



New South Wales

Community Services Sector (Portable Long Service Leave) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to establish a scheme for the portability of long service leave for workers in the community services sector.

Outline of provisions

Part 1 Preliminary

Part 1 deals with preliminary matters, including by—

- (a) setting out the key concepts used in the proposed Act, including *community service work*, *worker* and *employer*, and
- (b) establishing the Community Services Sector Long Service Leave Committee (the *Committee*), which consists of the Secretary of the Department of Customer Service and representatives of employers and workers in the community services sector.

Part 2 Registration of employers and workers

Part 2 provides for the registration of employers and workers under the proposed Act. Workers may be employees or contractors. The Long Service Corporation (the *Corporation*), constituted under the *Long Service Corporation Act 2010*, will keep an employers register and a workers register.

Part 3 Service credits

Part 3 provides for how a worker's service is credited in the workers register under the proposed Act.

Part 4 Returns and records

Part 4 imposes requirements on employers and contractors in relation to submitting returns to the Corporation and keeping records.

Part 5 Long service leave levy

Part 5 provides for the levy for long service leave that is payable to the Corporation by employers and contractors.

Part 6 Long service leave

Part 6 contains provisions about calculating a worker's entitlement to long service leave and payments for long service leave.

Part 7 Appeals to Committee

Part 7 provides for appeals to be made to the Committee.

Part 8 Inspectors

Part 8 authorises the Corporation to appoint inspectors and sets out the functions of the inspectors in relation to compliance with the proposed Act.

Part 9 Relationship to other laws

Part 9 provides for workers who may be eligible for long service benefits under the proposed Act as well as under other legislation in New South Wales or other States or Territories.

Part 10 Reciprocal arrangements

Part 10 contains provisions about reciprocal arrangements for long service leave between different States and Territories.

Part 11 Enforcement

Part 11 contains provisions about proceedings for offences and evidentiary matters.

Part 12 Miscellaneous

Part 12 contains miscellaneous provisions.

Schedule 1 Community services

Schedule 1 specifies the services that are community services for the proposed Act.

Schedule 2 Members and procedure of Committee

Schedule 2 contains provisions relating to the members and procedure of the Committee established by the proposed Act.

Schedule 3 Dictionary

The dictionary in Schedule 3 defines words used in the proposed Act.

Schedule 4 Amendment of other legislation

Schedule 4 makes consequential amendments to other legislation.