



Australian Government

Department of Industry,
Science and Resources

Department of Industry, Science and Resources Enterprise Agreement 2024- 2027

This version of the *Department of Industry, Science and Resources Enterprise Agreement 2024 – 2027* incorporates the variations approved by Commissioner Lee on 4 April 2024 (Order PR773178).

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Section 1 - Technical matters

Title

1. This agreement will be known as the Department of Industry, Science and Resources Enterprise Agreement 2024 – 2027.

Parties to the agreement

2. The agreement covers:
 - 2.1. the Secretary of the Department of Industry, Science and Resources, for and on behalf of the Commonwealth of Australia as the employer;
 - 2.2. all employees in the Department of Industry, Science and Resources employed under the *PS Act* other than:
 - 2.2.1. senior executive service employees or equivalent;
 - 2.2.2. employees of Geoscience Australia; and
 - 2.2.3. employees of IP Australia;
 - 2.3. subject to notice being given in accordance with section 183 of the *FW Act*, and the following employee organisations which were bargaining representatives for this agreement:
 - 2.3.1. Community and Public Sector Union; and
 - 2.3.2. Professionals Australia.

Operation of the agreement

3. This agreement will commence operation 7 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.
6. Information in relation to delegations for matters arising under this agreement can be found on the department's intranet.

National Employment Standards (NES) precedence

7. 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

8. 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.
 - 8.1. A list of relevant legislation is maintained on the department's intranet.
9. This agreement will be supported by policies and guidelines, as implemented and varied from time to time.
10. 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

11. The Secretary 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:
 - 11.1. the agreement deals with one or more of the following matters:
 - 11.1.1. arrangements about when work is performed;
 - 11.1.2. overtime rates;
 - 11.1.3. penalty rates;
 - 11.1.4. allowances;
 - 11.1.5. remuneration;
 - 11.1.6. leave and leave loading; and
 - 11.2. the arrangement meets the genuine needs of the department and employee in relation to one or more of the matters mentioned in clause 11.1; and
 - 11.3. the arrangement is genuinely agreed to by the Secretary and employee.
12. The Secretary must ensure that the terms of the individual flexibility arrangement:
 - 12.1. are about permitted matters under section 172 of the FW Act;
 - 12.2. are not unlawful terms under section 194 of the FW Act; and
 - 12.3. result in the employee being better off overall than the employee would be if no arrangement was made.
13. The Secretary must ensure that the individual flexibility arrangement:

- 13.1. is in writing;
 - 13.2. includes the name of the department and employee;
 - 13.3. is signed by the Secretary and employee and, if the employee is under 18 years of age, signed by a parent or guardian of the employee; and
 - 13.4. includes details of:
 - 13.4.1. the terms of the enterprise agreement that will be varied by the arrangement;
 - 13.4.2. how the arrangement will vary the effect of the terms;
 - 13.4.3. 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
 - 13.5. states the day on which the arrangement commences.
14. The Secretary must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.
15. The Secretary or employee may terminate the individual flexibility arrangement:
- 15.1. by giving no more than 28 days written notice to the other party to the arrangement; or
 - 15.2. if the Secretary and employee agree in writing – at any time.
16. The Secretary and employee are to review the individual flexibility arrangement at least every 12 months.

Definitions

17. The following definitions apply to this agreement:

Agreement means the Department of Industry, Science and Resources Enterprise Agreement 2024 – 2027.

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.

APS means the Australian Public Service.

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.

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.

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 (including a child of an employee who has been granted parental rights via valid domestic surrogacy arrangements), foster child, stepchild, 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. This includes a former de facto partner.

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

Department means the Department of Industry, Science and Resources, excluding IP Australia and Geoscience Australia.

Dependant means the employee's spouse or de facto partner, a child, parent or aged relative of the employee or the employee's spouse or de facto 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.

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*, as amended from time to time, or any successor to that scheme.

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 spouse, former spouse, de facto partner or former de facto partner of the employee;
- b. a child, parent, grandparent, grandchild, or sibling of the employee;
- c. a child, parent, grandparent, grandchild, or sibling of a spouse, former spouse, de facto partner or former de facto partner of the employee;
- d. a member of the employee's household;
- 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; or
- f. another person who is related to the employee or the employee's spouse, by blood or marriage, adoption, fostering or traditional kinship.

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

Flextime is a work arrangement that allows employees to vary their daily start, finish and break times.

Fostering means an arrangement under which a person or organisation with statutory responsibility for the placement of children places the child with the employee, in circumstances where the child is not expected to return to their family.

Full-time employee means an employee employed to work 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.

Graduate means the Industry designation given to the cohort of employees undertaking the department's Graduate Development Program.

Industry designation means a local title given to specific cohorts of employees, that corresponds with a classification.

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.

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

NMI means the National Measurement Institute, a division of the department.

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

Official travel means approved travel for official business where the employee is required to be absent overnight, or where the duration of the travel is 10 hours or more on a single day.

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

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

Parentage order means an order made under a relevant Australian state or territory surrogacy law granting an employee parental rights over a child born as a result of a surrogacy arrangement.

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

Partner means a spouse (including a former spouse) or de facto partner (including a former de facto partner).

Part-time employee means an employee employed to work less than an average of 37 hours and 30 minutes per week, which may include an average over a period defined by the department, 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.

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

Public-facing employee means an employee whose daily ordinary duties require them to interact directly with the public to educate and/or lead members of the public through a centre or institution, operate a gallery or provide retail assistance, or an employee who is otherwise designated by the Secretary as a 'public-facing employee'. On commencement of this agreement, public-facing roles may exist in Questacon and the Space Discovery Centre.

Questacon means Questacon – The National Science and Technology Centre, a division of the department.

Relevant employee means an affected employee.

Relevant minimum wage means the minimum wage prescribed in this agreement for the class of work for which an employee is engaged.

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 Industry Science and Resources, or the Secretary's delegate.

Settlement period means the four-week period of time in which an employee is to work their ordinary working hours (excluding overtime/TOIL).

Shiftworker means an employee rostered to perform ordinary hours of work outside the period of 6:30 am to 6:00 pm Monday to Friday, and/or on Saturdays, Sundays or public holidays for an ongoing or fixed period. A shiftworker may include employees who have previously been referred to as 'Designated Hours' employees or 'Questacon casual' employees. Shiftworkers can be ongoing, non-ongoing or casual employees depending on their rostered hours of work.

Spouse includes a former spouse, a de facto partner or former de facto partner.

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. 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.

Workplace responsibility allowance means an allowance that is provided under clauses 79 to 86 (inclusive) of this agreement.

Section 2: Remuneration

Salary

18. Salary rates are as set out in Attachment A – Base salaries to this agreement.
19. The base salary rates in Attachment A – Base salaries include the following increases:
- 19.1. 4.0 per cent from the first full pay period on or after 1 March 2024 (the 14 March 2024 increase);
 - 19.2. 3.8 per cent from the first full pay period on or after 1 March 2025 (the 13 March 2025 increase); and
 - 19.3. 3.4 per cent from the first full pay period on or after 1 March 2026 (the 12 March 2026 increase).
20. In recognition of a common alignment date of the first full pay period on or after 1 March each year, the payments in Attachment A – Base salaries were calculated based on base salary rates as at 31 August 2023.

Payment of salary

21. 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:

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

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

22. 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 salary setting clauses.
23. 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.
24. In determining a salary under these salary setting clauses, the Secretary will have regard to relevant factors including the employee's experience, qualifications and skills.
25. 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 payment of 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.

26. Where an employee commences ongoing employment in the department immediately following a period of casual employment in the department, the Secretary will determine the payment of salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a casual employee in the department.
27. 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. If the employee's salary is between pay points for their classification, the salary payable will be the next highest pay point to the salary previously received by the employee at the equivalent classification.
28. Where an employee agrees to be assigned duties at a lower classification level, the employee's salary will be paid at the highest pay point for the lower 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.

Salary advancement

30. Salary advancement to the next available pay point in an employee's classification level will occur on 1 July each year, provided the employee:
 - 30.1. received a satisfactory performance rating during the employee's most recent performance review; and
 - 30.2. has 6 months of aggregate eligible service in the department at or above the relevant classification level during the most recent annual performance cycle.
31. Eligible service for salary advancement will include:
 - 31.1. periods of paid leave and unpaid parental leave;
 - 31.2. periods of unpaid leave that count as service; and
 - 31.3. service while employed on a non-ongoing basis.
32. During a period of unpaid parental leave employees will be eligible to advance a maximum of one increment, regardless of the length of unpaid parental leave.
33. Employees who do not meet the eligibility requirements in clause 30 will not be eligible for salary advancement in accordance with clause 30 in that year unless the Secretary determines otherwise.
34. Employees who are acting at a higher classification, and satisfy the eligibility requirements in clause 30 at the higher classification, will be eligible for salary advancement at both their substantive and acting classifications.
35. Where an employee's performance has been assessed as unsatisfactory and the employee does not receive salary advancement under clause 30, the Secretary may determine that they are eligible to be granted salary advancement to the next available pay point following a sustained

period of satisfactory performance. A sustained period will generally be considered 3 continuous months. Salary advancement under this clause will not be retrospective.

36. Casual employees may be eligible for salary advancement, subject to Secretary approval.

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 Ordinary Time Earnings (OTE) for employees in the Public Sector Superannuation Accumulation Plan (PSSap) and employees in other accumulation funds.

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

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

43. Where continued membership of an existing defined benefits scheme is available to an employee who accepted employment with NMI on 10 July 2010 as part of the establishment of the national trade measurement system, and the employee elects to continue their membership of that defined benefits scheme, the department will contribute the employer contribution rate determined by the relevant defined benefits scheme.

Salary packaging

44. Employees will have access to salary packaging on a salary sacrifice basis. The arrangement must be cost neutral for the department, including any fees charged for the administration of the scheme and any fringe benefits tax incurred because of the arrangement.

45. The employee's salary for all purposes including superannuation, severance and termination payment will be determined as if the salary packaging arrangement had not been entered into.

Overpayments

46. 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).

47. 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.

48. 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.
49. 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.
50. 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.
51. The department and employee may agree to make a deduction from final monies where there is an outstanding payment upon cessation of employment.
52. Interest will not be charged on overpayments.
53. Nothing in clause 46 to 52 (inclusive) prevents:
 - 53.1. 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*;
 - 53.2. the department from pursuing recovery of the debt through other available legal avenues; or
 - 53.3. the employee or the department from seeking approval to waive the debt under the *Public Governance, Performance and Accountability Act 2013*.

Supported wage system

54. An employee can get a percentage of the relevant pay rate in line with their assessed capacity to do the work if they:
 - 54.1. have a disability;
 - 54.2. meet the criteria for a Disability Support Pension; and
 - 54.3. are unable to perform duties to the capacity required.
55. Specific conditions relating to the supported wage system are detailed in Attachment B – Supported wage system.

Section 3: Allowances

56. Provisions relating to allowances and similar conditions are set out in this section.

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. Where an employee is expected to temporarily occupy a role acting at a higher classification for a continuous period of 2 weeks or more but this is not realised, higher duties allowance will be payable for the entire two week period.
- 59. 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 higher amount determined by the Secretary.
- 60. Where an employee is found to be eligible for salary progression 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.
- 61. Where an employee is assigned only part of the higher duties, the Secretary will determine the amount of allowance payable.
- 62. 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.
- 63. The Secretary may shorten the qualifying period for higher duties allowance on a case-by-case basis.
- 64. Where a role needs to be filled on a temporary basis for a period of 12 months or more, the opportunity to act in that role may be subject to a merit selection process.
- 65. For the purposes of clause 57, the term 'working week' includes any public holidays.
- 66. Where an employee acts at a higher classification for an extended period, reasonable annual leave may be taken by and paid to the employee at the same rate as the higher duties allowance, regardless of whether someone else acts in that position for the period of leave taken.
- 67. Public-facing employees in Questacon will receive higher duties allowances in respect of any period during which they are assigned to temporarily act at a classification level higher than their substantive classification level, irrespective of whether the role needs to be filled for 2 or more working weeks.

Ministerial support allowance

- 68. Where an employee is required to provide temporary relief support to employees of a minister, the employee will be entitled to a paid allowance as set out in Table 1.

Table 1: Ministerial support allowances

| Position | Rate from commencement of the agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|--|---|-------------------------|-------------------------|
| Senior staff | \$134.90 per day | \$140.03 per day | \$144.79 per day |
| <ul style="list-style-type: none"> • Adviser • Media adviser • Assistant adviser | \$122.63 per day | \$127.29 per day | \$131.62 per day |
| <ul style="list-style-type: none"> • Executive assistance • Office manager • Secretary/administrative assistant | \$102.51 per day | \$106.41 per day | \$110.03 per day |

69. The allowance will be paid on a pro rata basis for every day or part day that the employee is required to provide relief.
70. An employee will not be required to provide temporary relief support to employees of a minister for more than 12 weeks at a time.

Department liaison officer allowance

71. An employee who performs the duties of a departmental liaison officer is entitled to be paid an allowance of 20 per cent of the employee's salary.

Motor vehicle allowance

72. The Secretary may authorise an employee to use a private motor vehicle owned or hired by that employee for official purposes where it will result in greater efficiency, or result in a lesser expense for the Commonwealth. In those circumstances the employee will be paid in accordance with the rates set by the Australian Taxation Office.

Loss or damage to clothing or personal effects

73. The Secretary may authorise reimbursement of an amount considered reasonable to cover the loss or damage to an employee's clothing or personal effects which resulted from the performance of their duties subject to that clothing or personal effect having a minimum value of \$20.

Healthy lifestyle subsidy

74. The department encourages employees to support their physical and mental wellbeing. A subsidy of \$235 is available per financial year to ongoing employees, and non-ongoing employees with at least 12 months' continuous service or who have been engaged for at least 12 months. Casual employees will be entitled to claim the subsidy following each 12-month period of service.
75. The subsidy is to be provided on production of receipts for appropriate expenses that relate to an employee's physical and/or mental wellbeing.

Vacation childcare subsidy

- 76. The department will provide a vacation childcare subsidy to an employee on production of a receipt from an accredited school holiday program provider, in the amount of \$32 per day, or \$16 per half day per primary school aged child, on days the parent(s)/guardian(s) attends work.
- 77. Where more than one parent/guardian of a child is employed by the department, the subsidy will only be paid with respect to the child when both attend work.
- 78. The subsidy can be claimed where a parent/guardian or caregiver is absent from work and unable to care for their child.

Workplace responsibility allowances

- 79. A workplace responsibility allowance will be paid in accordance with Table 2 where an employee who is appointed by the department or elected by eligible peers to one of the following roles:
 - 79.1. First aid officer;
 - 79.2. Health and safety representative;
 - 79.3. Wardens (including marshals and floor wardens);
 - 79.4. Workplace contact officer;
 - 79.5. Mental health first aid officer.
- 80. The Secretary may determine other roles for which a workplace responsibility allowance is payable during the life of the agreement.
- 81. Unless approved by the Secretary, where an employee undertakes more than one of these roles, they will not be entitled to payment of more than one allowance. In this circumstance, the highest applicable rate of allowance will be paid to the employee.

82. The rate of workplace responsibility allowance will be:

Table 2: Workplace responsibility allowances

| Role | Rate from commencement of the agreement | Rate from 13 March 2025 | Rate from 12 March 2026 |
|---|--|--------------------------------|--------------------------------|
| <ul style="list-style-type: none">• First aid officer (tier 1)• Health and safety representative• Warden (including marshals and floor wardens)• Workplace contact officer• Mental health first aid officer | \$30.51 per fortnight | \$31.67 per fortnight | \$32.75 per fortnight |
| <ul style="list-style-type: none">• First aid officer (tier 2)• Chief warden• Deputy chief warden | \$41.57 per fortnight | \$43.15 per fortnight | \$44.62 per fortnight |

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

84. The department will consider an employee's physical availability to undertake the role when appointing and reappointing employees to roles that require a physical presence in the workplace for the role to be undertaken effectively.

85. Casual employees who fulfill a role as described in clause 79 will be entitled to the allowance in a pay cycle where they perform work during that pay cycle.

86. Payment of a tier 2 first aid allowance is subject to the Secretary determining there is an identified need for a higher first aid qualification in the workplace.

Community language allowance

87. 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.

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

Table 3: 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 |
| 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 | \$2,979 per annum | \$3,080 per annum |

89. The allowance is calculated annually and paid fortnightly.

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

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

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

Section 4: Classifications and broadbands

Entry level programs

93. The department will offer entry level employment opportunities.

DISR Graduates

94. Graduates will be engaged as ongoing employees and commence at the APS4.1 classification.

95. Graduates are required to meet expectations in all elements of the department's Graduate Development Program or other relevant graduate program (e.g. APS Digital Graduate Program) to progress to the APS5.1 classification.

96. Upon successful completion of the Graduate Development Program (or any other relevant graduate program), graduates will be progressed to the APS5.1 classification.

Work level standards

97. 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.

Progression to a higher classification (broadbands)

98. The department's classification structures, broadbands and salary rates are set out in Attachment A – Base salaries.

99. An employee may progress to a higher classification within a broadband where the Secretary has determined:

- 99.1. there is sufficient ongoing work available at the higher classification;
- 99.2. the employee has demonstrated consistent satisfactory performance; and
- 99.3. the employee has demonstrated the necessary skill and proficiencies to perform the more complex work of the higher classification.

100. An employee cannot move between broadbands without an open merit process.

101. Specific entry and progression requirements for the Science and technical, Trade measurement and Legal streams are specified in Attachment A – Base salaries.

102. The Secretary may approve the creation, amendment or cessation of a broadband consistent with the following principles:

- 102.1. the creation, amendment or cessation of a broadband is consistent with the *Public Service Classification Rules 2000*; and

- 102.2. the creation, amendment or cessation of an additional broadband does not provide an employee a lesser entitlement than is available to the employee under Attachment A – Base salaries.

Section 5: Working hours and arrangements

Job security

Commitment to ongoing employment and rebuilding APS capacity

103. 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

104. The department will report to the National Consultative Committee 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

105. 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.

Usual location of work

106. An employee's usual location of work will be the designated office location identified in the employee's letter of offer or other engagement documentation. If no designated office location was specified on engagement, the Secretary may specify a designated office location by advising the employee in writing.
107. The Secretary and employee may agree to vary an employee's designated office location on a temporary or permanent basis.

Non-ongoing employment

108. A non-ongoing employee is defined in the definitions section.
109. Non-ongoing employees will generally have the same terms and conditions of employment as ongoing employees under this agreement's terms, except:
- 109.1. personal/carer's leave accrual at clause 232;
 - 109.2. redundancy provisions at clauses 460 to 495 (inclusive), subject to clause 110; and
 - 109.3. healthy lifestyle subsidy eligibility at clause 74.
110. If the non-ongoing employee's contract is not permitted by section 333E of the FW Act, then the redundancy provisions at clauses 460 to 495 (inclusive) will apply.
111. If the redundancy provisions apply to an employee under clause 110, the agency must adhere to the consultation requirements at clauses 411 to 431 (inclusive) and clauses 460 to 495.

Casual (irregular or intermittent) employment

- 112. A casual (irregular or intermittent) employee is defined in the definitions section.
- 113. A decision to expand the use of casual employees is subject to clause 411 to 431 (inclusive) of this agreement.
- 114. The department will regularly review the working arrangements of casuals to assess if they are genuinely performing irregular or intermittent duties, and report de-identified outcomes to the national consultative committee.
- 115. Remuneration for casual employees shall be on an hourly basis. A casual employee shall receive a 25 per cent loading on the base hourly rate of their classification as set out in this agreement.
- 116. 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.
- 117. A casual employee shall 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.
- 118. A casual employee who is eligible for workplace responsibility allowance will be paid the full amount.
- 119. Where a casual employee attends work on a day they are rostered to work, and there is insufficient work for the rostered period and the casual employee is directed to leave work, the casual employee will receive payment for the full period for which the casual employee was rostered to work.
- 120. Clauses 211 to 219 (inclusive) do not apply to casual employees.

Working hours

- 121. The standard ordinary hours of work for full-time employees (other than shiftworkers) covered by this agreement will be 37 hours and 30 minutes per week. The standard working day is 7 hours and 30 minutes.
- 122. Part-time employees' standard ordinary hours of work are those agreed in their part-time work agreement.
- 123. For health and safety reasons employees should not work more than 10 hours ordinary duty on any one day unless specifically approved by their manager to do so; nor should employees work more than five consecutive hours without at least a 30-minute break.
- 124. Public-facing employees will be entitled to a 15-minute paid break for every four hours of duty. A public-facing employee who is rostered for 5 hours or more will be required to take an additional unpaid 30-minute break.

125. The bandwidth for ordinary hours of work for employees other than shiftworkers will be from Monday to Friday from 7:00 am – 7:00 pm (other than on public holidays and other days which are not working days for the department's employees).
- 125.1. An employee who is a shiftworker will not be rostered to perform ordinary hours between 10:00 pm on one day and 7:00 am on the following day.
126. The bandwidth for ordinary hours of work does not prevent an employee from requesting a flexible working arrangement to work some of their ordinary hours of work outside of the bandwidth period in accordance with clause 175 to 202 (inclusive).
127. Full-time shiftworkers will work an average of 37.5 hours per week over a four week settlement period.
128. The Secretary may determine from time to time what roles and/or areas of the department will work according to shift rosters.

Shift work

129. A shiftworker is defined in the definitions section.
130. A shiftworker will be paid the following penalty rates for all ordinary hours worked by the shiftworker during the following periods:

| Ordinary hours worked: | Penalty: |
|---|--------------|
| a. Monday to Friday, where any part of the rostered shift falls between 6:00 pm and 6:30 am | 15 per cent |
| b. Monday to Friday, where the shift falls completely within the period 6:00 pm to 8:00 am and are worked for a period exceeding four weeks | 30 per cent |
| c. Saturday, all hours | 75 per cent |
| d. Sunday, all hours | 100 per cent |
| e. Public Holidays | 150 per cent |

131. The penalty rates in the above table are in addition to any casual loading payable under clause 115.
132. For the purpose of clause 130(a), a shiftworker who is rostered to perform ordinary hours which commence prior to 6:30 am or to finish after 6:00 pm, Monday to Friday, will be entitled to shift penalties for all of the ordinary hours worked during their shift.
133. Shift penalties are not included as part of an employee's base salary for the calculation of other entitlements under this agreement.
134. The penalty rates outlined in clause 130 will not be payable when an employee is on leave, other than annual leave (subject to clause 135).

- 135. A shiftworker on approved annual leave will, for the period of the annual leave, receive shift penalty payments in relation to any shifts the employee would have worked if the employee was not on approved annual leave.
- 136. Shiftworkers (who are not casual employees) will be entitled to an additional half a day paid annual leave for each Sunday rostered, up to a maximum of five days per year.
- 137. Shiftworkers are entitled to overtime in accordance with clause 155 to 161 (inclusive).

Flextime for APS 1-6 classifications

- 138. Employees up to and including APS Level 6 (and equivalent classifications), with the exception of casual employees and shiftworkers, will have access to flextime to allow them to plan their work hours subject to them not carrying:
 - 138.1. a flextime debit of more than 10 hours; or
 - 138.2. a flextime credit of more than one standard working week, from one four week settlement period to the next.
- 139. The Secretary may withdraw an employee's access to flextime:
 - 139.1. where there is insufficient work;
 - 139.2. due to operational requirements; or
 - 139.3. where an employee does not adhere to the flextime requirements or where an employee's manager considers the employee's attendance is unsatisfactory.

