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industrial relations : human resources : employment matters : training

CIRCULAR: GEN/077/NAT/077/19
DATE: Monday 20 May 2019
SUBJECT: Portable Long Service Leave Authority – Victoria – Community Service Workers
ATTENTION: Chief Executive Officer

Further to our circular on 17 September 2018 (069/NAT/069) regarding the *Long Service Benefits Portability Act 2018* (Vic) (the **Act**), please be reminded that the scheme will commence operation on 1 July 2019.

Under the Act, Victorian community services workers (as defined by the Act), along with contract cleaning and security industry employees, will be entitled to long service leave after seven years of service to the industry, regardless of the number of employers that they have had during this period. After seven years of service, a covered employee can approach the Portable Long Service Benefits Authority (the Authority), established under the Act, for access to their long service leave entitlements

Website

Please be advised that the Authority's website is now live. The website provides relevant information for employers about Victoria's new portable long service scheme and includes FAQs. The website address and the authority's contact information are listed below for your convenience.

- Website address: <https://www.vic.gov.au/portable-long-service>
- Phone no: 1800 287 287

As listed on the website, on 9 May 2019 the Portable Long Service Benefits Governing Board has determined that the Employer Levy applicable to community services will be set at 1.65% of employees' ordinary pay.

Employers should contact the Authority for any questions about coverage and how to comply with the new laws.

Scope of the Scheme

As set out in our earlier Circular, under the Act 'community service work' is broad and not limited to what is listed below. It includes the provision of the following services to 'persons with a disability or 'other persons who are vulnerable, disadvantaged or in a crisis' in regard to:

- Training and employment support, or Employment placement;
- Financial support or goods;
- Accommodation or accommodation-related support services; and
- Home care support services; or
- Other support services for persons with a disability of their carers.

Also included are services that provide:

- Community legal, education, information and advocacy service;
- Community development services;
- Fundraising assistance for community groups; and
- Assistance to particular cultural or linguistically diverse communities.

All NDIS funded disability and community mental health services are currently excluded from the scheme, unless they are prescribed to be community service work. Additionally, the scheme does not cover any worker who is covered by the Aged Care Award 2010.

Action Required by Employers

Employers of community service workers will be required to register themselves and their employees with the Authority. Registration begins from 1 July 2019 and all established businesses must be registered by 30 September 2019. For new businesses established after 30 September, registration must be completed within 3 months of establishment. Registration can be completed online and as part of the registration process, the following information will be required:

- Business name
- Business address

- ABN
- ACN (if applicable)

Additionally, employers in industries within the scope of the Act, must provide a quarterly return which includes required information. The required information must be provided to the Authority no later than one month after the end of the respective quarters and must include:

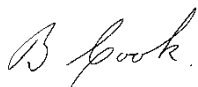
- a) the name of each of the employees who performed work for the employer during the quarter;
- b) the total ordinary pay by the employer to the employee for the quarter;
- c) the number of days or part of days during the quarter to which pay relates; and
- d) any other prescribed information.

Failure to comply

Failure to comply with the scheme's reporting, record-keeping or payment obligations are offences under the Act and can result in the Authority taking legal action in pursuit of compliance and / or financial penalties for the contraventions. The penalties can apply the corporation and / or individuals who are knowingly concerned in the commission of the offence.

The above is provided for summary purposes only, and any employer that may fall within the scheme is advised to obtain further advice and information about the scheme and their obligations

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447.



Brian Cook
Managing Director

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