

## **Submission – Portable Long Service Scheme – Permanent Regulations**

### **INTRODUCTION**

Women's Health In the North welcomes the opportunity to make comment on the Exposure Draft Regulations under the Long Service Benefits Portability Act 2018.

Women's Health In the North (WHIN) is the regional women's health service for the northern metropolitan region (NMR) of Victoria. We aim to strengthen women's health, safety and wellbeing by reducing gender inequities in health that arise from the social, economic and environmental determinants of health. WHIN has a strategic focus on:

- Gender Equity
- Preventing Violence against Women
- Coordination and Integration of Family Violence
- Sexual and Reproductive Health
- Economic Participation
- Environmental Justice

WHIN's geographic focus is the local government areas of Banyule, Darebin, Hume, Moreland, Nillumbik, Whittlesea and Yarra.

WHIN is one of twelve women's health services funded by the Victorian Government under the Community & Women's Health Program (Dept of Health & Human Services).

### **RESPONSE TO EXPOSURE DRAFT REGULATIONS**

#### **A - What is community service work?**

WHIN supports the revised wording of Regulation 8 of the Exposure Draft Regulations. The revision, when read in conjunction with Regulation 9, provides greater clarity about which types of services constitute community service work for the purposes of Portable Long Service Scheme eligibility.

## **B – Who is not an employer for the purposes of the community services sector?**

WHIN supports Regulation 9 of the Exposure Draft Regulations. This clarifies that women's health services and community health services are to be included within scope of the Portable Long Service Scheme.

The revised Regulation 9 corrects an anomaly contained in the Interim Regulations, in which a reference to the Health Services Act 1988 served erroneously to exclude community health and women's health services.

WHIN considers that the revised Regulation 9 provides certainty to employers and employees within the women's health and community health sectors that they are covered by the Portable Long Service Scheme. It also means employees in the women's health and community health sectors, who are clearly part of the broader community services sector, will have fair and equitable access to the Scheme.

## **C – Who are not employees for the purposes of the community services sector?**

WHIN supports Regulation 10 of the Exposure Draft Regulations, which replaces the predominance test from the Interim Regulations with a modern award coverage test.

For women's health services, which are covered by the Social, Community, Home Care and Disability Services Award 2010, the modern award coverage test represents the fairest and most consistent method of determining employee eligibility for the Scheme.

The predominance test in the Interim Regulations created unnecessary confusion and potential inconsistency within the sector, particularly in relation to employees performing management, administrative and support roles.