Executive Level time off in lieu (EL TOIL)

- 140. Executive level (EL) employees are sometimes required to work reasonable additional hours. Consistent with the NES, employees may refuse to work unreasonable additional hours.
- 141. 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.
- 142. 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.
- 143. 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 requirements that will safely get the job done and reasonably allow the employee to balance their work and personal life.
- 144. 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.
- 145. 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.

146. 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.

Overtime

147. An employee may be required to work reasonable overtime subject to the conditions outlined below.
148. Overtime is only to be worked at the prior direction of the manager or, if the circumstances do not permit prior direction, subsequent approval in writing by the manager will be required before payment is made.
149. EL 1 and 2 employees are not eligible for overtime payments except in exceptional circumstances as determined by the Secretary.

Overtime – non-shiftworkers

150. Overtime is payable (excluding meal breaks) for APS level 1 – 6 employees, excluding casual employees and shiftworkers, where an employee is directed to work additional hours:
- 150.1. outside the bandwidth (or inside the bandwidth where the employee has worked in excess of their standard ordinary hours of work on that day);
 - 150.2. outside the agreed daily hours for any particular day; or
 - 150.3. in excess of 37.5 hours per week.
151. Any time claimed for flextime purposes cannot be claimed as overtime and time claimed for overtime cannot be claimed as flextime.
152. The rates payable for overtime are as follows, except where clauses 153 to 156 apply

| For overtime worked on: | Overtime rate |
|---|----------------------|
| Monday to Saturday, first 3 hours | 150 per cent |
| Monday to Saturday, after 3 hours | 200 per cent |
| Sunday | 200 per cent |
| Public Holidays and Easter Saturday (where Easter Saturday is not declared or prescribed as a public holiday) | 250 per cent |

Overtime – non-shiftworker casual employees

153. Work will be overtime for casual employees (who are not shiftworkers) where an employee is directed to work:
- 153.1. Monday to Friday, outside the hours of 7:00 am to 7:00 pm;
 - 153.2. on a Saturday, Sunday or public holiday; or
 - 153.3. in excess of 37.5 hours per week.

154. The rates payable for overtime under clause 153 are as follows:

| For overtime worked on: | Overtime rate for casual employees (inclusive of 25 per cent casual loading) |
|---------------------------------|---|
| Monday to Friday, first 3 hours | 150 per cent |
| Monday to Friday, after 3 hours | 200 per cent |
| Saturday or Sunday | 200 per cent |
| Public Holidays | 250 per cent |

Overtime Shiftworkers

155. Overtime is payable to shiftworkers (including casual shiftworkers) where an employee is directed to work:

- 155.1. outside of their rostered ordinary hours; or
- 155.2. if an employee is a full-time or part-time employee, in excess of their total ordinary hours of work over a four-week settlement period or other roster cycle period, or if the employee is a casual employee, in excess of 37.5 hours in a week.

156. The rates payable for overtime under clause 155 are as follows:

| For overtime worked on: | Overtime rate for shiftworkers (other than casuals) | Overtime rate for casual shiftworkers (inclusive of 25 per cent casual loading) |
|---------------------------------|--|--|
| Monday to Friday, first 3 hours | 150 per cent | 175 per cent |
| Monday to Friday, after 3 hours | 200 per cent | 225 per cent |
| Saturday | 200 per cent | 225 per cent |
| Sunday | 200 per cent | 225 per cent |
| Public Holidays | 250 per cent | 275 per cent |

157. Where an employee who is a shiftworker is directed to work additional hours commencing before 7:00 am Monday to Friday, for which the employee is entitled to overtime, and the employee is rostered to perform ordinary hours immediately thereafter, the employee will be entitled to a 15 per cent penalty for those ordinary hours performed if the employee is not otherwise entitled to a shift penalty for those ordinary hours.

Calculation of overtime

158. The rate of overtime includes any allowances being paid as salary.
159. When overtime is not continuous with ordinary duty the minimum payment will be four hours.
160. Where overtime is not continuous with ordinary duty and involves duty both before and after midnight, and a higher overtime rate applies to one of the days, payment for the whole period will be calculated at the higher rate. The minimum payment provisions will be satisfied where the total payment for the period of overtime equals or exceeds the minimum payment (i.e. 4 hours overtime).
161. Where more than one attendance is involved in a day, only one minimum overtime payment will be payable.

Rest breaks

- 162. Where an employee works overtime they will be entitled to a 10-hour break (plus reasonable commuting time) before recommencing work without incurring any loss of pay unless the circumstances set out in clause 157 apply.
- 163. Where the break detailed in clause 162 is not possible due to operational reasons, the employee (excluding EL 1 and 2 employees and equivalents unless approved by the Secretary) will be paid double time for the next period of work until the employee has had a 10-hour break (plus reasonable commuting time).

Time off in-lieu

- 164. Employees (including shiftworkers) may take time off in lieu (TOIL) of payment for overtime. The period of TOIL in these circumstances will be at the same rate as the applicable overtime rate. TOIL may be taken at any time, subject to the Secretary's approval.

Overtime meal allowance

- 165. Where an employee works overtime to the end of, or beyond, a meal allowance period, they will receive a meal allowance in accordance with the rates set by the Australian Taxation Office. A meal allowance is not payable where an employee is working ordinary hours of work at the below times.
- 166. Meal allowance periods are:
 - 166.1. 7:00 am to 9:00 am;
 - 166.2. 12:00 pm (noon) to 2:00 pm;
 - 166.3. 6:00 pm to 7:00 pm; and
 - 166.4. 12:00 am (midnight) to 1:00 am.

Emergency duty

- 167. Where an employee is recalled to duty to address an emergency and no notice of such a recall was given to the employee before ceasing ordinary duty, they will be paid at the overtime rate for the period of the emergency duty, subject to:
 - 167.1. a one hour minimum payment when work is performed without the necessity to commute to the employees usual place of work; or
 - 167.2. a two hour minimum payment including commute time if work is required to be performed at the employees usual place of work.
- 168. Where an employee performs emergency duty for more than three hours (excluding commuting time) the employee will be entitled to a 10 hour break (plus reasonable commuting time) before recommencing work without incurring any loss of pay.
- 169. Where this break is not possible, due to operational reasons, the employee (excluding EL 1 and 2 employees and equivalents, unless approved by the Secretary) will be paid double

time (200 per cent) for the next period of work until the employee has had a 10 hour break (excluding commuting time).

170. The provisions relating to emergency duty will not apply where an employee is recalled to duty while subject to the restriction duty provisions at clauses 171 to 174 (inclusive) of this agreement.

Restriction duty

171. Where the Secretary requires an employee to remain contactable (ie. on call) and available to perform extra duty outside the employee's ordinary hours of duty the employee will be paid a restriction allowance.
172. Restriction allowance:
- 172.1. is payable whether or not the restricted employee is required to perform duty outside their ordinary hours of duty;
 - 172.2. is paid at the rate of 10 per cent of the employee's hourly rate of salary (salary includes any allowances paid as salary, including higher duties) for each hour restricted;
 - 172.3. is not paid during any periods of overtime or emergency duty; and
 - 172.4. will not be paid if the employee is not contactable.
173. An alternative rate of restriction allowance may be determined by the Secretary having regard to the circumstances of the restriction situation.
174. Where a restricted employee is required to perform duty, they will be paid overtime subject to:
- 174.1. a one hour minimum payment when work is performed without the necessity to travel to the workplace; or
 - 174.2. a two hour minimum payment including travel time if work is required to be performed at the workplace.

Flexible working arrangements

175. The department, employees and their union recognise:
- 175.1. 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;
 - 175.2. access to flexible work can support strategies to improve diversity in employment and leadership in the APS;
 - 175.3. 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;

- 175.4. 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
- 175.5. requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests.
- 176. 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 national consultative committee.
- 177. Flexible working arrangements include, but are not limited to, changes in hours of work, changes in patterns of work and changes in location of work.

Requesting formal flexible working arrangements

- 178. The following provisions do not diminish an employee's entitlement under the NES.
- 179. An employee may make a request for a formal flexible working arrangement.
- 180. The request must:
 - 180.1. be in writing;
 - 180.2. set out details of the change sought (including the type of arrangement sought and the proposed period the arrangement will operate for); and
 - 180.3. 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.
- 181. The Secretary must provide a written response to a request within 21 days of receiving the request.
- 182. The response must:
 - 182.1. state that the Secretary approves the request and provide the relevant detail in clause 183; or
 - 182.2. 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
 - 182.3. state that the Secretary refuses the request and include the following matters:
 - 182.3.1. details of the reasons for the refusal; and
 - 182.3.2. set out the department's particular business grounds for refusing the request, explain how those grounds apply to the request; and
 - 182.3.3. either:
 - 182.3.3.1. 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 agency would be willing to make; or

- 182.3.3.2. state that there are no such changes; and
 - 182.3.4. 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 enterprise agreement, and if the employee is an eligible employee under the FW Act, the dispute resolution procedures outlined in section 65B and 65C of the FW Act.
183. 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:
- 183.1. any security and work health and safety requirements;
 - 183.2. a review date (subject to clause 187); and
 - 183.3. the cost of establishment (if any).
184. The Secretary may refuse to approve the request only if:
- 184.1. the department has discussed the request with the employee; and
 - 184.2. the department has genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for refusal); and
 - 184.3. the department and the employee have not reached such an agreement; and
 - 184.4. the department has had regard to the consequences of the refusal for the employee; and
 - 184.5. the refusal is on reasonable business grounds.
185. Reasonable business grounds include, but are not limited to:
- 185.1. the new working arrangements requested would be too costly for the department;
 - 185.2. there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;
 - 185.3. it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate the new working arrangements requested;
 - 185.4. the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity;
 - 185.5. the new working arrangements requested would be likely to have a significant negative impact on customer service; and
 - 185.6. 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.
186. For First Nations employees, the department must consider connection to country and cultural obligations in responding to requests for altering the location of work.

187. 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

188. An employee may request to vary an approved flexible working arrangement in accordance with clause 180. An employee may request to pause or terminate an approved flexible working arrangement.
189. The Secretary may vary, pause or terminate an approved flexible working arrangement on reasonable business grounds, subject to clause 191.
190. 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.
191. Prior to varying, pausing or terminating the arrangement under clause 189, the department must have:
- 191.1. discussed with the employee their intention to vary, pause or terminate the arrangement with the employee;
 - 191.2. 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);
 - 191.3. had regard to the consequences of the variation, pause or termination for the employee;
 - 191.4. ensured the variation, pause or termination is on reasonable business grounds; and
 - 191.5. informed the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out in clause 182.3.

Working from home

192. 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.
193. The department may provide equipment necessary for, or reimbursement, for all or part of the costs associated with establishing a working from home arrangement.
194. An employee working from home is covered by the same employment conditions as an employee working at an office site under this agreement.
195. The department will provide employees with guidance on working from home safely.
196. 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

- 197. 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.
- 198. Employees should, where practicable, make the request in writing and provide as much notice as possible.
- 199. Requests for ad-hoc arrangements are not subject to the request and approval processes detailed in clauses 178 to 187 (inclusive).
- 200. 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.
- 201. 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

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

Part-time work

- 203. Employees will have access to part-time work and job share arrangements in appropriate circumstances.
- 204. Employees engaged on a full-time basis will not be compelled to convert to part-time employment.
- 205. Employees engaged on a part-time basis will not be compelled to convert to full-time employment.
- 206. Unless otherwise provided under legislation or the agreement, a part-time employee will receive equivalent pay and conditions to full-time employees in the same classification on a pro-rata basis unless otherwise specified (excluding expense related allowances, which will be paid in full).
- 207. All employees returning from a period of leave that is coupled with the birth, adoption or fostering of a child will be guaranteed part-time work up to the child's sixth birthday.
- 208. The Secretary may approve part-time work arrangements for parents who do not meet the requirements of clause 207 up to the child's sixth birthday. Applications for part-time work arrangements for such parents will only be refused on the basis of genuine operational reasons.

