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ABOUT THE SCHEME

QLeave is the trading name of the Building and Construction Industry (Portable Long Service Leave) Authority, established to administer the portable long service leave scheme.

The Scheme is administered in accordance with the *Building and Construction Industry (Portable Long Service Leave) Act 1991* and provides long service leave payments for workers in the Queensland building and construction industry, regardless of whether they work on different projects for one or more employers.

After registering with the Scheme, you must:

- (1) ensure your eligible workers are registered and
- (2) advise QLeave of your workers' employment periods each year.

Further information on how you can meet your obligations is included in this guide and at www.qleave.qld.gov.au

COST

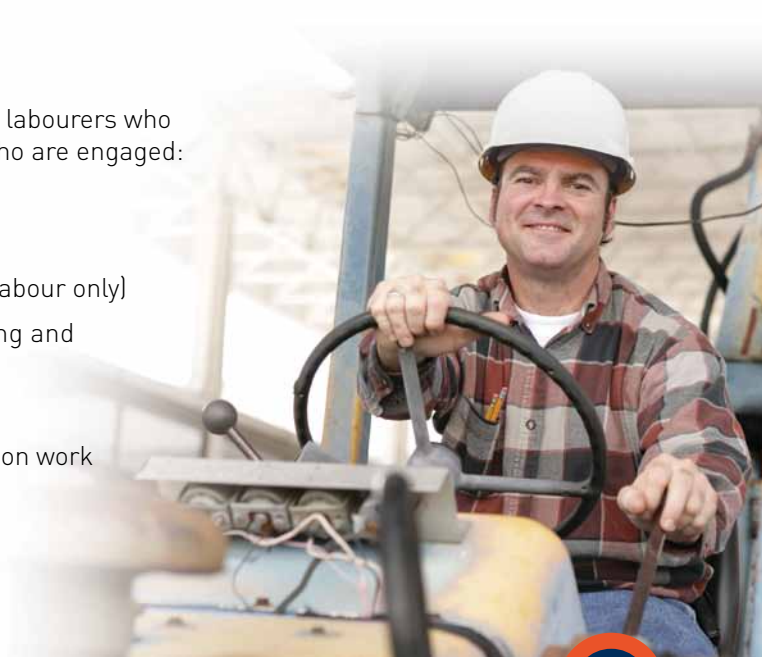
There is no cost for you or your workers to be registered with QLeave. The Scheme is funded by a levy on all building and construction work performed in Queensland, where the total cost of work is \$150,000 or more (excluding GST).

WORKERS COVERED BY THE SCHEME

Eligible workers include tradespersons, trades assistants and labourers who perform building and construction work in Queensland and who are engaged:

- as a trainee or apprentice
- as a casual, part-time or full-time employee
- as a sole trader subcontractor (providing substantially labour only)
- as a foreperson or sub-foreperson (performing building and supervision work)
- by a labour hire company.

Some company directors who perform building and construction work may also be eligible to join QLeave.



INELIGIBLE WORKERS

Some workers performing building and construction work are not eligible to join QLeave.

These include:

- Managerial staff
- Clerical staff
- Ancillary staff (for example, storepersons, delivery drivers, camp cooks, mechanics)
- Professional staff (for example, engineers, architects, surveyors and draftsmen)
- Federal, state and local government employees
- Workers who:
 - are partners in a partnership
 - are trustees of a trust
 - engage other workers to perform work.
- Subcontractors who:
 - are paid to achieve a stated result or outcome AND
 - supply all, or substantially all, of the plant and equipment or tools of the trade needed to perform the work (for example materials for the work or equipment like a bobcat) AND
 - are liable for the cost of fixing a fault with the work performed.
- Company directors on dividends or distribution from the company (that is, payment other than a wage).
- Employees of Mt Isa Mines Ltd
- Safety Officers (from 1 January 2012)
- Workers who are not substantially engaged in the building and construction industry (for example, a repairs and maintenance worker at a tourist resort).

EMPLOYER OBLIGATIONS

Starting and terminating workers

After registering, you must add your eligible workers to your QLeave Employer Registration. Some of your eligible workers may have a QLeave membership already and you can simply link them to your registration. You will need to add the details for other eligible workers.

You must also inform QLeave when you start a new worker or terminate a worker. Keeping QLeave updated on your workers' employment makes completing your annual Worker Service Return (explained below) easy and accurate.

You can start and end workers online at www.qleave.qld.gov.au – Building and Construction Industry – Employer Online Services – Start Worker/My Workers.

Providing workers' employment periods to QLeave (Worker Service Returns)

It is a legislative requirement that you give QLeave details about your workers' service, at the end of each financial year. This is done by completing a Worker Service Return. The return is a list of all eligible workers that QLeave has recorded as being employed by you, or your company.

In June each year, QLeave will remind you that your Worker Service Return is due for lodgement by 31 July. If you have not engaged eligible workers or ceased trading during the financial year you must complete an Employer Advice – Nil Return or Ceased Trading form by 31 July.

Please note: Submission of the Worker Service Return by the due date is a legislative requirement and failure to do so may result in QLeave commencing legal action for non-compliance, without further notice to you.

You can lodge your Worker Service Return (or complete the Employer Advice form) online at www.qleave.qld.gov.au – Building and Construction Industry – Employer Online Services. A user guide is available online.

Books and records

To check compliance with your obligations, QLeave conducts random inspections of registered employers' books and records.

You must keep books and records for six years from the date of the last entry which include:

- worker's full name, address and date of birth
- worker's QLeave membership number
- type of work performed
- periods, and proportions of the periods, which the worker performed eligible work
- any award details for each worker (where applicable).

Time and wage records, such as time sheets, that show the hours of work should be maintained for all workers, including worker directors and labour-only subcontractors. These will need to be produced for a books and records inspection.

QLeave Compliance and Liaison Officers have an identification card. On seeking admission to any premises, where production of records is required, a QLeave Compliance and Liaison Officer shall produce their identification card.

Long service leave payments to workers

Workers, who are employed by the same employer for ten or more continuous years, may be entitled to long service leave paid by the employer under the *Industrial Relations Act 1999*. Workers with an entitlement can take leave paid by the employer or receive a payment from QLeave.

Leave paid by you

If a worker takes long service leave (paid by you) under the *Industrial Relations Act 1999*, you must notify QLeave before the leave is taken. This will ensure the worker is not seeking two leave payments.

QLeave may reimburse you for some, or all, of the payment you make to the worker. You must lodge your claim for reimbursement to QLeave within three months of the day you paid long service leave to the worker. Workers must be registered with QLeave, and their Worker Service Returns must be lodged, before QLeave can pay you. The rate of payment is calculated on a 38 hour working week (not exceeding the maximum claim payment cap). The current claim cap is available on QLeave's website.

You can claim reimbursement for long service leave you pay to your worker/s online at www.qleave.qld.gov.au
– Building and Construction Industry
– Employer Online Services.

Leave paid by QLeave

If a worker chooses to make a claim with QLeave, you have no further liability under the *Industrial Relations Act 1999* for that particular period of employment.

When a worker lodges a claim with QLeave they must certify that they have not been paid for the claim from any other source.

Working outside Queensland

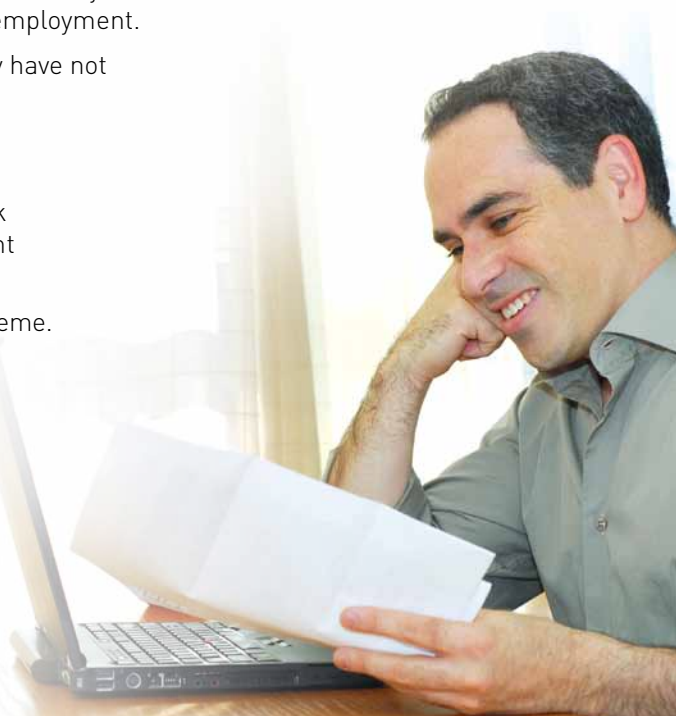
If you employ workers who perform building and construction work in another state or territory, you will need to comply with the relevant long service requirements in each state and/or territory.

Both you and your workers will need to register with each different scheme.

Although service cannot be transferred between schemes, service accrued in all schemes can be combined to qualify a worker for a long service leave benefit.

Please note, QLeave only records work performed in Queensland.

For information on interstate schemes, please refer to www.ausleave.com.au





PRIVACY

QLeave collects, stores and uses client personal information required for the administration of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, as required by that Act.

Client personal information includes:

- industry workers' personal information, for example name, address, occupation, business type, income data and work history
- industry employers' personal information, for example name, address, occupation and business type.

QLeave may give some or all of this information to various other Government departments or agencies as required or permitted by law.

YOUR RIGHTS – REVIEWS AND APPEALS

QLeave is responsible for providing an equitable and efficient system of portable long service leave for eligible workers in Queensland's building and construction industry.

If you are dissatisfied with a QLeave decision, you may apply for an internal review or make an appeal.

Internal review (Reconsideration)

You may apply to QLeave for an independent senior officer to give further consideration to the matter and, if you are still dissatisfied you may then file an appeal with an Industrial Magistrate.

A Reconsideration form is available online at www.qleave.qld.gov.au – Building and Construction Industry – About QLeave – Request reconsideration of a decision.

QLeave will send you a letter acknowledging your request upon receipt and contact you within 30 days to advise you of its determination.

Appeal

You may appeal directly to an Industrial Magistrate against the original QLeave decision.

A QLeave Notice of Appeal form is available online at www.qleave.qld.gov.au – Building and Construction Industry – About QLeave – Request reconsideration of a decision.



**PORTABLE
LONG SERVICE
LEAVE**

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