

Queensland



*Building and Construction Industry (Portable Long Service Leave) Act
1991*

BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) REGULATION 1992

**Reprinted as in force on 26 March 1994
(includes amendments up to SL No. 111 of 1994)**

Reprint No. 3

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This regulation is reprinted as at 26 March 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) REGULATION 1992

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BUILDING AND CONSTRUCTION INDUSTRY (PORTABLE LONG SERVICE LEAVE) REGULATION 1992

[as amended by all amendments that commenced on or before 26 March 1994²]

Short title

1. This regulation may be cited as the *Building and Construction Industry (Portable Long Service Leave) Regulation 1992*^{3–5}.

Commencement

2. This regulation commences on 1 July 1992.

Awards

3. For the purpose of the definition “employee” in section 3 of the Act, the awards prescribed are—

- (a) the following awards or industrial agreements made under the *Industrial Relations Act 1990*—
 - (i) Building Construction Industry Award—State;
 - (ii) Building Products, Manufacture and Minor Maintenance Award—State;
 - (iii) Civil Construction, Operations and Maintenance General Award—State;
 - (iv) Electrical Contracting Industry Award—State;
 - (v) Engine Drivers’ Award—State;
 - (vi) Engineering Award—State;
 - (vii) Mount Isa Mines Limited Award;
 - (viii) Nurserymen’s Award—State;

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- (ix) BHP Australia Coal Limited Construction (1991) Industrial Agreement;
 - (x) Callide Dragline Construction Project Industrial Agreement;
 - (xi) Dalrymple Bay Coal Terminal Expansion of Off-Shore Facilities Construction Project Industrial Agreement;
 - (xii) Dalrymple Bay Coal Terminal Expansion of On-Shore Facilities Construction Project Industrial Agreement;
 - (xiii) Gordonstone Coal Mine Construction Project Industrial Agreement;
 - (xiv) ICI Ammonium Nitrate Plant Construction Project Industrial Agreement;
 - (xv) Labrador Oral Care Plant Construction Project Industrial Agreement;
 - (xvi) Mackay Sugar Co-operative Association Limited Sugar Refinery Industrial Agreement;
 - (xvii) North Goonyella Coal Mine Construction Project Industrial Agreement;
 - (xviii) Queensland Cement Ltd Construction Project (Townsville & Gladstone) Industrial Agreement;
 - (xix) South Bank Parklands Project Industrial Agreement;
 - (xx) Stanwell Power Station Construction Project 1993 Industrial Agreement; and
- (b) the following awards made under the *Industrial Relations Act 1988* (Cwlth)—
- (i) AWU Asphalt Industry (Queensland) Award 1988;
 - (ii) Bitumen Spraying Services Award 1985;
 - (iii) Glass Industry Award (Qld) 1993;
 - (iv) Mobile Crane Hiring Award 1988;
 - (v) National Building and Construction Industry Award 1990;
 - (vi) National Building and Construction Industry Award

- (FEDFA) 1987;
- (vii) National Building Trades Construction Award 1975;
- (viii) National Metal and Engineering On-site Construction Industry Award 1989;
- (ix) Plumbing Industry (Qld and WA) Award 1979;
- (x) Sprinkler Pipe Fitters' Award 1975.

Classes of persons exempt from operation of the Act

3A. For the purpose of the definition “employee” in section 3 of the Act, the following classes of persons are exempt from the operation of the Act—

- (a) employees under wage group C1, C2(a), C2(b), C3 or C4 of the Engineering Award—State;
- (b) employees of Mount Isa Mines Limited.

Certificate of service

4.(1) A certificate of service required to be given under section 41(1) of the Act must be given—

- (a) in the approved form; and
- (b) if an employee—
 - (i) is employed as at 30 June in any year—within 1 month after that date; or
 - (ii) stops being employed before 30 June in any year—within 1 month after the employee stops being employed.

(2) A certificate of service mentioned in subsection (1)(b)(i) is to be for the year ending on the relevant 30 June.

(3) A certificate of service mentioned in subsection (1)(b)(ii) is to be for the period—

- (a) starting on 1 July immediately before the employee stopped being employed; and
- (b) ending on the day the employee stopped being employed.

Building and construction work for which no levy is payable (s 63(2) of the Act)

5. Levy is not payable for building and construction work if the cost of the work is less than \$40 000.

Long service leave levy

6. For the purposes of section 64 of the Act, the prescribed percentage is 0.4%.

Calculation of value of work done by an individual under an owner-builder permit (s 65(2)(a) of the Act)

6A. For the purposes of section 65(2)(a) of the Act, the prescribed percentage is 10%.

Prescribed cost of work for which government entity must notify the Board (s 65C(2) of the Act)

6B. For the purposes of section 65C(2) of the Act, the prescribed cost is \$40 000.

Prescribed rate of remuneration to local authority and its yearly CPI adjustment on 1 July (s 65D(2) of the Act)

6C.(1) For the purposes of section 65D(2) of the Act, the prescribed rate for each approved form seen is—

- (a) \$1.70; or
- (b) a higher amount calculated under subsection (2).

(2) The prescribed rate is adjusted each year on 1 July using the formula—

$$\frac{A \times B}{C}.$$

(3) If, in a particular year, the adjustment of the prescribed rate would reduce the amount of the prescribed rate, the rate is not to be adjusted in that

year.

(4) In the formula—

“A” is the prescribed rate immediately before 1 July in a year;

“B” is the CPI number published for the March quarter in that year;

“C” is the CPI number published for the corresponding quarter in the previous year.

(5) In this section—

“CPI” means the all groups consumer price index for Brisbane published by the Australian Statistician.

Prescribed amount for purposes of s 70(3)(c) of the Act

7. For the purposes of section 70(3)(c) of the Act, the prescribed amount is \$20 000.

Calculation of additional amount of long service leave levy under s 70(4) of the Act

8. For the purposes of section 70(4) of the Act, the additional amount is to be calculated at the rate of 0.5% of the amount, rounded to the nearest dollar (with 50c being rounded downwards), that is the difference between the costs mentioned in section 70(3)(b) of the Act.

Prescribed amount for purposes of s 71(2)(c) of the Act

9. For the purposes of section 71(2)(c) of the Act, the prescribed amount is \$20 000.

Calculation of refund under s 71(2) of the Act

10. For the purposes of section 71(2) of the Act, the amount to be refunded is to be calculated at the rate of 0.5% of the amount, rounded to the nearest dollar (with 50c being rounded downwards), that is the difference between the costs mentioned in section 71(2)(b) of the Act.

Prescribed amount for purposes of s 72(1) of the Act

11. For the purposes of section 72(1) of the Act, the prescribed amount is \$1 000 000.

Prescribed interest rate for purposes of s 74(1) of the Act

12. For the purposes of section 74(1) of the Act, the prescribed rate is 2% per month or part of a month.

Declaration of reciprocating States or Territories (s 81 of the Act)

12A. The following States and Territories are reciprocating States or Territories under the Act—

- (a) New South Wales;
- (b) South Australia;
- (c) Victoria;
- (d) Western Australia;
- (e) Australian Capital Territory.

Declaration of corresponding law (s 81 of the Act)

12B. The following laws of a State or Territory are corresponding laws under the Act—

- (a) *Building and Construction Industry Long Service Payments Act 1986* (NSW);
- (b) *Construction Industry Long Service Leave Act 1983* (Vic.);
- (c) *Construction Industry Long Service Leave Act 1987* (SA);
- (d) *Construction Industry Portable Paid Long Service Leave Act 1985* (WA);
- (e) *Long Service Leave (Building and Construction Industry) Act 1981* (ACT).

Books, records and particulars

13. For the purposes of section 82(1) of the Act—

- (a) the books and records are—time sheets or attendance records that show the hours the employee is at work; and
- (b) the particulars are—
 - (i) the full name and address of each employee who is, or was, employed by the person or body; and
 - (ii) if the employee is a registered employee—the employee’s number in the register of employees; and
 - (iii) the designation of each employee and the name of the award under which the employee is, or was, employed; and
 - (iv) the employee’s date of birth; and
 - (v) the serial number of each certificate of service given to the employee under section 41(1)(a) of the Act; and
 - (vi) the period for which building and construction work was performed by the employee.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 26 March 1994. Future amendments of the Building and Construction Industry (Portable Long Service Leave) Regulation 1992 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	none	1 July 1992
2	to SL No. 441 of 1993	20 December 1993

4 List of legislation

Building and Construction Industry (Portable Long Service Leave) Regulation 1992 SL No. 187

notfd Gaz 26 June 1992 pp 2057–8

ss 1–2 commenced on date of notification

remaining provisions commenced on 1 July 1992 (see s 2)

as amended by—

Building and Construction Industry (Portable Long Service Leave) Amendment Regulation (No. 1) 1993 SL No. 441

notfd Gaz 3 December 1993 pp 1583–6

*Building and Construction Industry (Portable
Long Service Leave) Regulation 1992*

ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1994 (see s 2)

**Building and Construction Industry (Portable Long Service Leave) Amendment
Regulation (No. 1) 1994 SL No. 51**

notfd Gaz 18 February 1994 pp 588–92
commenced on date of notification

**Building and Construction Industry (Portable Long Service Leave) Amendment
Regulation (No. 2) 1994 SL No. 111**

notfd Gaz 25 March 1994 pp 1228–32
commenced 18 February 1994 (see s 2)

5 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by
amendments not included in reprint, are underlined

Awards

s 3 amd 1994 SL No. 51 (s 3)

Classes of persons exempt from operation of the Act

s 3A ins 1994 SL No. 51 (s 4)

Building and construction work for which no levy is payable (s 63(2) of the Act)

s 5 sub 1993 SL No. 441 s 4

Long service leave levy

s 6 sub 1993 SL No. 441 s 4

Calculation of value of work done by an individual under an owner-builder permit (s.65(2)(a) of the Act)

s 6A ins 1993 SL No. 441 s 4

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**Prescribed cost of work for which government entity must notify the Board
(s 65C(2) of the Act)**

s 6B ins 1993 SL No. 441 s 4

**Prescribed rate of remuneration to local authority and its yearly CPI
adjustment on 1 July (s 65D(2) of the Act)**

s 6C ins 1993 SL No. 441 s 4

Declaration of reciprocating States or Territories (s 81 of the Act)

s 12A ins 1994 SL No. 111 s 4

Declaration of corresponding law (s 81 of the Act)

s 12B ins 1994 SL No. 111 s 4