Annual closedown

209. Employees are entitled to three days of paid leave in the period between Christmas Day and New Year's Day without being required to use their annual or other leave credits. Subject to clause 210, these three days will be treated as public holidays for the purposes of pay where an employee is required to work on one or more of these days.
210. An employee may be rostered to work on one or more of the working days referred to in clause 209 however, in addition to the public holidays set out in clause 211, 27 December will be treated as a public holiday for the purposes of determining pay for employees who are required to work on that day.

Public holidays

211. Employees are entitled to the following holidays each year as observed at their normal work location in accordance with the FW Act:
- 211.1. 1 January (New Year's Day);
 - 211.2. 26 January (Australia Day);
 - 211.3. Good Friday and the following Monday;
 - 211.4. 25 April (Anzac Day);
 - 211.5. 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);
 - 211.6. 25 December (Christmas Day);
 - 211.7. 26 December (Boxing Day); and
 - 211.8. 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.
212. 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.
213. 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.
214. 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.
215. 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.

216. Where a public holiday falls during a period when an employee is absent on leave (other than annual leave, paid personal/carer's leave, purchased 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).
217. 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 211.1 to 211.8 (inclusive).
218. 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.
219. 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.

Section 6: Leave

Annual leave

- 220. Employees (other than casual employees) are entitled to 4 weeks (20 days) paid annual leave per year of service, accruing daily, credited at least monthly. Annual leave for part-time employees accrues on a pro-rata basis.
- 221. Annual leave may be taken at half pay. When leave is taken at half pay, leave is deducted at half the rate (or twice the period of absence is provided).
- 222. Where annual leave is cancelled or the employee is recalled to duty, the employee will be reimbursed travel costs not recoverable from insurance or other sources. Evidence of costs may be required.
- 223. Annual leave may be accessed at any time subject to the Secretary's approval. The Secretary will not unreasonably refuse a request to take annual leave.
- 224. Annual leave may be accessed in place of personal/carers leave (under clauses 238 to 239 inclusive) where their personal/carer's leave credits have been exhausted.
- 225. Employees will receive payment in lieu of any untaken annual leave upon separation from the APS.

Excess annual leave and annual leave cash out

- 226. Employees with an excess leave balance (of more than 40 days of accrued annual leave, pro-rata for part-time employees) may be directed by the Secretary to take up to 25 per cent of their accrued leave.
- 227. Employees may, with the agreement of the Secretary, cash out accrued annual leave provided that:
 - 227.1. a balance of at least four weeks of annual leave will remain following the cash out;
 - 227.2. at least two weeks of annual or long service leave has been taken in the preceding 12 months;
 - 227.3. each cash out is agreed to in writing; and
 - 227.4. the employee is paid the full amount that would have been payable if they had taken leave.

Purchased leave

- 228. Employees, subject to the Secretary's approval, may purchase up to 10 weeks additional leave (pro-rata for part-time employees) for each 12-month period, provided they do not have an excess annual leave balance of more than 40 days of accrued annual leave at the time of the request.
- 229. Payment for the leave will be deducted over the course of 26 pay periods or a reduced period if the employee requests ('repayment period'). Purchased leave must be taken before

the end of the repayment period, and is subject to the Secretary's approval. Purchased leave cannot be taken at half pay or another reduced rate.

230. At the end of the repayment period, or when an employee ceases employment with the department, purchased leave credits and payments will be reconciled and payments recovered, or refunded as appropriate. Payments will be reconciled on the basis of the value of leave applicable at the time it was taken, with no cost to the department. Unused purchased leave credits are not transferrable between agencies.

Personal/carer's leave

Ongoing employees

231. An ongoing employee will be entitled to 18 days personal/carer's leave for each year of service (pro-rata for part-time employees) which will:
- 231.1. be credited upon the employee's commencement with the department if they are new to the APS; and
 - 231.2. accrue daily and be credited daily, unless the employee has received a credit in accordance with clause 231.1, 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.

Non-ongoing employees

232. Subject to clause 231, a non-ongoing employee will be credited with 18 days 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.
233. A non-ongoing employee will not be entitled to an initial credit of personal/carer's leave in accordance with clause 231 if the employee is entitled to have any unused accrued personal/carer's leave transferred or recognised by the department in accordance with clauses 244 to 250 (including where the employee does not have any unused accrued personal/carer's leave entitlements).
234. Non-ongoing employees will be entitled to accrue 18 days personal/carers leave for each year of service, which will accrue daily and be credited daily, from:
- 234.1. 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 231, or
 - 234.2. 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 244 to 250 (including where the employee does not have any unused accrued personal/carer's leave entitlements).

Arrangements for personal/carer's leave

235. An employee who is unable to attend for duty must advise their manager as soon as reasonably practicable. Failing to do so may result in the employee's absence being treated as an unauthorised absence.
236. Personal/carer's leave may be taken at half pay, with approval from the Secretary.
237. Casual employees may:
- 237.1. be absent without pay when not fit for work due to personal illness or injury; and
 - 237.2. access 2 days unpaid carer's leave per occasion consistent with the NES.
238. An employee may use personal/carer's leave:
- 238.1. due to a personal illness or injury;
 - 238.2. to attend appointments with a registered health practitioner;
 - 238.3. to manage a chronic condition; and/or
 - 238.4. to provide care or support for a family member (including a household member) or a person they have caring responsibilities for, because:
 - 238.4.1. of a personal illness or injury affecting the other person; or
 - 238.4.2. of an unexpected emergency affecting the other person.
239. For the purpose of clause 238.4, a person that an employee has caring responsibilities for may include a person who needs care because they:
- 239.1. have a medical condition, including when they are in hospital;
 - 239.2. have a mental illness;
 - 239.3. have a disability;
 - 239.4. are frail or aged; and/or
 - 239.5. are a child, not limited to a child of the employee.
240. If an employee uses personal/carers leave of more than:
- 240.1. 3 consecutive days; or
 - 240.2. more than 9 days in a calendar year,
- the Secretary may request the employee to provide evidence to support that leave, including:
- 240.3. a certificate from a registered health practitioner;
 - 240.4. a statutory declaration; and
 - 240.5. another form of evidence approved by the Secretary.
241. 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.

242. On occasions, where an employee has a known circumstance that may require regular absences, the employee's manager may determine that additional evidence is not required for an absence that would otherwise meet the criteria set out in clause 240.

Unauthorised absences

243. Where an employee is absent from duty without authorisation, all pay and other benefits provided under this Agreement will cease to be available until the employee resumes duty or is granted leave. Where unauthorised absence is followed by termination of employment, accrued entitlements will be paid.

Portability of leave

244. 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.
245. 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.
246. 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 agency or another), 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.
247. 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 agency or another) at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on termination of employment) and personal/carer's leave will be recognised.
248. Where a person 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 245), 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.
249. 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.
250. For the purposes of clauses 244 to 249 (inclusive), an employee with a break in service of less than 2 months is considered to have continuity of service.

Re-crediting of leave

251. When an employee is on:
- 251.1. annual leave;
 - 251.2. purchased leave;
 - 251.3. defence reservist leave;
 - 251.4. First Nations ceremonial leave;
 - 251.5. NAIDOC leave;
 - 251.6. cultural leave; or
 - 251.7. long service leave; and
- becomes eligible for, under legislation or this agreement:
- 251.8. personal/carer's leave;
 - 251.9. compassionate or bereavement leave;
 - 251.10. jury duty;
 - 251.11. emergency services leave;
 - 251.12. leave to attend to family and domestic violence circumstances; or
 - 251.13. parental leave, premature birth leave, stillbirth leave or pregnancy loss;
- the affected period of leave will be re-credited.
252. 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.
253. Re-crediting is subject to appropriate evidence of eligibility for the substituted leave.

Long service leave

254. An employee is eligible for long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
255. 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 clause at 251 to 253 (inclusive) of this agreement.

Miscellaneous leave

256. The Secretary may approve additional leave, paid or unpaid, on a case by case basis.

257. Casual employees may only be granted paid miscellaneous leave in accordance with clauses 339 to 354 or in accordance with a Government directive.

Cultural, ceremonial and NAIDOC leave

First Nations Ceremonial and NAIDOC leave

258. First Nations employees may access up to 10 days paid leave over 2 calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations. This includes participation in NAIDOC week activities.
259. The Secretary may approve additional leave for cultural or ceremonial purposes as miscellaneous leave, with or without pay.
260. First Nations ceremonial and NAIDOC leave can be taken as part days.
261. First Nations ceremonial and NAIDOC leave is in addition to compassionate and bereavement Leave.

Cultural leave

262. 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.
263. The Secretary may approve additional leave for cultural purposes as miscellaneous leave, with or without pay.
264. Cultural leave can be taken as part days.
265. For the avoidance of doubt, this leave does not cover cultural purposes or obligations which are eligible for paid leave under clause 258 to 261 (inclusive).

Parental leave

266. A primary caregiver, secondary caregiver and ML Act are defined in the definitions section.
267. 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.
268. 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.
269. 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

270. An employee is entitled to parental leave with pay as per clauses 272 and 273 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.
271. Employees newly engaged or who have moved to the department from another APS agency are eligible for the paid parental leave in clauses 272 and 273 where such paid leave had not already been provided by another APS 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 or APS employer is less than the limits specified in clauses 272 and 273, the balance is available to the employee.
272. 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 4** below.

Table 4: 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 |

273. An employee who is a secondary caregiver is entitled to parental leave with pay during the parental leave period as provided in **Table 5** below.

Table 5: 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 |

274. **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.
275. **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.
276. **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

277. 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:
- 277.1. is under 16 as at the day (or expected day) of placement;
 - 277.2. 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
 - 277.3. is not (otherwise than because of the adoption) a child of the employee or the employee's spouse or de facto partner.
278. 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.
279. Employees who adopt or foster a child may commence the leave available to them under clause 272 from one week prior to the date of placement of the child.

Leave for primary care purposes – other circumstances

280. Employees who have previously accessed parental leave including parental leave for adoption or long-term foster care in respect of the child referred to in clause 272 will not be eligible for leave under clause 277.
281. Where an employee produces evidence that they have primary care responsibility for a child who is under 6 years of age, the employee will be entitled to a one-off grant of 2 weeks paid leave (inclusive of public holidays). This leave will be taken in 1 block within 12 months of the employee assuming primary care responsibility for the child.

Evidence requirements for surrogacy arrangements

282. In relation to a domestic surrogacy arrangement, an employee will not be entitled to leave under clause 272 until such time as they provide the department with evidence of a parentage order.
283. An employee who has not provided a parentage order is entitled take other forms of leave available to them. Where the employee has taken other forms of paid leave, and the

employee subsequently provides a valid parentage order, the employee is entitled to have the other forms of paid leave re-credited up to a total of 18 weeks.

Stillbirth

284. Parents of a stillborn child remain eligible for parental leave, except for paid leave for the secondary caregiver which is two weeks.
285. A stillborn child is a child:
- 285.1. who weighs at least 400g at delivery or whose period of gestation was 20 weeks or more;
 - 285.2. who has not breathed since delivery; and
 - 285.3. whose heart has not beaten since delivery.

Pregnancy loss leave

286. A pregnant employee who experiences, or an employee whose 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.
287. Pregnancy loss leave is in addition to entitlements to compassionate leave for miscarriage provided under the FW Act and this agreement.

Premature birth leave

288. In circumstances of a live birth before 37 weeks' gestation a pregnant employee, or an employee whose 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

289. 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 premature birth leave otherwise payable under clause 288 until after the legislated paid maternity leave is used.

