



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 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*.

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**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;

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- (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