

From: [REDACTED]
Sent: Tuesday, 22 October 2019 9:48 AM
To: Industrial Relations Victoria (DPC)
Subject: Long Service Benefits Portability Interim Regulations 2019

To Industrial Relations Victoria (DPC)

irv.info@dpc.vic.gov.au

Good morning,

Aged & Community Services Australia (ACSA) is the leading national peak body supporting church, charitable and community-based, not-for-profit organisations throughout Victoria and around Australia. Not-for-profit organisations provide care and accommodation services to over one million older Australians.

ACSA has actively participated in the consultation on LSL portability issue. ACSA has:

- Attended the Department stakeholder forum last year and had subsequent meetings with the Department;
- Made a submission to the Regulatory Impact Statement to have Commonwealth subsidised home care programs excluded from the scheme; and
- In August, met with representatives from the Minister's office and the Department.

ACSA continues to seek clarification and will make representations on the new Regulatory Impact Statement in the lead-up to the permanent Regulations in 2020.

The (original) exposure draft regulations on page 6 noted these exclusions in Regulation -7(6)(c):
https://engage.vic.gov.au/download_file/14604/2401.

Whilst the Commonwealth program names/titles were out of date, ACSA submitted (in the public submission process) the current and cotemporary names of all Commonwealth subsidised home care programs assuming this was now an administrative matter.

However, the final regulations removed this aspect all together reversing the Government's position, without any notification or consultation and stated in their response to the public submissions (which included ACSA's):
It is also intended to delete Regulation 7(6)(c), which lists a number of Commonwealth program names. The inclusion of the list may be potentially confusing, and in addition, program names are constantly changing. The intention of the Regulations is to clarify that home care in a private residence, irrespective of the client's age, is included within the scheme, but aged care delivered in an aged care facility setting is not included. The other provisions of Regulation 7 make this clear.

The above reasoning remains contentious as it refers to potential confusion over program names but then goes on to articulate an intent to clarify coverage of "home care in a private residence", which we had assumed had already been agreed based on treating aged care as a single sector (including of residential and home care). In addition this clarity does not seem to have eventuated and the use of the term "aged care work" and other wording in the interim regulations has not assisted.

ACSA is concerned about the impact on our members and their services, and would like to reinforce our view that our sector should be treated in a singular and consistent way and "aged care work" in its broadest sense be subject to a clear exemption.

During the period in which the Interim Regulations operate, we seek assurance from the Department that aged-care home providers will not be considered to be non-compliant to the scheme.

Yours sincerely,



Suite 3, Level 6, 24 Collins Street
Melbourne VIC 3000

| W: www.acsa.asn.au

Member Line: 1300 877 855 | memberadvice@acsa.asn.au



**LEADERSHIP, QUALITY
& TRANSFORMATION**

An ACSA symposium about stepping forward

NSW - November 4th TAS - November 11th
SA - November 8th WA - November 14th

ACSA
Aged & Community Services Australia

ACSA staff acknowledge the traditional owners of the land on which we work and pay our respects to the elders past and present.

The contents of this email and any other emails in this thread that may not themselves carry this disclaimer are confidential and may be subject to legal professional privilege and copyright. If you have received this communication in error, you must not copy or distribute this message or any part of it or otherwise disclose its contents to anyone. No representation is made that this email is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient.