

Submission:

Portable Long Service Benefits

The Centre for Excellence in Child and Family Welfare ('the Centre') advocates for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 100 organisations working across the continuum of child and family services, from prevention and early intervention to the provision of out of home care.

As a peak body that has long advocated for a portable long service scheme, we are pleased to see the introduction of this Scheme. However, we also have some serious concerns about the Scheme, including lack of clarity about key elements likely to result in uncertainty for organisations subject to the scheme.

Definition of community service work is unclear

The definition of community service work is still not clear; there is ambiguity about what roles are covered within the scope of the Scheme. Our reading of the draft regulations suggests some workers in the community services sector are excluded. Schedule 1 Part 1 does not include media, communications, policy, learning and development, HR and finance roles. We note that in the Long Service Benefits Portability Bill (2018) ('the Bill') Part 1 of Schedule 2, Clause 2 provided more detailed descriptions of community service work. This provides greater clarity to organisations that are attempting to determine if an employee falls under the scope under the Scheme. There needs to be much greater clarity about which roles are included and excluded under the Scheme to avoid confusion in the sector. In particular, the category of 'community development services' is not clearly defined.

Exclusion of some categories of work

The exclusion of office, clerical and administrative staff working in a community services organisation is unfair. There is no clear rationale for why non-management administrative staff should be excluded from the operation of the scheme. The Centre's position is that all workers employed by a community service organisation should have the same benefits.

We are concerned that the exclusion of administrative workers will create an administrative burden on community sector organisations as they will need to identify workers who won't be covered under the Scheme. The community services sector already finds it difficult to recruit and retain experienced front line and administrative staff due to the generally lower wages. We are concerned that excluding essential 'back end' staff could result in staffing shortages.

Quarterly return requirements

We are concerned that many organisations in the inception phase will not have the information they need to complete quarterly returns within set timeframes. We want to ensure that the Portable Long Service Leave Authority exercises discretion when determining whether to apply a penalty unit under Section 27(1) during the first year of the Scheme's operation.

Commencement dates

We believe the commencement of the Scheme for all community services should be delayed until 1 January 2020. This would give organisations sufficient time to prepare for the Scheme's commencement. The current date of 1 July 2019 does not allow community service organisations to prepare adequately for the new Scheme.