

*Compendium of  
Federal Public Sector  
Fair Work Australia  
Agreements*

**May 2010**

**SAMPLE ONLY**

*Another HBA Research Publication*

## Introduction

Welcome to the May 2010 edition of the HBA Compendium of Federal Public Sector Agreements<sup>®</sup>.

The production of HBA's latest Compendium continues our practice of providing the most comprehensive, up to date and accurate information on employment conditions delivered through enterprise agreements across Commonwealth agencies.

This information is not available in this format and level of detail anywhere else. The Compendium allows Federal Public Sector organisations to compare at a glance the core conditions offered through a sample of 45 Agreements currently operating across the Commonwealth, 33 of which have been made under the provisions of the *Fair Work Act 2009*. Moreover, this publication also identifies more novel employment conditions that apply within key agencies.

## What's in the Compendium?

This edition of the Compendium includes significant extant Union and Employee Collective Agreements made under WorkChoices and Transition to Fairness arrangements, together with 33 current Fair Work Australia agreements. Each agreement is summarised against the following topics:

- Date of certification/Operative date, duration and nominal expiry date
- Salary increases including lump sums, bonuses etc
- Pay advancement arrangements
- Higher duties arrangements
- Shift penalties
- Classification structure
- Hours of work
- Flexible working hours arrangements
- Working hours for Executive level employees
- Christmas/New Year absence arrangements
- Overtime arrangements
- Time off in lieu (TOIL) arrangements
- Emergency duty provisions
- Annual leave
- Personal, carer's and Compassionate leave
- Parental leave, Adoption and Maternity leave
- Pay related allowances
- Reimbursement allowances
- Redundancy provisions
- Other, novel features not covered elsewhere

**SAMPLE ONLY**

## Which agencies are covered in the Compendium?

HBA has separated the summaries into pre- and post-Transition to Fairness agreements, and Fair Work Australia agreements.

The Compendium summarises information drawn from the 45 agencies listed in the Index.

# Index

---

Attorney-General's Collective Agreement 2007 .....	6
Australian Bureau of Statistics Enterprise Agreement 2009-2011 .....	71
Australian Crime Commission Enterprise Agreement 2009-2011 .....	74
Australian Electoral Commission Collective Agreement 2007-2010 .....	48
Australian Industrial Registry Agreement 2008-10.....	9
Australian Institute of Criminology Agency Agreement 2009-2011 .....	77
Australian Maritime Safety Authority Union Collective Agreement 2009-2012 .....	50
Australian National Audit Office Enterprise Agreement 2009-2011 .....	54
Australian National Maritime Museum Enterprise Agreement 2009-2011.....	57
Australian Pesticides and Veterinary Medicines Authority Collective Agreement 2008-2011 .....	80
Australian Public Service Commission Enterprise Agreement 2009-201 .....	60
Australian Securities and Investments Commission ASIC 1-4 Level Enterprise Agreement 2009-2011....	65
Australian Securities and Investments Commission Executive Level Enterprise Agreement 2010-2011 ...	68
Australian Sports Commission (Committed to Excellence) Collective Workplace Agreement 2007-2011.	83
Bureau of Meteorology Enterprise Agreement 2009-2010.....	85
Centrelink Agreement 2009-2011 .....	12
Collective Agreement 5 - Department of Health and Ageing 2007-2011 .....	37
Defence Enterprise Collective Agreement 2009 .....	39
Defence Housing Australia Collective Agreement 2009-2011.....	90
Department of Education, Employment and Workplace Relations Collective Agreement 2009-2011 .....	20
Department of Families, Housing, Community Services and Indigenous Affairs Collective Agreement 2009 to 2011 .....	24
Department of Human Services - Child Support Agency Collective Agreement 2008—2011 .....	16
Department of Immigration and Citizenship Enterprise Agreement 2010-2011 .....	96
Department of Infrastructure, Transport, Regional Development and Local Government Enterprise Agreement 2009-2011 .....	113
Department of Innovation, Industry, Science and Research Enterprise Agreement 2009-2011 .....	120
Department of Resources, Energy and Tourism Enterprise Agreement 2009-2011.....	154
Department of the Environment, Water, Heritage and the Arts enterprise Agreement 2009-2011.....	103
Department of the Prime Minister and Cabinet Collective Agreement 2007-2010 .....	28
DVA Collective Agreement 2009-2011.....	31
Fair Work Australia Enterprise Agreement 2010-2011 .....	165
Great Barrier Reef Marine Park Authority Enterprise Agreement 2009-2011.....	109
IP Australia Enterprise Agreement 2010-2011 .....	123
ITSA Enterprise Agreement 2009-2011.....	126
Murray Darling Basin Authority Enterprise Agreement 2009-2011 .....	131

