



Queensland

# Building and Construction Industry (Portable Long Service Leave) Regulation 2013

## Subordinate Legislation 2013 No. 38

made under the

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

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Building and Construction Industry (Portable Long Service Leave) Regulation 2013*.

## **Part 2 Prescribed matters—general**

### **2 Authority’s trading name—Act, s 8**

The authority’s trading name is ‘QLEAVE’.

### **3 Fund for building and construction industry training levy payments—Act, s 33**

For section 33 of the Act, the fund is the Building and Construction Industry Training Fund (Qld).

### **4 Certificate of service—Act, s 47**

- (1) This section states requirements for giving the authority a certificate of service for a worker under section 47(1)(a) of the Act.
- (2) If the worker is engaged as at 30 June in a financial year, a certificate for the financial year must be given within 1 month after that day.
- (3) If the worker stops work before 30 June in a financial year, a certificate for the financial year must be given within 1 month after the worker stops work.
- (4) A certificate of service given under subsection (3) is for the period—

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- (a) starting on the last 1 July before the worker stops work;  
and
- (b) ending on the day the worker stops work.

## Part 3 Levies

### 5 Building and construction work for which levy is not payable—Act, s 70

- (1) For section 70(2) of the Act, levy is not payable for building and construction work if the cost of the work is less than \$80000 (including GST).
- (2) Also, levy is not payable for building and construction work to be performed for a prescribed entity by persons engaged under a contract of service with the entity (*contract persons*).
- (3) However, if persons other than contract persons perform building and construction work for the prescribed entity, levy is payable for the percentage of the cost of the building and construction work not performed by contract persons.
- (4) Also, work health and safety levy is not payable for building and construction work at—
  - (a) a coal mine to which the *Coal Mining Safety and Health Act 1999* applies; or
  - (b) a mine to which the *Mining and Quarrying Safety and Health Act 1999* applies; or
  - (c) an operating plant, within the meaning of the *Petroleum and Gas (Production and Safety) Act 2004*, on land the subject of—
    - (i) a 1923 Act petroleum tenure under the *Petroleum Act 1923*; or
    - (ii) a petroleum authority under the *Petroleum and Gas (Production and Safety) Act 2004*; or

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- (iii) a GHG authority under the *Greenhouse Gas Storage Act 2009*; or
  - (d) a facility or plant used for drilling or drilling related purposes in geothermal exploration.
- (5) In this section—
- geothermal exploration*** see the *Geothermal Energy Act 2010*, section 13.
- prescribed entity*** means—
- (a) a government entity; or
  - (b) a local government.

## **6 Percentages for levy—Act, s 72**

For section 72 of the Act, the percentages are—

- (a) for the building and construction industry training levy—0.1%; and
- (b) for the long service leave levy—0.3%; and
- (c) for the work health and safety levy—0.125%.

## **7 Cost of work—Act, s 76**

For section 76(3) of the Act, the cost is \$80000 (including GST).

## **8 Rate of remuneration payable to local government—Act, s 77**

- (1) For section 77(3) of the Act, the rate for each approved form or written advice seen is—
- (a) \$3.15; or
  - (b) the higher amount worked out under subsections (2) to (4).

*Note—*

The rate for the financial year starting on 1 July 2012 is \$3.15.

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

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

where—

*A* is the rate immediately before 1 July in the year.

*B* is the CPI number published for the March quarter in the year.

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

- (3) However, if in a particular year the adjustment of the rate under subsection (2) would reduce the amount of the rate, the rate must not be adjusted in that year.

- (4) In this section—

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

## **9 Amount for additional levy—Act, s 80**

For section 80(6)(b) of the Act, the amount is \$20000 (including GST).

## **10 Additional levy—Act, s 80**

- (1) For section 80(8) of the Act, the additional levy is the total of the amounts worked out by applying the percentages mentioned in section 6 to the difference between—
- (a) the cost of the building and construction work for which levy has been paid; and
  - (b) the cost of the work for which levy is payable.
- (2) The additional levy must be rounded to the nearest dollar, with 50c to be rounded downwards.

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**11 Amount for refund of levy—Act, s 81**

For section 81(2)(c) of the Act, the amount is \$20000 (including GST).

**12 Refund of levy—Act, s 81**

- (1) For section 81(2) of the Act, the amount to be refunded is the total of the amounts worked out by applying the percentages mentioned in section 6 to the difference between—
  - (a) the cost of the building and construction work for which levy has been paid; and
  - (b) the cost of the building and construction work when the refund is applied for.
- (2) However, if the levy paid was an amount worked out by applying percentages (the *applicable percentages*) other than the percentages mentioned in section 6, the amount to be refunded must be worked out by applying the applicable percentages.
- (3) The amount to be refunded must be rounded to the nearest dollar, with 50c to be rounded downwards.

**13 Amount for approval to pay levy by instalments—Act, s 82**

For section 82(1)(a) of the Act, the amount is \$10m (including GST).

**14 Interest rate—Act, s 84(1)**

For section 84(1) of the Act, the rate is 2% a month or part of a month.

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## Part 4 Appeals

### 15 Appeal to industrial magistrate—Act, s 88

For section 88(3) of the Act, the *Industrial Relations Act 1999* applies to an appeal to an industrial magistrate.

*Note—*

See the *Industrial Relations (Tribunals) Rules 2011*, parts 2 and 5.

## Part 5 Declarations

### 16 Declaration of reciprocating States or Territories and of corresponding laws—Act, s 91

- (1) For section 91(1)(a) of the Act, each of the following is a reciprocating State or Territory—
  - (a) Australian Capital Territory;
  - (b) New South Wales;
  - (c) Northern Territory;
  - (d) South Australia;
  - (e) Tasmania;
  - (f) Victoria;
  - (g) Western Australia.
- (2) For section 91(1)(b) of the Act, each of the following is a corresponding law—
  - (a) *Long Service Leave (Portable Schemes) Act 2009* (ACT);
  - (b) *Building and Construction Industry Long Service Payments Act 1986* (NSW);
  - (c) *Construction Industry Long Service Leave and Benefits Act* (NT);





