

Consultation paper: Sunset review of the Contract Cleaning Industry (Portable Long Service Leave) Regulation 2015

1. Background

1.1 Contract Cleaning Industry (Portable Long Service Leave) Regulation 2015

The *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* (Act) provides for portable long service leave (PLSL) in the contract cleaning industry. This legislation is supported by operational provisions in the *Contract Cleaning Industry (Portable Long Service Leave) Regulation 2015* (Regulation).

The Regulation is subordinate legislation made under section 150 of the Act. The Regulation provides additional details as prescribed by the relevant sections of the Act to ensure the effective operation of the contract cleaning industry PLSL scheme, including:

- information required to be provided in employers' returns;
- return period;
- relevant classification level under an industrial instrument for payments of long service leave entitlements;
- interest rate for the levy payable by employers; and
- reciprocating states with PLSL schemes for workers in the contract cleaning industry.

Within the contract cleaning industry, it is common for workers to frequently move from one employer to another to find continuous work or to be transferred when a contract changes hands. Consequently, many workers are not able to stay long enough with one employer to qualify for long service leave, although they frequently remain in the industry for longer than the qualifying period for long service leave entitlement.

In Queensland, the contract cleaning industry PLSL scheme is funded by a levy paid quarterly by employers. The levy rate is currently set at 0.75 per cent of a worker's ordinary wages. These levy funds can only be used to pay PLSL entitlements or expenses of administering the scheme. The levy rate is prescribed in the Regulation. Please note there is no intention to increase the levy as part of this sunset review and remake of regulation process.

The Act provides for an actuarial review of the levy rate every two years.

1.2 Portable long service leave in Queensland

Long service leave is a workplace entitlement in Australia that provides employees with paid leave in recognition of long service with the same employer. As long service leave requires continuous service with the same employer, workers in industries with high rates of involuntary mobility due to inherent factors outside of their control (e.g. project-based work, short-term and non-recurrent funding) may have difficulties accessing such leave.

PLSL schemes allow workers to accumulate long service leave entitlements based on their continuous service in an industry, rather than with a single employer.

In Queensland, PLSL schemes have been implemented in several industries, including the contract cleaning industry. Queensland's PLSL authority is QLeave. Employers report the number of days a worker has performed eligible work to QLeave, who then records a worker's total service in an industry (including if a worker changes employer). When the worker accumulates sufficient service credits, QLeave manages the long service leave payment for the employee.

2. Sunset review of the Regulation

The *Statutory Instruments Act 1992* provides that a regulation automatically expires (or 'sunset') after 10 years, unless action is taken to preserve it. This automatic expiry ensures subordinate legislation is regularly reviewed and provides an opportunity to evaluate its effectiveness and efficiency, including whether it is still required.

The sunset review process considers whether the Regulation:

- is still required;
- is effective;
- is efficient; and
- if any amendments should be proposed as part of the remade Regulation.

The Regulation will expire at midnight on 31 August 2026. As part of the sunset review, the Office of Industrial Relations is seeking stakeholder feedback on the performance of the Regulation.

Preliminary analysis indicates the Regulation remains necessary to ensure the efficient functioning of the contract cleaning PLSL scheme and to support the operation of the Act. Subject to the outcomes of consultation, it is anticipated the Regulation will be remade with any necessary amendments.

Please note the scope of the sunset review is limited to the provisions of the Regulation and does not include the provisions of the Act.

3. Submissions

Stakeholders are invited to provide feedback about the operation of the Regulation.

Written submissions should be provided to irpolicy@oir.qld.gov.au by Friday 20 March 2026.