Compassionate leave

290. Employees will be eligible for 3 days paid compassionate leave on each occasion when:
- 290.1. 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
 - 290.2. the employee or their partner has a miscarriage.
291. An employee may be asked to provide evidence to support their absences on compassionate leave.

- 292. Compassionate leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.
- 293. Use of compassionate leave does not preclude the use of other approved leave to extend the period of absence.
- 294. For casual employees, compassionate leave is unpaid.

Bereavement leave

- 295. Employees will be eligible for 3 days paid bereavement leave on each occasion when:
 - 295.1. a member of their family (including a member of their household) or someone they had a close personal relationship with dies; or
 - 295.2. a child is stillborn, where the child was a member of their family (including a member of their household).
- 296. An employee may be asked to provide evidence to support their absences on bereavement leave.
- 297. Bereavement leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.
- 298. Use of bereavement leave does not preclude the use of other approved leave to extend the period of absence.
- 299. For casual employees, bereavement leave is unpaid.

Emergency response leave

- 300. 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:
 - 300.1. the time engaged in the activity;
 - 300.2. reasonable travelling time; and
 - 300.3. reasonable recovery time.
- 301. Full-time and part-time employees will be able to access 20 working days of paid emergency response leave at full pay rate per year if required. The Secretary may provide additional emergency response leave with pay.
 - 301.1. For the purpose of this clause, full rate of pay is to be as if the employee was at work.
- 302. Paid leave may be refused where the employee's role is essential to the department's response to the emergency.
- 303. 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.

- 304. The Secretary may approve reasonable paid leave for ceremonial duties and training.
- 305. Emergency response leave, with or without pay, will count as service.

Jury duty

- 306. 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.
- 307. Full 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.
 - 307.1. For the purposes of this clause, full rate of pay is to be as if the employee was at work.
- 308. The employee is required to inform their manager before they are released from duty and provide evidence of the need to attend.
- 309. 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.

Defence reservist leave

- 310. The Secretary will give an employee leave with or without pay to undertake:
 - 310.1. Australian Defence Force (ADF) Reserve and continuous full-time service (CFTS); and
 - 310.2. Australian Defence Force Cadet obligations.
- 311. An employee who is a Defence Reservist can take leave with pay for:
 - 311.1. up to 4 weeks (20 days) in each financial year (pro-rata for part-time employees); and
 - 311.2. an extra 2 weeks (10 days) in the first year of ADF Reserve service (pro-rata for part-time employees).
- 312. Leave can be built up and taken over 2 consecutive years. This includes the extra 2 weeks in the first year of service.
- 313. 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:
 - 313.1. Australian Navy Cadets;
 - 313.2. Australian Army Cadets; and
 - 313.3. Australian Air Force Cadets.

- 314. In addition to the entitlement at clause 310, 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.
- 315. Paid defence reservist leave counts for service.
- 316. Unpaid defence reservist leave for 6 months or less counts as service for all purposes. This includes periods of CFTS.
- 317. Unpaid leave taken over 6 months counts as service, except for annual leave.
- 318. An employee will not need to pay their tax free ADF Reserve salary to the department for any reason.

Defence service sick leave

- 319. 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:
 - 319.1. war-like service; or
 - 319.2. non-war like service.
- 320. An eligible employee can get 2 types of credits:
 - 320.1.1. an initial credit of 9 weeks (45 days) defence service sick leave will apply as at the following dates, whichever is later:
 - 320.1.1.1. they start employment with the APS; or
 - 320.1.1.2. DVA certifies the condition; and
 - 320.2. an annual credit of 3 weeks (15 days) defence service sick leave.
- 321. 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.
- 322. Unused annual credits can be built up to 9 weeks.
- 323. An employee cannot use annual credits until the initial credit is exhausted.
- 324. Defence service sick leave is paid and counts as service for all purposes.

Leave to attend proceedings

- 325. 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.
- 326. An employee who is not covered under clause 325, 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.

327. 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, flextime or time off in lieu.
328. 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.

Section 7: Employee support and workplace culture

Blood donation

- 329. 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 the department will consider employees on duty.
- 330. The employee must inform their manager in advance of when they will be away from work before donating blood, plasma or platelets.

Vaccinations

- 331. The department will offer annual influenza vaccinations at no cost to all employees.
- 332. Where the department requires an employee performing a role to be vaccinated for a particular condition, this vaccination will be offered at no expense to the employee.

Employee assistance program (EAP)

- 333. Employees and their family 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.

Third trimester car parks

- 334. Pregnant employees in their third trimester will be provided with a car park or alternative reasonable arrangements where agreed between the employee and their manager.

Work/life information and referral service

- 335. Employees will have access to an independent work/life information and referral service that provides information on options for care of children, teenagers, adult dependants, and dependants with disability.

Respect at work

Principles

- 336. 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.
- 337. 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

Consultation

338. 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.

Family and domestic violence support

339. The department will provide support for employees affected by family and domestic violence, depending on the employee's circumstances.
340. The department recognises that a holistic approach should be taken to support the employee, appropriate for the employee's individual circumstances.
341. Family and domestic violence support provisions, including paid leave, are available to all employees covered by this agreement.
342. 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:
- 342.1. illness or injury affecting the employee resulting from family and domestic violence;
 - 342.2. 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;
 - 342.3. 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;
 - 342.4. making arrangements for the employee's safety, or the safety of a close relative;
 - 342.5. accessing alternative accommodation;
 - 342.6. accessing police services;
 - 342.7. attending court hearings;
 - 342.8. attending counselling; and
 - 342.9. attending appointments with medical, financial or legal professionals.
343. 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.
344. 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.
345. These provisions do not reduce an employee's entitlement to family and domestic violence leave under the NES.

- 346. 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.
- 347. 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.
- 348. 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 statutory declaration is the only form of evidence the department will require, unless the employee chooses to provide another form of evidence.
- 349. 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.
- 350. 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.
- 351. Where the department needs to disclose confidential information for purposes identified in clause 350, 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.
- 352. 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.
- 353. 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.
- 354. 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.

Integrity in the APS

- 355. 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.
- 356. 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.
- 357. Employees can, during their ordinary work hours, take time to:

- 357.1. 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
- 357.2. attend department mandated training about integrity.

First Nations cultural competency training

- 358. 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.
- 359. 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

- 360. Reasonable paid time during work hours will be provided for lactation breaks for breastfeeding, expressing milk and other associated activities.
- 361. The department will provide access to appropriate facilities for the purpose of breastfeeding or expressing milk, subject to clause 362. In considering whether a space is appropriate, the department should consider whether:
 - 361.1. there is access to refrigeration;
 - 361.2. the space is lockable; and
 - 361.3. there are facilities needed for expressing, such as appropriate seating.
- 362. Where it is not practicable for a departmental site to have a designated space, a flexible approach will be taken so that the employee can access the support required.
- 363. 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.
- 364. 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.

Disaster support

- 365. 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.

366. 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.
367. 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.

Section 8: Performance and development

Performance management

- 368. The department strives for a high-performance culture that supports development opportunities for employees and enables the department to deliver required outcomes.
- 369. All employees are required to participate in the department's performance management and assessment process. Employees are expected to maintain a satisfactory standard of performance, consistent with their performance agreement.
- 370. The department encourages employees and managers to jointly engage in regular conversations about performance and feedback in an open and respectful way.
- 371. Salary advancement will be managed in accordance with clauses 30 to 36.

Probation

- 372. The probationary period for the purposes of subsection 22(6) of the PS Act will be 6 months, unless determined otherwise by the Secretary, as set out in the employment offer.

Managing underperformance

- 373. If an employee is not performing at the required standard, in the first instance they will be supported to improve and maintain their performance. This excludes where an employee is on probation, which is to be managed under the department's policies and procedures related to probation.
- 374. Where an employee has not maintained a satisfactory standard of performance after an appropriate period of assistance has been provided to improve their performance, their performance will be formally assessed through an underperformance process.
- 375. The period in which an employee's performance is to be formally assessed will be at least one month but not longer than 2 months, unless otherwise adjusted by the Secretary. This assessment may be undertaken by the employee's manager or, where requested by the employee and approved by the Secretary, an appropriate person from outside the immediate work area.
- 376. The employee will receive opportunity and appropriate assistance to improve their performance during the formal assessment period. If unsatisfactory performance continues until the end of the assessment period, relevant consequences (which may include termination of employment or reduction in classification), as set out in the department's policies and procedures related to performance, may apply.

Reward and recognition

377. The department encourages rewards and recognition, including department-wide measures and a framework for divisions to undertake further initiatives. These arrangements provide the flexibility to deliver rewards and recognition at appropriate times.

Workloads

378. 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.
379. 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.
380. 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.

Capability development

Learning and Development

381. The department is committed to fostering a culture of continuous learning and development and recognises the importance of employees undertaking learning and development activities that benefit the employee and the department.
382. Employees and their managers will discuss and agree a learning and development plan for the employees current work and career development goals.
383. Where there are significant changes to an employee's work, the department will ensure appropriate learning and development opportunities are provided to support the employee to transition to the new role.
384. The Secretary may determine that a professional membership and/or accreditation is an essential requirement of an employee's role. Where this is determined, the Secretary may also agree to the payment (or reimbursement) of associated fees.

Studies assistance

385. Studies assistance, which can include financial assistance and/or study leave, will be provided to employees that undertake approved university or other approved courses of study.
386. Employees with an approved study plan can access up to 8 hours of paid study leave per week during study periods. First Nations employees and employees with a disability with an approved study plan can access up to 15 hours per week of paid study leave during study periods. Study leave can be used flexibly during the relevant study period. Study leave cannot be carried between separate study periods.

387. Employees may also be eligible for financial assistance. The criteria for receiving financial assistance and levels of support available are outlined in the Studies assistance policy.

Section 9: Travel and location-based conditions

Travel assistance

388. Official travel means approved travel for official business where the employee is required to be absent overnight, or where the duration of the travel is 10 hours or more on a single day.
389. Allowances and conditions for employees undertaking official travel can be found in the official travel instructions included in the Secretary's Accountable Authority Instructions (made under the *Public Governance, Performance and Accountability Act 2013*) and departmental policies.
390. An employee who travels on official business is entitled to have reasonable travel, accommodation, meal and incidental expenses met by the department. The Australian Taxation Office rates are used as the basis for determining reasonable meal and incidental expenses. Wherever possible, the Commonwealth corporate credit card will be used to pay for approved travel costs.
391. Any expenditure incurred while travelling must:
- 391.1. relate to the official travel;
 - 391.2. not be of a personal nature; and
 - 391.3. not provide a monetary gain to the employee.
392. Employees may seek reimbursement for expenditure that cannot be reasonably purchased with the Commonwealth corporate credit card, or where a corporate credit card is not available, or from an incidental allowance (if applicable, for overseas travel). Employees will be required to provide evidence of all expenditure to their manager's satisfaction. Once satisfactory evidence has been provided, the department will provide reimbursement.
393. For travel that is less than 10 hours in duration, reasonable travel expenses (that is, airfares and ground transport) will be met by the department and payment can be made with the Commonwealth corporate credit card. Meal and incidental expenses are not payable for travel that is less than 10 hours in duration.
394. Where an employee will be absent overnight on official business, an employee's manager may approve \$77 per night for reasonable expenses incurred while staying privately (non-commercial accommodation), provided approval is obtained prior to travel and no accommodation is charged to the department for that night's absence.
395. Where an employee becomes ill or injured while on official travel and is unable to return home as a result of the illness or injury, the employee is entitled to continue to have their expenses met for the period of the approved travel, including any extensions to the period of approved travel that are agreed while the employee is on official travel.
396. Employees may seek reimbursement for unavoidable additional non-travel expenses incurred due to official travel. Wherever possible, these expenses are to be approved prior to the travel being undertaken.

