

Community Services Industry (Portable Long Service Leave) Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Grace Grace MP, Minister for Education and Minister for Industrial Relations provide this human rights certificate with respect to the Community Services Industry (Portable Long Service Leave) Regulation 2020 made under the *Community Services Industry (Portable Long Service Leave) Act 2020*.

In my opinion, the Community Services Industry (Portable Long Service Leave) Regulation 2020 (the Regulation), is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Queensland's community services industry portable long service leave (PLSL) scheme (the Scheme) is established under the *Community Services Industry (Portable Long Service Leave) Act 2020* (Act).

The primary purpose of the Scheme is to assist workers in the community services industry to accrue an entitlement to PLSL. To achieve this, the Scheme proposes to recognise long service to the sector rather than continuous service with a single employer.

Under the Scheme, workers will be able to accrue an entitlement through service with one or more employer. The entitlement is accrued at a rate based on the entitlement contained in the *Industrial Relations Act 2016* of 8.887 weeks of leave for 10 years' service, however workers will be able to access a proportionate entitlement after 7 years' service.

The Act requires a regulation be in place for commencement of the Scheme as the Regulation provides detail necessary for compliance with and/or to support the operation of the primary legislative provision.

For instance, to fund the Scheme, the Act requires industry employers to pay a levy on the wages of workers they engage. The Act provides that the amount of the levy be prescribed by regulation. The Regulation proposes that employers pay a levy of 1.35 per cent of a worker's ordinary wages.

Similarly, to ensure the efficient functioning of the Scheme, the Act requires employers to provide details of their workers' service and that reporting deadlines be prescribed by regulation. The Regulation prescribes that employer returns be lodged on a quarterly basis.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Regulation does not engage human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The Regulation does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Regulation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations