**SCHEDULE OF DOCUMENTS**

| Doc No | Description of document | Relevant part of the request | Decision |
|---|---|---|---|
| 1 | *Secretary's Instructions for the Department of Social Services – Corporate Governance*<br>Part 1 – Edition 1.0 of 2025 | Part 2 | *Release in part*<br>Section 22 – a group email address used exclusively for internal departmental purposes; and material that does not relate to disclosure of interests and is therefore outside the scope of the request |
| 2 | *Department of Social Services – Leave Policy*<br>First Issued: December 2025 | Part 3 | *Release in part*<br>Section 22 – material that does not relate to community volunteering or volunteer leave and is therefore outside the scope of the request |
| 3 | *Department of Social Services Enterprise Agreement 2024-2027*<br><br>Clause 301 refers to 'community volunteering' | Part 3 | *Release in full*<br><br>This document is publicly available here: https://www.dss.gov.au/careers-and-employment/resource/department-social-services-enterprise-agreement-2024-2027 |
| 4 | *News Hub article*<br>Subject: Understanding Cultural, First Nations and Volunteer Leave<br>Date: 23 March 2026 | Part 3 | *Release in part*<br>Section 22 – material that does not relate to community volunteering or volunteer leave and is therefore outside the scope of the request |

# Secretary's Instructions for the Department of Social Services

## 1. Corporate governance

This part covers instructions to officials on the following topics relating to corporate governance:

- s 22
- 
- 
- 
- Disclosure of interests
- s 22
- 
- 

Corporate governance forms part of the broader governance frameworks established by the Secretary to manage risk and achieve the Department's purposes.

To ensure the proper use of public resources, section 16 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) requires the Secretary to establish appropriate controls that relate to the corporate governance of the Department.

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s 22

[redacted]

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## 1.5. Disclosure of interest

This section provides instructions on the requirement that officials disclose material personal interests relating to the affairs of the Department (section 29 of the PGPA Act and sections 12 to 16D of the PGPA Rule). A similar requirement is contained in the Code of Conduct at section 13(7) of the Public Service Act 1999 (PS Act) for the Australian Public Service.

The term 'material personal interests' could directly relate to an official's personal role or, more broadly, to the overall purpose of the Department. Materiality depends on the size and nature of the interest and the surrounding circumstances. Material personal interests are not confined to financial or similar interests. To be material, a personal interest must be of a type that can give rise to a real or perceived conflict of interest.

The phrase 'relating to the affairs of the entity' is also meant to be read broadly. For example, it includes activities of the Department that involve collaboration with other entities inside or outside government. The overriding principle for a declaration of a material personal interest is 'if in doubt, declare the

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**Instructions – all officials**

**You must** disclose a material personal interest that relates to the affairs of the Department in accordance with these instructions.

If an **official** has a real or perceived material personal interest that relates to the affairs of the Department, this interest **must** be disclosed in writing to the branch responsible for the conflict-of-interest function.

The disclosure **must** include details of:

- the nature and extent of the material personal interest and
- how the material personal interest relates to the affairs of the Department through a completed Conflict of Interest – Disclosure Form forwarded to the disclosing official's manager.

An **official** required to make a disclosure **must**:

- make the disclosure as soon as practicable after the official becomes aware of the material personal interest
- if there is a change in the nature or extent of the material personal interest after the official has disclosed the interest, the official must disclose this change as soon as practicable after the official becomes aware of that change
- cease working on the affairs of the Department that gave rise to the material personal interest until the consideration process is completed
- take any action prescribed by the branch manager to reduce or eliminate the material personal

| Information and guidance | |
|---|---|
| Legislative requirements | PGPA Act section: 29<br>PGPA Rule sections: 12 to 16D<br>*Public Service Act* section: 13(7) |
| Policies of the Australian Government | Commonwealth risk management policy |
| Guidance | Declaration of interests (APSC)<br>Resource management guide:<br>▪ 203: General duties of officials |
| Related Secretary's instructions | 1.1 Risk management<br>2.6 Indemnities, guarantees and warrantees |
| Internal delegations | Financial delegations |
| Other relevant documents | Conflict of interest disclosure form<br>Conflict of interest policy |
| Contacts | s 22 @dss.gov.au |

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Australian Government
Department of Social Services

# Leave Policy

| Policy information | Details |
|---|---|
| **Purpose:** | This is the Department of Social Services (the department's) policy on leave entitlements. |
| **Category:** | Corporate |
| **Applicable to:** | This policy applies to all departmental employees. |
| **Relevant Authority:** | *Carer Recognition Act 2010*<br>*Defence Reserve Service (Protection) Act 2001*<br>*Disability Discrimination Act 1992*<br>*Fair Work Act 2009*<br>*Long Service Leave (Commonwealth Employees) Act 1976*<br>*Maternity Leave (Commonwealth Employees) Act 1973*<br>*Military Rehabilitation and Compensation Act 2004*<br>*Paid Parental Leave Act 2010*<br>*Parliamentary Service Act 1999*<br>*Privacy Act 1988* *Public Service Act 1999*<br>*Safety, Rehabilitation and Compensation Act 1988*<br>*Veterans' Entitlements Act 1986*<br>*Sex Discrimination Act 1984* |
| **Related Documents:** | APSC Workplace Relations Advice 2 of 2010: Natural Disaster Warnings and Agency Leave Arrangements<br>Conflict of Interest Policy<br>Domestic and Family Violence Policy<br>Executive Level Employees - Time off in Lieu Policy<br>Gender Affirmation Policy<br>Hours of Work and Working Arrangements Policy<br>Injury Management Policy<br>Remote Locality Conditions/Assistance Policy<br>Review of Employment Actions Policy |
| **Policy Statement:** | This document supports the Department of Social Services Enterprise Agreement 2024-2027 (the Enterprise Agreement) by providing advice on leave arrangements and the responsibilities of managers and employees. |
| **Approved by:** | Group Manager, Corporate and Government Services |

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| | |
|---|---|
| **Review Date:** | December 2028 |
| **Policy Owner:** | People Services Branch |
| **First Issued:** | December 2025 |
| **Document Change Control:** | December 2025 – Updated APSC Advice Circular in section 16 |

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s 22 [redacted]

## 8.2. Unpaid miscellaneous leave (leave without pay)

Unpaid miscellaneous leave is also known as leave without pay.

A delegate may approve unpaid miscellaneous leave where the employee's absence does not fit into the categories for paid miscellaneous leave or other leave types, or is for an extended period of time. This will generally be for reasons that do not have explicit or direct benefit to the department such as:

s 22 [redacted]

- for community volunteering purposes (where relevant leave credits have been exhausted), or

s 22 [redacted]

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Usually, unpaid miscellaneous leave will be granted to not count as service for any purpose. Unpaid miscellaneous leave cannot be broken by periods of other leave unless expressly provided for under a law, the Enterprise Agreement or this policy.

Where unpaid miscellaneous leave is approved on the basis that the leave will be beneficial to the department, the APS or the Australian community, it will usually be approved to count as service with the department for service and long service leave purposes only (not personal and annual leave), unless there is significant reason to warrant the leave to be approved to count for all purposes.

Periods of any leave without pay to count as service will initially be recorded as not to count as service and is conditional on the employee returning to duty with the department or elsewhere in the APS at the end of the period of leave before being converted to count as service.

Applications for periods of leave higher than line area management delegation limits per the HR Delegations, should be submitted to People Services Branch for consideration at PayandConditions@dss.gov.au.

## 8.3. Considering the merits of applications for miscellaneous leave

The delegate must take into account the following factors when assessing an application for miscellaneous leave:

- the reason for the leave
- the period of leave requested – refer to HR delegations for correct level of approval
- the operational effects of granting the leave
- the employee's performance and length of service with the department
- any potential cost to the department, including the cost of approving the leave to count as service
- any benefit or relevance of the purpose of the leave to the department, the APS or the Australian community
- the primary responsibility that the manager's branch or state/territory office will have for placing the employee on their return to the department, and
- the benefit to the employee.

## 8.4. Limits on periods of unpaid miscellaneous leave

Unless otherwise specified, and unless there is a clear expectation that the purpose of the unpaid leave will prove to be beneficial to the department, the APS or the Australian community, a period of unpaid miscellaneous leave should not exceed 12 months.

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## 8.5. Reviewing approved unpaid miscellaneous leave

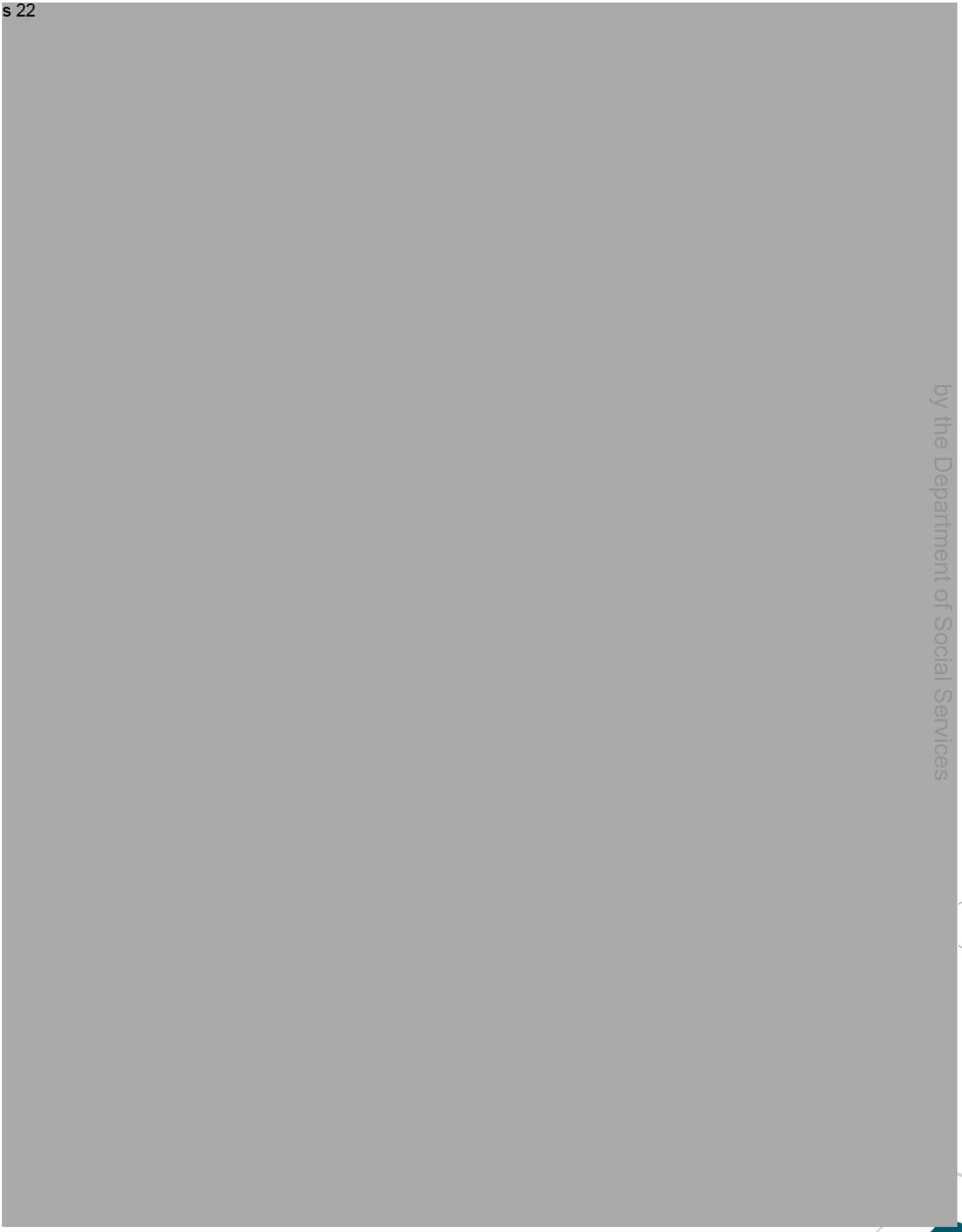
Where unpaid miscellaneous leave is granted for more than 3 months, the manager should consider whether approval of the leave is still appropriate where the employee's or department's circumstances have changed, for example, if leave was granted to allow the employee to travel for a



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year, but the employee cancelled part of their plans and returned to their usual place of residence within 6 months.

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# 14. Community Volunteering Leave

The department promotes and supports community volunteering and will, where possible, facilitate employees' participation in community volunteering. The department recognises that participation in community volunteering:

- is a matter of choice for employees, and
- can give employees useful skills and knowledge.

The delegate may grant up to 2 days (can be taken in part days including hours/minutes) paid miscellaneous leave each calendar year to employees who wish to take short periods of time away from the department to undertake community volunteering.

A reasonable amount of miscellaneous leave without pay may also be granted in any calendar year to undertake community volunteering for an approved community organisation. Up to 20 days unpaid miscellaneous leave each calendar year may count as service.

The amount of leave granted will take account of the department's business requirements.

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Leave granted for community volunteering work may be taken in conjunction with other approved leave. If an employee is granted leave to undertake community volunteering, the employee must behave in a way that upholds the APS Values.

Leave to undertake emergency response leave (for example, with a country fire authority or a State or Territory emergency service organisation) is covered by emergency response leave, and in accordance with the National Employment Standards under the FW Act.

For leave to undertake full time work for a community organisation, an employee would need to apply for miscellaneous leave.

## 14.1. Application

A community organisation is an organisation that operates for the benefit of the community and is not run for profit or personal benefit. Employees are encouraged to contribute to community development projects that support the policy work for which the department has responsibility, as well as Aboriginal and Torres Strait Islander communities or third sector organisations working on Indigenous issues.

Non-profit organisations should be listed on the Australian Charities and Not-for-profits Commission (ACNC) Charity Register to ensure their authenticity. If an employee seeks leave to work for an organisation or project not listed on the ACNC Charity Register, the employee must provide the delegate with confirmation that the organisation meets the criteria of not being run for profit or personal benefit.

Before applying, an employee should consider the following issues:

- Is the community organisation or project an acceptable organisation or project?
- Will the proposed volunteering activity meet the requirements of volunteer work?
- Is a real or perceived conflict of interest likely to arise?

Leave will not be granted for community volunteering where:

- it involves any conflict of interest with the department or the employee's position in the department
- involve any payment in cash or kind for work performed with the exception of reimbursements for expenses incurred
- the employee would replace a paid worker of the organisation
- the work is undertaken solely for direct personal benefit (for instance, in the employee's own home, with their family, or for their own organisation or business)
- involves violence towards people or property
- the work does not have a community focus
- the work is primarily focused on promoting particular religious or political views, or it is to attend ceremonial functions unless the organisation certifies in writing that the employee is required to attend as part of their duties.

In considering an application for community volunteering leave, the delegate should ensure that those requirements listed in this policy have been met and that there is no conflict of interest.

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## 14.2. Conflicts of interest

When undertaking community volunteering work, an employee should exercise common sense and judgment in avoiding any real or perceived conflict of interest as a departmental employee.

Employees should refer to the APS Code of Conduct and Conflict of Interest Policy for guidance.

## 14.3. Volunteering in employee's own time

An employee undertaking community volunteering on their own time or while on other approved leave should consider whether it is appropriate to seek a manager's approval in the case of a real or perceived conflict of interest (see Conflict of Interest Policy) and refer to this policy.

## 14.4. Workers' compensation while volunteering

The SRC Act does not apply to volunteer work where the activity remains truly voluntary and any employer encouragement is not of such a degree that it brings the activity within the course of the employment.

While the department supports leave to undertake volunteer work, volunteer work is solely at the discretion of an employee. An employee is in no way directed or encouraged to perform any specific kind or type any specific kind or type of volunteer work.

An employee should be aware that community volunteer work, even while on leave from the department, is not connected with employment and so the SRC Act does not apply to that work.

## 14.5. Public liability and personal accident insurance while undertaking volunteer work

If an employee is not going to be covered by Commonwealth workers' compensation, the employee should, for their own benefit, check to see what level of cover the community organisation or project has. It is the employee's responsibility to ensure that the community organisation or project has adequate public liability and personal accident insurance. Public liability insurance covers a volunteer against injury to another person, and personal accident insurance covers a volunteer against personal injury.

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Australian Government
Department of Social Services

# Department of Social Services Enterprise Agreement 2024-2027

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The Department of Social Services Enterprise Agreement 2024-2027 came into effect on 19 March 2024.

This Agreement is to be read together with an undertaking given by the Department. The undertaking is taken to be a term of the Agreement. A copy can be found at the end of the Agreement.

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## Purpose

The broad objective of this Agreement is to establish appropriate terms and conditions of employment relating to the Department's operating environment.

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# Section 1: Technical matters

## Title

1. This Agreement will be known as the *Department of Social Services Enterprise Agreement 2024-2027*.

## Parties to the Agreement

2. This Agreement covers:

   2.1 the Secretary of the Department of Social Services (**Secretary**), for and on behalf of the Commonwealth of Australia as the employer;

   2.2 all employees in the Department of Social Services (**Department**) employed under the *Public Service Act 1999* (Cth) (**PS Act**) other than:

      2.2.1 Senior Executive Service employees or equivalent; and

   2.3 subject to notice being given in accordance with section 183 of the *Fair Work Act 2009* (Cth) (**FW Act**), and the following employee organisation which was a bargaining representative for this Agreement:

      2.3.1 Community and Public Sector Union.

## Operation of the Agreement

3. This Agreement will commence operation seven days after approval by the Fair Work Commission.

4. This Agreement will nominally expire on 28 February 2027.

## Delegations

5. The Secretary may delegate to or authorise any person to perform any or all of the Secretary's powers or functions under this Agreement, including the power of delegation, and may do so subject to conditions.

## National Employment Standards (NES) precedence

6. The terms of this Agreement are intended to apply in a manner that does not derogate from the NES. The NES will continue to apply to the extent that any term of this Agreement is detrimental to an employee of the Department in any respect when compared with the NES.

## Closed comprehensive Agreement

7. This Agreement states the terms and conditions of employment of employees covered by this Agreement, other than terms and conditions applying under relevant Commonwealth laws.



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8. This Agreement will be supported by policies and guidelines, as implemented and varied from time to time.

9. Policies and guidelines are not incorporated into and do not form part of this Agreement. To the extent that there is any inconsistency between policies and guidelines and the terms of this Agreement, the terms of this Agreement will prevail.

## Individual flexibility arrangements

10. The Department and an employee covered by this Agreement may agree to make an individual flexibility arrangement to vary the effect of terms of the Agreement if:

    10.1 the arrangement deals with one or more of the following matters:

        10.1.1 arrangements about when work is performed;

        10.1.2 overtime rates;

        10.1.3 penalty rates;

        10.1.4 allowances;

        10.1.5 remuneration;

        10.1.6 leave and leave loading; and

    10.2 the arrangement meets the genuine needs of the Department and employee in relation to one or more of the matters mentioned in clause 10.1; and

    10.3 the arrangement is genuinely agreed to by the Department and employee.

11. The Department must ensure that the terms of the individual flexibility arrangement:

    11.1 are about permitted matters under section 172 of the FW Act*;*

    11.2 are not unlawful terms under section 194 of the FW Act*;* and

    11.3 result in the employee being better off overall than the employee would be if no arrangement was made.

