks after completing 15 years of service; and

(b) $8\frac{2}{3}$ weeks after completing 10 years of service subsequently to completing the period of service referred to in paragraph (a),

and is entitled to be paid ordinary pay for such leave in accordance with this Act. ”;

and

(b) in subsection (2)—

(i) in paragraph (d) by deleting the full stop and substituting a semicolon; and

(ii) by inserting after paragraph (d) the following paragraph—

“ (e) a period of service in respect of which an employee has received a lump sum payment under section 22 (1) shall not be counted as service. ”.

being a reciprocal arrangement relating to—

- (c) long service leave entitlements for persons employed in the construction industry transferring—
 - (i) to or from this State from or to another State or a Territory; or
 - (ii) to or from an employer from or to a corresponding public employer in this State;
- (d) the making by the Board of contributions to an authority equivalent to the Board established by a corresponding law or to a corresponding public employer in this State and the receipt by the Board of contributions from that authority or that corresponding public employer in this State;
- (e) the exchange of information concerning service credits and entitlements to long service leave payments; and
- (f) incidental or related matters.

(3) Where a reciprocal arrangement is made—

- (a) the Board is liable to make and is entitled to receive contributions in accordance with the reciprocal arrangement and is in all other respects bound by the terms of the reciprocal arrangement; and
- (b) this Act shall be construed as applying with any modifications which are necessary to give effect to the terms of the reciprocal arrangement. ”.

Section 49 amended

12. Section 49 of the principal Act is amended—

- (a) in subsection (1) by deleting the full stop and substituting the following—
 - “ and is, in the absence of evidence to the contrary, conclusive proof of the matters stated in the certificate. ”;
- (b) in subsection (2) by deleting the full stop and substituting the following—
 - “ and is, in the absence of evidence to the contrary, conclusive proof of the matter stated in the certificate. ”;

(5) An amount assessed by the Board under subsection (4) shall, if not paid within the time specified by the Board, constitute a debt to the Board and is recoverable by the Board in any court of competent jurisdiction.

Validation

14. Where a regulation is made under section 3 (4) (c) of the principal Act, any act done or thing omitted to be done before the coming into operation of that regulation which constituted a contravention of the principal Act but which would have been lawful if done or omitted to be done after the coming into operation of the regulation, shall be deemed to have been lawfully done.