397. In exceptional circumstances, the Secretary can approve payment of a cash advance to meet reasonable accommodation, meal and incidental expenses for official travel. Exceptional circumstances may include travel to remote localities or areas that do not accept the Commonwealth corporate credit card. The employee will be required to acquit the advance on return from travel.
398. Unless agreed otherwise by the Secretary and the employee, class of travel must be in line with the whole of government policy, where available.
- 398.1. Where available, business class travel will be the normal class of travel for official overseas travel.
399. Employees who are required to undertake official travel may include travelling time as part of their working hours, including travel outside the bandwidth.

Excess commuting time

400. Where an employee is directed to temporarily perform duties at a location other than their usual location of work and, as a result, spends more time commuting to their temporary place of work than they spend commuting to their usual location of work, the employee will be entitled to be paid excess commuting time, provided that:
- 400.1. the commuting time is not considered 'official travel';
- 400.2. the employee is APS Level 1 - 6 (or equivalent classification);
- 400.3. the additional commuting time is at least 30 minutes in travel per day, or 2.5 hours in any fortnight; and
- 400.4. the payment does not exceed 5 hours in any one day.
401. Excess commuting time may be taken as time off in lieu, subject to manager approval being obtained prior to the travel taking place.
402. The rate of payment or time off in lieu will be single time of the employee's hourly rate of salary for each hour commuting on Mondays to Saturdays, and time and a half of the employee's hourly rate of salary for each hour commuting on Sundays and public holidays.
403. Calculation of the payment in clause 402 will take into account any higher duty allowance the employee is entitled to.

Relocation assistance

404. Where an existing employee is required to relocate at the request of the department (such as a promotion), 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.
405. Where an existing employee's relocation is initiated by the department and is either permanent or for period of at least 12 months, the financial relocation assistance provided will include a non-acquitable taxable one-off lump sum payment of \$648 for employees

without dependants or \$1,296 for employees with dependants to cover miscellaneous expenditure associated with the relocation.

406. Where an employee is required to relocate on engagement with the department, the employee will be provided with financial relocation assistance.
407. Reasonable expenses associated with the relocation include:
- 407.1. the cost of transport of the employee, dependants and partner by the most economical means
 - 407.2. removal expenses, namely the reimbursement of reasonable incurred costs of the removal of furniture and household effects of the employee, dependants and partner
 - 407.3. the reimbursement of the cost of the insurance premium based on a reasonable replacement value and
 - 407.4. the reasonably incurred expenses in kennelling and transport of pets, up to the amount specified in the Australia Public Service Enterprise Award 2015 (APS Award).
408. Additional relocation assistance may be considered at the Secretary's discretion.

Remote localities

409. Where an employee is required by the department to work and live at a remote locality, remote locality assistance will be determined on a case-by-case basis. The monetary value of any assistance to be provided to an employee will be no less than the monetary value of the remote localities assistance the employee would be entitled to under the APS Award or subsequent applicable award.
410. Employees who were in receipt of remote localities assistance immediately prior to the commencement of the agreement will continue to receive that entitlement while they remain in their current localities.

Section 10: Consultation, representation and dispute resolution

Consultation

Principles

- 411. 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.
- 412. The department recognises:
 - 412.1. the importance of inclusive and respectful consultative arrangements;
 - 412.2. employees and the relevant union(s) should have a genuine opportunity to influence decisions;
 - 412.3. 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;
 - 412.4. consultation with employees and relevant unions(s) on workplace matters that significantly affect or materially impact them is sound management practice; and
 - 412.5. the benefits of employee and union involvement and the right of employees to be represented by their union.
- 413. Genuine and effective consultation involves:
 - 413.1. providing employees and the relevant union(s) with a genuine opportunity to influence the decision prior to a decision being made;
 - 413.2. providing all relevant information to employees and the relevant union(s) in a timely manner to support consideration of the issues;
 - 413.3. considering feedback from employees and the relevant union(s) in the decision making process; and
 - 413.4. 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

- 414. Consultation is required in relation to:
 - 414.1. changes to work practices which materially alter how an employee carries out their work;
 - 414.2. changes to or the introduction of policies or guidelines relevant to workplace matters (unless the changes are minor or procedural);

- 414.3. major change that is likely to have a significant effect on employees;
 - 414.4. implementation of decisions that significantly affect employees;
 - 414.5. changes to employees' regular roster or ordinary hours of work (subject to any other relevant provisions in this agreement); and
 - 414.6. other workplace matters that are likely to significantly or materially impact employees.
415. 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

416. This clause applies if the department:
- 416.1. 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
 - 416.2. proposes to introduce a change to the regular roster or ordinary hours of work of employees.

Representation

417. 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.
418. The department must recognise the representative if:
- 418.1. a relevant employee appoints, or relevant employees appoint, a representative for the purposes of consultation; and
 - 418.2. the employee or employees advise the employer of the identity of the representative.

Major change

419. In this clause, a major change is **likely to have a significant effect on employees** if it results in, for example:
- 419.1. the termination of the employment of employees; or
 - 419.2. major change to the composition, operation or size of the employer's workforce or to the skills required of employees; or
 - 419.3. the elimination or diminution of job opportunities (including opportunities for promotion or tenure); or
 - 419.4. the alteration of hours of work; or
 - 419.5. the need to retrain employees; or

- 419.6. the need to relocate employees to another workplace; or
- 419.7. the restructuring of jobs.
- 420. The following additional consultation requirements in clauses 421 to 427 (inclusive) apply to a proposal to introduce a major change referred to in clause 414.
- 421. Consultation with employees and the relevant union(s) and/or recognised representatives will occur prior to a decision being made, subject to clause 415.
- 422. Where practicable, a department 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.
- 423. 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.
- 424. As soon as practicable after proposing the change, or notifying of the change in circumstances described at clause 415 the department must:
 - 424.1. discuss with affected employees and relevant union(s) and/or other recognised representatives:
 - 424.1.1. the proposed change;
 - 424.1.1.1. the effect the proposed change is likely to have on the employees; and
 - 424.1.1.2. proposed measures to avert or mitigate the adverse effect of the proposed change on the employees; and
 - 424.1.2. for the purposes of the discussion – provide, in writing, to employees and the relevant union(s) and/or other recognised representatives:
 - 424.1.2.1. all relevant information about the proposed change, including the nature of the change proposed; and
 - 424.1.2.2. information about the expected effects of the proposed change on the employees; and
 - 424.1.2.3. any other matters likely to affect the employees.
- 425. 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.
- 426. 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.
- 427. 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 421 to 425 are taken not to apply.

Change to regular roster or ordinary hours of work

428. The following additional consultation requirements in clauses 429 to 432 (inclusive) apply to a proposal to introduce a major change referred to in clause 414.5.
429. The department must notify affected employees and the relevant union(s) and/or other recognised representatives of the proposed change.
430. As soon as practicable after proposing to introduce the change, the department must:
- 430.1. discuss with employees and the relevant union(s) and/or other recognised representatives:
 - 430.1.1. the proposed introduction of the change; and
 - 430.2. for the purposes of the discussion – provide to the employees and relevant union(s) and/or other recognised representatives:
 - 430.2.1. all relevant information about the proposed change, including the nature of the proposed change; and
 - 430.2.2. information about what the employer reasonably believes will be the effects of the proposed change on the employees; and
 - 430.2.3. information about any other matters that the employer reasonably believes are likely to affect the employees; and
 - 430.3. 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.
431. 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

432. 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.

National consultative committee

433. A national consultative committee (NCC) will be established to discuss relevant workplace matters. The NCC will consider issues surrounding the operation of the agreement including in relation to departmental policies.
434. The NCC 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.

- 434.1. Wherever practicable, the department will facilitate at least 4 meetings of the NCC per calendar year and will operate in accordance with terms of reference to be established by the NCC.
- 434.2. Membership of the NCC will include, but not be limited to, employee representatives, management representatives and union representatives. Where required, the NCC may agree to form sub-committees.
- 434.3. The NCC will be supported by divisional consultative committees (DCCs). DCCs will determine their own procedures and will be responsible for discussions with local management on local issues.
- 435. The department will consult with, and consider the views of, the NCC on issues surrounding the implementation and operation of this agreement, as these issues affect the employment conditions of employees. The department will allow a reasonable period for the NCC to consider these issues.
- 436. The department may alter workplace policies and guidelines during the life of this agreement and will consult through the NCC before a final decision is made.
 - 436.1. Further detail on consultation can be found at 411 to 431 (inclusive).

APS consultative committee

- 437. 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

- 438. If a dispute relates to:
 - 438.1. a matter arising under the agreement; or
 - 438.2. the NES;this term sets out procedures to settle the dispute.
- 439. An employee or union who is covered by this agreement may initiate and/or be a party to a dispute under this term.
- 440. 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.
- 441. 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.

442. 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 441 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

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

443.1. 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

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

443.2.1. arbitrate the dispute; and

443.2.2. 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 FW 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 FW Act. Therefore, an appeal may be made against the decision.

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

444.1. 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

444.2. subject to clause 444.1 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:

444.2.1. the work is not safe; or

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

444.2.3. the work is not appropriate for the employee to perform; or

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

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

446. Any disputes arising under the Department of Industry, Innovation and Science Enterprise Agreement 2019-2022 or the NES that were formally notified under Schedule 7 of the Department of Industry, Innovation and Science Enterprise Agreement 2019-2022 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

447. Where the provisions of clauses 438 to 442 (inclusive) 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 439, 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 442.

Delegates' rights

448. 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.
449. The role of union delegates is to be respected and supported.
450. The department and union delegates will work together respectfully and collaboratively.

Supporting the role of union delegates

451. The department respects the role of union delegates to:
- 451.1. provide information, consult with and seek feedback from employees in the workplace on workplace matters;
 - 451.2. consult with other delegates and union officials, and get advice and assistance from union officials;
 - 451.3. represent the interests of members to the employer and industrial tribunals; and
 - 451.4. represent members at relevant union forums, consultative committees or bargaining.
452. 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.
453. 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.
454. To support the role of union delegates, the department will, subject to legislative and operational requirements, including privacy and security requirements:
- 454.1. 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;
 - 454.2. 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;

- 454.3. 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 a department vetoing reasonable communications;
 - 454.4. provide access to new employees as part of induction; and
 - 454.5. provide reasonable access to union delegates to attend appropriate paid time training in workplace relations matters, during normal working hours.
455. 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 department before speaking publicly in that capacity, subject to the APS Code of Conduct and legislative requirements.

Section 11: Separation and retention

Resignation

- 456. An employee may resign or retire from their employment by giving the Secretary at least 14 calendar days' notice.
- 457. At the instigation of the Secretary, the resignation or retirement 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.
- 458. 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

- 459. 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

- 460. Clauses 460 to 499 (inclusive) do not apply to non-ongoing employees (except where a non-ongoing employee's contract is not permitted by section 333E of the FW Act), casual employees or ongoing employees who have been employed for less than 6 months.
- 461. An employee is an excess employee if:
 - 461.1. 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;
 - 461.2. the services of the employee cannot be effectively used because of technological or other changes in work methods or changes in the nature, extent or organisation of the functions of the department; or
 - 461.3. the duties usually performed by the employee are to be performed in a different locality and the employee is not willing to perform the duties at the other locality and the Secretary has determined that these provisions will apply to that employee.

Consultation

- 462. When the Secretary is aware that an employee is likely to become excess, the Secretary will advise the employee in writing.