12. The Department must ensure that the individual flexibility arrangement:

    12.1 is in writing;

    12.2 includes the name of the Department and employee;

    12.3 is signed by the Department and employee and, if the employee is under 18 years of age, signed by a parent or guardian of the employee; and

    12.4 includes details of:

        12.4.1 the terms of the Agreement that will be varied by the arrangement;

        12.4.2 how the arrangement will vary the effect of the terms;

        12.4.3 how the employee will be better off overall in relation to the terms and conditions of their employment as a result of the arrangement; and



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12.5 states the day on which the arrangement commences.

13. The Department must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.

14. The Department or employee may terminate the individual flexibility arrangement:

14.1 by giving no more than 28 days written notice to the other party to the arrangement; or

14.2 if the Department and employee agree in writing – at any time.

15. The Department and employee are to review the individual flexibility arrangement at least every 12 months.

## Definitions

16. The following definitions apply to this Agreement:

**APS agency** means an agency whose employees are employed under the PS Act, including an agency as defined in section 7 of the PS Act whose employees are employed under that Act.

**APS consultative committee** means the committee established by the APS Commissioner to consider matters pertaining to the (APS) employment relationship and of interest to the APS as a whole.

**Agreement** means the *Department of Social Services Enterprise Agreement 2024-2027*.

**APS** means the Australian Public Service.

**Australian Defence Force Cadets** means the Australian Navy Cadets, Australian Army Cadets, or the Australian Air Force Cadets.

**Bandwidth** means the span of hours during which an employee can perform ordinary hours.

**Broadband** refers to the allocation of more than one approved classification by the Secretary to a group of duties involving work value applying to more than one classification under sub-rule 9(4) of the *Public Service Classification Rules 2000*. A broadband encompasses the full range of work value of the classifications contained within it.

**Casual employee (irregular or intermittent employee)** means an employee engaged under section 22(2)(c) of the PS Act who:

a. is a casual employee as defined by the FW Act; and

b. works on an irregular or intermittent basis.

**Classification** or classification level means the approved classifications as set out in rule 5 of the *Public Service Classification Rules 2000*.

**Child** means a biological child, adopted child, foster child, stepchild, permanent care child or ward.

**De facto partner** means a person who, regardless of gender, is living in a common household with the employee in a bona fide, domestic, interdependent partnership, although not legally married to the employee.



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**Delegate** means someone to whom a power or function has been delegated.

**Department** means the Department of Social Services.

**Dependant** means the employee's partner, a child, parent or aged relative of the employee or the employee's partner, who ordinarily lives with the employee and who is substantially dependent on the employee. Dependant also includes a child of the employee who does not ordinarily live with the employee but for whom the employee provides substantial financial support.

**Employee** means an employee of the Commonwealth engaged under section 22(2) of the PS Act who is covered by this Agreement (whether full-time, part-time or casual, ongoing or non-ongoing).

**Employee representative** means a person (whether an employee or not) elected or chosen by an employee, or elected or chosen by a group of employees in a workplace, to represent the individual and/or collective views of those employees in relation to a matter under this Agreement.

**Family** means:

a. a partner or former partner of the employee, irrespective of gender or sexuality;

b. a child, parent, grandparent, grandchild, or sibling of the employee;

c. a child, parent, grandparent, grandchild or sibling of the employee's partner;

d. a member of the employee's household; or

e. a person with whom the employee has a relationship of traditional kinship where there is a relationship or obligation, under customs and traditions of the community or group to which the employee belongs.

**Family and domestic violence** has the same meaning as in section 106B(2) of the FW Act.

**Full-time employee** means an employee whose ordinary hours are an average of 37 hours and 30 minutes per week in accordance with this Agreement.

**FW Act** means the *Fair Work Act 2009* as amended from time to time.

**Manager** means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may include a person referred to as a supervisor.

**ML Act** means the *Maternity Leave (Commonwealth Employees) Act 1973* as amended from time to time and any successor legislation.

**Non-ongoing employee** means an employee engaged under section 22(2)(b) of the PS Act for a specified term or for the duration of a specified task, and consistent with the FW Act.

**Normal work location** means the designated office location identified in an employee's letter of offer or other engagement document, or another location as determined by the Secretary in consultation with the employee.

**NES** means the National Employment Standards at Part 2-2 of the FW Act.

**Ongoing employee** means an employee engaged under section 22(2)(a) of the PS Act.



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**Ordinary hours, duty or work** means an employee's usual hours worked in accordance with this Agreement and does not include additional hours.

**Parliamentary service** means employment under the *Parliamentary Service Act 1999*.

**Partner** means a spouse or de facto partner or former spouse or former de facto partner.

**Part-time employee** means an employee whose ordinary hours are less than an average of 37 hours and 30 minutes per week over a 4 week period in accordance with this Agreement.

**Primary caregiver** for the purposes of the parental leave clause means a pregnant employee with an entitlement under the ML Act, or an employee other than a casual employee who has primary care responsibility for a child who is born to them or who is adopted or in long-term foster care as per the clauses on adoption and long-term foster care in this Agreement.

**Professional Association** means an organisation seeking to further a particular profession, the interest of individuals in that profession, and the public interest.

**PS Act** means the *Public Service Act 1999* as amended from time to time.

**RAO** means an employee engaged as a Research Administration Officer.

**Regular hours** means a pattern of ordinary hours agreed between a manager and an employee to vary standard hours.

**Relevant employee** means an affected employee.

**Secondary caregiver** for the purposes of the parental leave clause means an employee, other than a pregnant employee or casual employee, who has secondary care responsibility for a child who is born to them, or for a child who is adopted or in long-term foster care as per the clauses on adoption and long-term foster care in this Agreement.

**Secretary** means the Secretary of the Department of Social Services or the Secretary's delegate.

**Shiftworker** means an employee rostered to perform their ordinary hours outside the bandwidth hours of 7.00am to 7.00pm, Monday to Friday, and/or on a Saturday, Sunday, public holiday or a closedown period for an ongoing or fixed period.

**Standard hours** means, for employees other than shift workers, the hours of 8.30am to 12.30pm and 1.30pm to 5.00pm.

**Term transfer** means the transfer, notified in writing, of an employee from one locality to another for a fixed period (usually two to three years) to undertake specific duties. The written notification of such a transfer should specify both the date of effect and its anticipated duration.

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# Section 2: Remuneration

## Salary

17. Salary rates will be as set out in Attachment A – Base salaries of this Agreement.

18. The base salary rates in Attachment A – Base salaries include the following increases:

    18.1 4.0 per cent from the first full pay period on or after 1 March 2024 (14 March 2024);

    18.2 3.8 per cent from the first full pay period on or after 1 March 2025 (13 March 2025); and

    18.3 3.4 per cent from the first full pay period on or after 1 March 2026 (12 March 2026).

19. In recognition of a common alignment date of the first full pay period on or after 1 March each year, the base salary rates in Attachment A – Base salaries were calculated based on base salary rates as at 31 August 2023.

20. Employees who, on commencement of the Agreement, are in receipt of a salary above the top of the range pay point for their classification following the salary increases at Attachment A – Base salaries will not be eligible for the relevant salary increases. These employees will remain on their current salary and subject to satisfactory or higher performance in the previous performance assessment period will be eligible for:

    20.1 on commencement of the Agreement, a one-off payment of 1% of their pre-Agreement salary;

    20.2 in year two, a one-off payment of 1.5% of their pre- Agreement salary; and

    20.3 in year three, a one-off payment of 0.5% of their pre- Agreement salary.

    The timing of these one-off payments will occur at the same time as the increase to salary rates outlined in clause 18. These payments will not count as salary for any purpose.

21. Employees who, on commencement of the Agreement, were in receipt of a salary above the top of the range pay point for their classification following the salary increases at Attachment A – Base salaries will transition to the salary structure when their salary no longer exceeds the top of the range pay point for their classification. Where an employee on transition to the structure receives a salary increase less than the value of the one-off payment available at that time they will receive the one-off payment in addition to the salary adjustment.

## Payment of salary

22. Employees will be paid fortnightly in arrears by electronic funds transfer into a financial institution account of the employee's choice, based on their annual salary using the following formula:

$$\text{Fortnightly salary} = \frac{Annual\ salary\ x\ 12}{313}$$



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Note: This formula is designed to achieve a consistent fortnightly pay rate without significant variability year-to-year. It reflects that the calendar year is not neatly divisible into 26 fortnightly periods. There are 313 fortnightly pay cycles within a 12-year period.

## Salary setting

23. Where an employee is engaged, moves to or is promoted in the Department, the employee's salary will be paid at the minimum of the salary range of the relevant classification, unless the Secretary determines a higher salary within the relevant salary range under these provisions.

24. The Secretary may determine the payment of salary at a higher value within the relevant salary range of the relevant classification and the date of effect at any time.

25. In determining a salary under these provisions, the Secretary will have regard to a range of factors (as relevant) including the employee's experience, qualifications and skills.

26. Where an employee commences ongoing employment in the Department immediately following a period of non-ongoing employment in the Department for a specified term or task, the Secretary will determine the employee's salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a non-ongoing employee in the Department.

27. Where an employee commences ongoing employment in the Department immediately following a period of casual employment in the Department, the Secretary will determine the employee's salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a casual employee in the Department.

28. Where an APS employee moves to the Department at level from another APS agency, and their salary is above the maximum of the salary range for their classification, the Secretary will maintain the employee's salary at that level, until it is absorbed into the salary range for that classification.

29. Where the Secretary determines that an employee's salary has been incorrectly set, the Secretary may determine the correct salary and the date of effect.

30. Where an employee is assigned duties to a lower classification on a temporary or ongoing basis, the Secretary may transfer the employee to any pay point within the salary range for the lower classification, including the top pay point in the lower classification.

## Incremental advancement

### Salary advancement

31. An ongoing employee or non-ongoing employee who is not on the top pay point of the salary range for the employee's substantive classification (including in a Broadbanded Local Title), will be eligible to have their salary at their substantive classification level increased by one pay point from 1 September each year, subject to meeting the following conditions:

    31.1 the employee has six months of aggregate eligible service at that classification level or higher in the Department during the most recent performance cycle; and



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31.2 the employee has an agreed Performance Agreement in place and has been assessed as having performed at a satisfactory or higher level during the employee's most recent performance review.

### Salary advancement – temporary assignment of duties to a higher classification

32. An ongoing employee or non-ongoing employee who is not on the top pay point of the salary range for the employee's temporary classification (including in a Broadbanded Local Title), will be eligible to have their salary at their temporary higher classification increased by one pay point from 1 September each year, subject to having met the following conditions:

    32.1 the employee has six months of aggregate eligible service at the temporary higher classification level in the Department during the most recent performance cycle; and

    32.2 the employee has an agreed Performance Agreement in place and has been assessed as having performed at a satisfactory or higher level during the employee's most recent performance review in the temporary higher classification.

33. If the employee meets the requirements for salary advancement in clause 32 whilst on temporary assignment of duties to a higher classification, the employee's salary at their substantive classification level will also be increased by one pay point.

### Other clauses

34. Eligible service for the purpose of clauses 31 and 32 includes periods of duty and any periods of paid or unpaid parental leave, other paid leave and unpaid leave that counts as service.

35. Notwithstanding clauses 31.1 and 32.1, the Secretary may determine that an employee with less than six months' aggregate eligible service is entitled to a higher salary in accordance with clause 24 of this Agreement.

36. An employee will only be eligible to advance to the next pay point within their classification on one occasion during a period of unpaid parental leave, irrespective of the length of that unpaid parental leave.

## Superannuation

37. The Department will make compulsory employer contributions as required by the applicable legislation and fund requirements.

38. Employer superannuation contributions will be paid on behalf of employees during periods of paid leave that count as service.

39. The Department will make employer superannuation contributions to any eligible superannuation fund, provided that it accepts payment by fortnightly electronic funds transfer (EFT) using a file generated by the Department's payroll system.

### Method for calculating superannuation salary

40. The Department will provide an employer contribution of 15.4 per cent of the employee's Fortnightly Contribution Salary (FCS) for employees in the Public Sector Superannuation Accumulation Plan (PSSap) and employees in other accumulation superannuation funds.

41. Employer contributions will be made for all employees covered by this Agreement.



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42. Employer contributions will not be reduced by any other contributions made through salary sacrifice arrangements.

### Payment during unpaid parental leave

43. Employer contributions will be paid on periods of unpaid parental leave in accordance with the requirements of the PSSap fund where the employee is a member of the PSSap, and up to a maximum of 52 weeks where the employee is a member of an accumulation fund other than PSSap.

## Salary packaging

44. All ongoing employees and non-ongoing employees with initial contracts of at least three months will have access to salary packaging.

45. Where an employee takes up the option of salary packaging, the arrangements will not reduce the employee's salary for superannuation purposes or any other purpose.

46. The employee will meet the costs of any salary packaging arrangement, including any fringe benefits tax and administrative costs incurred by the Department.

## Overpayments

47. An overpayment occurs if the Secretary (or the Department) provides an employee with an amount of money to which the employee was not entitled (including but not limited to salary, entitlements, allowances, travel payment and/or other amount payable under this Agreement).

48. Where the Secretary considers that an overpayment has occurred, the Secretary will provide the employee with notice in writing. The notice will provide details of the overpayment.

49. If an employee disagrees that there has been an overpayment including the amount of the overpayment, they will advise the Secretary in writing within 28 calendar days of receiving the notice. In this event, no further action will be taken until the employee's response has been reviewed.

50. If after considering the employee's response (if any), the Secretary confirms that an overpayment has occurred, the overpayment will be treated as a debt to the Commonwealth that must be repaid to the Department in full by the employee.

51. The Secretary and the employee will discuss a suitable recovery arrangement. A recovery arrangement will take into account the nature and amount of the debt, the employee's circumstances and any potential hardship to the employee. The arrangement will be documented in writing.

52. The Department and employee may agree to make a deduction from final monies where there is an outstanding payment upon cessation of employment.

53. Interest will not be charged on overpayments.

54. Nothing in clauses 47 to 53 prevents:



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54.1 the Department from pursuing recovery of the debt in accordance with an Accountable Authority Instruction issued under the *Public Governance, Performance and Accountability Act 2013*;

54.2 the Department from pursuing recovery of the debt through other available legal avenues; or

54.3 the employee or the Department from seeking approval to waive the debt under the *Public Governance, Performance and Accountability Act 2013.*

## Supported wage system

55. An employee can get a percentage of the relevant pay rate for their classification in line with their assessed capacity to do the work if they:

55.1 have a disability;

55.2 meet the criteria for a Disability Support Pension; and

55.3 are unable to perform duties to the capacity required.

56. Specific conditions relating to the supported wage system are detailed in Attachment B – Supported Wage System.

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# Section 3: Allowances and reimbursements

## Higher duties allowance

57. Where a role needs to be filled for 2 or more working weeks, higher duties allowance will be paid to any employee temporarily occupying the role acting at a classification level higher than their substantive classification level.

58. Higher duties allowance will be equal to the difference between the employee's current salary and the salary that would be payable if they were promoted to the higher classification level, or a higher amount determined by the Secretary having regard to the employee's:

    58.1 previous periods of higher duties allowance at or above the higher classification level;

    58.2 performance, including during previous periods of higher duties allowance; and

    58.3 relevant experience and/or skills.

59. Where an employee is found to be eligible for salary advancement at their acting classification level they will receive an appropriate increase in the rate of higher duties allowance. The employee's salary level will be retained for all future periods of acting regardless of elapsed time.

60. Where an employee is assigned only part of the higher duties, the Secretary will determine the amount of allowance payable.

61. Higher duties allowance will be payable while an employee is acting at a higher classification level as part of a job sharing arrangement where the duration of the arrangement is at least 2 working weeks.

62. The Secretary may shorten the qualifying period for higher duties allowance on a case-by-case basis.

63. Where a role initially needs to be filled by a temporary occupant for 6 months or more, the Department may, where practicable, conduct an expression of interest process for employees interested in occupying the role.

64. Unless exceptional circumstances apply, an employee will not be unreasonably required by the Department to temporarily occupy a role at a classification level higher than their substantive classification level.

## Workplace responsibility allowances

65. An employee appointed by the Secretary (or elected by eligible peers in the case of a Health and Safety Representative) to undertake any of the following roles:

    65.1 First Aid Officer;

    65.2 Emergency Warden;

    65.3 Health and Safety Representative;



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65.4 Harassment Contact Officer;

65.5 Mental Health First Aid Officer; and/or

65.6 Family and Domestic Violence Contact Officer

will, subject to having undertaken the relevant training and/or possessing the required certification(s), be paid a workplace responsibility allowance at the following rate:

| Rate from commencement of the Agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|---|---|---|
| $30.51 per fortnight | $31.67 per fortnight | $32.75 per fortnight |

66. The full rate of the allowance is payable regardless of flexible work and part-time arrangements.

67. An employee undertaking more than one workplace responsibility role simultaneously will only receive a single allowance payment in respect of all roles undertaken, unless otherwise approved by the Secretary due to operational requirements.

68. An employee's physical availability to undertake the role will be considered by the Secretary when appointing and reappointing an employee to a workplace responsibility role. Not all workplace responsibility roles will necessarily require a physical presence in the workplace for the role to be successfully undertaken.

69. A casual employee who is eligible to receive a workplace responsibility allowance will be paid the full rate of the allowance for a fortnight provided they engage in work during the pay cycle for that fortnight, irrespective of the frequency and duration of the work undertaken.

## Community language allowance

70. A community language allowance will be paid where the Secretary determines that an employee is regularly required to use their ability to communicate in Braille or a language other than English (including First Nations languages and AUSLAN) in the course of their work, and the employee meets the required level of competency set by the Secretary. Further information is included in policy.

71. The allowance is paid in accordance with the employee's level of competency:

**Table 1: Community language allowance rates**

| Rate | Standard | Rate from commencement of the Agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|---|---|---|---|---|
| 1 | An employee who has adequate language skills, as determined by an individual or body approved by the Secretary for simple communication. | $1,435 per annum | $1,490 per annum | $1,541 per annum |



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| Rate | Standard | Rate from commencement of the Agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|---|---|---|---|---|
| 2 | An employee who is certified by the National Accreditation Authority for Translators and Interpreters (NAATI) as a Translator or Interpreter at any level; or is assessed to be at the equivalent level by an individual or body approved by the Secretary. | $2,870 per annum | $2,980 per annum | $3,082 per annum |

72. The allowance is calculated annually and paid fortnightly.

73. The full allowance is payable regardless of flexible work and part-time arrangements.

74. The allowance is payable during periods of paid leave.

75. The allowance counts as salary for superannuation purposes and for calculating retirement and redundancy entitlements.

76. An employee engaged as a RAO undertaking duties as part of the Longitudinal Study of Indigenous Children will, at a minimum, receive Rate 1 of the community language allowance.

## Departmental Liaison Officer allowance

77. An employee who performs the duties of Departmental Liaison Officer and attends for duty at the office of a Minister for the whole of their ordinary hours on a day will be paid, pro-rata on a fortnightly basis, an allowance in lieu of any overtime, flextime and/or Executive Level (EL) Time Off in Lieu (TOIL). The allowance is payable during periods of leave. The rate of the allowance is as follows:

**Table 2: Departmental Liaison Officer allowance rates**

| | Rate from commencement of the Agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|---|---|---|---|
| Departmental Liaison Officer allowance | $23,369 per annum | $24,258 per annum | $25,083 per annum |

78. Where an employee performs duties other than as a Departmental Liaison Officer at the office of a Minister for the whole of their ordinary hours on a day, the Secretary may determine that



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the employee is entitled to an allowance equivalent to that set out in clause 77 on a pro-rata basis for that day, in lieu of any overtime, flextime and/or EL TOIL.

## Motor vehicle allowance

79. The Secretary may authorise an employee to use a private vehicle, owned or hired by the employee at the employee's expense, for official purposes, where the Secretary considers that it will result in greater efficiency or involve less expense for the Department.

80. An employee authorised by the Secretary to use a private vehicle in accordance with clause 79 will receive a motor vehicle allowance based on the rates as set periodically by the Australian Taxation Office. This allowance does not count as salary for any purpose.

## Extra family care costs

81. Where the Department requires employees to be away from home outside the bandwidth (including normal travel time) or to work outside their regular hours, the Secretary may approve reimbursement (net of government assistance) of the reasonable cost of additional family care arrangements on receipt of satisfactory evidence.

## Overtime meal allowance

82. Subject to clause 84, the Secretary will approve the payment of an overtime meal allowance to an employee who works approved overtime to the completion of, or beyond, a meal period as set out below, where they do not have a break for a meal, or where they are not entitled to payment for that break:

    82.1 7.00am to 9.00am

    82.2 12 noon to 2.00pm

    82.3 6.00pm to 7.00pm

    82.4 midnight to 1.00am.

83. Overtime meal allowance will be paid at, and varied in accordance with, the rates published by the approved subscription service. It is not an allowance in the nature of salary.

84. An employee is not entitled to overtime meal allowance if the employee is in receipt of travel allowance or part day travel allowance which includes an allowance payable for the relevant meal.

## Loss or damage to clothing or personal effects

85. The Secretary may approve the payment of an amount up to the Comcover excess (currently $250) to an employee per incident for loss or damage to clothing or personal effects in the following circumstances:

    85.1 the loss/damage was caused by a fault or defect in Commonwealth property;



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85.2 the loss/damage resulted from an act or omission by another Commonwealth employee;

85.3 the loss/damage occurred while protecting or trying to protect Government property;

85.4 the loss/damage is causally connected to the employee's duties; or

85.5 where there are other extenuating circumstances not otherwise contemplated by this clause.

## Allowance rates - Adjustment

86. The Secretary may vary allowance rates from time to time where the rate of an allowance in this Agreement ceases to be updated by a provider.

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# Section 4: Classifications and Broadbands

## Work Level Standards

87. The APS Work Level Standards continue to operate and describe the work at each of the classification levels in this Agreement, consistent with the *Public Service Classification Rules 2000*, made in accordance with section 23 of the PS Act.

## Broadbands

88. Arrangements for the following Broadbands are set out in Attachment A - Base salaries of this Agreement:

    88.1 Entry Level Broadband;

    88.2 Legal Pay Scale and Broadband;

    88.3 Public Affairs Officers Pay Scale and Broadband.

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# Section 5: Working hours and arrangements

## Job security

### Commitment to ongoing employment and rebuilding APS capacity

89. The APS is a career-based public service. In its engagement decisions, the Department recognises that the usual basis for engagement is as an ongoing APS employee.

### Reporting

90. The Department will report to the Workplace Consultative Forum on an annual basis, or more frequently if agreed, on the number, duration, classification and location of ongoing, non-ongoing and casual employees engaged by the Department.

### Pathways to permanency

91. The Department and the APS will comply with the casual conversion provision(s) of the FW Act. In addition, the Department recognises that a proactive approach, including regularly reviewing casual and non-ongoing arrangements, is both a fair and efficient approach to supporting ongoing employment as the usual form of employment.

## Casual (irregular or intermittent) employment

92. A casual (irregular or intermittent) employee is defined in the definitions section at clause 16.

93. A decision to expand the use of casual employees is subject to Section 10: Consultation, representation and dispute resolution of this Agreement.

94. The Department will regularly review the working arrangements of casual employees to assess if they are genuinely performing irregular or intermittent duties, and report de-identified outcomes to the Workplace Consultative Forum.

95. Remuneration for casual employees is on an hourly basis. A casual employee will receive a 25 per cent loading on the base hourly rate of their classification as set out in this Agreement.

96. The casual loading is paid in lieu of payment for public holidays not worked, notice of termination of employment, redundancy benefits and all paid leave entitlements, other than leave required by legislation including long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976* and leave for family and domestic violence support.

97. A casual employee will be engaged for a minimum of 3 hours per engagement or shall be paid for a minimum of 3 hours at the appropriate casual rate.

98. A casual employee who is eligible for a workplace responsibility allowance will be paid the full amount.



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## Non-ongoing employment

99. A non-ongoing employee is defined in the definitions section at clause 16.

100. Non-ongoing employees will generally have the same terms and conditions of employment as ongoing employees under this Agreement's terms, except:

    100.1 personal/carer's leave accrual at clauses 224 to 226; and

    100.2 redundancy provisions at clauses 469 to 508, subject to clause 101.

101. If the non-ongoing employee's contract is not permitted by section 333E of the FW Act, then the redundancy provisions at clauses 469 to 508 will apply.

102. If the redundancy provisions apply to an employee under clause 101, the Department must adhere to the consultation requirements at Section 10: Consultation, representation and dispute resolution at clauses 473 to 478.

## Working hours

103. The ordinary hours for a full time employee are 7 hours and 30 minutes per day, a total of 37 hours and 30 minutes per week and 150 hours per four week settlement period.

104. The ordinary hours for a part-time employee are as set out in their part-time work agreement.

105. The span of hours during which an employee (other than a shiftworker) can perform their ordinary hours is 7.00am to 7.00pm Monday to Friday (bandwidth).

106. With the exception of shiftworkers, no employee can be compelled to work ordinary hours outside the Bandwidth.

107. Standard hours for employees, other than shiftworkers, are 8.30am to 12.30pm and 1.30pm to 5.00pm.

108. An employee and their manager may agree to a pattern of ordinary hours to vary standard hours (Regular hours).

109. The Secretary can direct an employee to work standard hours if the employee fails to maintain a satisfactory pattern of attendance.

110. All employees are required to take an unpaid break for at least 30 minutes after five hours of continuous work.

111. All employees must record and retain an accurate record of their working hours.

112. Unless there are exceptional circumstances, employees will not be expected to work more than 10 hours in any one day.

113. An employee may refuse to work additional hours where such additional hours are considered to be unreasonable.



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## Flex for APS 1-6 Classifications

114. Employees up to and including APS 1 – 6 and equivalent classifications may access flextime.

115. The maximum flex credit that an employee can carry from one settlement period to another is 37 hours and 30 minutes unless otherwise agreed in writing. The maximum flex debit that an employee can carry from one settlement period to another is 22.5 hours.

116. Prior approval and reasonable notice are required for any flex leave of a day or more, or for part days where predetermined operational requirements would be affected.

117. Employees may use up to five consecutive working days of flex leave.

### Reversion to standard hours

118. The Secretary may revert an employee to standard hours where the employee fails to appropriately use flextime provisions.

### Excess Flex Credits

119. Where an employee has a flex balance in excess of 37 hours and 30 minutes, the Secretary may, in exceptional circumstances, approve the cash out at the single hourly rate at the end of the settlement period of the flex credit in excess of 22.5 hours.

### Excess Flex Debit

120. The Secretary may direct an employee who has a negative flex debit of more than 22.5 hours at the end of a settlement period to use approved annual leave or have salary payments reduced to offset the excess debit.

### Flex Credit/Debit on cessation

121. Where an employee ceasing duty with the Department has a flex credit, the amount owing for these credits will be paid to the employee at the single hourly rate at the date of cessation, and any outstanding flex debits (also calculated at the single hourly rate at the date of cessation) will be recovered in accordance with clauses 47 to 54.

## Executive Level Time Off in Lieu (EL TOIL)

122. Executive level (EL) employees are sometimes required to work reasonable additional hours. Consistent with the NES, employees may refuse to work unreasonable additional hours.

123. EL employees seeking to access time off in lieu (TOIL) are required to keep records of their working hours using a method determined by the Department.

124. A manager is to grant TOIL in recognition of reasonable additional hours worked. TOIL granted to employees can be taken as whole or part days.

125. The working arrangements for an EL employee should be agreed through discussion between the manager and the EL employee. The discussion should include consideration of the work



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requirements that will safely get the job done and reasonably allow the employee to balance their work and personal life.

126. An EL employee's working arrangements and actual hours worked should be discussed on at least a quarterly basis between the EL employee and their manager.

127. The pattern of hours is to be flexible enough to accommodate short-term peaks and troughs in workload, and include expected reasonable additional hours. The agreed pattern of hours is to be recorded.

128. Requests from EL employees to access flexible time off which are consistent with their agreed working arrangements are to be supported, subject to operational requirements.

**EL Employees – overtime and related payments**

129. Unless approved by the Secretary in exceptional circumstances, EL employees or equivalent are not eligible to receive overtime or other related payments, including emergency duty, restriction duty, and overtime meal allowance.

## Overtime and restriction

### Overtime

130. Where necessitated by operational requirements, the Secretary may direct an employee to work approved overtime**.**

131. A full-time employee (who is not a shiftworker) is entitled to overtime where the employee is directed to work:

131.1 outside the Bandwidth; or

131.2 during the Bandwidth, but in excess of their ordinary hours for a day.

132. A part-time employee (who is not a shiftworker) is entitled to overtime where the employee is directed to work:

132.1 in addition to their ordinary hours for a day; or

132.2 in excess of their ordinary hours over a week;

132.3 outside the hours set out in their part-time work agreement.

133. A casual employee (who is not a shiftworker) is entitled to overtime where the employee is directed to work:

133.1 outside the Bandwidth; or

133.2 in excess of 37.5 hours in a week.

134. A shiftworker is entitled to overtime where the employee is directed to work hours outside their rostered ordinary hours on a day.



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135. An employee who is directed to perform overtime in accordance with clauses 131 to 134 above will be entitled to be paid overtime at the following rates, or where agreed, accrue TOIL in lieu of overtime payments, at the following rates:

    135.1 overtime worked Monday to Saturday: time and a half for the first three hours each day and double time thereafter;

    135.2 overtime worked on Sunday: double time; and

    135.3 overtime worked on a public holiday: double time and a half, including the single time already paid for the public holiday.

136. Where the Secretary agrees, employees who are eligible for an overtime payment for time worked (including overtime payments while on restriction duty), may elect to take TOIL in lieu of overtime payments at the applicable penalty rate.

137. Where TOIL in lieu of payment has been agreed, but the employee has not been granted that TOIL within four weeks (or another agreed period due to operational requirements), the employee may elect to receive payment of the original overtime or time worked while on restriction duty.

138. Salary rates for the purposes of calculating overtime include any allowance in the nature of salary. The casual loading set out in clause 95 is not paid for overtime for casual employees.

139. Unless otherwise specified in this Agreement, overtime payments will be made for time actually worked. Where overtime is not continuous with ordinary hours and the employee is required to return to their normal work location to perform overtime, the time for which overtime will be paid will include reasonable travelling time.

**Rest period**

140. Where the Secretary directs an employee to work outside their ordinary/regular hours, the employee will be entitled to an eight hour break plus reasonable travelling time before commencing work again, without any loss of pay. Where this is not possible due to operational requirements, the employee will be paid for subsequent periods of work at double the hourly rate for any hours worked, until the employee has taken an eight hour break.

**Emergency duty**

141. Where the Secretary directs that an employee is called for duty to meet an emergency outside their ordinary hours and the employee has received no notification prior to ceasing their ordinary hours of work/duty on the day**,** the employee will be paid the greater of:

    141.1 the rate of double time for the actual period of attendance at work, including time necessarily spent travelling to and from duty; or

    141.2 two hours of overtime at the applicable penalty rate.

**Restriction duty**

142. Where the Secretary directs an employee to be contactable and to be available to perform extra duty outside the Bandwidth, for a period(s) of no less than 12 hours per period (unless a



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reduced period is required and is approved by the Secretary), the employee will be paid a Restriction Allowance at a flat rate of $45 per weekday and $55 for Saturdays, Sundays, public holidays and closedown days. If an employee is on restriction for less than one day, they will still receive the daily rate.

143. Where an employee in receipt of a Restriction Allowance is recalled to duty at a Departmental place of work, a three hour minimum overtime payment will apply. Where the employee is required to perform duty, but is not recalled to a Departmental place of work, a one hour minimum overtime payment will apply. The rate of payment for any overtime worked will be in accordance with clause 135.

144. Restriction Allowance will continue to be paid for periods of overtime worked while an employee remains on restriction duty.

145. Restriction Allowance is not payable to an employee while they are on leave.

## Shiftwork

146. The Secretary may approve shiftwork arrangements.

147. A shiftworker is an employee who is rostered to perform their ordinary hours outside the period 7.00am to 7.00pm Monday to Friday, and/or on a Saturday, Sunday or public holiday for an ongoing or fixed period.

148. A shiftworker will be paid the following penalty rates for all ordinary hours worked by the shift worker during the following periods:

| Shift | Penalty Rate |
|---|---|
| Where any part of a shift falls between 7.00pm and 7.00am Monday to Friday | 15% |
| Where the shifts falls wholly within 7.00pm and 7.00am Monday to Friday for at least 4 continuous weeks | 30% |
| Where any part of a shift falls between midnight Friday and midnight Saturday | 50% |
| Where any part of a shift falls between midnight Saturday and midnight Sunday | 100% |
| Where any part of a shift falls on a Public Holiday | 150% |

149. The Secretary may approve the payment of an annual shift allowance in lieu of penalty rates. The payment of an annual shift allowance will not result in an employee receiving less pay for shiftwork on an annual basis than if the employee had been in receipt of shift penalties.

150. Shift penalties or shift allowance are payable during periods of annual leave and are not payable during other periods of leave, subject to long service leave legislation. Shift penalties or shift allowance may count as salary for some superannuation purposes subject to eligibility provisions in relevant superannuation legislation.

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151. Where a shiftworker works to a roster including weekend days, the employee will be entitled to an additional half day of annual leave for each Sunday of rostered duty worked up to a maximum of an additional 5 days annual leave for each year of service.

152. Where a public holiday occurs on a day when an employee who is regularly rostered to perform shiftwork on at least six days of the week, is rostered off duty, the employee is entitled to:

    152.1 leave for a day instead of the public holiday; or

    152.2 an amount equal to salary for a day based on the single hourly rate on that day for the employee.

## Flexible working arrangements

153. The Department, employees and their union recognise:

    153.1 the importance of an appropriate balance between employees' personal and working lives, and the role flexible working arrangements can play in helping to achieve this balance;

    153.2 access to flexible work can support strategies to improve diversity in employment and leadership in the APS;

    153.3 access to flexible work supports APS capability, and can assist in attracting and retaining the employees needed to deliver for the Australian community, including employees located at a wider range of locations;

    153.4 that flexibility applies to all roles in the Department, and different types of flexible working arrangements may be suitable for different types of roles or circumstances; and

    153.5 requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests.

154. The Department is committed to engaging with employees and their union to build a culture that supports flexible working arrangements across the Department at all levels. This may include developing and implementing strategies through the Workplace Consultative Forum.

155. Flexible working arrangements include, but are not limited to, changes in hours of work, changes in patterns of work, job sharing arrangements and changes in location of work.

### Requesting formal flexible working arrangements

156. The following provisions do not diminish an employee's entitlement under the NES.

157. An employee may make a request for a formal flexible working arrangement.

158. The request must:

    158.1 be in writing;



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158.2 set out details of the change sought (including the type of arrangement sought and the proposed period the arrangement will operate for); and

158.3 set out the reasons for the change, noting the reasons for the change may relate to the circumstances set out at section 65(1A) of the FW Act.

159. The Secretary must provide a written response to a request within 21 days of receiving the request.

160. The response must:

160.1 state that the Secretary approves the request and provide the relevant detail in clause 161; or

160.2 if following discussion between the Department and the employee, the Department and the employee agree to a change to the employee's working arrangements that differs from that set out in the request – set out the agreed change; or

160.3 state that the Secretary refuses the request and include the following matters:

160.3.1 details of the reasons for the refusal; and

160.3.2 set out the Department's particular business grounds for refusing the request, explain how those grounds apply to the request; and

160.3.3 either:

160.3.3.1 set out the changes (other than the requested change) in the employee's working arrangements that would accommodate, to any extent, the employee's circumstances outlined in the request and that the Department would be willing to make; or

160.3.3.2 state that there are no such changes; and

160.3.4 state that a decision to refuse the request, or failure to provide a written response within 21 days is subject to the dispute resolution procedures of the Agreement, and if the employee is an eligible employee under the FW Act, the dispute resolution procedures outlined in sections 65B and 65C of the FW Act.

161. Where the Secretary approves the request this will form an arrangement between the Department and the employee. Each arrangement must be in writing and set out:

161.1 any security and work health and safety requirements;

161.2 a review date (subject to clause 165); and

161.3 the cost of establishment (if any).

162. The Secretary may refuse to approve the request only if:

162.1 the Department has discussed the request with the employee; and

162.2 the Department has genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the



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employee's circumstances (subject to any reasonable business grounds for refusal); and

162.3 the Department and the employee have not reached such an agreement; and

162.4 the Department has had regard to the consequences of the refusal for the employee; and

162.5 the refusal is on reasonable business grounds.

163. Reasonable business grounds include, but are not limited to:

163.1 the new working arrangements requested would be too costly for the Department;

163.2 there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;

163.3 it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate the new working arrangements requested;

163.4 the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity;

163.5 the new working arrangements requested would be likely to have a significant negative impact on customer service; and

163.6 it would not be possible to accommodate the working arrangements without significant changes to security requirements, or where work health and safety risks cannot be mitigated.

164. For First Nations employees, the Department must consider connection to country and cultural obligations in responding to requests for altering the location of work.

165. Approved flexible working arrangements will be reviewed by the Department and the employee after 12 months, or a shorter period, if agreed by the employee. This is to ensure the effectiveness of the arrangement.

**Varying, pausing or terminating flexible working arrangements**

166. An employee may request to vary an approved flexible working arrangement in accordance with clause 158. An employee may request to pause or terminate an approved flexible working arrangement.

167. The Secretary may vary, pause or terminate an approved flexible working arrangement on reasonable business grounds, subject to clause 169.

168. The Department must provide reasonable notice if varying, pausing or terminating a flexible working arrangement without the agreement of the employee, having regard to the circumstances of the employee. Exceptions to this requirement are urgent and critical operational circumstances or an employee's demonstrated and repeated failure to comply with the agreed arrangements.

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169. Prior to the Secretary varying, pausing or terminating the arrangement under clause 167, the Department must have:

169.1 discussed with the employee their intention to vary, pause or terminate the arrangement with the employee;

169.2 genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for alteration);

169.3 had regard to the consequences of the variation, pause or termination for the employee;

169.4 ensured the variation, pause or termination is on reasonable business grounds; and

169.5 informed the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out in clause 160.3.

### Working from home

170. The Department will not impose caps on groups of employees on the time that may be approved to work from home or remotely, with each request to be considered on its merits.

171. The Department may provide equipment necessary for, or reimbursement, for all or part of the costs associated with establishing a working from home arrangement.

172. An employee working from home is covered by the same employment conditions as an employee working at an office site under this Agreement.

173. The Department will provide employees with guidance on working from home safely.

174. Employees will not be required by the Department to work from home unless it is lawful and reasonable to do so. This may include where circumstances prevent attendance at an office during a pandemic or natural disaster. In these situations, the Department will consider the circumstances of the employees and options to achieve work outcomes safely.