<b>National Capital Authority Enterprise Agreement 2009-2011</b> .....	135
<b>National Native Title Tribunal Enterprise Agreement 2009-2011</b> .....	138
<b>Office Of The Commonwealth Director Of Public Prosecutions Enterprise Agreement 2009-2011</b> .....	100
<b>Office of the Renewable Energy Regulator Enterprise Agreement 2009-2011</b> .....	144
<b>Old Parliament House Enterprise Agreement 2009-2011</b> .....	141
<b>Productivity Commission Enterprise Agreement 2010-2011</b> .....	147
<b>Professional Services Review Enterprise Agreement 2009-2012</b> .....	149
<b>Screen Australia Enterprise Agreement 2009-2011</b> .....	159
<b>The Office of the Fair Work Ombudsman Enterprise Agreement 2010-2011</b> .....	44
<b>Treasury Workplace Agreement 2009-2011</b> .....	162
<b>Workplace Authority Collective Agreement 2008 - 2010</b> .....	34

\* Denotes Agreements made under *Fair Work Act 2009*

**SAMPLE ONLY**

### Fair Work Australia Enterprise Agreement 2010-2011

<b>Agreement Type:</b> FWA	<b>Comprehensive:</b> Yes	
<b>Operative From:</b> 17/5/10	<b>Duration:</b> 13 months	<b>Nominal expiry date:</b> 30/6/11

#### SALARY AND RELATED MATTERS

Base salary increase	Due	Pre-conditions to payment
2.25%	1/9/10	HBA Note: pay rates were restructured by this Agreement - translation arrangements moved employees' pay rates prior to the Agreement to the next higher rate specified by the Agreement. [9.2.2 and Attachment A]
<b>Lump sums:</b> \$950 paid to all employees on commencement of the Agreement. [[9.2.1]		
<b>Pay advancement:</b> Performance based subject to satisfactory assessment. [9.3.3] Progression beyond a hard barrier in the structure – specified as a Work Level Test – involves: <ul style="list-style-type: none"> <li>• an employee making a WLT Submission (at any time) that clearly demonstrates why/how the activities/performance meet the Work Level Standards for the higher level sought</li> <li>• the employee's manager assessing the employee's performance as at least satisfactory, and then providing comments and a recommendation</li> <li>• a Review Committee (the Manager, People and a Branch Director) assessing and reporting its findings on the WLT Submission. [9.3.6]</li> </ul>		
<b>Higher duties pay:</b> 4 week qualifying period for FWAL 1-4 (APS1-6), and 2 weeks for FWAL 5-6 (ELT-2). [13.4]		
<b>Shift penalties:</b> No provision.		
<b>Classification Structure:</b> 8 level APS Structure broadbanded as FWAL 1 - APS1-2, FWAL 2 - APS3-4, FWAL 3 – APS5 and the first pay point at APS6, FWAL 4 – the remaining points of APS6, and FWAL 5 – EL1 and FWAL 6 – EL2. [9.3 and Attachment A]		

SAMPLE ONLY

#### HOURS OF WORK AND RELATED MATTERS

<b>Ordinary Hours</b> Standard hours: 36 ¾ hours per week. Standard day: 0845-1230 and 1330-1706. [10.1.2]
<b>Flexible hours</b> Flexitime mandatory for FWAL 1-4. [10.1.3] Bandwidth: 0800-1800. [10.1.4] Credits may only build up subject to work availability. [10.1.4] Maximum credits and debits are not specified.
<b>Working Hours – Executive Officers</b> No specific provision.

