

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 (fulltime, part-time & casual) performing relevant work
Scope/Definition of the scheme (including scheme expansion)	<p>Work carried out in the community sector industry, which is defined as the industry of providing:</p> <ul style="list-style-type: none"> ▪ education and care services (means an approved education and care service under the <i>Education and Care Services National Law (ACT) Act 2011</i>, section 5 (1)) – teachers who perform education and care services are covered under the portable schemes legislation; ▪ residential care services (care accommodation or homes for disadvantaged people where nursing or medical care is not provided as a major service, including residential corrective services for young offenders); ▪ non-residential care welfare services (including fund-raising services for welfare services) not included in other community sector industries; ▪ employment placement services for disabled people; ▪ community service advocacy services; ▪ As of 1 July 2016 the Community Sector includes residential aged care 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 1 July 2012	<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 before 1 July 2012	<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

<p>Backdating of service</p>	<p>Any period of unrecorded service from original scheme commencement or scheme expansion date can be applied to an employee's registration with the Authority where a return, which includes details of the unrecorded service, is submitted and paid by the employer</p>
<p>Information from the Authority to employees</p>	<ul style="list-style-type: none"> ▪ An annual statement is sent to the employees registered email/postal address showing service credits from the last financial year. ▪ New employee registration letters – a letter is sent when an employee is registered with the portable scheme
<p>Employer Levy</p>	<p>From 1 July 2021 the levy rate is 1.60%</p> <p>1 April 2018 the levy rate is 1.2%</p> <p>1 April 2015 – 31 March 2018 – 1.6%</p> <p>1 July 2010 – 31 March 2015 – levy rate 1.67%</p> <p>Levy contributions are GST exempt</p>
<p>Employer returns</p>	<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)
<p>Methods of returns</p>	<p>Employers can lodge their quarterly returns via the online portal There is an option to upload data via a CSV file spreadsheet</p>
<p>Late submission of employer quarterly returns</p>	<p>Employer late submission fees and infringement notices apply if a quarterly return is not lodged before the due date:</p> <ul style="list-style-type: none"> ▪ \$200 late submission fee – 1 month after the end of the quarter ▪ \$200 late submission fee – 2 months after the end of the quarter ▪ \$640 (Individuals) & \$3,200 (Corporations) infringement notice – 3 months after the end of the quarter
<p>Late payment of employer quarterly returns</p>	<p>The Authority will charge interest on any outstanding levy amount. The interest rate to be used is currently being determined (please note applying interest on outstanding levies will apply for the Jan-Mar 2020 quarter onwards, noting that the Jan-Mar quarter levy payment is due on 30 April 2020)</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 provisions of 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 made in accordance with Section 89 & 89A of the Long Service Leave (Portable Schemes) Act 2009 at the accrual rate of 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 provisions of the Long Service Leave (Portable Schemes) Act 2009.
Information from the Authority to Employers	Every quarter a statement of account and information regarding the next return period is sent electronically
Working Directors and registered contractors	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
Inspection powers	The Authority has a broad range of powers including entry to employer premises and right of access to and examination of employment records
Taxation of leave payments	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