



CONTRACT CLEANING INDUSTRY PORTABLE LONG SERVICE LEAVE SCHEME

The *Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010* (The Act) commenced on July 2011 and provides long service entitlements to cleaning workers after 10 years of service in the cleaning industry.

The Long Service Corporation administers the Act and is responsible for ensuring contract cleaning industry employers are complying with their obligations under the Act.

COMPLIANCE		
EDUCATION & ASSISTANCE	DIRECTING COMPLIANCE	SANCTIONS
<p>Information</p> <ul style="list-style-type: none"> Website & publications <p>Education</p> <ul style="list-style-type: none"> Advisory visits <p>Advice</p> <ul style="list-style-type: none"> Helpline <p>Partnering with Industry</p> <ul style="list-style-type: none"> Identifying industry participants Tailored communication 	<p>Notice of assessment</p> <ul style="list-style-type: none"> Assessment of levy payable <p>Inspection of books and records</p> <ul style="list-style-type: none"> To ensure compliance 	<p>Penalty interest</p> <ul style="list-style-type: none"> Applied to unpaid levies <p>Prosecution</p> <ul style="list-style-type: none"> Legal action for breaches of the Act <p>Financial penalties</p> <ul style="list-style-type: none"> Significant fines for breaches

EMPLOYER OBLIGATIONS	
<ul style="list-style-type: none"> Register as an employer with the Corporation Lodge returns for cleaning employees for each quarter 	<ul style="list-style-type: none"> Pay a levy of 1.7% on the gross ordinary wages Keep books and records

REGISTRATION

The Act requires employers to register with the Corporation within 1 month from:

- The date they became an employer in the industry, or;
- The commencement of the Act, if they were an employer prior to 1 July 2011.

RETURNS

Employers are required to lodge quarterly (4) returns for cleaning employees each year.

- The first return will need to list all the employee's details and their gross ordinary wages for the quarter.
- On subsequent returns, employers must, add any new employees and their start date; the end date of anyone who terminated during the return period; each employee's gross ordinary wages for that return period.

RETURN PERIOD	DUE DATE
1 January to 31 March	14 April
1 April to 30 June	14 July
1 July to 30 September	14 October
1 October to 31 December	14 January

LEVY

The levy is calculated at 1.7% of the gross ordinary wages paid to their employees during that quarter, and is due on the same day as the return.

KEEP BOOKS AND RECORDS

Employers are required to keep the following records for seven (7) years after an employee ceases employment:

- Employee's name and date of birth
- Employee's registration number with the scheme
- A description of work carried out by the employee
- Employee's gross ordinary wages for each return period
- Number of days worked in each return period
- Date the employee started/commenced service
- Date the employee ceased employment
- Records of any long service leave provided to the employee

COMPLIANCE AND ENFORCEMENT

COMPLIANCE AND ENFORCEMENT TOOLS

The tools that are available to the Corporation's Inspectors include:

- Giving advice and seeking voluntary compliance
- Conducting inspections of employer's records
- Issuing legal notice(s) to produce records
- Issuing assessment of unpaid levy
- Application of penalty interest on unpaid levies
- Prosecution action

INSPECTOR POWERS

Inspectors have significant powers under the Act and Regulations and are authorised to enter any business premises at any time to determine whether any workers in the contract cleaning industry are employed or engaged there.

Inspectors are also authorised to inspect books and records to determine whether an employer has breached their obligations under the Act.

NOTICES

Inspectors have the power to issue a number of legal notices. The aim of issuing notices is to ensure that non-compliance with obligations under the Act and Regulations is minimised.

Inspectors may issue a notice to inspect books, documents and records for inspection at a nominated date, time and place. These notices are not penalty measures however, where not complied with, prosecution action (for failing to comply with the notice) may be taken.

A Levy Assessment Notice may be issued where the relevant levy has not been paid. Where there is a failure to comply with an Inspector's notice, the Corporation may seek to prosecute the party to whom the notice was directed.

INSPECTIONS

Audits can be conducted at either the employer's premises or other location nominated by the Corporation. Employers are advised what records are required for inspection. These records are checked to ensure accuracy of service lodged for periods of work, type of work performed and eligibility as well as ensuring that all eligible workers are included.

PENALTIES

PENALTIES APPLY FOR FAILING TO MEET YOUR LEGISLATIVE OBLIGATIONS

- Failure by a person who becomes an employer on or after 1 July 2011 to register as an employer within one (1) month.
Maximum Penalty \$5,500.
- Failure by a person who is an employer before 1 July 2011 to register within one month of commencement of the Act.
Maximum Penalty \$5,500.
- Failure by an employer to register a worker within 14 days after the end of the 3 month return period.
Maximum Penalty \$2,200.
- Failure by an employer to provide the following information on the quarterly return (a) total ordinary wages paid, (b) commencement date, (c) ceased date.
Maximum penalty \$4,400.
- Failure to keep written records showing relevant particulars for each worker who performs cleaning work.
Maximum penalty \$2,200.
- Failure to keep written records for seven (7) years after the worker ceased employment.
Maximum penalty \$2,200.
- Failure to pay the levy.
Maximum penalty \$2,200.
- Failure to pay an additional levy due to a variation of ordinary wages, as determined by the Corporation, within one month or as the Corporation allows.
Maximum penalty \$2,200.
- A person must not willfully obstruct, delay or hinder an inspector in the exercise of the inspector's powers or refuse to allow an inspector to enter any premises the inspector may lawfully enter.
Maximum penalty \$5,500.
- For a person who provides false or misleading information to the Corporation.
Maximum penalty \$5,500.



INTERPRETER SERVICES

If you need an interpreter, call **TIS National** on **13 14 50** and ask them to call **Long Service Corporation** on **13 14 41** or for more information visit: www.tisnational.gov.au

