

Community Services Industry (Portable Long Service Leave) Bill 2019

Explanatory Notes

Short title

The short title of the Bill is the Community Services Industry (Portable Long Service Leave) Bill 2019.

Policy objectives and the reasons for them

The policy objective of the Community Services Industry (Portable Long Service Leave) Bill 2019 (the Bill) is to establish a portable long service leave (PLSL) scheme for the community services industry in Queensland.

The community services industry covers for-profit and not-for-profit non-government organisations providing services to communities across Queensland. In 2016, the then Department of Communities, Child Safety and Disability Services published a Deloitte Access Economics study of future workforce requirements in the Queensland community services industry, entitled *Forecasting the future: Community Services in Queensland 2025* (the Deloitte report), which noted the absence of a single comprehensive data source for the community services industry. In response, the report utilised information from a number of different sources to measure and describe the characteristics of the sector. That analysis estimates that there were 44,495 community services industry employees in Queensland in 2015.

The sector is growing rapidly and undergoing significant change, in part due to the introduction of the National Disability Insurance Scheme. Analysis reveals that workers in the community services industry are less likely to accrue a long service leave entitlement due to high mobility between industry employers and insecure work. These factors are largely a consequence of the limited life funding arrangement prevalent in the community services industry which often lead to staff being engaged on a series of limited-term contracts and by different employers within the industry.

2016 Australian Bureau of Statistics (ABS) data for employees in the healthcare and social assistance industry indicates a high prevalence of insecure work with nearly one-in-four workers not receiving any paid leave entitlements. ABS data from the Participation, Job Search and Mobility Survey in 2017 indicate that only 18 per cent of Queensland community sector workers were engaged with the same employer for over 10 years. This is below the Queensland average of 26 per cent of workers having been employed by the same employer for over 10 years. ABS data also shows that community and personal services workers have higher than average levels of mobility. Unpublished data from the Participation, Job Search and Mobility Survey indicates that 25 per cent of Queensland health care and social assistance workers have been engaged with their employer for less than 12 months. This is significantly above the Queensland average of 18 per cent.

When taken together, the data reveals high levels of structural labour mobility, which impacts on workers accessing a long service leave entitlement.

Long service leave is provided for Queensland employees under the *Industrial Relations Act 2016* (IR Act) or through national system awards and agreements. The entitlement to long service leave is generally not portable between employers. A PLSL scheme allows workers to accumulate long service leave by recognising service with multiple employers within the industry. Typically, the employer contributes their long service leave liabilities to a centralised fund. These contributions are reinvested and are used to pay long service leave entitlements to employees who achieve sufficient service credit within the industry and also to administer the scheme. A PLSL scheme benefits the industry by encouraging attraction and retention of skilled and experienced employees and reduces long service leave administrative costs upon individual employers.

The Australian Capital Territory (ACT) established a PLSL scheme for community services workers in 2010; and the Victorian Government commenced its community services industry PLSL scheme on 1 July 2019.

In Queensland, legislated PLSL schemes have been successfully operating in the building and construction and the contract cleaning industries since 1991 and 2005 respectively. Both schemes are administered by QLeave, a statutory authority.

The Bill also seeks to amend the IR Act to clarify the pro rata long service leave entitlement provisions for an employee whose employment is ended through illness. The amendment responds to a recent decision of the Queensland Industrial Court (see *Schipp & Anor v The Star Entertainment Qld Limited* [2019] ICQ 009) which interpreted the existing legislative provision such that it did not recognise an employee's entitlement to pro rata long service leave where the employee has been dismissed by the employer due to an illness-related incapacity. An employee who has terminated their own employment due to illness-related incapacity is however entitled to pro rata long service leave. It is considered the distinction of entitlement based upon the act of termination by either the employer or the employee is inconsistent with the intent of the provision and common practice.

Achievement of policy objectives

The Bill will achieve the policy objective of establishing a PLSL scheme for the community services sector in Queensland.

The PLSL scheme for the community services industry will:

- cover workers performing community services work, including contract workers, engaged by an employer that is established for, or with purpose including, providing community services. The description of community services is informed by the sector profile in the Deloitte report, *Forecasting the future: Community Services in Queensland 2025* and in combination with the scope as set out in the Social, Community, Home Care and Disability Services Industry Award 2010;
- also cover other workers engaged by an employer to support the provision of community services work;
- apply to both for-profit and not-for-profit organisations in the community services industry;

- provide workers with a PLSL entitlement after 7 years' service with accrual at the rate of the existing statutory entitlement of 8.67 weeks after 10 years' service so prescribed in the IR Act;
- require an employer to pay a levy calculated on an employee's ordinary wages and report on an employee's service, quarterly; and
- be administered by the existing PLSL Authority, QLeave, with oversight by a governing board consisting of a Chair; a Deputy Chair with financial/investment expertise; and an equal number of employer and employee representatives.

The amendment of the IR Act will make clear that an employee whose employment is terminated through an illness-related incapacity will have an entitlement to pro rata long service leave in accordance with the IR Act.

Alternative ways of achieving policy objectives

Establishing a portable long service leave scheme through a legislative instrument has been the approach adopted in State and Commonwealth jurisdictions across Australia over a long period.

There is no alternative way of achieving the policy objective of ensuring that an employee whose employment is terminated through an illness-related incapacity will have an entitlement to pro rata long service leave in accordance with the IR Act other than by amending the IR Act.

Estimated cost for government implementation

The PLSL scheme will be funded by employer contributions (a levy) paid on the ordinary wages of their workers. Independent actuarial assessment has calculated the levy to be 1.35%. This level of contribution, alongside a return on investment, will allow the scheme to be administratively self-supporting as well as meet its commitments to pay long service leave to industry workers.

QLeave estimates the cost of establishing and administering a new PLSL scheme for the community services industry is approximately \$1 million in the first year and annual administrative costs of approximately \$800,000 thereafter. It is proposed that the initial establishment costs of the scheme be met by a loan from the contract cleaning industry PLSL fund.

The levy will not have a direct impact on Government as it is not proposed to include state government services or employees in the scheme.