463. The Secretary will hold discussions with the employee and, if the employee chooses, with their representative, to outline reasons they may become excess and to consider:
- 463.1. measures that could be taken to avoid the situation, including job swaps and redeployment at or below level within the department or within the APS;
 - 463.2. the availability of support and assistance for career planning and training; and
 - 463.3. whether a voluntary redundancy might be appropriate.
464. The Secretary will not involuntarily terminate an excess employee where there is another employee doing the same work at the same level who is seeking a voluntary redundancy and the excess employee can demonstrate a suitable capability.
465. At least 4 weeks after advising the employee that they are likely to become excess under clause 462, the Secretary may advise the employee in writing that they are an excess employee and invite them to accept a voluntary redundancy. The employee and the Secretary may agree to a shorter period.
466. The employee will have a further 4 weeks to consider and accept an offer of a voluntary redundancy (referred to as the consideration period), commencing from the date of notification under clause 465, which may only be shortened at the employee's request.
467. Where the employee chooses to shorten the consideration period outlined in clause 466, the employee will be paid in lieu for the unexpired portion of the 4 week period at the date of termination of the employee's employment.
468. Where an offer of a voluntary redundancy is accepted, the Secretary may proceed to give notice of termination of employment under subsection 29(3)(a) of the PS Act .
469. As soon as possible within the process of identifying an employee as potentially excess but, in any event, no later than making the offer of voluntary redundancy in accordance with clause 465, the Secretary must give an employee the following information:
- 469.1. a point of contact for individual queries
 - 469.2. the amount of severance pay, pay in lieu of notice and leave credits
 - 469.3. how to ascertain information on superannuation entitlements upon voluntary redundancy
 - 469.4. options open to the employee in relation to superannuation
 - 469.5. taxation rules applying to payments to the employee
 - 469.6. assistance with identifying redeployment opportunities and
 - 469.7. information on how to access opportunities for training or career planning.
470. The department will not be bound by the financial information provided in the event that any errors in calculations are identified at a later date.
471. Potentially excess and excess employees can access reimbursement up to a maximum of \$766 for the purpose of seeking financial advice.
472. An excess employee:

- 472.1. can access up to \$5,895 for payment of external services or training opportunities that would be expected to enhance the employment prospects of employees. The Secretary may approve a higher amount having regard to the particular circumstances of the excess employee;
 - 472.2. will be considered first and in isolation from, and not in competition with, other applicants who are not excess for an advertised vacancy to which the employee seeks transfer but only at or below the employee's classification;
 - 472.3. will be funded for up to 3 months for suitable trial placements in another organisation including private sector organisations where there is an identifiable opportunity for permanent placement and no job swap arrangement is involved. An individual employee may undertake more than one trial placement; and
 - 472.4. may be reassigned to a job with a lower classification if a suitable vacancy does not exist at the same level within the department. If this occurs, the employee will be entitled to income maintenance during the redeployment period to maintain their level of salary.
473. Only one offer of voluntary redundancy will be made to the excess employee during a particular redundancy process.

Severance pay

474. An employee who accepts a voluntary redundancy is entitled to the following severance pay:
- 474.1. 2 weeks' salary for each completed continuous year of service; and
 - 474.2. a pro-rata payment for each completed continuous month of service since the last completed year of service
- subject to clause 475 and any entitlement under the NES.
475. The minimum amount of severance pay is an amount equal to 4 weeks salary and the maximum amount payable is an amount equal to 48 weeks salary.
476. Severance pay is calculated on a pro-rata basis for any period of service when the employee worked part-time.
477. Severance pay includes higher duties allowance if the employee was entitled to receive that allowance for a continuous period of at least one year immediately before the employee was given an offer of a voluntary redundancy and other allowances which are paid during periods of annual leave, excluding allowances which are a reimbursement for expenses incurred.

Service for severance pay purposes

478. Service for severance pay purposes means:
- 478.1. service in the department;
 - 478.2. Government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*;

- 478.3. service with a Commonwealth body (other than service with a joint Commonwealth State body corporate) in which the Commonwealth has a controlling interest which is recognised for long service leave purposes;
 - 478.4. service with the Australian Defence Forces;
 - 478.5. APS service immediately preceding deemed resignation under repealed section 49 of the PS Act, if the service has not previously been recognised for severance pay purposes; or
 - 478.6. service in another organisation where an employee moved from the APS to that organisation with a transfer of function or where an employee engaged by the organisation on work within a function is engaged in the APS as a result of the transfer of that function to the APS and such service is recognised for long service leave purposes.
479. For earlier periods of service to count, there must be no breaks between the periods of service except where:
- 479.1. 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
 - 479.2. an employee resigned from the APS on marriage under the repealed section 49 of the PS Act.

Service not to count for severance pay purposes

- 480. Any period of service which ceased pursuant to subsection 29(3) or 29(4) of the PS Act or the equivalent previous provisions of the superseded PS Act, or an equivalent provision under other Commonwealth legislation, including termination of employment with the payment of a redundancy benefit or similar payment or an employer financed retirement benefit, will not count as service for severance pay purposes.
- 481. Absences from duty which do not count as service for long service leave purposes will not count as service for severance pay purposes.

Redeployment

- 482. An excess employee who does not accept an offer of voluntary redundancy after 4 weeks, will be entitled to the following period to seek redeployment:
 - 482.1. 6 months where an employee has 20 or more years of service or is over 45 years of age; or
 - 482.2. 4 months for other employees.
- 483. If an employee is entitled to a redundancy payment under the NES, the redeployment period at clause 382 will be reduced by an amount equivalent to the employee's redundancy entitlement under the NES.
- 484. Where an excess employee's employment is terminated during or at the end of the redeployment period (as adjusted by clause 383) they will be paid redundancy pay in accordance with the NES.

485. The intention of the redeployment period is to enable excess employees to be reassigned within the APS or to find other suitable employment. Consistent with this intention, during the redeployment period:

485.1. the department will continue to provide and resource career transition services and support, and take all reasonable steps to move an excess employee to a suitable vacancy, including to another agency, and to support placements outside the APS consistent with this agreement; and

485.2. employees will take all reasonable steps to secure permanent re-assignment or placement.

Leave and expenses to seek employment

486. An employee will be entitled to reasonable paid leave to attend necessary employment interviews, from the date the employee is deemed an excess employee.

487. Where expenses to attend interviews are not met by the prospective employer, the employee will be entitled to reasonable travel and incidental expenses incurred.

Leave during redeployment period

488. The Secretary will extend the redeployment period for periods of absence on leave for personal illness or injury that are supported by appropriate evidence or paid or unpaid maternity leave under the ML Act including the additional 6 weeks of paid leave provided under clause 272 during the redeployment period where the period of absence exceeds one week. The redeployment period will not be extended for other absences except where the Secretary considers that there were compelling reasons for taking such leave and the employee's ability to participate in the redeployment process has been significantly affected by the absence.

489. Where it is necessary as a result of reassignment or reduction in classification for an excess employee to move the employee's household to a new locality, the employee will be entitled to reimbursement of reasonable expenses.

Involuntary termination after redeployment period

490. The employment of excess employees who have not been permanently redeployed at the end of the redeployment period may be terminated without their consent. Termination of employment will take effect at the end of the redeployment period (and as adjusted by clause 488).

491. An employee whose employment is to be involuntarily terminated after unsuccessful redeployment will be provided with relevant financial information at the time the Secretary issues the 'notice of termination of employment'.

492. In deciding whether to terminate the employment of an excess employee, the Secretary will take into account of any redeployment process that may be in progress.

493. Where an employee's employment is to be terminated at the end of a redeployment period the period of notice will, as far as practicable, be concurrent with the redeployment period.

Reduction in classification

- 494. Where the Secretary proposes to reduce an excess employee's classification, the employee will be given no less than one month's notice of the reduction in classification.
- 495. Where an excess employee's classification is reduced, the employee's salary immediately preceding the date of reduction will be maintained for the unexpired portion of the redeployment period.

Reviews

- 496. Rights of review against the giving of notice of reduction in classification are described in the department's policies and procedures. Rights of review against the giving of notice of redundancy will be in accordance with the termination of employment provisions of the FW Act.

Notice of termination

- 497. An employee's employment may be terminated by the Secretary giving the employee the required notice of termination of employment under section 29 of the PS Act. The notice period will be 4 weeks (or 5 weeks if the employee is over 45 years old and has at least 5 years of continuous service).
- 498. The Secretary may terminate the employment of an employee before the end of the notice period. If this occurs, a payment in lieu of notice will be made for the unexpired portion of the notice period.

Agreement not to prevent other action

- 499. Nothing in these provisions will prevent the reduction in classification of an employee, or the termination of an employee's employment as a result of action under the provisions of the PS Act relating to breaches of the Code of Conduct, physical or mental incapacity where this impacts on the employee's ability to perform the inherent requirements of their job, unsatisfactory or non-performance of duties, or loss of essential qualifications.

Attachment A – Base salaries

Table AA.1 – General stream

| General stream | | | | | | |
|-------------------|-----------|-------------------------------|--------------------|--------------------|--------------------|-------------|
| Classification | Pay point | Salary prior to 14 March 2024 | From 14 March 2024 | From 13 March 2025 | From 12 March 2026 | |
| APS Level 1 | 1 | \$51,179 | \$53,226 | \$55,249 | \$57,497 | Broadband 1 |
| | 2 | \$53,845 | \$55,999 | \$58,127 | \$60,103 | |
| | 3 | \$56,129 | \$58,374 | \$60,592 | \$62,652 | |
| APS Level 2 | 1 | \$57,889 | \$60,205 | \$62,493 | \$64,618 | |
| | 2 | \$61,135 | \$63,580 | \$65,996 | \$68,240 | |
| | 3 | \$64,575 | \$67,158 | \$69,710 | \$72,080 | |
| APS Level 3 | 1 | \$65,011 | \$67,611 | \$70,180 | \$72,566 | |
| | 2 | \$67,818 | \$70,531 | \$73,211 | \$75,700 | |
| | 3 | \$70,489 | \$73,309 | \$76,095 | \$78,682 | |
| APS Level 4 | 1 | \$72,967 | \$75,886 | \$78,770 | \$81,448 | Broadband 2 |
| | 2 | \$75,851 | \$78,885 | \$81,883 | \$84,667 | |
| | 3 | \$78,763 | \$81,914 | \$85,027 | \$87,918 | |
| APS Level 5 | 1 | \$80,250 | \$83,460 | \$86,631 | \$89,576 | |
| | 2 | \$82,428 | \$85,725 | \$88,983 | \$92,008 | |
| | 3 | \$84,668 | \$88,055 | \$91,401 | \$94,509 | |
| | 4 | N/A | N/A | \$91,809 | \$96,829 | |
| APS Level 6 | 1 | \$91,444 | \$95,102 | \$98,716 | \$102,072 | |
| | 2 | \$96,832 | \$100,705 | \$104,532 | \$108,086 | |
| | 3 | \$99,167 | \$103,134 | \$107,053 | \$110,693 | |
| | 4 | N/A | N/A | N/A | \$111,701 | |
| Executive Level 1 | 1 | \$113,231 | \$117,760 | \$122,235 | \$126,391 | EL 1 |
| | 2 | \$117,465 | \$122,164 | \$126,806 | \$131,117 | |
| | 3 | \$120,249 | \$125,059 | \$129,811 | \$134,225 | |
| Executive Level 2 | 1 | \$136,550 | \$142,012 | \$147,408 | \$152,420 | EL 2 |
| | 2 | \$143,573 | \$149,316 | \$154,990 | \$160,260 | |
| | 3 | \$147,019 | \$152,900 | \$158,710 | \$164,106 | |

Table AA.2 - Science and technical stream

| Science & technical stream | | | | | | | |
|--|----------------------|-----------|-------------------------------|--------------------|--------------------|--------------------|-------------|
| APS classifications, local designations and salary rates for roles determined to be incorporated into the science & technical stream | | | | | | | |
| Classification | Industry designation | Pay point | Salary prior to 14 March 2024 | From 14 March 2024 | From 13 March 2025 | From 12 March 2026 | Broadband 1 |
| APS Level 1 | S&T1 | 1 | \$47,181 | \$53,226 | \$55,249 | \$57,497 | |
| | | 2 | \$51,653 | \$55,999 | \$58,127 | \$60,103 | |
| | | 3 | \$56,129 | \$58,374 | \$60,592 | \$62,652 | |
| APS Level 2 | S&T2 | 1 | \$57,946 | \$60,264 | \$62,554 | \$64,681 | |
| | | 2 | \$59,765 | \$63,580 | \$65,996 | \$68,240 | |
| | | 3 | \$61,584 | \$67,158 | \$69,710 | \$72,080 | |
| APS Level 3 | S&T3 | 1 | \$63,252 | \$67,611 | \$70,181 | \$72,566 | |
| | | 2 | \$65,763 | \$70,531 | \$73,211 | \$75,700 | |
| | | 3 | \$68,269 | \$73,309 | \$76,095 | \$78,682 | |
| APS Level 4 | S&T4 | 1 | \$71,728 | \$75,886 | \$78,770 | \$81,448 | |
| | | 2 | \$75,015 | \$78,885 | \$81,883 | \$84,667 | |
| | | 3 | \$76,657 | \$81,914 | \$85,027 | \$87,918 | |
| APS Level 5 | S&T5 | 1 | \$78,634 | \$83,460 | \$86,631 | \$89,576 | |
| | | 2 | \$81,909 | \$85,725 | \$88,983 | \$92,008 | |
| | | 3 | \$83,542 | \$88,055 | \$91,401 | \$94,509 | |
| | | 4 | N/A | N/A | \$91,809 | \$96,829 | |
| APS Level 6 | S&T6 | 1 | \$88,927 | \$95,102 | \$98,716 | \$102,072 | |
| | | 2 | \$94,671 | \$100,705 | \$104,532 | \$108,086 | |
| | | 3 | \$98,366 | \$103,134 | \$107,053 | \$110,693 | |
| | | 4 | \$100,413 | \$104,430 | \$108,398 | \$112,084 | |
| Executive Level 1 | S&T7 | 1 | \$111,852 | \$117,760 | \$122,235 | \$126,391 | |
| | | 2 | \$114,707 | \$122,164 | \$126,806 | \$131,117 | |
| | | 3 | \$118,690 | \$125,059 | \$129,811 | \$134,225 | |
| Executive Level 2 | S&T8 | 1 | \$135,944 | \$142,012 | \$147,408 | \$152,420 | |
| | | 2 | \$139,153 | \$149,316 | \$154,990 | \$160,260 | |
| | | 3 | \$142,361 | \$152,900 | \$158,710 | \$164,106 | |
| | | 4 | \$148,562 | \$154,504 | \$160,375 | \$165,828 | |
| Executive Level 2 | S&T9 | 1 | \$152,395 | \$158,491 | \$164,514 | \$170,107 | |
| | | 2 | \$156,244 | \$162,494 | \$168,669 | \$174,404 | |
| | | 3 | \$160,097 | \$166,501 | \$172,828 | \$178,704 | |
| Executive Level 2 | S&T10 | 1 | \$166,378 | \$173,033 | \$179,608 | \$185,715 | |
| | | 2 | \$172,657 | \$179,563 | \$186,386 | \$192,723 | |
| | | 3 | \$185,221 | \$192,630 | \$199,950 | \$206,748 | |

AA.1. Roles included in the science and technical stream are those where the Secretary determines that the function of the position requires:

- a) a formal qualification in science or engineering at the degree level or higher;

b) a technical qualification at certificate IV level or higher, and/or registration by a State or Territory to work in a trade; or

c) other qualifications, knowledge or experience determined by the Secretary.

AA.2. The Secretary should also consider whether the work undertaken either wholly or to a substantial and demonstrable extent is directly undertaking or supporting the conduct of scientific activities related to research, analysis, regulation or education. This would not normally include roles that predominantly undertake administrative, policy or program delivery functions in support of, or related to scientific activities.

Table AA.3 – Trade measurement stream

| Trade measurement stream | | | | | | | |
|--|----------------------|-----------|-------------------------------|--------------------|--------------------|--------------------|-------------|
| Classification | Industry designation | Pay point | Salary prior to 14 March 2024 | From 14 March 2024 | From 13 March 2025 | From 12 March 2026 | |
| APS Level 3 | ATMO | 1 | \$63,252 | \$67,611 | \$70,180 | \$72,566 | Broadband 1 |
| | | 2 | \$65,766 | \$70,531 | \$73,211 | \$75,700 | |
| | | 3 | \$68,269 | \$73,309 | \$76,095 | \$78,682 | |
| APS Level 4 | ATMO2 | 1 | \$71,728 | \$75,886 | \$78,770 | \$81,448 | |
| | | 2 | \$75,015 | \$78,885 | \$81,883 | \$84,667 | |
| | TMO1 | 3 | \$76,657 | \$81,914 | \$85,027 | \$87,918 | |
| APS Level 5 | TMO2 | 1 | \$78,634 | \$83,460 | \$86,631 | \$89,576 | |
| | | 2 | \$81,909 | \$85,725 | \$88,983 | \$92,008 | |
| | | 3 | \$83,542 | \$88,055 | \$91,401 | \$94,509 | |
| | | 4 | N/A | N/A | \$91,809 | \$96,829 | |
| APS Level 6 | STMO | 1 | \$88,927 | \$95,102 | \$98,716 | \$102,072 | AP56 |
| | | 2 | \$94,671 | \$100,705 | \$104,532 | \$108,086 | |
| | | 3 | \$98,366 | \$103,134 | \$107,053 | \$110,693 | |
| | | 4 | \$100,413 | \$104,430 | \$108,398 | \$112,084 | |
| Executive Level 1 | AM | 1 | \$111,852 | \$117,760 | \$122,235 | \$126,391 | EL1 |
| | | 2 | \$114,707 | \$122,164 | \$126,806 | \$131,117 | |
| | | 3 | \$118,690 | \$125,059 | \$129,811 | \$134,225 | |
| ATMO – Assistant trade measurement officer TMO - Trade measurement officer STMO – Senior trade measurement officer AM – Assistant manager | | | | | | | |

AA.3. Progression of an assistant trade measurement officer (ATMO) to a trade measurement officer (TMO) position will be in accordance with the prescribed qualification requirements for appointment as a trade measurement inspector under the National Trade Measurement Regulations 2009.

Table AA.4 – Legal stream

| Legal stream | | | | | | |
|---|----------------------|-----------|-------------------------------|--------------------|--------------------|--------------------|
| Classification | Industry designation | Pay point | Salary prior to 14 March 2024 | From 14 March 2024 | From 13 March 2025 | From 12 March 2026 |
| APS Level 4 | LC1 | 1 | \$73,709 | \$76,657 | \$79,570 | \$82,276 |
| APS Level 5 | LC2 | 1 | \$80,250 | \$83,460 | \$86,631 | \$89,577 |
| APS Level 6 | LC3 | 1 | \$91,444 | \$95,102 | \$98,716 | \$102,072 |
| | | 2 | \$94,217 | \$100,705 | \$104,532 | \$108,086 |
| | | 3 | \$98,586 | \$103,134 | \$107,053 | \$110,693 |
| | | 4 | N/A | N/A | N/A | \$111,701 |
| Executive Level 1 | SLC | 1 | \$113,231 | \$117,760 | \$122,235 | \$126,391 |
| | | 2 | \$120,555 | \$125,377 | \$130,142 | \$134,566 |
| | | 3 | \$132,114 | \$137,399 | \$142,620 | \$147,469 |
| | | 4 | \$135,700 | \$141,128 | \$146,491 | \$151,472 |
| Executive Level 2 | PLC | 1 | \$142,009 | \$147,689 | \$153,302 | \$158,513 |
| | | 2 | \$146,299 | \$152,151 | \$157,933 | \$163,303 |
| | | 3 | \$151,937 | \$158,014 | \$164,019 | \$169,596 |
| LC – Legal Counsel SLC – Senior Legal Counsel PLC – Principal Legal Counsel | | | | | | |

AA.4. For legal counsel 1 & 2 (APS4 & 5 respectively) roles the following is required:

- a) a degree in Laws from an Australian tertiary institution or a comparable overseas qualification which is appropriate to the duties of the classification; or
- b) admission as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; and
- c) if the Secretary determines that it is required, possession of a current restricted practising certificate issued by the ACT Law Society (or other equivalent certification within a state or territory), or the obtaining of such a certificate within three months of commencing employment with the department.

AA.5. For all other roles in the legal stream the following is required:

- a) admission as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; and
- b) if the Secretary determines that it is required, possession of a current restricted practising certificate issued by the ACT Law Society (or other equivalent certification within a state or territory), or the obtaining of such a certificate within three months of commencing employment with the department.

Attachment B – Supported wage system

AB.1 This attachment defines the conditions which will apply to employees because of the effects of a disability, and are eligible for a supported wage under the terms of this agreement.

Eligibility criteria

AB.2 Employees covered by this attachment 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.

AB.3 The attachment 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

AB.4 Employees to whom this clause applies shall be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Table AB.1 - 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 |

AB. 5 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.

AB.6 Where an employee's assessed capacity is 10 per cent, they must receive a high degree of assistance and support.

Assessment of capacity

- AB.7 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 SWS 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.
- AB.8 Assessment made under this attachment 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

- AB.9 All SWS wage assessment agreements under the conditions of this attachment, 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.
- AB.10 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.

Review of assessment

- AB.11 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

- AB.12 Where an assessment has been made, the applicable percentage will apply to the relevant wage rate only. Employees covered by the provisions of the attachment 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

- AB.13 An employer wishing to employ a person under the provisions of this attachment 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

- AB.14 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 attachment for a Trial Period not

exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.

- AB.15 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.
- AB.16 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.
- AB.17 Work trials should include induction or training as appropriate to the job being trialled.
- AB.18 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 clauses AB7 and AB8.

Attachment C – Matters relating to specific groups of employees

NMI employees - special regional conditions

- AC.1 An employee engaged by NMI because of, and immediately following, the transfer of a State and Territory trade measurement function to the Commonwealth, and who was located in Rockhampton or Townsville on 1 July 2010, will be entitled to the provisions set out below whilst they remain at those locations.

| Location | Provisions |
|-------------|---|
| Rockhampton | An allowance of: <ul style="list-style-type: none">• \$26.60 per fortnight for an employee with dependant(s)• \$13.30 per fortnight for an employee without dependant(s). |
| Townsville | 5 additional days paid annual leave per year. An allowance of: <ul style="list-style-type: none">• \$43.40 per fortnight for an employee with dependant(s)• \$21.70 per fortnight for an employee without dependant(s). |

- AC.2 The allowance provided above shall be paid to an employee absent on paid leave (e.g. annual leave, personal/carer's leave, long service leave), but shall not be paid during periods of leave without pay. Part-time employees are entitled to a pro-rata payment of the allowance.
- AC.3 Employees who take up duty with NMI in Rockhampton or Townsville in circumstances other than those described above will not be entitled to receive these provisions. Where an employee is to be relocated to one of the special regions, relocation assistance may be provided on a case-by-case basis.
- AC.4 Special regional conditions, including the provisions above, may be reviewed and adjusted by the Secretary from time to time. Any such review will not diminish an employee's entitlement under this agreement.

Signatories

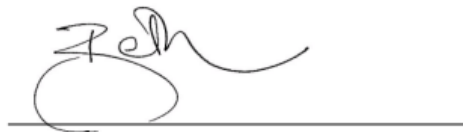
Signed for and on behalf of the Commonwealth of Australia as represented by the Department of Industry, Science and Resources



Date: 7 March 2024

Meghan Quinn
Secretary, Department of Industry, Science and Resources
Industry House, Binara Street CANBERRA ACT 2601

Bargaining Representative: Community and Public Sector Union



Date: 8 March 2024

Full name: Beth Vincent-Pietsch
Deputy National President
Address: 4/224 Bunda St Canberra ACT 2601

Employee Bargaining Representative



Date: 6 March 2024

Alicia Brown
Industry House, Binara Street Canberra ACT 2601