

ONSITE

The Official Newsletter of MyLeave



Celebrating 30 years of supporting the construction industry

The 6th of January 2017 marked the completion of 30 years since the establishment of the construction industry long service leave Scheme. Over these years MyLeave has developed a strong reputation for the responsible manner in which it has managed the long service leave Scheme and for the substantial benefits that have been provided to workers.

The benefits derived since establishment are an excellent example of MyLeave, employers and workers interacting together in a bipartisan manner for the benefit of the construction industry which is one of the largest employment sectors in Western Australia.



30 year snapshot

Some key achievements of MyLeave over the past 30 years include:



Board Members and the team at MyLeave are proud of the achievements of MyLeave and look forward to continuing to support the construction industry into the future.



1.35%

Contribution rate of
1.35% to apply for 2017

What happened in 2016

The 2016 Annual Report of the Construction Industry Long Service Leave Payments Board (MyLeave) has been tabled in Parliament. Key features of the Annual Report include:



5,073

average number of registered employers



127,941

employees registered in the Scheme



5,100

employees received a benefit from the Scheme



\$39.6M

paid in benefits



\$56M

Contribution levy income generated from employers



\$432M

accrued long service leave liability



\$35.13c

average administrative cost per registered construction industry employee



1.91%

investment return



Top 20

'Best Practice Top 20 Large Agencies' in the Auditor General's Report to Parliament

To access a full copy of the Annual Report please refer to the "Publications and Forms" link on our website.

Information board

Employees eligible for the Scheme

Only employees working on site in classifications of work listed in a prescribed award are to be included on returns. The list of the prescribed awards is available on MyLeave's website. Workers employed in your own workshop or yard, and administration, clerical and managerial employees are not to be included on returns. If you are unsure of an employee's eligibility please contact a member of the Service & Compliance team at MyLeave.

Please note that corporate bodies such as partnerships, trusts/trustees and companies are not "Employees" in terms of the Act.

Employee or subcontractor?

In cases where the situation is not clear, MyLeave has developed guidelines to assist in the determination of the matter.

A full copy of the guidelines is available on the MyLeave website.

In reaching a determination as to whether an employee/employer relationship exists, MyLeave would normally obtain documentation and seek responses to a number of questions which would draw out sufficient information on which to base a decision.

These questions and factors for consideration have been developed from judicial precedents.

If you are unsure of whether an employee/employer relationship exists please first refer to the guideline brochure and if you are still in doubt contact MyLeave.

Lodging your Quarterly Returns via the internet

If you lodge your quarterly return to us via the internet we recommend that you input the data as soon as possible. Don't delay transmitting the return until the last day because you may experience delays if many employers are trying to lodge their returns at the same time. The internet system is terminated at the end of the due date for lodgment of returns.

Please note that there are two methods to lodge returns on the internet;

- Direct entry into the Online Employer Return Form

- Upload of spreadsheet and then submission via the Online Employer Return Form

Both of these methods are very user friendly and you are able to use the practice facility available on the MyLeave website.

Contribution Days

Contribution Days include part days and weekends (when penalty rates do not apply), on site in the construction industry, on which an employee is entitled to receive ordinary pay. This includes rostered days off, public holidays, annual leave, paid sick leave and workers compensation. Note: Part days in the construction industry are counted as full days.

Contribution Days can sometimes be difficult to assess for industrial instruments which are not based upon a standard 5 day week (Monday - Friday). The Service & Compliance team at MyLeave will be pleased to provide any necessary assistance to you in clarifying issues regarding penalty rates/ Contribution Days.

You will be required to provide a copy of your industrial instrument to the team for review purposes.

Definition of Gross Pay for quarterly Returns

When preparing your quarterly returns the gross pay for contribution days is the rate of pay due to an employee for paid leave, excluding leave loading and is based on a 38 hour week unless you have a formal industrial instrument providing otherwise. Gross pay and contribution days must be calculated in calendar years and not financial years as the levy may differ from 1 January of each year.

Please note that gross pay does not include annual leave loading but does include other amounts such as rental allowance, utilities allowance, living away from home allowance etc - if these allowances are due to an employee when on paid leave.

If an employee is not entitled to paid leave, for example where an all up rate applies or the employee is employed as a casual, then the rate to be used is the rate of pay payable for ordinary hours. For instance the ordinary rate for casuals will include the casual loading.



Working Directors

Working Directors are a special category of employee in the Scheme and the definition of 'ordinary rate of pay' poses particular problems in regard to the treatment of Working Directors.

The contribution rate is based on the ordinary rate of pay paid to an employee for ordinary hours which are 38 hours per week.

For Working Directors the ordinary rate of pay is the rate of pay being received by Directors as employees of their business. This would be the amount that they draw down as wages on a defined, regular, at least monthly basis, for which they pay tax on a PAYG basis, have wage records for and are issued a PAYG Certificate at the end of each financial year.

One off adjustments during or at the end of the financial year are not included, nor can they be averaged out over the year, and salary sacrificing sums are also not included for income purposes.

Working Directors who do not draw a regular wage cannot then meet these requirements and their status in the Scheme is in doubt.

Working Directors who are in this situation or are unsure of these arrangements should contact a member of the Service & Compliance team at MyLeave on 9476 5400 or for country callers 1800 198 136 to discuss the matter.

Quarterly returns are only to record service days when Working Directors are on site and working in a prescribed classification.

Maintenance work is included

Please be aware that maintenance work is also covered by this Scheme. Many employers think that we only cover construction work.

