



Queensland

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

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

Current as at 5 April 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/information.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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

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

[reprinted as in force on 5 April 2013]

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.

[s 5]

- (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—
 - (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—

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- (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
 - (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

[s 9]

- (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.

- (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.

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- (2) The additional levy must be rounded to the nearest dollar, with 50c to be rounded downwards.

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.

[s 15]

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);

- (d) *Construction Industry Long Service Leave Act 1987* (SA);
- (e) *Construction Industry (Long Service) Act 1997* (Tas);
- (f) *Construction Industry Long Service Leave Act 1997* (Vic);
- (g) *Construction Industry Portable Paid Long Service Leave Act 1985* (WA).

Part 6 Miscellaneous

17 Books and records about workers—Act, s 92

- (1) The books and records about workers required to be kept under section 92(1) of the Act are—
 - (a) building and construction industry awards or agreements or other written agreements or records that show the terms under which the workers are, or were, engaged; and
 - (b) time sheets, attendance records, or other records that show the workers' hours of work.
- (2) For section 92(2) of the Act, all of the following particulars about each worker who is, or was, engaged are prescribed—
 - (a) the worker's full name, address and date of birth;
 - (b) the type of work performed by the worker;
 - (c) the rate of pay for the worker;
 - (d) the periods, and the proportions of the periods, when the worker performed building and construction work in the State;
 - (e) if the worker is a registered worker—the worker's number in the register of workers.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Building and Construction Industry (Portable Long Service Leave) Regulation 2013 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at 5 April 2013	Amendments included none	Notes
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5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Building and Construction Industry (Portable Long Service Leave) Regulation 2013 SL No. 38

made by the Governor in Council on 4 April 2013

notfd gaz 5 April 2013 pp 490–1

commenced on date of notification

exp 1 September 2023 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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