



**HACSU**

Health & Community  
Services Union

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“Subject to errors and omissions”

## HACSU RESPONSE TO LONG SERVICE BENEFITS PORTABILITY REGULATIONS

1. HACSU requests disability work to be defined either in regulations and/or legislation ‘the provision of disability services including the provision of personal care and domestic and lifestyle support to a person with a disability in a community and/or residential setting and/or any other setting including respite centre and day services’ as a separate category under community services work in regulation 8 (1).
2. In regards to 8 subsection 2 ‘ For the purposes of clause 2(2)(a) of Schedule 1 to the Act, an activity that is funded **by any means and/or** the National Disability Insurance Scheme **or any successor** within the meaning of the National Disability Insurance Scheme Act 2013 of the Commonwealth is prescribed to be community service work’.
3. In regards regulation 10 further categories of awards specifically pre-modern awards:
  - e. Disability Services Award (Victoria) 1999 [AP778738CRV]
  - f. Residential and Support Services (Victoria) Award 1999
  - g. Attendant Care – Victoria Award 2004
4. HACSU supports the proposal that employers compulsory pay into the fund for all eligible employees regardless if an employee is entitled to LSL under a federal workplace instrument and/or the LSL Act (Vic) as the employer may recover as per regulation 12 (5) and if changes are made to the LSBP Act.
5. HACSU seeks confirmation that where an employer is enrolled in the LSL portability scheme the employer and scheme notify the employee they are enrolled and how they can access this benefit.
6. Where an employee is entitled to LSL as per 1 week as of 30 weeks of service in an existing industrial instrument this is recognised by the portability scheme and is transferable.
7. HACSU seeks to know why the levy rate is only 1.65 percent of ordinary wages for each eligible employee and/or contract worker for the community services sector whereas the contract cleaning industry and security sectors is higher 1.80 percent of ordinary wages.
8. HACSU supports that a certificate of service of long service leave entitlements is issued to an employee within 30 days of the end of each financial year by mail and by email.

9. HACSU does not support the predominance test as it is problematic to put into practice whether an employee predominantly works in disability and/or position descriptions could be re-defined to exclude coverage.
10. HACSU supports that all employers covered by the scheme are identified and provided in a list accessible to employees and unions within 30 days of the end of each financial year.
11. HACSU supports the abolishment the employer predominance test that applies to all services and this would mean employers employing at least one covered employee who undertakes community service work would be required to register with the Authority and pay a levy on their employees' behalf.
12. HACSU supports the definition of employers to include for profit and not for profit and any other person who is prescribed to be an employer.
13. HACSU supports that all categories of employees and/or workers are included in the scheme including but not limited to: casual, part-time, contract worker, flexible part-time and full-time employees.
14. HACSU supports that all employees paid LSL under the scheme are paid superannuation for these entitlements.
15. HACSU supports all period of service is counted whichever is the greater of the LSL Act (Vic) and the LSBP Act.
16. HACSU supports all periods of absence from work taken to be days of service for crediting service whichever is the greater of the LSL Act (Vic) and the LSBP Act.
17. Where employers are not lodging quarterly reports on time there is a timely mechanism for enforcement by the Authority and unions and employees.