

Building and Construction Industry EMPLOYER GUIDE

What is the portable long service scheme

The *Building and Construction Industry Long Service Payments Act 1986* (the Act) provides a portable long service entitlement to workers who have performed work in the NSW building and construction industry for 10 years, regardless of whether they have worked for multiple employers or as a contractor. The Long Service Corporation (LSC) is the statutory body established by the NSW Government to administer the portable long service scheme.

How much does it cost

There is no cost for employers or workers to belong to the scheme as it is funded by a levy on building projects in NSW. The building applicant, or the person for whom the work is being done, is required to pay the levy.

Who is covered by the act

The scheme covers employees and contractors performing building and construction work in the industry for which a rate of pay is fixed by a prescribed award. This may also include apprentices, working directors and casual employees. For further information, see [Type of Work Covered](#).

Who is not covered by the act

The scheme does not cover workers who are: employees of Commonwealth, State, Territory or Local Government bodies; not performing eligible building and construction work; performing work not in the building and construction industry.

Examples of ineligible work include office staff, engineers, mechanics, truck drivers, surveyors, estimators and architects. For further information, see [Type of Work Covered](#).

Note: The Scheme's legislative provisions do not apply to Commonwealth land, therefore work undertaken on Commonwealth land or a Commonwealth place is not able to be recorded.

Employer registration

An employer with employees performing eligible building and construction work in NSW, must register as an employer with the scheme. To register, complete the [Employer Registration Application](#) online.

Recording service for employees

Within seven (7) days of an employee (including casuals) commencing or ceasing eligible work, the employer is required to lodge start and end notices via the [Employer Portal](#).

Contractors are responsible for recording their own service via a registered Tax Agent.

Employer Return

Employers are required to lodge annual Employer Returns detailing the days worked by employees in the previous financial year. The period of employment is recorded as service credits which accrue towards a long service entitlement for the employee. Employer Returns **must** be completed via the [Employer Portal](#) by 31 July each financial year. For further information, see [Employer Returns](#).

Eligible and non-eligible work

Where an employee performs a combination of eligible and ineligible work, they should be recorded as part time. Service credits should only be submitted where they perform eligible building and construction work for more than half their ordinary workday.

Long Service Corporation

Working outside NSW

The scheme only covers work performed in NSW. All work performed interstate should be recorded with the scheme in that state or territory. Details for each state and territory's scheme can be found on the [Ausleave](#) website.

Paying long service to an employee

Before making a payment to an employee under the [Long Service Leave Act 1955](#), the Employer must notify LSC. An Employer Claim form will then be issued for the Employer to complete and return with evidence of payment for that period. For information about an Employer's obligations under the [Long Service Leave Act 1955](#) contact the [NSW Office of Industrial Relations](#) on 13 16 28.

An employee cannot receive a payment from LSC for the same period that has been paid to them by their employer. For further information, see [Before you make a payment](#).

Keeping books and records

Records must be kept for each employee including: time sheets or attendance records; name, address, and email address; registration number; work performed; award paid under; details of any payments under the [Long Service Leave Act 1955](#); the total number of days of building and construction work performed. For further information, see [Keep Books and Records](#).

Records must be retained for eligible employees for six years after the last entry was made. Investigators from LSC are authorised to enter business premises to inspect books and records. If the books and records are kept in electronic form, they must be able to be printed and produced in written form.

Penalties under the Act

Penalties between \$2,200 to \$5,500 may apply to: employers who do not comply with the Act; provide misleading information; obstruct an Inspector from carrying out their duties. For further information, see [Penalties](#).