The amendment to the IR Act to clarify that an employee dismissed due to illness related incapacity is not anticipated to have a cost impact.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles (FLP) and gives sufficient regard to these principles. Legislation establishing inspectoral powers will generally have provisions which by their nature touch on FLP. Any provisions which could potentially breach FLP are considered justifiable to achieve the Government's objective to establish an

equitable and efficient system of portable long service leave for workers in Queensland's community services industry. This system will increase the likelihood that workers will be able to access the minimum entitlement by allowing them to accumulate service across the sector. The Government has sought to mitigate the potential for FLP breach.

Potential breaches of fundamental legislative principles are addressed below.

Legislative Standards Act 1992, section 4(2)(a) legislation should have sufficient regard to the rights and liberties of individuals

Offences

The Bill includes offences and penalties consistent with those under the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* and the *Building and Construction Industry (Portable Long Service Leave) Act 1991* to ensure an equitable and efficient system of portable long service leave for workers in the community services industry. The Bill introduces two new offences further to those in the other PLSL schemes, to ensure there are appropriate protections and penalties provided for when a PLSL payment is paid to an employer in advance of the worker taking the leave. A range of administrative sanctions will ensure that the scheme operates effectively by providing an effective deterrent for non-compliant conduct. The imposition of the civil penalty avoids the cost of court actions and will assist in paying for the cost of pursuing offenders.

The highest penalties introduced by the Bill are for employer contraventions of not paying or not complying with a notice or order to pay all or part of the levy and not paying the worker's full and correct PLSL entitlement when the payment is advanced to the employer by the Authority, or not reimbursing the Authority promptly with any amount not paid to the worker. The maximum penalties for a breach of these provisions is 60 penalty units and is consistent with similar offences and penalties applying under the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* and the *Building and Construction Industry (Portable Long Service Leave) Act 1991* (noting that the advance payments are not provided for under the two existing Queensland schemes).

The Bill places obligations to comply with the administrative and enforcement functions of the scheme. More administrative offences attract lower maximum penalties of 40 penalty units i.e. failure to apply for registration as a registered employer within the specified timeframes, failure to return identity card within 21 days. These offences and penalties are considered necessary to ensure the effective operation of the scheme and are also consistent with similar offences and penalties applying under the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* and the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

Privacy

The Bill also provides a broad power for a person engaged in the administration of Act to disclose confidential information if the disclosure is consented to by the person to whom it relates or authorised under an Act or law or in connection with the administration of enforcement of the Act or a relevant law. This will enable the Authority to share information e.g. industry participant and payroll data with other government agencies such as Workcover Queensland to facilitate compliance and other objectives of this Bill.

Legislative Standards Act 1992, section 4(3)(b) consistent with the principles of natural justice

Part 8 provides a mechanism for review of and appeal from decisions made by the Authority. This includes decisions regarding the levy amount and a direction or notice given by the Authority. An aggrieved person may apply for an internal review, appeal to the industrial magistrate or industrial court based on the particular decision made by the Authority.

Legislative Standards Act 1992, section 4(3)(e) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.

The Bill confers power for authorised officers to have the same investigatory and information gathering powers as existing QLeave officers by referring to the provisions of the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*. This includes powers to enter places under certain circumstances, including where no warrant is issued. While authorised officers may enter a place without a warrant, the circumstances they may do so are sufficiently limited. Additionally, the existing provisions provide appropriate safeguards by prescribing procedures that inspectors must follow when entering a place with consent and prescribing the procedure for entering a place under a warrant. The power to enter business premises without consent or a warrant is considered justified to ensure compliance with the scheme.

Authorised officers also have the power to seize a thing, and exercise powers relating to that thing. A requirement for a warrant in all circumstances would not be practical for example when authorised officers are in regional or remote locations and an allegation or complaint is raised at the time which would necessitate urgent investigation and seizure of evidence.

The investigatory and information powers are used appropriately by QLeave authorised officers in ensuring compliance with the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* without breach to FLPs. QLeave maintains a cooperative and educational approach to engage employers to ensure a greater understanding of their obligations as well as compliance with the legislation.

Legislative Standards Act 1992, section 4(3)(f) Legislation should provide appropriate protection against self-incrimination.

The Bill confers powers for authorised officers to have the same powers to facilitate and support the gathering of information from the employer and other individuals as existing QLeave officers by referring to the provisions of the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

In complying with these provisions, the information provided may tend to incriminate a person. However, two specific provisions in the Bill, clauses 59 and 86 provide that it is a reasonable excuse for a person to fail to comply with a request from the Authority for further information or documents during the registration or levy payment process on the basis that it might tend to incriminate the person or expose the person to a penalty. These are consistent with similar provisions in the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

The requirement for employers to keep records and provide information is central to the operation of the Act. The provisions allow an efficient process for the Authority to seek information from an employer or other persons and allow the employer and individuals reasonable time to comply. In the absence of these provisions, the Authority would need to use warrants to access this information in a more formal and intrusive manner.

Legislative Standards Act 1992, section 4(4)(a) – allows the delegation of legislative power only in appropriate cases and to appropriate persons.

Several clauses of the Bill allow elements of the scheme to be prescribed by regulation. While this is a delegation of legislative power, it is appropriate that detailed elements of specified matters be prescribed by regulation with a suitable head of power in the substantive legislation. Matters such as the prescription of a levy and some matters relating to the day-to-day operation of the scheme are primarily administrative in nature and may be subject to change over time. These matters include the levy rate and payment arrangements, leave benefits, and declaration of recognition of other state and territory schemes.

Consultation

Community services industry stakeholders, including employer organisations, employee organisations, peak industry bodies and service providers were consulted on the introduction of a PLSL scheme for the community services sector, initially through the release of the Consultation RIS in September 2018.

Twenty-nine written submissions were received in response to the Consultation RIS from a range of key stakeholders, including industry peak bodies, employers and service providers, and individual workers. A further 320 letters were received from workers in the community services sector and members of The Services Union supporting the introduction of a scheme.

This consultation process indicated broad in-principle support for a PLSL scheme in the community services sector. Community sector peak bodies were also supportive of a mandatory PLSL scheme to include both for-profit and not-for-profit sectors. However, these bodies sought further information to ‘better understand how the scheme would work in practice’, particularly about funding implications for employers. All requested ongoing consultation throughout the development of the scheme. Larger providers recognised that PLSL would be beneficial for the industry generally but considered that it would have few benefits for their own organisations, as larger providers have lower staff turnover and better benefits.

In response, the Minister for Education and Minister for Industrial Relations (the Minister) established the *Portable Long Service Leave for the Community Services Sector Stakeholder Taskforce* (the Taskforce) to further advise on the development of the PLSL scheme and its significant components. The Taskforce comprised of representatives of key peak bodies and relevant unions for the community services sector:

- Queensland Council of Social Services;
- Community Services Industry Alliance;
- National Disability Services;
- Community Legal Centres Queensland;
- Queensland Council of Unions (QCU);
- The Services Union;
- Australian Workers’ Union (AWU); and
- United Workers Union.

The Taskforce held ten meetings with all stakeholders participating in good faith and contributing constructively to discussions on the basis that a PLSL scheme should be introduced for the community services sector in Queensland as a beneficial investment for the sector overall.

The Taskforce sought input from stakeholders in the ACT and Victoria on their experience with the PLSL schemes for the community services sector in their jurisdictions and their advice based on that experience. This included ACTLeave, the administering PLSL authority in that jurisdiction; ACT Council of Social Service, a major stakeholder for the ACT's community sector scheme; Industrial Relations ACT, which has responsibility for the PLSL legislation in the ACT; BDO Partners, which provides accounting and audit services to a range of local community services organisations and advised on existing long service leave provisioning practices; a former employer representative of the ACT's PLSL Board and former CEO of Woden Community Service; Industrial Relations Victoria, the government agency responsible for the recently commenced PLSL legislation in Victoria; and the Victorian Council of Social Service, a major stakeholder in the Victorian community services scheme.

The Taskforce's deliberations have informed key elements in the design of a PLSL scheme for the community services sector, in particular the scope of the scheme, the PLSL entitlement, and the governance arrangements of the scheme. The operational elements of a PLSL scheme have also been directly informed by the experience of QLeave (as the proposed governing authority for the scheme).

Consultation on the Proposed PLSL and the Bill was also conducted with Government agencies including the Department of the Premier and Cabinet; Queensland Treasury; Department of Justice and Attorney-General; Department of Communities, Disability Services and Seniors; Department of Child Safety, Youth and Women; Department of Youth Justice; Department of Housing and Public Works; Department of Employment, Small Business and Training; and QLeave.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform or complementary to legislation of the Commonwealth or another State. However, in developing the provisions of the Bill, consideration has been given to the Victorian *Long Service Leave Act 2018* and the ACT *Long Service Leave (Portable Schemes) Act 2009*. Where appropriate the Bill's provisions have been drafted to reflect similar regulation. For example, the ACT's optional registration provisions for independent sole traders to register with the scheme as a worker but pay their own levy as an employer has been adapted in the Bill. Part 11 of the Bill also includes provisions allowing for mutual recognition between the proposed Queensland scheme and other PLSL schemes for the community services sector in other jurisdictions.

Notes on provisions

Part 1 Preliminary

Clause 1 states that the short title is the *Community Services Industry (Portable Long Service Leave) Act 2019*.

Clause 2 provides that Part 3 which is necessary to establish the scheme Authority, the dictionary at schedule 2, amendments to other Acts at Part 13, sections 120 and 121 which deal with arrangements and declarations about arrangements with other states, and the regulation making power at section 126 will commence on assent. The remaining provisions that generally establish employer and workers duties commence on 1 July 2020.

Clause 3 provides that this Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States. However, nothing in this Act makes the State liable to be prosecuted for an offence.

Clause 4 provides that the main purpose of the Act is to establish a portable long service leave scheme for the community services industry in Queensland.

Part 2 Interpretation

Clause 5 provides that the dictionary in schedule 2 defines particular words in the Act.

Clause 6 provides the meaning of the ‘community services industry’ defining it as the industry in which an entity provides community services work in Queensland. The community services industry in Queensland is viewed as providing support and assistance to facilitate community participation, enable independence, and protect and provide accommodation and respite for vulnerable population groups and those in crisis. For the purposes of this Act, it is intended to be distinct from the aged care industry and the child care or early childhood education industry.

Clause 7 provides the meaning of ‘community services’ as services of a type stated in schedule 1 or otherwise prescribed by regulation. This list of services provides a non-exhaustive description of the type of work delivered by the industry that the portable long service leave scheme will cover.

Clause 7 also clarifies the meaning of ‘community services work’ which is work to provide community services or work that supports the provision of community services, such as administrative support. This is intended to include workers who are employed by an employer in the community services industry doing ‘community services work’ and those whose work supports the employer’s provision of community services work (for example but not limited to administrative and/or management staff). This is to recognise that these workers play a role in supporting the delivery of community services and are also affected by the short-term funding and employment options that prevent workers in the industry from being able to accrue a long service leave entitlement with a single employer. It is not intended to extend the meaning of worker to include workers engaged by the employer in work unrelated to the employer’s purpose of providing community services work.

Clause 8 provides the definition of a ‘worker’ as a person who is employed by a community services employer to perform community services work; or a self-employed person performing community services work.

This provision is intended to apply to workers engaged on a full-time, part-time and casual basis as well as individuals who are engaged under a contract for service, including labour hire workers and workers who operate as a sole trader.

This clause includes a regulation making power to prescribe a member of a class of individuals who are not workers. This power is included to ensure the intended scope of the scheme remains focussed on workers in the community services industry.

Clause 9 defines who is an employer in the community services industry for the purposes of the Act. It provides that an employer is an entity that is established for, or whose purposes include, providing community services and engages an individual. This will cover organisations operating in the community services industry, such as a service that provides housing, advocacy, health, counselling and emergency and crisis support to disadvantaged, vulnerable and at-risk youth living in a particular community. The definition will also ensure an employer includes a long-established organisation with the original purpose to support people with a disability and their families in a particular neighbourhood or region and which has broadened and changed its services over time to provide range of disability, respite and community building support services including home care support for its elderly clients or a community childcare playgroup held in its centre.

Clause 9 further provides that an employer can also be a self-employed individual providing community services work, such as a sole trader. However, these ‘employers’ are able to opt-in to the scheme.

