



# Victoria Government Gazette

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## Subordinate Legislation Act 1994

### NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

#### Long Service Benefits Portability Regulations 2020

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Long Service Benefits Portability Regulations 2020 (the proposed Regulations).

The reason for the proposed Regulations to be made under the **Long Service Benefits Portability Act 2018** (the Act) is to prescribe certain matters necessary for the effective implementation and operation of the Act. The proposed Regulations are intended to replace the Long Service Benefits Portability Interim Regulations 2019.

The objectives of the proposed Regulations are to:

- (a) prescribe information required to be provided in quarterly returns by employers;
- (b) allow the Portable Long Service Authority to disclose information to certain other entities and authorities;
- (c) describe what is community service work;
- (d) specify that certain persons and classes are not employers for the purposes of the community services sector;
- (e) specify that certain individuals are not employees for the purposes of the community services sector;
- (f) provide a method for calculating the benefit where a worker has left the community services sector, or has died;
- (g) set out arrangements for when a worker in the community services sector has a long service leave entitlement under a fair work instrument, including arrangements for reimbursing employers in certain circumstances;
- (h) specify that certain individuals are not employees for the purposes of the contract cleaning industry; and
- (i) specify that certain individuals are not employees for the purposes of the security industry.

The objectives to be achieved as stated in the RIS include a minimisation of regulatory burden on employers subject to the long service benefits portability scheme, to provide certainty to businesses as to whether they are required to register for the long service benefits portability scheme, and to provide certainty as to which workers will need to be registered for the scheme, and have a levy paid on their behalf by their employer.

The RIS is prepared in accordance with the Victorian Guide to Regulation (2016), which provides a step-by-step guide to preparing a RIS. The RIS analyses the implementation of the scheme for the proposed Regulations. The purpose of this RIS is to:

- (a) establish the nature and extent of the problems that would exist if the Interim Regulations were not amended;
- (b) articulate the desired objectives of addressing the identified problem;
- (c) identify a set of viable options to address the established problem;
- (d) assess the impacts of these options, and the expected effectiveness of each option in addressing the problem;
- (e) identify and describe a preferred option to achieve the desired objectives; and
- (f) develop an implementation plan and evaluation strategy for the preferred option.

**SPECIAL**

The proposed Regulations seek to clarify five additional residual problems that were not fully resolved in the Interim Regulations:

- (a) what is defined as community service work;
- (b) who is not an employer in the community services sector;
- (c) who are not employees in the community services sector; and
- (d) who is an employee in the security industry.

The RIS analyses various options for addressing these problems, including the preferred options that are reflected in the proposed Regulations.

Copies of the RIS and the proposed Regulations may be obtained from the Engage Victoria website at [www.engage.vic.gov.au](http://www.engage.vic.gov.au). Requests for emailed copies of the RIS and proposed Regulations may be made via email to Industrial Relations Victoria, Department of Premier and Cabinet, [info@irv.vic.gov.au](mailto:info@irv.vic.gov.au). Due to the COVID-19 pandemic hard copies will not be posted.

Public comments on the RIS and the proposed Regulations must be received no later than 5.00 pm on 27 June 2020 via email to: [info@irv.vic.gov.au](mailto:info@irv.vic.gov.au). Emails should include the subject line 'Long Service Benefits Portability Regulations 2020 Comments'. Submissions can also be made, by this date directly on the Engage Victoria website: [www.engage.vic.gov.au](http://www.engage.vic.gov.au)

All submissions will be treated as public documents and will be published on the Engage Victoria website unless the submission clearly indicates the submission is confidential.

TIM PALLAS MP  
Minister for Industrial Relations

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