### Ad-hoc arrangements

175. Employees may request ad-hoc flexible working arrangements. Ad-hoc arrangements are generally one-off or short-term arrangements for circumstances that are not ongoing.

176. Employees should, where practicable, make the request in writing and provide as much notice as possible.

177. Requests for ad-hoc arrangements are not subject to the request and approval processes detailed in clauses 156 to 165.

178. The Department should consider ad-hoc requests on a case-by-case basis, with a bias to approving ad-hoc requests, having regard to the employee's circumstances and reasonable business grounds.

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179. Where a regular pattern of requests for ad-hoc arrangements from an employee emerges, the Department should consider whether it is appropriate to seek to formalise the arrangement with the employee.

### Altering span of hours

180. An employee may request to work an alternative regular span of hours (bandwidth). If approved by the Secretary, hours worked on this basis will be treated as regular working hours and will not attract shift work conditions or overtime payments. The Department will not request or require that any employee alter their regular span of hours (bandwidth) under these provisions.

## Part-time work

181. The Secretary may engage employees on a part-time basis and/or approve arrangements for an employee to work as a part-time employee.

182. Employees engaged on a full-time basis will not be compelled to convert to part-time employment.

183. Employees engaged on a part-time basis will not be compelled to convert to full-time employment.

184. Where the Secretary agrees to a part-time working arrangement, an employee's agreed part-time hours will be set out in a part-time work agreement that can only be varied by agreement between the Secretary and the employee.

185. Subject to the terms of this Agreement, a part-time employee will receive salary and allowances (except expense related allowances) on a pro-rata basis, having regard to the number of ordinary hours worked.

186. Employees returning from parental leave or adoption and long term foster leave, as a primary caregiver, have a right to access part-time employment for a period of up to three years, subject to the agreement of the Secretary to the proposed pattern of hours. This clause does not limit an employee's ability to make a request for flexible working arrangements.

## Christmas and Easter closedown

187. The Department will close its normal operations from 12:30pm on the last working day before Christmas Day, with business resuming on the first working day after New Year's Day (closedown period).

188. The Department will close its normal operations from 3.00pm on Easter Thursday, with business resuming on the first working day after Easter Monday (closedown period).

189. There will be no deduction from leave credits for the closedown periods.

190. Employees will be provided with time off for the working days covered by the closedown periods and will be paid in accordance with their ordinary hours during those periods.



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191. Where an employee is absent on paid leave, on both sides or on one side of a closedown period, payment for the closedown period will be in accordance with the employee's ordinary hours.

192. Employees on leave without pay on either side of a closedown period will not be paid for the closedown period.

193. Employees directed to attend for duty during a closedown period will be eligible for payment or TOIL in lieu on the same basis as for duty on a Sunday.

## Public holidays

194. Employees are entitled to the following holidays each year as observed at their normal work location in accordance with the FW Act:

194.1 1 January (New Year's Day);

194.2 26 January (Australia Day);

194.3 Good Friday and the following Monday;

194.4 25 April (Anzac Day);

194.5 the King's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory);

194.6 25 December (Christmas Day);

194.7 26 December (Boxing Day); and

194.8 any other day, or part day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part day, or a kind of day or part day, that is excluded by the *Fair Work Regulations 2009* from counting as a public holiday.

195. If a public holiday falls on a Saturday or Sunday, and if under a State or Territory law, a day or part day is substituted for one of the public holidays listed above, then the substituted day or part day is the public holiday.

196. The Secretary and an employee may agree on the substitution of a day or part day that would otherwise be a public holiday, having regard to operational requirements.

197. The Secretary and an employee may agree to substitute a cultural or religious day of significance to the employee for any day that is a prescribed holiday. If the employee cannot work on the prescribed holiday, the employee will be required to work make-up time at times to be agreed. This substitution does not impact or reduce an employee's entitlement to First Nations ceremonial leave, NAIDOC leave or cultural leave.

198. Where an employee substitutes a public holiday for another day, they will not be paid penalty rates for working their normal hours on the public holiday.



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199. Where a public holiday falls during a period when an employee is absent on leave (other than annual leave, paid personal/carer's leave or defence service sick leave) there is no entitlement to receive payment as a public holiday. Payment for that day will be in accordance with the entitlement for that form of leave (e.g. if on long service leave on half pay, payment is at half pay).

200. If under a law of a State or Territory every Sunday is declared or prescribed by or under that law to be a public holiday, there is no entitlement to receive payment as a public holiday if the employee would have worked, or does perform work, on that day. In these circumstances, payment will only be made at the public holiday rate if the employee performs work on that day, and the Sunday would otherwise be a public holiday under clause 194.1 to 194.8.

201. An employee, who is absent on a day or part day that is a public holiday in their normal work location, is entitled to be paid for the part or full day absence as if that day or part day was not a public holiday, except where that person would not normally have worked on that day.

202. Where a full-time employee, including but not limited to employees on compressed hours, has a regular planned day off which would fall on a public holiday, the Secretary may allow the employee to change their planned day off so that it does not fall on a public holiday. If it is not possible to change their planned day off, the employee will be credited an equivalent amount of time to their regular hours for the day in flex credits or EL TOIL in recognition of their planned day off.

203. Where a public holiday occurs on a day when an employee who is regularly rostered to perform shiftwork on at least six days of the week, is rostered off duty, the employee is entitled to:

    203.1 leave for a day instead of the public holiday; or

    203.2 an amount equal to salary for a day based on the single hourly rate on that day for the employee.

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# Section 6: Leave

## Annual leave

204. A full-time employee is entitled to four weeks (20 days/150 hours) of paid annual leave for each year of service, accruing daily and credited monthly in arrears. Part-time employees are entitled to four weeks (20 days/150 hours) annual leave for each year of service, calculated on a pro-rata basis, accruing daily and credited monthly in arrears.

205. The Secretary may approve annual leave at either full or half pay. If leave is taken at half pay, the deduction from the employee's annual leave credits will be half the period of leave taken.

206. Employees living in remote localities accrue additional annual leave credits as outlined in clause 410.

207. An employee's accrual of annual leave will be reduced where a period or periods of leave without pay that is not to count as service exceeds 30 days in a calendar year. Where leave without pay not to count as service covers an entire calendar year, no annual leave credit accrues for that year.

208. Employees will receive payment in lieu of any untaken annual leave upon separation from the APS.

### Excess annual leave

209. Where an employee has accrued more than 40 days annual leave or a pro-rata amount for part-time employees (or in the case of employees in remote localities who are entitled to additional annual leave - more than 2 years' credit), the Secretary may direct the employee to take a period of annual leave that is not more than a quarter of the employee's total accrued annual leave balance.

210. An employee may not be directed to take annual leave where the employee:

    210.1 has made an application for annual leave of a period greater than 10 days for full-time employees, or a pro-rata amount for part-time employees, in the previous 6 month period and the application was not approved; or

    210.2 is following a management strategy to reduce the employee's amount of accrued leave, which has been agreed with their manager.

### Voluntary Cash out of Annual Leave

211. The Department encourages employees to regularly take annual leave. The Department recognises that there is value in employees taking periods of annual leave. The Secretary may approve an application by an employee to cash out an amount of the employee's accrued annual leave entitlement provided that:

    211.1 the employee's remaining balance of annual leave credit does not fall below four weeks or an equivalent pro-rata amount for part-time employees;



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211.2 each cashing out is agreed between the Secretary and the employee by a separate agreement in writing; and

211.3 the employee is paid the full amount that would have been paid to the employee had the employee taken the leave that is cashed out.

## Purchased leave

212. The Secretary may approve the purchase of up to eight weeks leave funded by salary deductions over a maximum period of 12 months to ongoing employees and non-ongoing employees with more than 12 months' service.

213. Only one election can be made to purchase this leave in a calendar year. The Secretary may agree to vary an election in exceptional circumstances.

214. The minimum period of purchased leave that can be taken at any one time will be one day. Purchased leave cannot be taken at half pay. Purchased leave cannot be used to substitute for part-time work arrangements, except if approved as part of a transition to retirement initiative for an employee 54 years or older. Purchased leave that is approved for the purpose of a transition to retirement initiative may be approved for a single period up to a maximum period of two years, and can only be accessed once by an employee during their employment with the Department.

215. Purchased leave will count as service for all purposes including superannuation purposes. Public holidays and closedown periods occurring during a period of purchased leave will be treated in the same way as if they had occurred during a period of annual leave.

216. Where, due to exceptional circumstances, an employee requests cancellation of purchased leave before the leave has been taken and the Secretary agrees to the request, a refund of the salary deductions made will be paid.

217. Where an employee leaves employment with the Department, final payments will be adjusted to take account of deductions not yet made or for deductions made and leave not taken.

### Extended purchased leave

218. The Secretary may grant an employee who has a period of three years of continuous employment with the Department access to extended purchased leave.

219. An employee who elects to participate in the extended purchased leave scheme will:

219.1 contribute an amount of salary each fortnight towards the extended purchased leave for a period of two continuous years after the election;

219.2 be entitled to take a period of up to six months leave, two years after making the election to participate in the scheme; provided they have maintained continuous employment with the Department over this period; and

219.3 be entitled to payment during the period of extended purchased leave based on the amount of money banked in the previous two years.



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220. Extended purchased leave is to count as service for all purposes.

## Sabbatical leave

221. The Secretary may grant an employee sabbatical leave. This is a flexible arrangement consisting of a four year work period followed by a one year sabbatical leave period, with base salary paid over four years at a rate of 80% per year. Payment for the fifth year "sabbatical leave period" will be based on the amount of money banked in the previous four years converted to an annual base salary.

222. Sabbatical leave is to count as service for all purposes.

## Personal/carer's leave

### Ongoing employees

223. An ongoing employee will be entitled to 18 days (135 hours) of personal/carer's leave for each year of service (pro-rata for part-time employees) which will:

223.1 be credited upon the employee's commencement with the Department if they are new to the APS; and

223.2 accrue daily and be credited at least monthly, unless:

232.2.1 the employee has received a credit in accordance with paragraph 223.1, in which case the accrual of personal/carer's leave will not commence until the first anniversary of the employee's commencement with the Department; or

232.2.2 in the 12 month period immediately prior to this Agreement commencing, the employee received an initial 10 day credit of personal/carer's leave in accordance with clause 6.20 of the *Department of Social Services Enterprise Agreement 2018 – 2021,* in which case, the employee will accrue personal/carer's leave at the rate of 8 days for their first year of service (rather than 18 days), until the first anniversary of the employee's commencement with the Department.

### Non-ongoing employees

224. Subject to clause 225, non-ongoing employees will be credited with 18 days (135 hours) of personal/carer's leave upon commencement with the Department, pro-rated based on the employee's initial contract period if the contract period is less than 12 months and (if applicable) the employee's part-time hours.

225. A non-ongoing employee will not be entitled to an initial credit of personal/carer's leave in accordance with clause 224 if the employee is entitled to have any unused accrued personal/carer's leave transferred or recognised by the Department in accordance with



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clauses 236 to 242 (including where the employee does not have any unused accrued personal/carer's leave entitlements).

226. Non-ongoing employees will be entitled to accrue 18 days personal/carer's leave for each year of service, which will accrue daily and be credited monthly, from:

226.1 the earlier of the date after the initial contract period ends if the contract period is less than 12 months (and the employee remains in employment in the Department) and the first anniversary of the employee's commencement with the Department, if they received an initial credit in accordance with clause 224, or

226.2 their commencement with the Department if they were entitled to have any unused accrued personal/carer's leave transferred or recognised by the Department in accordance with clauses 236 to 242 (including where the employee does not have any unused accrued personal/carer's leave entitlements).

**Arrangements for personal/carer's leave**

227. The Secretary may approve an employee taking personal/carer's leave at half pay.

228. A casual employee may:

228.1 be absent without pay when they are not fit for work due to personal illness or injury; and

228.2 access 2 days' unpaid carer's leave per occasion, consistent with the NES.

229. An employee may use personal/carer's leave:

229.1 due to personal illness or injury;

229.2 to attend appointments with a registered health practitioner;

229.3 to manage a chronic condition; and

229.4 to provide care or support for a family or household member or a person they have caring responsibilities for, because:

229.4.1 of a personal illness or injury affecting the other person; or

229.4.2 of an unexpected emergency affecting the other person.

230. For the purposes of clause 229.4, caring responsibilities may include an employee having responsibility to provide care to a person because they:

230.1 have a medical condition, including when they are in hospital;

230.2 have a mental illness;

230.3 have a disability;

230.4 are frail or aged;

230.5 are a child, not limited to a child of the employee.



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231. If an employee uses personal/carer's leave of more than:

    231.1 3 consecutive days; or

    231.2 8 days without evidence in a calendar year, the Secretary may request the employee to provide evidence to support that leave, including:

    231.3 a certificate from a registered health practitioner or registered health provider;

    231.4 a statutory declaration; or

    231.5 another form of evidence approved by the Secretary.

232. A certificate from a registered health practitioner may be used as evidence of a chronic condition for up to 12 months for both personal and carer's leave.

233. If an employee has a personal illness, injury or chronic condition which requires ongoing treatment, and/or may result in the employee taking personal/carer's leave for illness or injury on a regular or intermittent basis, and the Secretary has received a certificate from a registered health practitioner confirming the ongoing condition, the Secretary may approve future leave based on the initial certificate if that certificate supports the future absence.

234. Where an employee has insufficient paid personal/carer's leave entitlements, the Secretary, in exceptional circumstances and subject to the provision of suitable evidence, may grant personal/carer's leave with or without pay (to count or not to count as service).

235. An employee's accrual of personal/carer's leave will be reduced where a period or periods of leave without pay that is not to count as service exceeds 30 days in a calendar year. Where leave without pay not to count as service covers an entire calendar year, no personal/carer's leave credit accrues for that year.

## Portability of leave

236. Where an employee moves into the Department from another APS agency where they were an ongoing employee, the employee's unused accrued annual leave and personal/carer's leave will be transferred, provided there is no break in continuity of service.

237. Where an employee is engaged in the Department immediately following a period of ongoing employment in the Parliamentary Service or the ACT Government Service, the employee's unused accrued annual leave and personal/carer's leave will be recognised unless the employee received payment in lieu of those entitlements on cessation of employment.

238. Where an employee is engaged as an ongoing employee in the Department and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in the Department or another agency), at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on separation) and personal/carer's leave will be recognised.

239. Where an employee is engaged as a non-ongoing APS employee, and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in the Department or another agency) at the employee's request, any unused accrued annual leave



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(excluding accrued leave paid out on termination of employment) and personal/carer's leave (however described) will be recognised.

240. Where an employee is engaged as an ongoing employee in the Department, and immediately prior to the engagement the person was employed by a Commonwealth employer (other than in the Parliamentary Services which are covered in clause 237), the Secretary will recognise any unused accrued personal/carer's leave at the employee's request. The Secretary will advise the employee of their ability to make this request.

241. Where an employee is engaged as an ongoing employee in the Department and immediately prior to the engagement the person was employed by a State or Territory Government, the Secretary may recognise any unused accrued personal/carer's leave, provided there is not a break in continuity of service.

242. For the purposes of clauses 236 to 241, an employee with a break in service of less than 2 months is considered to have continuity of service.

## Re-crediting of leave

243. When an employee is on:

243.1 annual leave;

243.2 purchased leave;

243.3 defence reservist leave;

243.4 First Nations ceremonial leave;

243.5 NAIDOC leave;

243.6 cultural leave; or

243.7 long service leave; and

becomes eligible for, under legislation or this Agreement:

243.8 personal/carer's leave;

243.9 compassionate or bereavement leave;

243.10 jury duty;

243.11 emergency services leave;

243.12 leave to attend to family and domestic violence circumstances; or

243.13 parental leave, premature birth leave, stillbirth leave or pregnancy loss leave;

the affected period of leave will be re-credited.

244. When an employee is on personal/carer's leave and becomes eligible for parental leave, premature birth leave, stillbirth leave or pregnancy loss leave, the affected period of leave will be re-credited.

245. Re-crediting is subject to appropriate evidence of eligibility for the substituted leave.



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## Long service leave

246. An employee is eligible for long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976.*

247. The minimum period for which long service leave will be granted is 7 calendar days (whether taken at full or half pay). Long service leave cannot be broken with other periods of leave, except as otherwise provided by legislation or provided for in the re-crediting of leave at clause 243 of this Agreement.

## Miscellaneous leave

248. The Secretary may grant leave to an ongoing employee or non-ongoing employee, either with or without pay, to count as service or not to count as service; and subject to certain conditions, in circumstances not provided for elsewhere in this Agreement for a purpose that the Secretary considers to be in the interests of the Department and having regard to operational requirements.

249. A casual employee may only be granted miscellaneous leave with pay for family and domestic violence leave in accordance with clause 348 or for a purpose set out in a Government directive.

## Cultural, ceremonial and NAIDOC leave

### NAIDOC leave

250. Employees may access up to one day of paid leave per calendar year to participate in NAIDOC week activities.

251. NAIDOC leave can be taken in part days.

### First Nations ceremonial leave

252. First Nations employees may access up to 6 days of paid leave over 2 calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations.

253. The Secretary may approve additional leave for cultural or ceremonial purposes as miscellaneous leave, with or without pay.

254. First Nations ceremonial leave can be taken as part days.

255. First Nations ceremonial leave is in addition to compassionate and bereavement leave.

### Cultural leave

256. The Secretary may grant up to 3 days of paid leave per calendar year for the purpose of attending significant religious or cultural obligations associated with the employees' particular faith or culture.



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257. The Secretary may approve additional leave for cultural purposes as miscellaneous leave, with or without pay.

258. Cultural leave can be taken as part days.

259. For the avoidance of doubt, this leave does not cover cultural purposes or obligations which are eligible for paid leave under 252.

## Parental leave

260. A primary caregiver, secondary caregiver and ML Act is defined in the definitions section in clause 16.

261. An employee who is a primary caregiver or secondary caregiver is entitled to parental leave up until 24 months from the date of the child's birth or placement (parental leave period). For the avoidance of doubt, this is inclusive of all legislated leave entitlements. The parental leave period does not extend non-ongoing employment where the employment period remaining is less than 24 months. An employee is only eligible for parental leave with pay as either a primary caregiver or a secondary caregiver for the particular parental leave period, and cannot switch roles for the purpose of accessing additional paid leave.

262. For the pregnant employee, the parental leave period starts on commencement of maternity leave as per ML Act requirements, and ceases 24 months from the date of birth. Medical certification requirements for the pregnant employee will be as required by the ML Act.

263. Conditions in this Agreement will continue to apply in circumstances where successor legislation to the ML Act does not provide parental leave conditions included in this Agreement.

### Payment during parental leave

264. An employee is entitled to parental leave with pay as per clauses 266 and 267 below within the parental leave period. Any further parental leave during the parental leave period is without pay. Unused paid parental leave remaining at the end of the employee's parental leave period will lapse. An employee may choose to use their accrued paid leave entitlements in accordance with usage and eligibility requirements in this Agreement during the parental leave period that would otherwise be without pay.

265. Employees newly engaged in the Department or who have moved to the Department from another APS agency are eligible for the paid parental leave in clauses 266 and 267 where such paid leave had not already been provided by another APS agency or Commonwealth employer in the 24 months since the child's date of birth or placement. If the paid leave used by the employee with the previous Commonwealth employer or APS agency is less than the limits specified in clauses 266 and 267, the balance is available to the employee.

