

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've performed work in the NSW building and construction industry for 10 years, regardless of whether they've worked for multiple employers or as a contractor (i.e. self-employed worker). 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's no cost for employers or workers as it's 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 workers 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 workers. For further information, see [Type of Work Covered](#).

Who is not covered by the act?

The scheme doesn't 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](#).

Work on Commonwealth places

As Commonwealth places fall under the jurisdiction of the Commonwealth Government, work conducted on Commonwealth places cannot be credited under the NSW Building and Construction Industry Long Service Payments Act, administered by LSC, and we are working with the Commonwealth Government to resolve this. For further information see [Commonwealth places](#).

Employer registration

An employer with workers 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 a worker (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 workers in the previous financial year. The period of employment is recorded as service credits which accrue towards a long service entitlement for the worker.

Employer Returns must be completed via the Employer Portal by 31 July each financial year. For further information, see [Employer Returns](#).

Long Service Corporation

Eligible and non-eligible work

Where a worker 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.

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 a worker

Before making a payment to a worker under the [Long Service Leave Act 1955](#), the employer must notify LSC via the [Employer Portal](#). 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.

A worker 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 workers 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 don't comply with the Act;
- provide misleading information;
- obstruct an Investigator from carrying out their duties.

For further information, see [Penalties](#).