Clause 9 also provides that an employer includes a provider of labour hire services that supplies an individual to perform community services work to an entity that provides community services and engages an individual or a self-employed individual providing community services work. Subsection (3) of this clause clarifies that a provider of labour hire services is defined in relation to Queensland’s *Labour Hire Licensing Act 2017* and is only intended to be an employer in relation to the workers it supplies for community services work.

The sustainability of a portable long service leave scheme rests in employers registering, reporting on their workers’ service and paying the resulting levy. As such, the Act also provides that other ‘employers’ or classes of employers can be prescribed by regulation, to ensure the scope of the scheme remains flexible and responsive to the evolution of the community services industry and can sustain the long-term benefit to workers at the lowest cost to employers.

Clause 9 of the Bill also excludes as employers the Commonwealth, State or a local government, or an entity that is a member of a class of entities prescribed by regulation to not be an employer. This will ensure clarity can be provided for employers in other related industries that are not intended to be included in the scheme.

Part 3 Community Services Industry (Portable Long Service Leave) Authority

Division 1 Establishment and status

Clause 10 provides for the establishment of the Community Services Industry (Portable Long Service Leave) Authority.

Clause 11 sets the legal status of the authority as a body corporate that can sue and be sued in its name and provides it does not represent the State of Queensland.

Clause 12 provides that the authority is a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*. Part 2B (2) of the *Statutory Bodies Financial Arrangements Act 1982*, sets out the way that Act affects the authority's powers.

Division 2 Functions and powers

Clause 13 sets out the primary function of the authority as providing an equitable and efficient system of portable long service leave for workers in the community industry. In addition, other functions include providing educational and awareness programs to the industry, giving advice and making recommendations to the Minister on issues affecting the provision of long service leave in the industry and the operation of the legislation.

Clause 14 establishes the powers of the authority as the powers of an individual and lists some specific examples. In addition, this clause also provides that the authority has any other power given to it under this Act or another Act.

Division 3 Board

Subdivision 1 Establishment, functions and powers

Clause 15 establishes a board as the authority's governing body.

Clause 16 lists the board's functions which include ensuring the authority performs its functions in an appropriate, effective and efficient way; and other functions it is given under this Act or another Act.

Clause 17 empowers the board to perform its functions.

Subdivision 2 Membership

Clause 18 prescribes the composition of the board which will consist of no more than eight directors, including a chairperson, a deputy chairperson and an equal number of worker and employer representatives. This clause provides directors are to be appointed by the Governor in Council.

Clause 19 requires the deputy chairperson to be a person who is qualified in at least one or more of the following areas: commerce, economics, finance, and/or management. This supports the boards main function, to oversee the authority's financial management of the portable long service leave fund for the community services industry. This provision allows for the deputy

chairperson to act as chairperson during a vacancy in the office or when the chairperson is absent.

Clause 20 specifies that the term of an appointment for a director must not be more than 3 years and provides that a director may be reappointed, provided they have not served more than nine years in office at the end of their reappointed term.

Clause 21 provides for the Governor in Council to decide the remuneration and allowances which are to be paid to a director as well as the terms and conditions that a director holds office when not provided within this Act.

Clause 22 sets out criteria for disqualification from being a director of the board and includes a person who has a conviction for an indictable offence, other than a spent conviction; is an insolvent under administration, as defined in the definitions; or is disqualified from managing corporations.

Clause 23 sets out the conditions under which a director vacates the office of director.

Clause 24 prescribes the manner for filling a vacancy on the board. In accordance with this clause, the Governor in Council may appoint a person to act as a director of the board for no more than the period remaining in the current term of the board.

Subdivision 3 Business

Clause 25 sets out the meaning of *material personal interest*.

Clause 26 prescribes the conducting of business by the board in a manner that is considered appropriate by the board.

Clause 27 permits the board to hold meetings, or allow directors to attend board meetings, by use of electronic means.

Clause 28 requires the chairperson to call meetings of the board as required however at least once in every 3 months. The chairperson must call a board meeting if a director representing a worker or employer, gives notice to the chairperson requesting a meeting.

Clause 29 provides for the chairperson to preside at all meetings that the chairperson is present.

Clause 30 requires the board to keep minutes of each board meeting.

Clause 31 specifies the need to have a quorum at meetings before the board's business may be conducted and that the quorum consists of at least 3 directors, inclusive of the chairperson or deputy chairperson, one director representing workers and one director representing employers.

Clause 32 provides the rules for voting on questions to be decided at board meetings, including abstaining and casting votes. This clause also stipulates that when directors are considering a question for decision at a board meeting, regard must be given to information provided by the general manager on such question.

Clause 33 sets out requirements for disclosure by directors of material personal interests in matters for consideration at board meetings, where those material interests could present a conflict with the performance of the director's duties. Clause 33 also sets out requirements regarding a director's participation in a meeting and voting on a matter where a possible conflict between the director's material personal interest and performance of duties as a director exists.

Clause 34 specifies the rules for deciding a question referred to the board by writing, including requirements regarding the chairperson or deputy chairperson having the casting vote where votes are equal. Clause 34(7) requires directors to consider any material provided, or comments made, by the general manager when deciding on a question.

Division 4 Administration

Clause 35 specifies the authority administers the Act, subject to the Minister.

Clause 36 specifies the general manager of the Building and Construction Industry Authority (established under the *Building and Construction Industry (Portable Long Service Leave) Act 1991* and trading as QLeave) is also the general manager of the community services industry authority.

Clause 37 stipulates that, subject to the board, the general manager manages the business of the authority.

Clause 38 requires the Building and Construction Industry Authority's staff to provide administrative support services to the authority and to do things necessary for the performance of the functions of the authority. This reflects the similar arrangement of the Contract Cleaning Industry Authority (established under the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*) and ensures the efficient low-cost administration of each of Queensland's portable long service leave schemes.

Clause 39 specifies the proper making of any authority documentation if signed by the chairperson, deputy chairperson or general manager.

Clause 40 provides for the making of a written agreement between the authority and a corresponding authority (which in practice will include the Building and Construction Industry Authority and the Contract Cleaning Industry Authority) regarding the administration of the Act. This includes arrangements for payment of administration expenses such as staff, electricity and rent and the subsequent recovery of these costs.

Division 5 Financial provisions

Clause 41 specifies the categories and permissible application of funds of the authority.

Clause 42 establishes the requirement for Ministerial approval of the annual budget and requirements on the provision of reports on the operations of the budget to the Minister.

Clause 43 specifies the requirements for actuarial investigations on the adequacy of the authority's funds and the levy rate must be conducted at least every 2 years. The authority must

report to the Minister on these findings and make recommendations in regard to actuarial position and adequacy of funds. This clause will ensure the scheme's levy rate is regularly reviewed and is sustainably able to support the accruing worker entitlements.

Part 4 Registers

Division 1 Registration of workers

Clause 44 requires the authority to keep a register of workers who are registered in the scheme either through their own application or by a decision of the authority.

Clause 45 makes provision for an application for a person to become a registered worker and imposes requirements in relation to the application, including that it is to be made in an approved form.

Clause 46 requires the authority to consider applications made and to grant or refuse such applications. The authority must inform the applicant of the outcome of the decision. If the authority grants the application the authority must also enter the person's name in the register of workers and advise the person of their worker registration number and registration day.

Clause 47 permits the authority to register a worker in situations where the person did not apply for worker registration, if information received by the authority shows that that person is or was eligible to be a registered worker. If the authority decides to grant worker registration in this way, the authority must inform the person of this decision.

Clause 48 provides detail on the particulars to be entered into the authority's register for each registered worker.

Clause 49 specifies the manner in which a registration date is determined in different circumstances and that in any event the earliest registration date is 1 July 2020.

Clause 50 permits the authority to seek additional information about a registered worker from another party, including an employer who had engaged a registered worker in a reciprocating jurisdiction.

Clause 51 imposes a requirement on the authority to notify a registered worker if it proposes to cancel the worker's registration. A worker who does not want his or her registration cancelled has 120 days from the date the notice is given by the authority to respond in writing to the authority's notification of the proposed cancellation. Before making a decision on cancellation of registration, the authority must consider the worker's response. This clause permits the authority to exercise discretion when deciding whether to cancel the worker's registration.

Clause 52 details reasons and the process for cancelling the registration of a registered worker. If the authority cancels a person's registration it must inform the person of this decision by way of an information notice, this is a reviewable decision. Other than in the case where a registered worker dies, a person whose registration has been cancelled is not prevented from becoming a registered worker again at a later date.

Division 2 Registration of employers

Clause 53 requires the authority to keep a register of registered employers in the community services industry.

Clause 54 details requirements for when an entity may or must apply for registration as an employer. For the purpose of this legislation an entity required to register must apply within 28 days of becoming an employer. Failure to comply with this requirement may attract a penalty. The clause specifies information that must be provided when applying for registration. This clause also permits the authority to request an applicant provide additional information or verification of certain information provided. The clause contains requirements for compliance with such requests, including when a penalty may be imposed for failing to comply with certain requests.

Clause 55 specifies that in addition to imposing a penalty for noncompliance with the requirement to apply for registration, the court may impose a penalty upon a person for failing to comply with an order to apply for employer registration within a stated time under this clause, without a reasonable excuse.

Clause 56 requires the authority to consider an application for registration and grant or refuse such an application. If an application is refused the authority must give the person an information notice about the refusal. If the application is granted the authority must notify the person of this and enter the person's name in the employer register.

Clause 57 requires the authority to enter details necessary for the administration of this Act in the employer register, including the date a person became a registered employer.

Clause 58 requires a registered employer to notify the authority of changes to information that has been included in the register, within 28 days of that change occurring. A penalty is prescribed for failure to comply with this requirement.

Clause 59 empowers the authority to pursue a person where the authority believes the person should be a registered employer. The authority may, through written notice, request a person provide within a stated time information or documentation necessary to enable the authority to determine registration. A penalty is prescribed for failure to comply, without reasonable excuse, to this request.

Clause 60 provides for the application for cancellation of registration of employers who no longer engage workers to perform community services work. The authority must give the employer an information notice if it refuses to cancel the employer's registration.

Part 5 Service credits, returns, payments and records

Clause 61 specifies an engagement period as commencing when a worker is engaged by an employer to undertake work for the purpose of this Act and ending on the day the person ceases to be engaged by an employer as a worker. It is not relevant whether the employer that engages the person is the employer who stops engaging the person.

Clause 62 stipulates that if a worker performs community services work in a return period, then the worker is credited with 1 day's service for each day that occurs in the return period, irrespective of whether the worker performed community services work on a particular day. However, the worker must not be credited for any day that is not part of an engagement period.

A return period means the period as prescribed by Regulation. An engagement period means a period as provided for in clause 61(3).

Clause 63 sets some limitations on crediting service including a maximum of 365 days may be credited per financial year, including in a 'leap' year.

Clause 64 requires the authority to give all workers registered on 30 June of that year a notice providing detail for the worker on the number of days' service credited for that financial year, the overall total service credited since registration and the total ordinary wage amount paid in that financial year for community services work.

The authority is taken to have complied with this requirement if it gives a person notice stating that the person may access the authority's website to obtain the information required to be provided in the notice.

Clause 65 requires employers, as defined, who are or were employers during the return period, including both registered and unregistered employers, to submit a return for each of the employer's workers, as defined, engaged during a return period, unless the employer has obtained an exemption for lodging a return for a worker 68.

Clause 65(6) provides that an employer is not required to provide a return for a worker who was not recorded as a worker in the person's return for the previous return period and the worker performed work for that person for less than 5 days in the current return.

In accordance with clause 65 the return must be submitted in the approved form and within 14 days after the end of the nominated return period. This clause specifies information that must be included in the return and that the authority may seek verification of the information provided. Clause 65 also requires an employer to notify the authority about a change to information required to be provided under this clause, within 14 days of the change occurring.

Penalties are prescribed for failure to comply with specified obligations of this clause.

Clause 66 requires an entity who is or was an employer during the relevant period to pay to the authority, within 14 days of the end of the return period, a levy payment for the return period. The levy is to be paid for each of the employer's workers, other than those workers that this clause does not apply to. Calculation of the levy rate is determined in accordance with clause 84. A penalty may be imposed for failure to comply with this obligation.

Clause 66(4) provides that if an entity must pay the authority additional amounts, provided by notice to the employer, the employer must pay the authority the stated amounts within 14 days of receiving the notice, unless the person applies for reconsideration of the decision about the additional amounts or lodges an appeal under part 8. In these instances, if the application is withdrawn or the liability to pay the additional amounts is confirmed, the employer must pay these additional amounts within 14 days of the date of withdrawal or confirmation. Failure to comply with specified obligations of this clause also attracts a penalty. Amounts stated in an

order pertaining to this matter may be recovered by the authority as a debt owed by the person named in the order.

Clause 66 further provides that if a court convicts a person of an offence against this clause, in addition to imposing a penalty on the person, a court may order the person to pay to the authority an amount payable under the relevant subsection.

Clause 67 permits the authority to make a decision regarding the return amount which is the total ordinary wage amounts stated by the employer in a return. If the authority decides that return amount stated is not reasonable it may specify another amount as the ordinary wages of the worker. The authority must provide the employer with an information notice about the decision.

The information notice must notify the employer of the amount of ordinary wages it has decided is reasonable for the period and require the employer to pay this amount, less the amount already paid for that period. The notice must also include any additional amounts for which a civil penalty has been imposed in relation to failure to give a return or pay a levy and any interest charged for failure to pay a levy that the employer is required to pay.

Clause 68 provides that an employer may apply for exemption from lodging a return for a worker. The clause sets out reasons an exemption may be granted and imposes a requirement that the application be made in the approved form. The authority may grant the exemption if satisfied that the employer no longer engages worker/workers to perform community services work; or the employer complies with or makes contributions to a similar scheme in another State. The exemption may be revoked if it is no longer applicable. The authority must provide an information notice about a decision to refuse or revoke an exemption.

Clause 69 imposes a requirement that failure to lodge a return or make a levy payment within the required time will attract a civil penalty. Clause 69 provides detail on the way in which the amount of the civil penalty will be calculated, including circumstances that may attract additional penalties. The authority has discretion to remit all or part of amounts payable as a civil penalty.

Clause 69 further provides that if a court convicts a person of an offence against this clause, in addition to imposing a penalty on the person, a court may order the person to pay to the authority the amounts payable under this section.

Clause 70 specifies the particular records that an employer must keep for each worker. These records are to be kept for at least 6 years after the last entry is made. A penalty may be imposed for failure to comply with prescribed obligations.

Part 6 Long service leave

Division 1 Preliminary

Clause 71 provides definitions for this part.

Division 2 Application for and entitlement to long service leave

Clause 72 permits a registered worker or the personal representative of a deceased registered worker to make application for a long service leave entitlement. The clause envisages the workers entitlement to be taken as leave but this clause also provides for a registered worker or the personal representative of a deceased registered worker to apply for a payment of the entitlement in specific circumstances.

Clause 73 specifies the entitlement to long service leave of 6.1 weeks after the registered worker has accrued 2555 days or more service (7 years x 365 days). The entitlement does not replace any other entitlement to long service leave that a worker accrues with a single employer but makes the benefits more available to workers by recognising service to the industry rather than to a single employer.

Division 3 Calculation and payment of long service leave

Clause 74 details the amount of long service leave payment a registered worker is entitled to when a worker applies for payment of their long service leave entitlement. The amount is calculated by a formula using the worker's history of ordinary wages paid, the amount payable for the worker's classification level under the relevant industrial instrument, and the proportion of long service leave accrued per year of service. If there is no relevant industrial instrument for the registered worker, the classification level will be prescribed under a regulation. The formula provides that the worker's entitlement will be proportional to the worker's pay and service undertaken in the years preceding the payment of the entitlement. For example, a worker working full time for seven years on the award rate of pay will be entitled to 6.1 weeks long service leave at the award rate of pay. A worker working half time for seven years on the award rate of pay for seven years will be entitled to 6.1 weeks of long service leave paid at half the award rate of pay. Leave is not to be paid for periods of less than 5 days.

Clause 75 prohibits a worker from claiming payment for a long service leave entitlement for a day's service if a long service leave payment has already been paid for the day under this Act or another Act or an award. This prevents 'double-dipping' of claims for leave for the same period of service being made to the authority and the employer, or under a portable long service leave scheme in another jurisdiction.

Clause 76 specifies that an employer who pays a registered worker all or part of their long service leave entitlement may apply to the authority for reimbursement for the period when the registered worker was engaged performing work in the scheme. This will likely occur when a worker has accrued a long service leave entitlement with a single employer, but the employer has been providing service returns to the authority and paying the levy for all or part of that registered worker's service with them. For example, a worker has reached the 10 years of service with one employer required to claim their substantive long service leave entitlement with the employer. However, for five of these years the worker has been registered with the authority and the employer has been paying the levy on that service. As such, the employer is able to claim reimbursement from the authority for the five years of the worker's service that has been registered in the portable scheme.

This clause provides that the amount is calculated by a formula using the worker's history of ordinary wages paid, the amount payable for the worker's classification level under the relevant industrial instrument, and the proportion of long service leave accrued per year of service. If there is no relevant industrial instrument for the registered worker, the classification level will be prescribed under a regulation. The formula provides that the worker's entitlement will be

proportional to the worker's pay and service undertaken in the years preceding the payment of the entitlement. This ensures the employer is only able to be reimbursed by the authority for the amount of long service leave payment that the registered worker would have been able to claim for under this legislation.

The clause also specifies a 3-month period to apply after the employer makes the payment however this may be extended up to 2 years. The clause also stipulates that the employer must not be paid more than the amount they paid to the worker.

Clause 77 provides that the authority may make a payment of a worker's impending long service leave to the worker's employer(s) in particular circumstances where it is agreed that the employer will pay the worker's long service leave entitlement accrued under this legislation.

The most common use of this provision in the community services industry is expected to be in relation to ensuring that salary sacrificing benefits widely used by community services workers are not adversely affected when workers wish to take their long service leave.

