

Community Sector Fact Sheet

Attribute	Scheme details
Scheme Commencement	1 July 2010
Portability	Provides a portable long service leave entitlement to employees undertaking relevant work across the Community Sector for any employer within the industry
Compulsory Registration of Employers and Employees	Yes for all employers and their employees performing relevant work
Scope/Definition of the scheme (including scheme expansion)	<ul style="list-style-type: none"> ▪ Community Sector work includes childcare, residential care (welfare, homecare, respite, social support, rehabilitation) where nursing or medical care is not provided as a major service. ▪ As of 1 July 2016 the Community Sector includes residential and community aged care services. ▪ The scheme includes interstate based companies with employees working in the ACT
Employee Entitlement	4.33 weeks after 5 years (1825 days) of service in the industry
Other entitlements for Employees registered after <u>1 July 2012</u>	<ul style="list-style-type: none"> ▪ 5 years (1825 days)– for leaving the industry, total incapacity, Age retirement (ages 55 and over) and deceased claims
Other entitlements for Employees registered <u>before 1 July 2012</u>	<ul style="list-style-type: none"> ▪ 55 days – 1824 days - total incapacity, age retirement (ages 55 and over) or deceased claims
Maximum break in service/employment in the industry	If employees have a break of over 4 years their account is deregistered
Payment instead of leave	Not applicable to the Community scheme
Minimum period of leave	2 weeks leave minimum per claim (14 days)
Reciprocal agreement with other states and territories	No, the community sector is portable within ACT only
Calculation of entitlement	Calculated weekly pay rate is the highest of the weekly averages of the ordinary remuneration received by the registered worker in the immediate previous 6 months, 12 months or 5 years
Backdating of service	Employees service can be backdated up to 4 years from their registration date
Information from the Authority to employees	<ul style="list-style-type: none"> ▪ An annual statement is sent to the employees registered postal/email address showing service credits from the last financial year. Annual statements will be electronically sent to the employees registered email address from 2017-2018 financial year ▪ New employee registration letters – a letter is sent when an employee is registered with the portable scheme
Employer Levy	From 1 April 2018 the levy rate is 1.2% 1 April 2015 – 31 March 2018 – 1.6%

	<p>1 July 2010 – 31 March 2015 – levy rate 1.67%</p> <p>Levy contributions are GST exempt</p>
Employer returns	<p>Employer returns are lodged quarterly</p> <ul style="list-style-type: none"> ▪ January – March (due date 30 April) ▪ April – June (due date 31 July) ▪ July – September (due date 31 October) ▪ October – December (due date 31 January)
Methods of returns	<p>Employers can lodge their quarterly returns via the online portal There is an option to upload data via a CSV file spreadsheet</p>
Employer penalties	<p>Employer penalties apply if a return is not lodged and/or paid before the due date</p> <ul style="list-style-type: none"> ▪ \$100 late lodgment penalty ▪ \$100 late payment penalty <p>If the penalties are not paid then a further \$100 penalty accrues each month moving forward</p>
Employer reimbursements	<ol style="list-style-type: none"> 1. Where an employee has accrued an entitlement through service that is covered by a combination of the Long Service Leave Act 1976 and the Long Service Leave (Portable Schemes) Act 2009, the payment to the employee is to be made by the employer, in accordance with the Long Service Leave Act 1976. The employer can then apply to the Authority for reimbursement of the portion of the payment that relates to service since the commencement of the portable scheme. Reimbursement will be paid to the employer in accordance with the Long Service Leave Act 1976. 2. All payments to employees based solely on service accrued after the commencement of the portable scheme will be made directly by the Authority under the Long Service Leave (Portable Schemes) Act 2009.
Information from the Authority to Employers	<p>Every quarter a statement of account and information regarding the next return period is sent electronically</p>
Working Directors and registered contractors	<p>Contractors and Working Directors are not classified as employees, but have the option to register with the Authority and make contributions for themselves as of 1 July 2017</p>
Inspection powers	<p>The Authority has a broad range of powers including entry to employer premises and right of access to and examination of employment records</p>
Taxation of leave payments	<p>Tax on all payments is calculated by the Authority, withheld from the payment in accordance with ATO guidelines and remitted directly to the ATO. A PAYG payment summary is sent to the employee</p>