

Long Service Benefits Portability Scheme Information Forum – 7 May 2019

Questions taken on notice

- 1. The Educational Services (Schools) General Staff Award has not been included in the list of instruments under regulation 9 that exclude particular employees. Some not-for-profit schools covered by the *Education and Training Reform Act* may employ speech therapists. Are they excluded by regulation 7(3)?**
For the avoidance of doubt, inclusion of the Educational Services (Schools) General Staff Award in the list at regulation 9(1) is being considered.
- 2. Are Catholic and Independent schools excluded from the scheme?**
Regulation 7(3) states: 'On and from 1 January 2020, for the purposes of clause 2(2)(b) of Schedule 1 to the Act, a service provided by an entity that is a licensed children's service under the *Children's Services Act 1996* or an approved provider under the Education and Care Services National Law (Victoria) (**except an entity that is also a registered school within the meaning of the *Education and Training Reform Act 2006***) is prescribed to be community service work.'

Regulation 7(3) excludes Catholic and Independent schools, which must be registered by the Victorian Registration and Qualifications Authority under the *Education and Training Reform Act 2006*.
- 3. Will the Authority advise a community services sector employer if they have made a payment to an employee?**
There is no obligation under the *Long Service Benefits Portability Act 2018* or the Regulations for the Authority to do so, but neither is it prohibited, so this can be managed operationally. The Authority will administer the scheme, noting that their actions in doing so must not be inconsistent with the Act.
- 4. If the provider employs a cleaner, is the cleaner covered by virtue of Schedule 2 of the Act?**
Answered during the meeting:
No – because the provider does not meet the definition of an 'employer for the contract cleaning industry' under Clause 3, Schedule 2 of the Act.
- 5. Will the levy affect WorkCover premiums or super contributions?**
Levy payments are based on the employees' salaries as described in the legislation. Ordinary Time Earning (OTE) does not include on-costs such as WorkCover premium or Superannuation Guarantee Contributions. It is therefore our understanding that WorkCover premiums and Superannuation contributions will not be impacted by the levy.
- 6. Will early childhood advisers and educational leaders be covered by the Scheme?**
This is a question for the Authority as the administrator of the Scheme. Coverage of these employees (and others where eligibility for inclusion may not be clear) might need to be reviewed on a case-by-case basis. The work functions and activities of an employee of as set out in Clause 9(2) of the Regulations would be central to determining whether or not an employee is covered by the Scheme.
- 7. What is the levy for the community services sector?**
The Board has set the levy at 1.65 per cent for the community services sector. See the Portable Long Service website for more information: <https://www.vic.gov.au/portable-long-service>