This provision allows for employers to apply to the authority for a prospective payment of all or part of the worker's long service leave entitlement so that they are able to continue paying their worker as normal during the period of leave (including making deductions like salary sacrificing payments). Employers must apply for the payment at least one month prior to the period of leave commencing. As with clause 76, the employer is only able to be paid by the authority for the amount of long service leave payment that the registered worker would have been able to claim for under this legislation.

To ensure the payment made to employers is provided to their workers as intended, this clause requires employers to provide evidence (for example payslips) to the authority within two weeks of the leave ending to confirm the full amount of the payment provided to the employer was made to the worker during their period of leave. Given the seriousness of not paying a worker their full entitlement, a penalty applies for not complying with this fundamental obligation. Workers who are not paid their correct pay by their employer while on long service leave will be able to advise QLeave, which will seek redress directly from the employer according to the process set out in this clause.

Clause 78 provides for employers who are unable to pay a long service leave benefit to pay to the authority the amount of the benefit less an amount that the employer would have been entitled to be paid if the full amount had been paid to the worker. On payment by the employer to the authority, the authority must pay to the registered worker the value of the worker's entitlement.

Clause 79 specifies that where an employer becomes insolvent under administration or for an employer that is a body corporate where the body corporate is taken to be under external administration, the authority may pay the worker or the worker's personal representative a long service leave payment that is the difference between the employer payment to the worker and the amount of the worker's long service leave.

Clause 80 permits the authority to approve an entitlement based on service with this scheme and another scheme with which reciprocal arrangement has been made (e.g. a scheme in

another state). If the authority makes a payment in terms of this clause it must as soon as practicable take steps to secure reimbursement by the corresponding authority.

Clause 81 provides for the accruing of credits within Queensland, however another authority pays the entitlement and ensures that the Queensland authority makes reimbursement of the payment in accordance with an agreement as part of arrangements with other.

Clause 82 provides for the entitlement payment by the authority to be deferred upon request by a person making application when agreed between the person and the authority.

Clause 83 clarifies that the authority is not taken to be an employer of a worker who takes or may take a benefit under the Act. The authority's liability is confined to long service leave.

Part 7 Levies

Clause 84 imposes a levy on ordinary wages paid to workers in the community services industry.

Clause 85 provides that the amount of the levy for a worker is a percentage prescribed by a regulation, of the ordinary wages paid to the worker.

Clause 86 provides for the authority to seek information or documents relating to wages if the authority believes that all or part of the levy has not been paid. A penalty is prescribed for failure to comply with specified obligations. An individual need not comply if by doing so it might tend to incriminate the individual.

Clause 87 permits the authority to require, by notice, an employer to pay additional amounts of a levy if the authority finds that the levy payable in relation to the ordinary wages for a worker is more than the amount an employer has paid to the authority as the levy for the worker.

The employer must pay the unpaid amount as stated in the notice within 14 days of receiving the notice. A penalty for failure to comply, is prescribed. In addition to imposing the penalty, the court may order a person guilty of an offence under this clause to also pay the unpaid amount.

Clause 88 prescribes that any levy that has not been paid by the due date will bear an amount of compound interest as prescribed by regulation. Where the authority considers that there are special circumstances it may defer payment of the levy or waive or reduce the amount of interest payable.

Clause 89 provides for the authority to recover an unpaid levy as a debt and may be sued for and recovered in a court.

Clause 90 provides that the payment of a penalty for failure to lodge a return or pay the levy amount payable does not relieve the person from the liability to pay the levy.

Part 8 Reviews and appeals

Division 1 Purpose of part

Clause 91 provides for review and appeals from either a decision made, an entry made to either the register of workers or register of employers or a direction or notice given, by the authority.

Division 2 Internal review of original decisions

Clause 92 provides for a person aggrieved by an original decision of the authority to make a written application to the authority for a review of the matter. The clause sets out a process and time limits for dealing with the application for review.

Clause 93 provides how the authority must review the original decision within a set timeframe and that the application must not be dealt with by the person who made the original decision or a person in a less senior office than the person who made the original decision.

Division 3 Appeals to industrial magistrate

Clause 94 provides for who may appeal to an industrial magistrate for a person not satisfied with a reviewed decision or a refusal under clause 93(2) or (3) and timeframes and processes for the appeal, including that the industrial magistrate may make an order about costs.

Clause 95 details processes for commencing an appeal to an industrial magistrate and setting the return day for the parties to attend before the industrial magistrate.

Clause 96 provides for the industrial magistrate to issue directions about the conduct of the appeal.

Clause 97 provides for the appeal to be heard at the place the notice of appeal is filed unless otherwise directed by an industrial magistrate or the parties agree the appeal may more conveniently be heard by an industrial magistrate at another place.

Clause 98 provides an industrial magistrate may by notice require a person to attend a hearing of the appeal to give evidence or produce documents. A penalty is prescribed for failure to comply with specified obligations.

Division 4 Appeals to industrial court

Clause 99 provides that the authority or a person may appeal to the industrial court if dissatisfied with a decision of the industrial magistrate in relation to an error of law or jurisdiction error.

Part 9 Authorised officers

Division 1 Appointment

Clause 100 provides that this part provides for the appointment of authorised officers and gives authorised officers particular powers.

Clause 101 specifies the functions of an authorised officer. These include to investigate, monitor and enforce compliance with the Act, to investigate or monitor whether an occasion

has arisen for the exercise of powers under the Act and to facilitate the exercise of powers under the Act.

Clause 102 provides that the general manager is an authorised officer, but that sections 104, 105, 106 and 109 do not apply to the general manager as an authorised officer.

Clause 103 provides that the general manager may appoint an authorised officer under the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, as an authorised officer.

Clause 104 provides that authorised officer powers may be limited by conditions stated in an instrument of appointment, a regulation or a notice signed by the general manager.

Clause 105 specifies when an authorised officer ceases to hold office including in accordance with any condition placed on holding the office of authorised officer.

Clause 106 provides that an authorised officer may resign by signed notice given to the general manager.

Division 2 Identity cards

Clause 107 provides that an authorised officer must be issued with an identity card by the general manager containing specified information including an expiry date. A single identity card may be issued to an authorised officer exercising powers under more than one Act.

Clause 108 provides that in exercising a power in relation to a person an authorised officer must produce their identity card for inspection before exercising the power or have the card clearly visible to the person. If this is not practicable the card must be produced at the first reasonable opportunity.