266. An employee who is a primary caregiver is entitled to parental leave with pay during the parental leave period to a maximum of 18 weeks as provided in **Table 1** below.



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**Table 1: Primary caregivers – circumstances for paid parental leave**

| Paid leave entitlement under the ML Act | Additional parental leave with pay under this Agreement for the primary caregiver |
|---|---|
| 12 weeks' paid maternity leave, including any reduced paid maternity leave period due to ML Act qualifying period rules | Paid leave to bring the total period of paid parental leave to 18 weeks |
| No ML Act eligibility or coverage | 18 weeks |

267. An employee who is a secondary caregiver is entitled to parental leave with pay during the parental leave period as provided in **Table 2** below.

**Table 2: Secondary caregivers – circumstances for paid parental leave**

| Period which coincides with the parental leave period for the secondary caregiver | Parental Leave with pay under this Agreement |
|---|---|
| Date of commencement of this Agreement to 28 February 2025 | 8 weeks, or top up to 8 weeks where a lesser period of parental leave has already been provided |
| 1 March 2025 to 28 February 2026 | 11 weeks, or top up to 11 weeks where a lesser period of parental leave has already been provided |
| 1 March 2026 to 27 February 2027 | 14 weeks, or top up to 14 weeks where a lesser period of parental leave has already been provided |
| On and from 28 February 2027 | 18 weeks, or top up to 18 weeks where a lesser period of parental leave has already been provided |

268. **Flexibility:** Parental leave with pay, whether provided as maternity leave under the ML Act or under this Agreement, can be accessed flexibly during the parental leave period and does not have to be taken in a single block. For the avoidance of doubt, parental leave can be used to replicate a part-time work arrangement, and can be taken concurrently with another parent in relation to the same child.

269. **Rate of payment** during paid parental leave is the same as for an absence on personal/carer's leave and based on the employee's weekly hours at the time of the absence.

270. **Half-pay option**: The payment of any paid parental leave may be spread over a maximum period of 36 weeks at the rate of, no less than, half the normal rate of salary. All paid parental leave counts as service for all purposes, where permitted by legislation.

### Adoption and long-term foster care

271. An employee who is a primary caregiver or secondary caregiver is entitled to parental leave in accordance with this Agreement for adoption or long-term foster care, provided that the child:



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271.1 has not lived continuously with the employee for a period of six months or more as at the day (or expected day) of placement; and

271.2 is not (otherwise than because of the adoption) a child of the employee or the employee's spouse or de facto partner unless that child had not been in the custody and care of the employee or the employee's partner for a three month period prior to the commencement of the adopted/foster/permanent care arrangement.

272. Documentary evidence of approval for adoption or enduring parental responsibilities under formal fostering arrangements must be submitted when applying for parental leave for adoption or long-term foster carer purposes.

273. An employee is eligible for up to two days of unpaid pre-adoption leave to attend any interviews or examinations required for the adoption of a child. This leave may be taken as annual leave, or purchased leave.

**Stillbirth**

274. Parents of a stillborn child remain eligible for parental leave, except for paid leave for the secondary caregiver which is two weeks.

275. A stillborn child is a child:

275.1 who weighs at least 400 g at delivery or whose period of gestation was 20 weeks or more; and

275.2 who has not breathed since delivery; and

275.3 whose heart has not beaten since delivery.

**Pregnancy loss leave**

276. A pregnant employee who experiences, or an employee whose spouse or partner experiences, pregnancy loss is entitled to one weeks' paid leave. Pregnancy loss is a miscarriage or other loss of pregnancy that occurs between 12 and 20 weeks' gestation that is not a stillbirth.

277. Pregnancy loss leave is in addition to entitlements to compassionate leave for miscarriage provided under the FW Act and this Agreement.

**Premature birth leave**

278. In circumstances of a live birth before 37 weeks' gestation a pregnant employee, or an employee whose spouse or partner has given birth prematurely, is entitled to paid premature birth leave from the date of the child's birth up to just before 37 weeks' gestation. Parental leave with pay is then available from what would have been 37 weeks' gestation in accordance with Parental leave in this Agreement, noting the parental leave period commences on the child's date of birth.

**Transitional provisions**

279. Employees eligible for paid leave under the ML Act are required under legislation to use their paid maternity leave first. In this circumstance, the employee may postpone their paid



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premature birth leave otherwise payable under clause 278 until after the legislated paid maternity leave is used.

**Return to work**

280. The return to work guarantee provided by section 84 of the FW Act 2009 applies in respect of employees ending parental leave.

## Compassionate leave

281. Employees will be eligible for 3 days paid compassionate leave on each occasion when:

    281.1 a member of their family, (including a member of their household) or someone they have a close personal relationship with contracts, develops or sustains a life-threatening illness or injury; or

    281.2 the employee or their partner has a miscarriage.

282. An employee may be asked to provide evidence to support their absences on compassionate leave.

283. Compassionate leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.

284. For casual employees, compassionate leave is unpaid.

285. Compassionate leave with pay will count as service for all purposes.

## Bereavement leave

286. Employees will be eligible for 3 days paid bereavement leave on each occasion when:

    286.1 a member of their family (including a member of their household) or someone they had a close personal relationship with dies; or

    286.2 a child is stillborn, where the child was a member of their family (including a member of their household.

287. An employee may be asked to provide evidence to support their absences on bereavement leave.

288. Bereavement leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.

289. For casual employees, bereavement leave is unpaid.

290. Bereavement leave with pay will count as service for all purposes.

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## Emergency response leave

291. In line with section 108 of the FW Act, an employee who engages in an eligible community service activity is entitled to emergency response leave to volunteer for emergency management duties for:

    291.1 the time engaged in the activity;

    291.2 reasonable travelling time; and

    291.3 reasonable recovery time.

292. Full-time employees and part-time employees will be able to access paid emergency response leave at their full rate of pay.

    292.1 For the purposes of this clause, full rate of pay is to be as if the employee was at work.

293. Paid leave may be refused where the employee's role is essential to the Department's response to the emergency.

294. An employee must provide evidence that the organisation requests their services. Employees can provide evidence before or as soon as practical after their emergency service activity.

295. The Secretary may approve reasonable paid or unpaid leave for ceremonial duties and training.

296. Emergency response leave, with or without pay, will count as service.

## Jury duty

297. Employees who are required by a court to attend either for jury selection, or to act as a juror, will be released from duty for the required period, without the need to apply for leave.

298. Full-time employees and part-time employees will be released from duty on their full rate of pay. Payment for casuals will be as per the relevant state legislation.

    298.1 For the purposes of this clause, full rate of pay is to be as if the employee was at work.

299. The employee is required to inform their manager before they are released from duty and provide evidence of the need to attend.

300. If the employee receives a payment from the court for attendance (which are not expense related such as allowances and reimbursements), they must repay that amount to the Department for the period of absence. This will be administered in accordance with the overpayments clause.

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## Community volunteering leave

301. The Secretary may grant up to two days miscellaneous leave with pay and a reasonable amount of leave without pay each calendar year to undertake community volunteering. Community Volunteering Leave can be taken in part days including in hours and minutes.

## Defence reservist leave

302. The Secretary will give an employee leave with or without pay to undertake:

    302.1 Australian Defence Force (ADF) Reserve and continuous full-time service (CFTS); and

    302.2 Australian Defence Force Cadet obligations.

303. An employee who is a Defence Reservist can take leave with pay for:

    303.1 up to 4 weeks (20 days) in each financial year (pro-rata for part-time employees); and

    303.2 an extra 2 weeks (10 days) in the first year of ADF Reserve service (pro-rata for part-time employees).

304. Leave can be built up and taken over 2 consecutive years. This includes the extra 2 weeks in the first year of service.

305. An employee who is an Australian Defence Force Cadet officer or instructor can get paid leave up to 3 weeks in each financial year to perform their duties. Australian Defence Force Cadets means:

    305.1 Australian Navy Cadets;

    305.2 Australian Army Cadets; and

    305.3 Australian Air Force Cadets.

306. In addition to the entitlement at clause 303, paid leave may be granted to an employee to attend an interview or medical examination in connection with the enlistment of the employee in a Reserve Force of the Defence Force.

307. Paid defence reservist leave counts for service.

308. Unpaid defence reservist leave for 6 months or less counts as service for all purposes. This includes periods of CFTS.

309. Unpaid leave taken over 6 months counts as service, except for annual leave.

310. An employee will not need to pay their tax free ADF Reserve salary to the Department for any reason.

311. Eligible employees may also apply for annual leave, long service leave, leave without pay or top-up pay, or they may use flextime or make up time, for the purpose of fulfilling ADF, CFTS or Cadet Force obligations.



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## Defence service sick leave

312. An employee is eligible for defence service sick leave credits when the Department of Veterans Affairs (DVA) has certified that an employee's medical condition is as a result of either:

    312.1 warlike service; or

    312.2 non-warlike service.

313. An eligible employee can get 2 types of credits:

    313.1 an initial credit of 9 weeks (45 days) defence service sick leave will apply as of the later below option:

        313.1.1 they start employment with the APS; or

        313.1.2 DVA certifies the condition; and

    313.2 an annual credit of 3 weeks (15 days) defence service sick leave.

314. An employee can use their defence service sick leave when a recognised medical practitioner provides a certificate that says they were away due to their DVA certified medical condition.

315. Unused annual credits can be built up to 9 weeks.

316. An employee cannot use annual credits until the initial credit is exhausted.

317. Defence service sick leave is paid and counts as service for all purposes.

318. If the employee was eligible for defence service sick leave during a previous period of APS employment, on re-joining the APS any unused accrued annual credits can be brought forward, subject to the maximum annual credit.

## Leave to attend proceedings

319. An employee giving evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth or a Commonwealth party in the course of their duties, will be considered on duty.

320. An employee who is not covered under clause 319, and is required to give evidence to, appear before or attend to instruct a representative at a Court, Tribunal or Royal Commission in relation to their duties will be released from duty without loss of pay. This includes in proceedings relating to a dispute between the employee and the Department.

321. An employee may otherwise be granted paid or unpaid miscellaneous leave by the Secretary if required to give evidence to a Court, Tribunal or Royal Commission for any other reason. Where approval for unpaid leave is given, the employee may elect to use accrued annual leave, flex leave or TOIL.



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322. The Secretary may refuse to release an employee from duty having regard to business requirements and whether the employee's attendance is necessary for the Court, Tribunal or Royal Commission hearing.

## Notification of unscheduled absence

323. Employees are required to notify their manager (or if unavailable, an agreed alternative person) of their intended absence as close as possible to the employee's normal commencement time. If the employee is unable to provide prior notification of their intended absence, the employee should contact the manager by phone (and not by email or text message) unless this is not practicable.

## Reimbursement of costs on cancellation of leave

324. Where an employee has leave cancelled by the Department or is recalled to duty and will incur additional and/or unrecoverable costs as a direct result, the Secretary will reimburse reasonable costs on submission of proof of expenditure. An employee will not be entitled to reimbursement if the costs incurred are otherwise recoverable.

## School holiday / family care reimbursement

325. Where an employee with a child at school has approved leave cancelled or is required to return from leave early because of the Department's business requirements during school holidays, the Secretary may reimburse the amount paid by the employee for each school child attending approved or registered care for the approved period of leave.

326. Where an employee has approved leave cancelled or is required to return from leave early because of the Department's business requirements and where the employee can demonstrate that they would otherwise have taken personal responsibility for caring for other members of their family members, the Secretary may reimburse some or the entire amount paid by the employee for that family care.

327. Casual employees will not normally be eligible for the reimbursement.

328. Reimbursement will apply only for the days when the employee is at work, except in exceptional circumstances determined by the Secretary.

329. Reimbursement will be net of any government subsidy provided to the employee.

## Unauthorised absence

330. Where an employee is absent from duty for any period without approval, the absence will be unpaid and will not count as service for any purpose.

331. Where an employee is absent from duty without approval, all pay and other benefits provided under this Agreement, e.g. flextime, will cease to be available until the employee resumes duty or is granted leave.

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# Section 7: Employee support and workplace culture

## Blood donation

332. An employee can take reasonable time away from duty during their ordinary work hours to donate blood, plasma or platelets. It includes reasonable travel time and employers will consider employees on duty.

333. The employee must inform their manager in advance of when they will be away from work before donating blood, plasma or platelets.

## Vaccinations

334. The Department will offer annual influenza vaccinations to all employees at no cost.

335. Where the Department requires an employee performing a role, for example a RAO or other employee travelling to a remote community, to be vaccinated for a particular condition, this vaccination will be offered at no expense to the employee.

## Employee Assistance Program

336. Employees, their partners, and their dependants/children will have access to a confidential, professional counselling service to assist employees to manage personal and work issues. This service will be provided at no cost to employees by the Department and will be accessible on paid time.

## Respect at work

### Principles

337. The Department values a safe, respectful and inclusive workplace free from physical and psychological harm, harassment, discrimination and bullying. The Department recognises that preventing sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace is a priority.

338. The Department recognises that approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace should be holistic and consistent with the Australian Human Rights Commission's guidance, including the *Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment.*

### Consultation

339. The Department will consult with employees and their unions in developing, reviewing and evaluating approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace.



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## Family and domestic violence support

340. The Department will provide support for employees affected by family and domestic violence, depending on the employee's circumstances.

341. The Department recognises that a holistic approach should be taken to support the employee, appropriate for the employee's individual circumstances.

342. Family and domestic violence support, including paid leave, are available to all employees covered by this Agreement.

343. An employee experiencing family and domestic violence support is able to access paid miscellaneous leave. Reasons an employee experiencing family and domestic violence may access this leave include, but are not limited to:

    343.1 illness or injury affecting the employee resulting from family and domestic violence;

    343.2 providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is ill or injured as a result of family and domestic violence;

    343.3 providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is affected by an unexpected emergency as a result of family and domestic violence;

    343.4 making arrangements for the employee's safety, or the safety of a close relative;

    343.5 accessing alternative accommodation;

    343.6 accessing police services;

    343.7 attending court hearings;

    343.8 attending counselling; and

    343.9 attending appointments with medical, financial or legal professionals.

344. This entitlement exists in addition to an employee's existing leave entitlements and may be taken as consecutive days, single days or part days and will count as service for all purposes.

345. Given the emergency context in which leave may need to be accessed, employees can proceed to take the leave and seek approval at a later date, as soon as practicable.

346. These family and domestic violence support clauses do not reduce an employee's entitlement to family and domestic violence leave under the NES.

347. Paid miscellaneous leave available under this clause is paid for ongoing and non-ongoing employees at their full rate as if they were at work.

348. Paid leave for casual employees under this clause is paid at their full pay rate for the hours they were rostered to work in the period they took leave.

349. Evidence may be requested to support the Department in approving leave. In most cases, this will not be required. Where it is required, this will be discussed with the employee and a



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statutory declaration is the only form of evidence the Department will require, unless the employee chooses to provide another form of evidence.

350. An employee may also choose to provide other forms of evidence, including a medical certificate, or document issued by the Police Service, a Court, a Doctor, district Nurse, a Family Violence Support Service or Lawyer.

351. The Department will take all reasonable measures to treat information relating to family and domestic violence confidentially. The Department will adopt a 'needs to know' approach regarding communication of an employee's experience of family and domestic violence, subject to steps the Department may need to take to ensure the safety of the employee, other employees or persons, or mandatory reporting requirements.

352. Where the Department needs to disclose confidential information for purposes identified in clause 351, where it is possible the Department will seek the employee's consent and take practical steps to minimise any associated safety risks for the employee and/or privacy breaches.

353. The Department will not store or include information on the employee's payslip in relation to the employee's experience of family and domestic violence; any leave accessed for the purposes of family and domestic violence; or support(s) provided by the employer, unless otherwise required by legislation.

354. Other available support may include, but is not limited to, flexible working arrangements, additional access to EAP, changes to their span of hours or pattern of hours and/or shift patterns and/or location of work where reasonably practicable.

355. The Department will acknowledge and take into account an employee's experience of family and domestic violence if an employee's attendance or performance at work is affected.

356. Further information about leave and other support available to employees affected by family and domestic violence may be found in policy.

## Integrity in the APS

357. The Department understands that procedural fairness is essential in building and maintaining trust with APS employees, and that it requires fair and impartial processes for employees affected by APS-wide or Department decisions.

358. Employees are to give advice that is frank, honest, timely and based on the best available evidence. This includes scientific and engineering advice based on evidence-based facts guided by the best available science and data. Employees will not be disadvantaged or discriminated against because they have given advice in accordance with their expertise or professional qualifications and in accordance with the APS Code of Conduct in the PS Act.

359. Employees can, during their ordinary work hours, take time to:

    359.1 access an APS-wide ethics advisory service or another similar service provided by a professional association such as a law society or in the Department; and



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359.2 attend Department mandated training about integrity.

## First Nations cultural competency training

360. The Secretary will take reasonable steps to ensure all substantive, ongoing EL2 employees employed at the commencement of this Agreement or any new substantive, ongoing EL2 employees who commence within the first 6 months of this Agreement will complete relevant First Nations cultural competency training within 12 months of the commencement of the Agreement.

361. Any new substantive, ongoing EL2 employee who commences after 6 months of the commencement of this Agreement will be required to complete a relevant First Nations cultural competency training course within 6 months of their engagement or promotion.

## Lactation and breastfeeding support

362. Reasonable paid time during work hours will be provided for lactation breaks for breastfeeding, expressing milk and other associated activities.

363. The Department will provide access to appropriate facilities for the purpose of breastfeeding or expressing milk, subject to clause 364. In considering whether a space is appropriate, the Department should consider whether:

363.1 there is access to refrigeration;

363.2 the space is lockable; and

363.3 there are facilities needed for expressing, such as appropriate seating.

364. Where it is not practicable for a Department site to have a designated space, a flexible approach will be taken so that the employee can access the support required.

365. The Department will facilitate discussion between individual employees and their managers about accommodating the employee's lactation needs and practical arrangements to meet these needs.

366. The manager and employee shall discuss any flexible working arrangements that may be needed to support lactation. This may include consideration of arrangements such as working from home and/or remote working or varying work hours on an ad-hoc or regular basis. Wherever possible, requests by an employee will be accommodated, noting these needs may be changed over time.

367. Further information is available in policy.

## Disaster support

368. Where an official disaster or emergency is declared and this prevents an employee from reasonably attending work, or where it impacts their household or home, the Secretary will consider flexible working arrangements to assist the employee to perform their work.



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369. Where flexible working arrangements are not appropriate, the Secretary may grant paid miscellaneous leave to an employee with regard to the scale and nature of the emergency. This leave counts as service and may be approved retrospectively.

370. In considering what period of leave is appropriate, the Secretary will take into account the safety of the employee, their family (including their household) and advice from local, State and Commonwealth authorities.

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# Section 8: Performance and development

## Performance management

371. All employees and their managers will participate in the Department's performance management framework.

372. The purpose of the performance management process is to:

    372.1 develop a culture of high performance in the Department;

    372.2 align individual performance requirements with business requirements;

    372.3 ensure that employees have a clear understanding of their role, and the performance standards expected of them; and

    372.4 identify and plan for learning and development needs.

373. The principles of the performance management process are:

    373.1 Joint responsibility – employees and managers will participate in all aspects of the performance management process, including initiating reviews, and seeking and providing feedback as required.

    373.2 No surprises – the performance process will ensure that employees are aware of their performance progress. Managers should identify and address performance concerns at the earliest opportunity.

    373.3 Natural justice – managers will ensure performance processes are consistent with procedural fairness and natural justice; that performance issues are raised directly with the employee as they arise, and employees are given assistance at the earliest opportunity to address performance gaps.

    373.4 Holistic – work outcomes and performance measures will be realistic, within the employee's control and consistent with their work level.

374. Subject to clause 375, the performance cycle for all employees will run from 1 August each year to 31 July in the following year.

375. The 2023/2024 performance cycle for all employees will run from 1 July 2023 to 31 July 2024.

376. An employee and their manager will develop a Performance Agreement within four weeks (or a longer period as agreed) of:

    376.1 the commencement of a new performance cycle; and/or

    376.2 the employee starting in a new position, either temporarily or permanently, at the same or a higher classification level, where duties in that position are expected to be undertaken for at least 3 months.

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## Workloads

377. The Department recognises the importance of employees balancing their work and personal life. While it is acknowledged that at times it may be necessary for some extra hours being worked by some employees, this should be regarded as the exception rather than the rule.

378. When determining workloads for an employee or group of employees, the Department will consider the need for employees to strike a balance between their work and personal life.

379. Where an employee or group of employees raise that they have experienced significant workload pressures over a prolonged period of time, the Department and employee/s together must review the employees' workloads and priorities, and determine appropriate strategies to manage the impact on the employee or group of employees.

## Study assistance

380. The Secretary may provide assistance of up to 5 hours study leave per week (10 hours for employees with a disability or who are Aboriginal and Torres Strait Islander employees) during semester, 3 hours travel time per week during semester and $2,000 reimbursement of fees per semester to a maximum of $6,000 per annum (where study is across more than one semester) for employees undertaking a course of study that is considered to be of benefit to the Department.

381. The amounts of study assistance which may be reimbursed in clause 380 will be indexed in years 2 and 3 of the agreement on 13 March 2025 and 12 March 2026, having regard to the annual percentage change in the all groups Consumer Price Index in the preceding December Quarter.

## Learning and development

382. The Department will assist employees and managers to identify priority learning and development needs and opportunities and build employee capabilities identified in employee performance agreements.

383. Where an employee is required to undertake regular work-related driving in remote or regional areas as part of their duties, the Secretary will provide appropriate driver training.

384. The Secretary will make online cultural awareness training available to all staff.

## Professional qualifications

385. The Secretary will approve reimbursement to an employee for the cost of annual membership fees of associations where membership of the association is essential to enable the employee to undertake their duties.

386. The Secretary may approve reimbursement to an employee for the cost of annual membership of other professional associations relevant to the work of the Department of up to $50 a year.



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# Section 9: Travel and location-based conditions

## Travel Allowance

387. An employee who is undertaking approved travel and required to be absent on official business overnight from their usual place of work for periods up to 21 days will be entitled to an allowance in respect of meals and incidentals. Employees may elect to stay in commercial or non-commercial accommodation. In the event of an emergency situation an employee will be reimbursed reasonable accommodation costs as determined by the Secretary.

388. Allowances payable for meals and incidentals are those published by the approved subscription service and provide a guide to delegates approving expenditure.

389. Where an employee elects to stay in non-commercial accommodation, an allowance of $50 per night will be payable through the payroll system in addition to any allowances payable for meals and incidentals.

### Payment of travel allowance

390. The Department will, where practicable, pay any applicable travel allowance under clause 387 to an employee at least two days prior to travel.

### Part day travel allowance

391. Where an employee is undertaking approved travel and is required to be absent from their usual place of work on official business for a period of ten hours or more but no overnight stay is required, the employee is entitled to receive a part-day travel allowance in respect of meals and incidentals of $65.

### Adjustment of allowances

392. Where official travel arrangements are varied, the amount of allowance payable will reflect the revised itinerary. Employees will be required to repay, and the Department will recover, any resulting overpayment of travel allowance in accordance with clauses 47 to 54 of this Agreement.

393. Where meals and/or accommodation are otherwise provided at the Department's expense or another organisation/entity's expense, the allowances payable under clauses 387 to 391 will be reduced accordingly.

### Excessive Costs

394. The Secretary may vary the amount of travel allowance payable if they consider it insufficient to meet the reasonable expenses of the employee.

## Temporary relocation allowance

395. Where an employee travelling on Departmental business will reside or has resided in the one locality for a period greater than 21 days, the Secretary will negotiate payment of reasonable costs for the temporary relocation.



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## Time off after business travel

396. Where an employee is required to travel outside regular hours of duty (including hours outside the bandwidth), flextime and TOIL provisions apply.

## Overseas travel

397. The Secretary will approve reasonable accommodation costs and an allowance in respect of meals and incidental expenses calculated in accordance with the rates published by the approved subscription service for employees travelling overseas on Departmental business.

## Relocation assistance

398. Where an existing employee is required to relocate at the request of the Department (such as a promotion, term transfer or compulsory transfer), the employee will be provided with financial relocation assistance. Employees who relocate on a temporary basis to take up higher duties are entitled to removal expenses if they relocate for a period of 13 weeks or more.

399. Where an employee is required to relocate on engagement with the Department, the employee will be provided with financial relocation assistance.

400. Reasonable expenses associated with the relocation include:

    400.1 the cost of transport of the employee, their dependents and partner by the most economical means;

    400.2 removal expenses, namely the reimbursement of reasonable incurred costs of the removal of furniture and household effects of the employee, dependants and partner;

    400.3 the reimbursement of the cost of the insurance premium based on a reasonable replacement value; and

    400.4 the reasonably incurred expenses in kennelling and transport of pets, up to the amount specified in the APS Award.

401. Additional relocation assistance may be considered by Secretary discretion. The Secretary may reimburse an employee on term transfer an amount equal to six reunion visits by economy class return travel by air in any one year from the date that the term transfer commences.

## Employee initiated relocation

402. The Secretary may reimburse an eligible employee, or pay third party provider(s) directly with respect to costs incurred by an eligible employee, up to $10,000 for reasonable expenses associated with relocation. This may be increased to $20,000 where the Secretary is satisfied the amount is reasonable and the relocation of the employee is critical.

403. The employee will be an eligible employee when they relocate at their own initiative (and not at the request of the Department).



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404. Employees requesting a transfer to a new locality are generally not deemed to be eligible employees.

## Remote localities

405. Employees will be entitled to remote localities assistance in accordance with clauses 406 to 411. The level of remote locality assistance provided to an employee varies according to the 'grading' of each individual remote locality. The grading methodology used by the Department is consistent with that set out in the *Australian Public Service Enterprise Award 2015*, except that employees stationed in Darwin and Townsville are not entitled to remote localities assistance unless clause 412 (and if applicable, clause 414) applies to them.

406. Remote Locality Assistance Allowance is payable to an employee living in a designated remote locality. The annual rate of remote locality assistance allowance payable for each grade of remote locality is listed in clause 411.

407. An employee and their eligible dependants stationed at a designated remote locality are entitled to fares assistance based on 'lowest practical fare' for return airfares to travel from the locality to the nearest capital city for a leave of absence.

408. The accrual rate of the fares assistance for employees stationed permanently for each grade of remote locality is indicated in clause 410.

409. The Secretary may also approve fares reimbursement for employees and their dependants living in a designated remote locality in the following circumstances:

    409.1 for medical, emergency dental or specialist medical treatment for the employee and any dependants or a partner residing with them; or

    409.2 where a family member of the employee or the employee's partner dies or becomes dangerously or critically ill; or

    409.3 for the cost of up to two student travel concession fares per 12 month period reasonably incurred for return travel by each child from the place where they attend school to the employee's locality.

410. Employees living in designated remote localities will accrue additional annual leave as indicated for each grade of remote locality listed in clause 411.

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411. The below table sets out remote locality assistance for each grade of remote locality:

**Table 1: Remote locality assistance**

| Grade | Remote Locality Assistance Allowance<br><br>With dependants | Remote Locality Assistance Allowance<br><br>Without dependants | Fares assistance | Additional leave entitlement |
|---|---|---|---|---|
| 1 | $4,004 | $3,030 | 1 every two years | 2 days |
| 2 | $7,575 | $6,492 | 1 every two years | 3 days |
| 3 | $11,687 | $7,900 | 1 each year | 5 days |
| 4 | $15,474 | $10,605 | 1 each year | 7 days |

## Employees in Darwin and Townsville

412. Departmental employees who are stationed in Darwin or Townsville who were in receipt of remote locality assistance in these localities on 1 May 2012 or in receipt of remote locality assistance in these localities in another agency and who were transferred to the Department in 2013, 2014 or 2015 following the Administrative Arrangement(s) Order will receive remote locality assistance allowance, fares assistance and additional leave accrual in accordance with Table 2 below.

413. All other employees stationed in Darwin and Townsville are not entitled to remote locality assistance.

414. Eligibility for the retained remote locality assistance for Darwin and Townsville will be continued if the employee temporarily moves within the Department from one remote locality to another remote locality. However, entitlements will cease if the employee permanently moves to another locality.

**Table 2: Preserved Remote locality assistance for employees in Darwin and Townsville**

| Locality | Remote localities assistance allowance<br><br>With Dependants | Remote localities assistance allowance<br><br>Without Dependants | Fares assistance | Additional leave entitlement |
|---|---|---|---|---|
| Darwin, NT | $6,747 | $4,595 | Yearly | 5 days |
| Townsville QLD | $3,979 | $3,011 | 2 yearly | 2 days |



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# Section 10: Consultation, representation and dispute resolution

## Consultation

### Principles

415. Genuine and effective consultation with employees and the relevant union(s), taking into account the diverse needs of employees, fosters a positive and inclusive workplace, enabling the views of employees to be considered.

416. The Department recognises:

- 416.1 the importance of inclusive and respectful consultative arrangements;
- 416.2 employees and the relevant union(s) should have a genuine opportunity to influence decisions;
- 416.3 the nature and extent of consultation will vary depending on the proposed change and the likely impact on employees. Consultation on Departmental policies may occur over at least 2 weeks, whereas a major change is likely to require a more extensive consultation process;
- 416.4 consultation with employees and relevant unions(s) on workplace matters that significantly affect or materially impact them is sound management practice; and
- 416.5 the benefits of employee and union involvement and the right of employees to be represented by their union.

417. Genuine and effective consultation involves:

- 417.1 providing employees and the relevant union(s) with a genuine opportunity to influence the decision prior to a decision being made;
- 417.2 providing all relevant information to employees and the relevant union(s) in a timely manner to support consideration of the issues;
- 417.3 considering feedback from employees and the relevant union(s) in the decision-making process; and
- 417.4 advising employees and the relevant union(s) of the outcome of the process, including how their feedback was considered in the decision-making process.

### When consultation is required

418. Consultation is required in relation to:

- 418.1 changes to work practices which materially alter how an employee carries out their work;
- 418.2 changes to or the introduction of policies or guidelines relevant to workplace matters (unless the changes are minor or procedural);



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418.3 major change that is likely to have a significant effect on employees;

418.4 implementation of decisions that significantly affect employees;

418.5 changes to employees' regular roster or ordinary hours of work (subject to any other relevant provisions in this Agreement); and

418.6 other workplace matters that are likely to significantly or materially impact employees.

419. The Department, employees and the relevant union(s) recognise that consultation prior to a decision may not be practicable where a decision is made by Government or is required due to matters beyond the reasonable control of the Department. In these circumstances, consultation regarding the implementation of the decision will occur as early as is reasonably practicable.

**Provisions for consultation on major change and introduction of a change to regular roster or ordinary hours of work of employees**

420. This clause applies if the Department:

420.1 proposes to introduce a major change to production, program, organisation, structure or technology in relation to its enterprise that is likely to have a significant effect on the employees; or

420.2 proposes to introduce a change to the regular roster or ordinary hours of work of employees.

**Representation**

421. Employees may appoint a representative for the purposes of the procedures in this clause. A representative for the purpose of this clause may be a union representative.

422. The Department must recognise the representative if:

422.1 a relevant employee appoints, or relevant employees appoint, a representative for the purposes of consultation; and

422.2 the employee or employees advise the employer of the identity of the representative.

**Major change**

423. In this clause, a major change is **likely to have a significant effect on employees** if it results in, for example:

423.1 the termination of the employment of employees; or

423.2 major change to the composition, operation or size of the employer's workforce or to the skills required of employees; or

423.3 the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or

423.4 the alteration of hours of work; or



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423.5 the need to retrain employees; or

423.6 the need to relocate employees to another workplace; or

423.7 the restructuring of jobs.

424. The following additional consultation requirements in clause 425 to 431 apply to a proposal to introduce a major change referred to in clause 418.3.

425. Consultation with employees and the relevant union(s) and/or recognised representatives will occur prior to a decision being made, subject to clause 419.

426. Where practicable, a Departmental change manager or a primary point of contact will be appointed and their details provided to employees and the relevant union(s) and/or their recognised representatives.

427. The Department must notify employees and relevant union(s) and/or recognised representatives of the proposal to introduce the major change as soon as practicable.

428. As soon as practicable after proposing the change, or notifying of the change in circumstances described at clause 419, the Department must:

428.1 discuss with affected employees and relevant union(s) and/or other recognised representatives:

428.1.1 the proposed change:

428.1.2 the effect the proposed change is likely to have on the employees; and

428.1.3 proposed measures to avert or mitigate the adverse effect of the proposed change on the employees; and

428.2 for the purposes of the discussion – provide, in writing, to employees and the relevant union(s) and/or other recognised representatives:

428.2.1 all relevant information about the proposed change, including the nature of the change proposed; and

428.2.2 information about the expected effects of the proposed change on the employees; and

428.2.3 any other matters likely to affect the employees.

429. The Department must give prompt and genuine consideration to matters raised about the major change by employees and the relevant union(s) and/or other recognised representatives.

430. However, the Department is not required to disclose confidential or commercially sensitive information to employees and the relevant union(s) and/or other recognised representatives.

431. If a term in this Agreement provides for a major change to production, program, organisation, structure or technology in relation to the enterprise of the Department, the requirements set out in clauses 425 to 429 are taken not to apply.



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**Change to regular roster or ordinary hours of work**

432. The following additional consultation requirements in clause 433 to 436 apply to a proposal to introduce a change referred to in clause 418.5.

433. The Department must notify affected employees and the relevant union(s) and/or other recognised representatives of the proposed change.

434. As soon as practicable after proposing to introduce the change, the Department must:

434.1 discuss with employees and the relevant union(s) and/or other recognised representatives:

434.1.1 the proposed introduction of the change; and

434.2 for the purposes of the discussion – provide to the employees and relevant union(s) and/or other recognised representatives:

434.2.1 all relevant information about the proposed change, including the nature of the proposed change; and

434.2.2 information about what the employer reasonably believes will be the effects of the proposed change on the employees; and

434.2.3 information about any other matters that the employer reasonably believes are likely to affect the employees; and

434.3 invite employees and the relevant union(s) and/or other recognised representatives to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities). However, the Department is not required to disclose confidential or commercially sensitive information to the relevant employees and the relevant union(s) and/or other recognised representatives.

435. The Department must give prompt and genuine consideration to matters raised about the proposed change by the employees and the relevant union(s) and/or other recognised representatives.

**Interaction with emergency management activities**

436. Nothing in this term restricts or limits the ability of a designated emergency management body to undertake activities provided at section 195A(1) of the FW Act.

## Workplace Consultative Forum

437. The Secretary has established an agency consultative committee (referred to as the Workplace Consultative Forum) to discuss relevant workplace matters.

438. The Workplace Consultative Forum will consist of:

438.1 a chairperson and management representatives appointed by the Secretary;

438.2 a minimum of eight employee representatives; and

438.3 a representative from each of the Department's staffing committees.



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439. The Workplace Consultative Forum will meet four times a year, and will deal with changes within the Department, and implementation of Government decisions as they apply to the Department.

440. The Department will consult with employees, through the Workplace Consultative Forum, about proposed changes to workplace policies before a final decision is made.

441. The Workplace Consultative Forum may establish sub-committees on an as needs basis to deal with issues that require specific attention.

442. The Workplace Consultative Forum will operate subject to an agreed terms of reference and structure for the term of the agreement. Representation on the committee will be in accordance with the terms of reference.

## APS consultative committee

443. The Secretary will support the operation of the APS consultative committee to the extent possible. This includes providing information requested by the Australian Public Service Commission to support the operation of the APS consultative committee, subject to legislative requirements.

## Dispute resolution

444. If a dispute relates to:

444.1 a matter arising under the Agreement; or

444.2 the National Employment Standards;

this term sets out procedures to settle the dispute.

445. An employee or union who is covered by this Agreement may initiate and/or be a party to a dispute under this term.

446. An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this term. Representatives will be recognised and dealt with in good faith.

447. Parties to the dispute must attempt to resolve the dispute at the workplace level, by discussion between the employee or employees and relevant managers. Parties to the dispute will notify higher level managers to assist in the resolution of the dispute. Parties will give genuine consideration to proposals to resolve the dispute.

448. If a dispute about a matter arising under this Agreement is unable to be resolved at the workplace level, and all appropriate steps under clause 447 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

449. The Fair Work Commission may deal with the dispute in 2 stages:

449.1 the Fair Work Commission will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and



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449.2 if the Fair Work Commission is unable to resolve the dispute at the first stage, the Fair Work Commission may then:

449.2.1 arbitrate the dispute; and

449.2.2 make a determination that is binding on the parties.

Note: If the Fair Work Commission arbitrates the dispute, it may also use the powers that are available to it under the Act. A decision that the Fair Work Commission makes when arbitrating a dispute is a decision for the purpose of Div 3 of Part 5.1 of the Act. Therefore, an appeal may be made against the decision.

450. While the parties are attempting to resolve the dispute using the procedures in this term:

450.1 an employee must continue to perform their work as they would normally in accordance with established custom and practice at the Department that existed immediately prior to the dispute arising unless they have a reasonable concern about an imminent risk to their health or safety; and

450.2 subject to 450.1, an employee must comply with a direction given by the employer to perform other available work at the same workplace, or at another workplace, unless:

450.2.1 the work is not safe; or

450.2.2 applicable work health and safety legislation would not permit the work to be performed; or

450.2.3 the work is not appropriate for the employee to perform; or

450.2.4 there are other reasonable grounds for the employee to refuse to comply with the direction.

451. The parties to the dispute agree to be bound by a decision made by the Fair Work Commission in accordance with this term.

452. Any disputes arising under the *Department of Social Services Enterprise Agreement 2018 to 2021* or the National Employment Standards that were formally notified under Part 11 of the *Department of Social Services Enterprise Agreement 2018 to 2021* before the commencement of this Agreement, that remain unresolved at the date of commencement of this Agreement, will be progressed under the dispute resolution procedures in this Agreement.

**Leave of absence to attend proceedings**

453. Where the provisions of clauses 444 to 448 have been complied with, and to assist in the resolution of the matter, the employee, and/or the union delegate or other employee representative referred to in clause 446, or employee required to provide evidence, will be granted paid time to attend dispute resolution processes and proceedings in the Fair Work Commission arising from referral of the matter in clause 448.

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## Delegates' rights

454. Union delegates play an important and legitimate role in the workplace. This includes representing their members and supporting employee access to union officials, and providing employee views to the Department.

455. The role of union delegates is to be respected and supported.

456. The Department and union delegates will work together respectfully and collaboratively.

### Supporting the role of union delegates

457. The Department respects the role of union delegates to:

- 457.1 provide information, consult with and seek feedback from employees in the workplace on workplace matters;
- 457.2 consult with other delegates and union officials, and get advice and assistance from union officials;
- 457.3 represent the interests of members to the employer and industrial tribunals; and
- 457.4 represent members at relevant union forums, consultative committees or bargaining.

458. The Department and union delegates recognise that undertaking the role of a union delegate is not the primary purpose of an employee's engagement, and must work with and not unreasonably impact their regular duties. Honorary officials may request additional time and facilities from time to time.

459. Union delegates will be provided with reasonable paid time during their normal working hours to perform their union delegate role. The paid time provided should not result in disruption to critical services or operational requirements.

460. To support the role of union delegates, the Department will, subject to legislative and operational requirements, including privacy and security requirements:

- 460.1 provide union delegates with reasonable access to Departmental facilities and resources, including for paid or unpaid meetings between employees and their unions and to communicate with union officials;
- 460.2 advise union delegates and other union officials of the Departmental facilities and resources available for their use, which may include telephone, photocopying, internet, and email;
- 460.3 allow reasonable official union communication appropriate to the Department from union delegates with employees, including through email, intranet pages and notice boards. This may include providing a link to a union website for employees to access union information. Any assistance in facilitating email communications does not include the Department vetoing reasonable communications;
- 460.4 provide access to new employees as part of induction; and



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460.5 provide reasonable access to union delegates to attend appropriate paid time training in workplace relations matters, during normal working hours.

461. Where APS employees are elected as officials of a trade union or professional association, they are not required to seek permission from the workplace or the Department before speaking publicly in that capacity, subject to the APS Code of Conduct and legislative requirements.

## Employee representational rights

462. The Department respects the principles of freedom of association and recognises that it is every employee's right to freely decide whether or not to join and be represented by a union in workplace matters.

463. The Department recognises that an employee may, in matters concerning their employment, choose to have a representative of their choice to support or represent them.
A representative requested by an employee to act in this capacity may include a union workplace delegate, an elected representative, or a work colleague. The Department and the employee's nominated representative will deal with each other in good faith.

464. The role of employee representatives, including union delegates and other non-union employee representatives, is to be respected and facilitated. Further information is available in the Department's support for employee representatives policy.

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# Section 11: Separation and retention

## Resignation

465. An employee may resign from their employment by giving the Secretary at least 14 calendar days' notice.

466. At the instigation of the Secretary, the resignation may take effect at an earlier date within the notice period. In such cases, the employee will receive paid compensation in lieu of the notice period which is not worked.

467. The Secretary has the discretion to agree to a shorter period of notice or waive the requirement to give notice.

## Payment on death of an employee

468. When an employee dies, or the Secretary has directed that an employee is presumed to have died on a particular date, subject to any legal requirements, the Secretary must authorise payments to the partner, dependants or legal representative of the former employee, the amount to which the former employee would have been entitled had they ceased employment through resignation or retirement, or where legislation provides specifically for amounts calculated based on the death of the employee, those amounts. If payment has not been made within a year of the former employee's death, it should be made to their legal representative.

## Redeployment, retraining, redundancy

469. The redeployment, redundancy and reduction provisions only apply to ongoing employees who are not on probation.

470. The Department will take all reasonably practicable steps to avoid the use of compulsory redundancy or redeployment.

471. The Department will assist employees to maximise their redeployment opportunities within the Department and the wider APS and will fund relevant career and financial counselling in accordance with clause 484.

### Definition

472. An employee will be considered excess where:

472.1 the employee is part of a class of employees that is larger in size than is necessary for the efficient and economical working of the Department; or

472.2 the services of the employee can no longer be used effectively because of technological or other changes in the Department or changes in the nature, extent or organisation of the functions of the Department; or



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472.3 the duties usually performed by the employee are to be performed at a different locality, the employee is not willing to perform duties at the new locality and no suitable alternative duties can be identified at the current locality.

### Notification and consultation

473. The Secretary will notify employees who are likely to become excess as early as possible and, where they choose to have a representative, their representatives will also be notified.

474. The initial notification will usually occur verbally to maximise the time employees have to consider their options.

475. When the Department becomes aware that a significant excess staffing situation may develop, the Secretary will advise relevant employees, managers and employee representatives.

### Discussion period

476. Following the initial notification the Secretary will write to the potentially excess employee(s) formally notifying them of the situation and advising them of the assistance available. At this stage potentially excess employees will be able to discuss their situation and options with management, with this period not exceeding one month ("**discussion period**").

477. During the discussion period, the Secretary may invite employees who are not potentially excess to express interest in voluntary redundancy where this would facilitate the redeployment of an employee who is potentially excess. An employee will not be made redundant voluntarily without Secretary approval.

478. The discussion period may be shortened by agreement with the employee.

## Voluntary redundancy

479. By the end of the one month discussion period, the Secretary may formally offer a voluntary redundancy to the employee.

480. Excess employees will only be offered a voluntary redundancy once during the redundancy process.

481. Where a formal offer of voluntary redundancy is made, employees will have one month to both consider the offer and advise the Department that they are either accepting or rejecting it ("**consideration period**"). Employees who fail to advise the Department of their decision by the end of the consideration period will be assumed to have rejected the offer of voluntary redundancy.

482. An employee's employment will not be terminated on the basis that the employee is an excess employee within this consideration period unless the employee has requested this to occur.

483. Prior to or during the consideration period, the employee will be provided with an estimate of their redundancy benefit and pay in lieu of notice and leave entitlements, relevant taxation rules and the availability of career and financial counselling in addition to being advised about obtaining further information relating to superannuation and relevant taxation rules.



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484. The Department will reimburse (on production of receipt/s) an employee considering voluntary redundancy up to $600 (including GST) for career and/or accredited financial counselling.

485. Employees not accepting an offer of voluntary redundancy will be covered by clauses 496 to 508 below.

**Redundancy benefit**

486. An employee who accepts an offer of voluntary redundancy with a redundancy benefit and whose employment is terminated by the Secretary under section 29 of the PS Act on the grounds that they are excess to requirements, is entitled to payment of a redundancy benefit of an amount equal of two weeks' salary for each completed year of continuous service, plus a pro-rata payment for completed months of service since the last completed year of service, subject to any minimum amount the employee is entitled to under the NES. The minimum payment will be four weeks' salary and the maximum will be 48 weeks' salary.

487. The redundancy benefit will be calculated on a pro-rata basis for any period where an employee has worked part-time hours during their period of service and the employee has less than 24 years full-time service, subject to any minimum amount the employee is entitled to under the NES.

488. For the purposes of calculating any payment, salary will include:

488.1 the employee's salary at their ongoing substantive classification;

488.2 higher duties allowance, where the employee has been receiving higher duties allowance continuously for a period of at least 12 months immediately preceding the employee's notification of termination date; and

488.3 an allowance that has been paid during periods of annual leave and on a regular basis and is not a reimbursement for expenses incurred or a payment for disabilities associated with the performance of a duty.

**Calculating service for redundancy pay purposes**

489. For the purpose of calculating an employee's redundancy benefit, service means:

489.1 service in the Department;

489.2 Government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*;

489.3 service with the Commonwealth (other than service with a joint Commonwealth-State body or a body corporate in which the Commonwealth does not have a controlling interest) which is recognised for long service leave purposes;

489.4 service with the Australian Defence Forces;

489.5 APS service immediately preceding deemed resignation under the repealed section 49 of the *Public Service Act 1922* if the service has not previously been recognised for redundancy pay purposes; and

489.6 service in another organisation where:



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489.6.1 an employee was transferred from the APS to that organisation to give effect to an administrative re-arrangement; or

489.6.2 within a function is appointed as a result of the transfer of that function to the APS, and such service is recognised for long service leave purposes.

490. For earlier periods of service as defined above to count there must be no breaks between the periods except where:

490.1 the break in service is less than one month and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer; or

490.2 the earlier period of service was with the APS and ceased because the employee was deemed to have resigned from the APS on marriage under the repealed section 49 of the *Public Service Act 1922*.

**Service not to count as service for redundancy pay purposes**

491. Absences from duty which do not count as service for long service leave purposes will not count as service for redundancy pay purposes.

492. Periods of service that will not count as service for redundancy pay purposes are periods of service that ceased by way of:

492.1 termination under section 29 of the PS Act; or

492.2 prior to the commencement of the PS Act, by way of redundancy; forfeiture of office, retirement on the grounds of invalidity, inefficiency or loss of qualifications; dismissal or termination of probationary appointment for reasons of unsatisfactory service; or

492.3 voluntary retirement at or above the minimum retiring age applicable to the employee; or

492.4 payment of a redundancy benefit or a similar payment or an employer-financed retirement benefit.

**Period of notice – termination with a voluntary redundancy**

493. Employees over 45 years of age with at least two years of continuous service will be given five weeks' notice. All other employees will be given four weeks' notice.

494. If an employee requests, and the Secretary agrees, that their employment be terminated within this notice period, they will be paid compensation for the unexpired portion of the notice period equal to the hours they would have worked during the notice period had their employment not been terminated.

495. The Secretary will approve reasonable time off with full pay for the employee to attend necessary employment interviews from the start of the notice period. Where expenses to attend interviews are not met by the prospective employer, the Secretary will reimburse agreed reasonable travel and incidental expenses.



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## Involuntary redundancy, retention, redeployment and reduction

### Retention period

496. An excess employee who does not agree to an offer of voluntary redundancy with the payment of a redundancy benefit will be entitled to the following period of retention, commencing from the date one month after the employee received their offer of voluntary redundancy:

496.1 13 months where the employee has 20 or more years of service or is over 45 years of age; or

496.2 7 months for all other employees.

497. If an employee is entitled to a redundancy payment under the NES, the retention period at clause 496 will be reduced by the number of weeks redundancy pay that the employee will be entitled to under the NES on termination, as at the expiration of the retention period (as adjusted by this clause).

498. The retention period will not be extended by periods of leave taken by the excess employee unless, after considering the circumstances of the individual case, the Secretary deems an extension as a result of a period of leave taken to be reasonable.

499. Where the Secretary is satisfied that there is insufficient productive work available for the employee during the remainder of the retention period and that there are no reasonable redeployment prospects in the APS:

499.1 the Secretary can terminate the employee's employment under section 29 of the PS Act; and

499.2 upon termination, the employee will be paid a lump sum comprising:

499.1.1 the balance of the retention period (as shortened for the NES under clause 497) and this payment will be taken to include the payment in lieu of notice of termination of employment, plus

499.1.2 the employee's NES entitlement to redundancy pay.

### Redeployment

500. Employees on a retention period will be considered in isolation from and not in competition with other applicants when seeking assignment to another position within the Department.

501. During the retention period, the Secretary:

501.1 will take all reasonable steps to find alternative employment for the excess employee; and/or

501.2 may reduce the excess employee's classification with the appropriate notice in order to secure them alternative employment, subject to the conditions set out in clauses 504 and 505 below.

502. During the retention period the employee will:



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502.1 take reasonable steps to find alternative employment; and

502.2 actively participate in learning and development activities, trial placements or other agreed arrangements to assist in obtaining a permanent placement.

503. Excess employees are entitled to necessary leave with pay and assistance in meeting reasonable travel and incidental expenses when seeking alternative employment, where these are not met by the prospective employer.

**Reduction in classification**

504. Where the Secretary proposes to reduce an excess employee's classification as a means of securing alternative employment, the employee will be given four weeks' notice or, if over 45 years of age with at least five years' continuous service, will be given five weeks' notice.

505. If reduction occurs before the end of the retention period, the employee will receive payments to maintain the employee's salary level for the balance of the retention period.

**Period of notice – termination of the retention period**

506. An excess employee's employment will be terminated under section 29 of the PS Act at the end of their retention period.

507. Where an excess employee's employment is to be terminated they will be given four weeks' notice. Employees over 45 years of age with at least two years' continuous service will be given five weeks' notice. This notice period will, as far as practicable, be concurrent with the employee's retention period.

508. If an employee's employment is terminated within this notice period, they will be paid compensation for the unexpired portion of the notice period equal to the hours they would have worked during the notice period had their employment not been terminated.

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# Attachment A – Base salaries

1. The following annual salary rates will apply to employees who are not in a Broadband.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 |
|---|---|---|---|---|---|
| Classification | Salary levels | As at 31 August 2023 | From the later of commencement of the Agreement or 14 March 2024 | From 13 March 2025 | From 12 March 2026 |
| APS Level 1 | APS1-1 | $50,159 | $52,165 | $54,516 | |
| APS Level 1 | APS1-2 | $51,266 | $53,317 | $55,343 | $57,497 |
| APS Level 1 | APS1-3 | $53,023 | $55,144 | $57,239 | $59,185 |
| APS Level 1 | APS1-4 | $55,409 | $57,625 | $59,815 | $61,849 |
| | | | | | |
| APS Level 2 | APS2-1 | $57,870 | $60,185 | $62,472 | $64,596 |
| APS Level 2 | APS2-2 | $59,607 | $61,991 | $64,347 | $66,535 |
| APS Level 2 | APS2-3 | $63,611 | $66,155 | $68,669 | $71,004 |
| APS Level 2 | APS2-4 | $64,396 | $66,972 | $69,517 | $71,881 |
| | | | | | |
| APS Level 3 | APS3-1 | $66,878 | $69,553 | $72,196 | $74,651 |
| APS Level 3 | APS3-2 | $68,769 | $71,520 | $74,238 | $76,762 |
| APS Level 3 | APS3-3 | $71,727 | $74,596 | $77,431 | $80,064 |
| APS Level 3 | APS3-4 | $72,565 | $75,468 | $78,336 | $80,999 |
| | | | | | |
| APS Level 4 | APS4-1 | $75,770 | $78,801 | $81,795 | $84,576 |
| APS Level 4 | APS4-2 | $77,853 | $80,967 | $84,044 | $86,901 |
| APS Level 4 | APS4-3 | $80,249 | $83,459 | $86,630 | $89,575 |
| APS Level 4 | APS4-4 | $81,442 | $84,700 | $87,919 | $90,908 |
| | | | | | |
| APS Level 5 | APS5-1 | $83,213 | $86,542 | $89,831 | $92,885 |
| APS Level 5 | APS5-2 | $84,741 | $88,131 | $91,480 | $94,590 |
| APS Level 5 | APS5-3 | $87,863 | $91,378 | $94,850 | $98,075 |
| APS Level 5 | APS5-4 | $88,865 | $92,420 | $95,932 | $99,194 |
| | | | | | |
| APS Level 6 | APS6-1 | $91,145 | $94,791 | $98,393 | $101,738 |
| APS Level 6 | APS6-2 | $95,323 | $99,136 | $102,903 | $106,402 |
| APS Level 6 | APS6-3 | $100,764 | $104,795 | $108,777 | $112,475 |
| APS Level 6 | APS6-4 | $102,448 | $106,546 | $110,595 | $114,355 |
| | | | | | |
| Executive Level 1 | EL1-1 | $113,563 | $118,106 | $122,594 | $126,762 |
| Executive Level 1 | EL1-2 | $119,683 | $124,470 | $129,200 | $133,593 |
| Executive Level 1 | EL1-3 | $124,292 | $129,264 | $134,176 | $138,738 |
| Executive Level 1 | EL1-4 | $128,907 | $134,063 | $139,157 | $143,888 |
| | | | | | |
| Executive Level 2 | EL2-1 | $133,851 | $139,205 | $144,495 | $149,408 |
| Executive Level 2 | EL2-2 | $145,382 | $151,197 | $156,942 | $162,278 |
| Executive Level 2 | EL2-3 | $151,963 | $158,042 | $164,048 | $169,626 |

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 |
|---|---|---|---|---|---|
| Executive Level 2 | EL2-4 | $157,811 | $164,123 | $170,360 | $176,152 |

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## Entry level broadband

2. The following local titles are included in the Entry Level Broadband:

   2.1 Trainees (T);

   2.2 Indigenous Apprenticeship Program (A);

   2.3 Graduates (G);

   2.4 Cadet - Research Officer (R); and

   2.5 ICT Cadets (IT).

3. During the life of this Agreement the Secretary may include other entry level local titles to this broadband.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|---|---|---|---|---|---|---|
| Classification | Salary levels | Local title | As at 31 August 2023 | From the later of commencement of the Agreement or 14 March 2024 | From 13 March 2025 | From 12 March 2026 |
| APS Level 1 | APS1-1 | Entry Level (T, A,G, R, or IT) | $50,159 | $52,165 | $54,516 | |
| APS Level 1 | APS1-2 | Entry Level (T, A,G, R, or IT) | $51,266 | $53,317 | $55,343 | $57,497 |
| APS Level 1 | APS1-3 | Entry Level (T, A,G, R, or IT) | $53,023 | $55,144 | $57,239 | $59,185 |
| APS Level 1 | APS1-4 | Entry Level (T, A,G, R, or IT) | $55,409 | $57,625 | $59,815 | $61,849 |
| Soft Barrier | | | | | | |
| APS Level 2 | APS2-1 | Entry Level (T, A,G, R, or IT) | $57,870 | $60,185 | $62,472 | $64,596 |
| APS Level 2 | APS2-2 | Entry Level (T, A,G, R, or IT) | $59,607 | $61,991 | $64,347 | $66,535 |
| APS Level 2 | APS2-3 | Entry Level (T, A,G, R, or IT) | $63,611 | $66,155 | $68,669 | $71,004 |
| APS Level 2 | APS2-4 | Entry Level (T, A,G, R, or IT) | $64,396 | $66,972 | $69,517 | $71,881 |
| Soft Barrier | | | | | | |
| APS Level 3 | APS3-1 | Entry Level (T, A,G, R, or IT) | $66,878 | $69,553 | $72,196 | $74,651 |
| APS Level 3 | APS3-2 | Entry Level (T, A,G, R, or IT) | $68,769 | $71,520 | $74,238 | $76,762 |
| APS Level 3 | APS3-3 | Entry Level (T, A,G, R, or IT) | $71,727 | $74,596 | $77,431 | $80,064 |
| APS Level 3 | APS3-4 | Entry Level (T, A,G, R, or IT) | $72,565 | $75,468 | $78,336 | $80,999 |
| Soft Barrier | | | | | | |
| APS Level 4 | APS4-1 | Entry Level (T, A,G, R, or IT) | $75,770 | $78,801 | $81,795 | $84,576 |
| APS Level 4 | APS4-2 | Entry Level (T, A,G, R, or IT) | $77,820 | $80,967 | $84,044 | $86,901 |
| APS Level 4 | APS4-3 | Entry Level (T, A,G, R, or IT) | $80,249 | $83,459 | $86,630 | $89,575 |
| APS Level 4 | APS4-4 | Entry Level (T, A,G, R, or IT) | $81,442 | $84,700 | $87,919 | $90,908 |
| Soft Barrier | | | | | | |
| APS Level 5 | APS5-1 | Entry Level (T, A,G, R, or IT) | $83,213 | $86,542 | $89,831 | $92,885 |



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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|---|---|---|---|---|---|---|
| APS Level 5 | APS5-2 | Entry Level (T, A,G, R, or IT) | $84,741 | $88,131 | $91,480 | $94,590 |
| APS Level 5 | APS5-3 | Entry Level (T, A,G, R, or IT) | $87,863 | $91,378 | $94,850 | $98,075 |
| APS Level 5 | APS5-4 | Entry Level (T, A,G, R, or IT) | $88,865 | $92,420 | $95,932 | $99,194 |

## Entry pay points

4. Entry pay points will be assessed in accordance with clauses 23 to 29 of this Agreement having specific regard to the participant's qualifications, work experience, skills and abilities and the program the employee is undertaking.