Employees under the temporary skilled migration (subclass 457) program

Ensure that workers employed under the "457" program are included on quarterly returns.

How does my employee apply for long service leave?

All that your employee has to do to claim their long service leave is complete and submit the Application for Payment of Long Service Leave Form to MyLeave. A copy of the form may be obtained on our website or by calling us. The form is in two parts. The employee should complete Part 1, and you, the employer, should complete Part 2. Once both parts are completed please send the form to MyLeave by email, post or fax and we will process the application. An application usually takes 2 weeks to process.

Need a helping hand?

You'll find our website gives you the answers quickly!

www.myleave.wa.gov.au

Important notices

Office location

In 2016 MyLeave relocated to Level 3, 50 Colin Street West Perth - only 200 metres from former office. The relocation (including fitout) was completed on time and within budget and provides the MyLeave team with a much improved office layout and increased floor space. In conjunction with the relocation, a significant IT task was undertaken and included purchase and installation of new IT hardware. The last part of the office relocation project is the establishment of a new disaster recovery site and this will be undertaken in the first quarter of 2017. Whilst the street location of MyLeave has changed all other contact details are unchanged.

Contribution rate

MyLeave wishes to advise that following the annual Actuarial review, and an analysis by Board Members, the Contribution Rate will remain at current rate of 1.35% of the ordinary rate of pay. Employer returns recording service from 1 January 2017 will therefore continue to be submitted at the current rate of 1.35%.

Board member changes

In September 2016 the Hon. Michael Mischin MLC announced Board Member appointments for a two year term to 24 September 2018. New Board Members are Ms Amanda Bishop, Ms Maria Saraceni and Mr Glenn McLaren. MyLeave expresses its gratitude for the strong contribution by retiring Board Members Mr Les McLaughlan (appointed 1994), Mr Ray Sputore (appointed 2001) and Mr Steve McCartney (appointed 2009).

WA building & construction industry code of conduct 2016

MyLeave registered employers are reminded that the above Code commenced on 1 January 2017 and it is important that employers are aware of the obligations under the Code as non-compliance with the Code can result in building and construction contractors being excluded from working on Government projects. Specific details regarding the Code of Conduct can be obtained at www.commerce.wa.gov.au/bccmu.

Paperless quarterly returns

MyLeave has recently commenced a significant project to improve efficiency by moving to the distribution of paperless quarterly returns. This new process will improve an employer's access time to complete quarterly returns and will reduce postage and processing expenses. Employers will be transitioning to paperless quarterly returns during 2017.



Access a full
copy of the annual
report online!



Apprentices

Employers are reminded that apprentices must register to join the Scheme and that time served as an apprentice counts towards a long service leave entitlement.

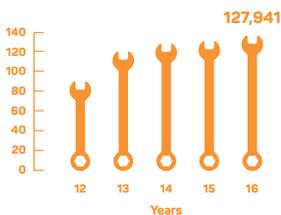
Employers do not have to make financial contributions for apprentices however are required to complete quarterly returns showing service days in the industry.

The Act provides the following definition of apprentices; apprentice means a person who is an apprentice under a training contract that;

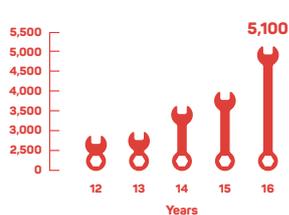
(a) provides for training in a classification of work referred to in a prescribed industrial instrument relating to the construction industry that is a prescribed classification; and

(b) is registered under the Vocation Education and Training Act 1996 Part 7 Division 2 or an Act of another State or Territory that corresponds to that Act.

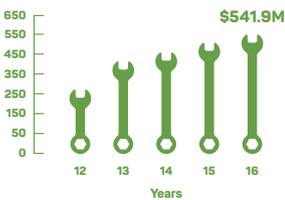
Number of employees registered



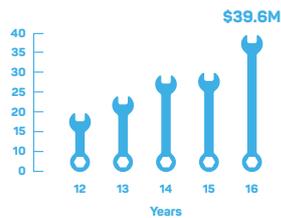
Number of LSL claims processed



Value of assets



Value of LSL claims paid



Get online to lodge your quarterly return
myleave.wa.gov.au



Contacting the Board

Website: www.myleave.wa.gov.au
Email: hi@myleave.wa.gov.au
Telephone: (08) 9476 5400
Freecall: 1800 198 136 Mon - Fri 8:30am to 5pm
Facsimile: (08) 9321 5404
Address: 3rd Floor, 50 Colin Street West Perth WA 6005
Postal Address: PO Box 1333 West Perth WA 6872

Interstate Scheme websites

Northern Territory	www.ntbuild.com.au
Queensland	www.qleave.qld.gov.au
New South Wales	www.longservice.nsw.gov.au
Australian Capital Territory	www.actleave.act.gov.au
Victoria	www.coinvest.com.au
Tasmania	www.tasbuild.com.au
South Australia	www.portableleave.org.au

Who's on the Board

Ms Linda Gibbs
Chair

Representing employees
Mr Mick Buchan
(CFMEU)

Mr Glenn McLaren
(Australian Manufacturing Workers Union)

Ms Maria Saraceni
(Barrister, Francis Burt Chambers)

Representing employers
Ms Amanda Bishop
(DLA Piper)

Mr Warren Edwardes
(Chamber of Commerce & Industry of WA Inc)

Mr Michael McLean
(Master Builders Association)

Board Members appointment term expires 24th September 2018