Clause 109 provides that a person who ceases to be an authorised officer must return their identity card to the general manager within 21 days of the cessation. A penalty is prescribed in respect of non-compliance with the provision.

Division 3 Powers of authorised officers

Clause 110 sets out definitions for terms used in this Part.

Clause 111 provides that specified references to the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* (the contract cleaning provisions) apply to an authorised officer for performing the officer's functions under this Act; and to a person in relation to whom an authorised officer exercises a power under the contract cleaning provisions; and a place in relation to which a power is exercised under the contract cleaning provisions.

Clause 111(3) provides that a person who commits an offence under the contract cleaning provisions as applied under this clause commits an offence against the Act.

Part 10 Proceedings for offences

Clause 112 stipulates the nature of proceedings for offences against the Act before an industrial magistrate and the timeframes for starting proceedings. Provides that a person dissatisfied with a decision of an industrial magistrate must appeal to the industrial court and that proceedings are subject to the application of the *Industrial Relations Act 2016*.

Clause 113 provides for the powers of an industrial magistrate as conferred under the *Industrial Relations Act 2016*.

Clause 114 provides that an evidentiary certificate about returns signed by the general manager is to be accepted as evidence of specified matters stated in the certificate. This provision simplifies the process for proving matters maintained in formal records.

Clause 115 provides that a certificate signed by the general manager about levy payments is evidence of the matter stated in the certificate. This provision simplifies the process for proving matters maintained in formal records.

Clause 116 provides for other evidentiary certificates signed by the general manager are to be accepted as evidence of specified matters stated in the certificate in relation to an appointment, approval, record or a document. This provision simplifies the process for proving matters maintained in formal records.

Clause 117 provides for penalties to be paid to the authority as a result of a proceeding for an offence against the Act.

Part 11 Miscellaneous

Clause 118 creates an offence for the improper disclosure of information, either directly or indirectly, obtained in the administration of this Act. This section ensures that any person found directly or indirectly recording or disclosing information obtained in administering the Act, unless otherwise authorised or with the consent of the affected person, is committing an offence. A penalty is prescribed for failure to comply with the specified obligation. This provision will allow QLeave to share information (e.g. industry participant and payroll data) with other government agencies, such as Workcover Queensland, to facilitate compliance and other objectives of the Act. This clause presumes the person who directly or indirectly receives information from a reciprocating State (a reference to a State includes a Territory) has obtained it in performing a function under the Act. The clause gives an express power to the Minister to authorise a person to make such a disclosure.

Clause 119 provides for the Minister to enter into an agreement with another State about making long service leave payments to persons engaged in the community services industry in the other State. The agreement may allow the exchange of relevant information (e.g. credits and entitlements to payment), and other matters relevant to paying long service leave to persons covered in the agreement, with a corresponding authority in another State. This provision allows for the agreement to be amended or repealed by a following agreement.

Clause 120 provides for a regulation to declare that a State for which an agreement is in force to be a reciprocating State and declare a law of that State to be a corresponding law for this Act. This declaration can only be made when the law of the other State provides for payment of long service leave to persons who have performed community services work in the community services industry in that State.

Clause 121 permits the general manager the power of delegation to an appropriately qualified person. A qualified person is one which is appointed to perform a function under this Act.

Clause 122 provides for the protection of officials from civil liability in instances where an act is done, or omission made, honestly and without negligence under this Act. The authority, rather than an official, will be held liable for any civil action that may ensue as a result of the act or omission made. This protection for officers is seen as essential for the proper administration of the Act as they will be able to undertake their duties secure in the knowledge that they will be able to do so fearlessly, providing it is done in a proper way. However, this protection will not apply where the official acts in any way outside the constraints of the Act or other requirements such as a code of conduct.

Clause 123 requires the Minister to review the operation of the Act within five years from commencement to decide if the provisions of the Act remain appropriate and to table a report about the review in the Legislative Assembly as soon as practicable after finalising the review.

Clause 124 provides for the general manager to approve forms for use under this Act.

Clause 125 provides for the Governor in Council to make regulations under the Act and limits the maximum penalty which may be imposed for a breach of a regulation.

Part 12 Transitional provision

Clause 126 provides that a person who is an employer at the commencement of the scheme or becomes an employer within 28 days of the commencement must register within 90 days of commencement. This will permit a more flexible timing for employers at the start of the scheme rather than the general registration timeframe of 28 days.

Part 13 Amendment of Acts

Division 1 Amendment of this Act

Clause 127 provides that this divisions amends this Act.

Clause 128 amends the long title of the Act to remove the references to amendments of other Acts.

Division 2 Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991

Clause 129 provides that this division amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

Clause 130 amends section 32(2)(e) of the *Building and Construction Industry (Portable Long Service Leave) Act 1991* to allow the Building and Construction Authority to provide initial funds where the authority does not have sufficient funds to pay amounts due under this Act.

Division 3 Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005

Clause 131 provides that this division amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

Clause 132 amends section 40(2)(e) of the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* to enable the Contract Cleaning Industry Authority to provide initial funds where the authority does not have sufficient funds to pay amounts due under this Act.

Division 4 Amendment of the Industrial Relations Act 2016

Clause 133 provides that this division amends the *Industrial Relations Act 2016*.

Clause 134 amends section 95 of the *Industrial Relations Act 2016* and clarifies that an employee whose employment is terminated, and who has completed at least seven years of continuous service at the time the employment ceases, has an entitlement to proportionate payment for long service leave if the employee is no longer able to perform the duties of the position because of an illness. The amendment further clarifies that illness includes an injury, incapacity or any other medical condition. This entitlement applies, regardless of whether the employee terminates his or her service or the employer dismisses the employee.

Clause 135 amends section 110(6) of the *Industrial Relations Act 2016* to specify the term employee includes registered workers under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* and the *Community Services Industry (Portable Long Service Leave) Act 2020*. The definition of entitlement to long service leave is also amended to include an entitlement to long service leave under these Acts.

Schedule 1 Types of community services

Schedule 1 provides an indicative list of the types of community service that will be covered by the Act.

Schedule 2 Dictionary

Schedule 2 provides a dictionary for particular terms in the Act.