## Payment to Cadet – Research Officers

5. Cadet – Research Officers will be paid 57% of their salary for the time during the year they study while on the cadetship.

## ICT Cadets

6. ICT Cadets will be employed on a part-time basis at a minimum of two full days per week during the University Semester with the option of full-time employment during University holidays for the approved period of study.

7. The Secretary will approve payment of an Academic Allowance to ICT Cadets of $800 per successfully completed unit, capped at 4 units per semester. The allowance is taxable and will be paid through the payroll system. In the event that a Cadet withdraws, or due to a breach of the conditions of the ICT Cadetship is removed from the Cadetship Program, the ICT Cadet may be required to repay the full amount of Academic Allowance payments received within 30 days of withdrawal or removal from the Program.

## Requirements

8. Entry Level employees are required to undertake a program/course of training determined by the Secretary.

*Advancement*

9. Entry Level employees will be entitled to advance through the soft barriers within the Entry Level broadband as set out in their Letter of Offer.

10. Advancement through the soft barriers within the Entry Level broadband as set out in their Letter of Offer is subject to:

    10.1 satisfactory completion of the program/course of training determined in accordance with clause 8;

    10.2 sufficient work being available at the higher classification level;

    10.3 the employee having gained the necessary skill and proficiencies to perform the more complex work; and

    10.4 the employee's performance being assessed as satisfactory.



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## Legal Pay Scale and Broadband

11. The following annual salary rates will apply to employees who meet the eligibility requirements and who are employed in the Legal local titles.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|---|---|---|---|---|---|---|
| Classification | Salary levels | Local title | As at 31 August 2023 | From the later of commencement of the Agreement or 14 March 2024 | From 13 March 2025 | From 12 March 2026 |
| APS Level 3 | LO1.1 | Lawyer | | $74,596 | $77,431 | $80,064 |
| APS Level 3 | LO1.2 | Lawyer | | $75,468 | $78,336 | $80,999 |
| Soft Barrier – Work Value/Availability Barrier | | | | | | |
| APS Level 4 | LO2.1 | Lawyer | $80,249 | $83,459 | $86,630 | $89,575 |
| APS Level 4 | LO2.2 | Lawyer | $81,442 | $84,700 | $87,919 | $90,908 |
| Soft Barrier – Work Value/Availability Barrier | | | | | | |
| APS Level 5 | LO3.1 | Lawyer | $87,863 | $91,378 | $94,850 | $98,075 |
| APS Level 5 | LO3.2 | Lawyer | $88,865 | $92,420 | $95,932 | $99,194 |
| Soft Barrier – Work Value/Availability Barrier | | | | | | |
| APS Level 6 | LO4.1 | Lawyer | $91,145 | $94,791 | $98,393 | $101,738 |
| APS Level 6 | LO4.2 | Lawyer | $95,323 | $99,136 | $102,903 | $106,402 |
| APS Level 6 | LO4.3 | Lawyer | $102,448 | $106,546 | $110,595 | $114,355 |
| APS Level 6 | LO4.4 | Lawyer | $103,832 | $107,985 | $112,088 | $115,899 |
| Hard Barrier – Advancement subject to a merit process | | | | | | |
| Executive Level 1 | SLO1.1 | Senior Lawyer | $119,683 | $124,470 | $129,200 | $133,593 |
| Executive Level 1 | SLO1.2 | Senior Lawyer | $127,272 | $132,363 | $137,393 | $142,064 |
| Executive Level 1 | SLO1.3 | Senior Lawyer | $128,907 | $134,063 | $139,157 | $143,888 |
| Executive Level 1 | SLO1.4 | Senior Lawyer | $138,251 | $143,781 | $149,245 | $154,319 |
| Hard Barrier – Advancement subject to a merit process | | | | | | |
| Executive Level 2 | PLO1.1 | Principal Lawyer | $145,382 | $151,197 | $156,942 | $162,278 |
| Executive Level 2 | PLO1.2 | Principal Lawyer | $151,197 | $157,245 | $163,220 | $168,769 |
| Executive Level 2 | PLO1.3 | Principal Lawyer | $157,748 | $164,058 | $170,292 | $176,082 |
| Executive Level 2 | PLO1.4 | Principal Lawyer | $164,125 | $170,690 | $177,176 | $183,200 |
| Work Value/Availability Barrier | | | | | | |
| Executive Level 2 | PLO1.5 | Special Counsel* | $164,572 | $171,155 | $177,659 | $183,699 |

*Access to the Special Counsel designation can only be achieved where the Secretary is satisfied that there is a need to undertake high level managerial responsibilities and/or high level technical legal skills in the Department's Legal Practice and the employee has the skills and experience to warrant movement to that local title.

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**Eligibility for entry to Legal Pay Scale and Broadband**

12. An employee is eligible for entry to the Legal Pay Scale and Broadband if:

    12.1 they are required to perform legal work; and

    12.2 at least one of the below applies:

        12.2.1 the employee possesses a degree from an Australian tertiary institution or a comparable qualification and has been admitted, or is eligible for admission, as a legal practitioner of the High Court or the Supreme Court of an Australian State or Territory; and/or

        12.2.2 the Secretary determines that the employee's skills, qualifications and experience in relation to legal work are appropriate for entry.

**Advancement**

13. Legal Pay Scale and Broadband employees will be entitled to advance through the soft barriers within the Legal Pay Scale and Broadband subject to:

    13.1 sufficient work being available at the higher classification level;

    13.2 the employee having gained the necessary skill and proficiencies to perform the more complex work; and

    13.3 the employee's performance being assessed as satisfactory.

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## Public Affairs Officers Pay Scale and Broadband

14. The following annual salary rates will apply to employees who are employed in the Public Affairs Officer local titles.

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 |
|---|---|---|---|---|---|---|
| Classification | Salary levels | Local title | As at 31 August 2023 | From the later of commencement of the Agreement or 14 March 2024 | From 13 March 2025 | From 12 March 2026 |
| APS Level 4 | PAO1.1 | PAO1 | $75,770 | $78,801 | $81,795 | $84,576 |
| APS Level 4 | PAO1.2 | PAO1 | $77,853 | $80,967 | $84,044 | $86,901 |
| APS Level 4 | PAO1.3 | PAO1 | $80,249 | $83,459 | $86,630 | $89,575 |
| APS Level 4 | PAO1.4 | PAO1 | $81,442 | $84,700 | $87,919 | $90,908 |
| Soft Barrier - Work Value/Availability Barrier | | | | | | |
| APS Level 5 | PAO1.5 | PAO1 | $83,213 | $86,542 | $89,831 | $92,885 |
| APS Level 5 | PAO1.6 | PAO1 | $84,741 | $88,131 | $91,480 | $94,590 |
| APS Level 5 | PAO1.7 | PAO1 | $87,863 | $91,378 | $94,850 | $98,075 |
| APS Level 5 | PAO1.8 | PAO1 | $88,865 | $92,420 | $95,932 | $99,194 |
| Hard Barrier – Advancement subject to a merit process | | | | | | |
| APS Level 6 | PAO2.1 | PAO2 | $91,145 | $94,791 | $98,393 | $101,738 |
| APS Level 6 | PAO2.2 | PAO2 | $95,323 | $99,136 | $102,903 | $106,402 |
| APS Level 6 | PAO2.3 | PAO2 | $100,764 | $104,795 | $108,777 | $112,475 |
| APS Level 6 | PAO2.4 | PAO2 | $103,832 | $107,985 | $112,088 | $115,899 |
| Hard Barrier – Advancement subject to a merit process | | | | | | |
| Executive Level 1 | PAO3.1 | PAO3 | $113,563 | $118,106 | $122,594 | $126,762 |
| Executive Level 1 | PAO3.2 | PAO3 | $119,683 | $124,470 | $129,200 | $133,593 |
| Executive Level 1 | PAO3.3 | PAO3 | $124,292 | $129,264 | $134,176 | $138,738 |
| Executive Level 1 | PAO3.4 | PAO3 | $128,907 | $134,063 | $139,157 | $143,888 |
| Executive Level 1 | PAO3.5 | PAO3 | $136,976 | $142,455 | $147,868 | $152,896 |
| Hard Barrier – Advancement subject to a merit process | | | | | | |
| Executive Level 2 | SPAO1.1 | SPAO | $141,179 | $146,826 | $152,405 | $157,587 |
| Executive Level 2 | SPAO1.2 | SPAO | $145,382 | $151,197 | $156,942 | $162,278 |
| Executive Level 2 | SPAO1.3 | SPAO | $151,963 | $158,042 | $164,048 | $169,626 |
| Executive Level 2 | SPAO1.4 | SPAO | $157,811 | $164,123 | $170,360 | $176,152 |

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**Eligibility for entry to Public Affairs Officer Pay Scale and Broadband**

15. An employee is eligible for entry to the above Public Affairs Officer Pay Scale and Broadband if:

15.1 they are required to perform public affairs work; and

15.2 at least one of the below applies:

15.2.1 the employee possesses a degree in journalism, communications, marketing and/or public relations from an Australian tertiary institution or qualifications; and/or

15.2.2 the Secretary determines that the employee's work experience is comparable to the qualifications in clause 15.2.1.

**Advancement**

16. Public Affairs Officers will be entitled to advance through the soft barriers within the Public Affairs Officer Pay Scale and Broadband subject to:

16.1 sufficient work being available at the higher classification level;

16.2 the employee having gained the necessary skill and proficiencies to perform the more complex work; and

16.3 the employee's performance being assessed as satisfactory.

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# Attachment B – Supported Wage System

1. This schedule defines the condition which will apply to employees because of the effects of a disability and who are eligible for a supported wage under the terms of this Agreement.

## Definitions

2. In this schedule:

**Approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system.

**Assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system.

**Disability Support Pension** means the Commonwealth Government pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme.

**Relevant minimum wage** means the minimum wage prescribed in this Agreement for the class of work for which an employee is engaged.

**Supported Wage System (SWS)** means the Commonwealth Government system to promote employment for people who cannot work at full Agreement wages because of a disability, as documented in the Supported Wage System Handbook and Guidelines. The Handbook is available from the JobAccess website (www.jobaccess.gov.au).

**SWS wage assessment agreement** means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate.

## Eligibility criteria

3. Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class for which the employee is engaged under this Agreement, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

4. The schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this Agreement relating to the rehabilitation of employees who are injured in the course of their employment.

## Supported wage rates

5. Employees to whom this clause applies shall be paid the applicable percentage of the relevant minimum wage according to the following schedule:



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**Table 3 Applicable percentage of relevant minimum wage paid to applicable employees**

| Assessed capacity | Percentage of Agreement rate |
|---|---|
| 10 per cent | 10 per cent |
| 20 per cent | 20 per cent |
| 30 per cent | 30 per cent |
| 40 per cent | 40 per cent |
| 50 per cent | 50 per cent |
| 60 per cent | 60 per cent |
| 70 per cent | 70 per cent |
| 80 per cent | 80 per cent |
| 90 per cent | 90 per cent |

6. Provided that the minimum amount payable to an employees to whom the SWS applies is not less than the amount prescribed in the National Minimum Wage Order. Note: The minimum amount payable is reviewed every year in July.

7. Where an employee's assessed capacity is 10 per cent, they must receive a high degree of assistance and support.

## Assessment of capacity

8. For the purposes of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and the employee, and if the employee so desires, a union which the employee is eligible to join.

9. Assessment made under this schedule must be documented in a SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the FW Act.

## Lodgement of SWS wage assessment agreement

10. All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

11. All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the agreement is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.



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## Review of assessment

12. The assessment of the applicable percentage should be subject to annual review or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

## Other terms and conditions of employment

13. Where an assessment has been made, the applicable percentage will apply to the relevant wage rate only. Employees covered by the provisions of the schedule will be entitled to the same terms and conditions of employment as all other workers covered by this Agreement paid on a pro-rata basis.

## Workplace adjustment

14. An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve redesign of job duties, working time arrangements and work organisation in consultation with other workers in the area.

## Trial period

15. In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a Trial Period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

16. During that Trial Period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

17. The minimum amount payable to the employee during the Trial Period must be no less than the current weekly rate, as determined by the Fair Work Commission.

18. Work trials should include induction or training as appropriate to the job being trialled.

19. Where the employer and employee wish to establish a continuing employment relationship following the completion of the Trial Period, a further contract of employment will be entered into based on the outcome of assessment under clause 8 and 9.

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# Attachment C – Recognition of allowances

| | Counts as salary for superannuation purposes | Counts as salary for calculation of overtime | Payable during long service leave | Payable during annual leave | Payable during personal leave, other paid leave and purchased leave | Reduced pro-rata during period of half pay (if payable during leave) or part-time employment | Included in income maintenance for excess staff | Included in income for redundancy benefit purposes | Included in salary for payment in lieu of notice of termination of employment | Included in payment in lieu of long service leave | Included in payment in lieu of annual leave |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Higher duties Allowance | Yes[4] | Yes | Yes[1] | Yes[1] | Yes[1] | Yes | Yes[1] | Yes[2] | Yes[2] | Yes[1] | Yes[1] |
| Shift Allowance | Yes[4] | No | No | Yes | No | Yes | No | No | Yes[1] | Yes[1] | Yes[1] |
| Restriction Allowance | Yes[4] | No | No | No | No | No | No | No | Yes[1] | No | No |
| Workplace Contact Officer[4] | Yes[4] | No | Yes[3] | Yes[3] | Yes[3] | No | Yes[3] | Yes[3] | Yes[1] | Yes[3] | Yes[3] |
| Community Language Allowance | Yes[4] | No | Yes | Yes | Yes | No | Yes[1] | Yes[1] | Yes[1] | Yes[1] | Yes[1] |
| Departmental Liaison Officer Allowance | Yes[4] | No | Yes | Yes | Yes | Yes | Yes[1] | Yes[1] | Yes[1] | Yes[1] | Yes[1] |
| Remote Locality Assistance Allowance | No | No | Yes[1] | Yes[1] | Yes | No | Yes[1] | No | Yes[1] | Yes[1] | Yes[1] |

[1] Subject to relevant legislation and/or clauses in this Agreement.

[2] If in receipt of allowance on last day of service.

[3] Allowance is only payable during periods of leave up to 20 days. Allowance will cease for periods in excess of 20 days. The payment for the allowance will only resume upon the employee's return to the workplace and if the employee remains appointed to the relevant role.

[4] Subject to relevant superannuation rules.



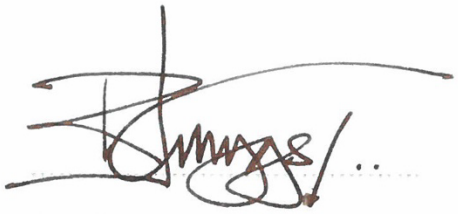
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## SIGNATORIES

**Employer**

Signed for, and on behalf of, the Commonwealth of Australia as represented by the Department of Social Services



Ray Griggs
Secretary
Department of Social Services
71 Athllon Drive, Greenway ACT 2900

**Bargaining representative: Community and Public Sector Union**

Signed for, and on behalf of, the Community and Public Sector Union



Beth Vincent-Pietsch
Deputy Secretary
Community and Public Sector Union
4/224 Bunda Street, Canberra ACT 2601

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**IN THE FAIR WORK COMMISSION**

**FWC Matter No:** AG2024/439

**Section 185 – Application for approval of a single enterprise agreement**

**Applicant:** Commonwealth of Australia as represented by the Department of Social Services

I, Richard Baumgart, Group Manager Corporate, on behalf of the Commonwealth of Australia as represented by the Department of Social Services (**Department**) give the following undertaking pursuant section 190 of the *Fair Work Act 2009* (Cth) with respect to the *Department of Social Services Enterprise Agreement 2024 – 2027* (**Agreement**):

1. For the purposes of clauses 104 and 184 of the Agreement, the part-time work agreement setting out an employee's agreed part time hours will be issued before the part-time arrangement commences and will include:

    a. the ordinary hours the employee will work each week; and

    b. the pattern of hours to be worked, including starting and finishing times for employees other than shiftworkers, on each or any day of the week, within the bandwidth. The pattern of hours will provide for no less than three hours per day, or an alternative period agreed.

2. If, during a four week settlement period, a shiftworker is directed to work overtime on a Saturday, the Department will:

    a. at the end of that settlement period, conduct a reconciliation between the amount the employee would have been entitled to be paid under the *Australian Public Service Enterprise Award 2015* (**APS Award**) and the amount they are entitled to under the Agreement for that period; and

    b. if there is any shortfall between the amount that the employee is entitled to be paid under the Agreement and the amount that would have been paid to the employee under the APS Award, pay the employee the amount of that shortfall plus $5.00 in the next pay period.

3. If, during a four week settlement period, an APS1 employee works after 6.00pm on a weekday, or temporarily occupies a role acting at a higher classification level for which they are not entitled to receive higher duties allowance, the Department will:

    a. at the end of that settlement period, conduct a reconciliation between the amount the employee would have been entitled to be paid under the APS Award and the amount they are entitled to under the Agreement for that period; and

    b. if there is any shortfall between the amount that the employee is entitled to be paid under the Agreement and the amount that would have been paid to the employee under the APS Award, pay the employee the amount of that shortfall plus $5.00 in the next pay period.

Richard Baumgart
Group Manager Corporate

8 March 2023

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# News Hub



## Understanding Cultural, First Nations and Volunteer Leave

Monday, 23 March 2026

The DSS Enterprise Agreement 2024–2027 provides you with greater clarity for Cultural, First Nations ceremonial, and Community Volunteering leave. Together with the DSS Leave Policy, they support you to:

- meet cultural responsibilities
- maintain community connections
- take part in volunteering activities.

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### Community Volunteering Leave

The department encourages you to contribute to the community through recognised volunteering activities. Under the Enterprise Agreement, you may access:

- up to 2 days of paid miscellaneous leave each calendar year for community volunteering
- additional unpaid miscellaneous leave, noting that up to 20 days per calendar year may count as service.

To be eligible, the volunteering activity must:

- be done with a not-for-profit community organisation (preferably ACNC-registered)
- provide a clear community benefit

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- not replace a paid worker
- not be for personal benefit, or promoting political or religious views (unless the organisation confirms that is part of your role.

Before applying, you should consider potential conflicts of interest and discuss these with your manager. Delegates must confirm the nature of the organisation, the community benefit, and no conflicts when assessing applications.

## Guidance for Delegates

Delegates must be certain the leave is applied in line with policy. When considering cultural, ceremonial or volunteer leave requests, delegates should:

- refer to the Enterprise Agreement and Leave Policy to apply the correct leave type
- ensure decisions are fair, consistent and culturally respectful
- assess operational requirements while considering the employee's circumstances
- verify volunteering organisations meet eligibility requirements
- seek clarification from the staff member when needed with a focus on respectful understanding.

These leave options recognise we all have commitments outside work, whether that's cultural, spiritual or community based. They help you to stay connected with your culture and community without depleting your annual or personal leave.

## More information

You can refer to the Enterprise Agreement - STAFFnet page for more detail. You can also contact HR Payroll on 1800 799 140 (option 1) or via email to the PayAndConditions@dss.gov.au mailbox.

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