**Christmas-New Year Absence**

29/12/10 specified as additional holiday. [11.9.2]

HBA Comment: This day represents the normally expected 'Public Service' holiday: employees are still required to work on 30 and 31 December.

**Overtime**

Mon-Sat: time and a half for the first 3 hours and double time thereafter.

Sun: double time.

Public Holiday: double time and a half. [13.5]

**Time Off In Lieu**

Available at penalty rates, or some as TOIL with payment for the residual. [10.3]

**Emergency Duty**

Provided under restriction arrangements at 13.7.

**LEAVE**

**Annual Leave**

20 days per year, accruing progressively. [11.2.2]

**Personal, Carer's And Compassionate Leave**

Combined and called 'PCC' leave in the Agreement: 20 days per year. [11.3.1]

**Parental, Adoption And Maternity Leave**

Maternity leave: as provided by the *Maternity Leave (Commonwealth Employees) Act 1976*, plus 2 weeks. [11.4.2]

Adoption leave: 14 weeks. [11.4.4]

Parental leave: up to 5 years LWOP. [11.4.5]

Parental leave: 2 weeks 'non primary care provider' leave from the date of birth or the date on which the employee assumes responsibility for a child. [11.4.6]

**Community Leave**

Provided under 'Other Leave With and Without Pay' – no limits or conditions specified. [11.7]

**ALLOWANCES**

**Pay related allowances**

Community Language Allowance: \$28 per hour – minimum payment \$28. [13.1]

Health and Safety or Deputy Health and Safety Representative; First Aid; Emergency or Deputy Emergency Warden: \$28 per week. [13.3]

Restriction: Applies to FWAL 1-4 – paid 10% of salary per hour, plus overtime for minimum of 1 hours if not required to attend the workplace and 3 hours including travelling time if required to attend. [13.7]

**Reimbursement allowances**

Travel: as prescribed by the ATO. [13.8.2]

Part Day T/A: \$40 [13.8.4]

Motor Vehicle Allowance: as prescribed by the ATO: [13.8.5]

## MISCELLANEOUS OTHER

### Redundancy

Consideration period: total of 1 month, including consultation. [14.1.2]

Notice period: 4 weeks or, in the case of an employee over 45 years of age with at least 5 years of continuous service, 5 weeks. [14.5.1]

Severance benefit: as prescribed by the FW Act for employees with less than 4 years' service, and 2 weeks' salary for each completed year of continuous service, plus a pro-rata payment for completed months of service since the last completed year of service to a maximum of 48 weeks' salary. [14.3.2]

Retention period: 13 months where an employee has 20 or more years of service, or is over 45 years of age or 7 months for other eligible employees. [14.6.1]

Salary maintenance: balance of retention period. [14.6.7]

Special provisions: up to \$2,500 for independent financial and career advice. [14.3.4]

### Flexibility Provisions

Model Term from Fair Work Regulations – Schedule 2.2. [15]

### Dealing with Disputes

Specific to the needs of FWA and based on the Model Term from Fair Work Regulations – Schedule 6.1. See clause at the end of this summary. [8.2]

### Other Features Of Note

**Excess Travelling Time (ETT):** Employees up to and including FWA Level 4, who are required to undertake business travel are eligible to be paid ETT or claim TOIL for time necessarily spent in travel outside the bandwidth, but after deducting the time necessarily spent travelling to and from home and the FWA office.

Payment is not made unless the ETT exceeds:

- ½ hour in any one day; or
- 2 ½ hours in any fortnight.

The maximum payment for anyone day is 5 hours.

Payment is made at the employee's paypoint and the rate is:

- single time on Mondays to Saturdays
- time and a half on Sundays and public holidays. [13.2]

## 8.2 DISPUTE RESOLUTION

8.2.1 It is recognised disputes may arise. If a dispute arises, the relevant parties will work co-operatively to promptly and genuinely attempt to resolve the dispute in an open and honest way as far as is practicable at the workplace level.

8.2.2 If the dispute relates specifically to an employee's manager and it is inappropriate to discuss the matter at that level, the employee is to refer the matter directly to the General Manager.

8.2.3 If a dispute relates to a matter arising under the Agreement or the NES, paragraphs 8.2.4-9 set out procedures to settle the dispute.

8.2.4 An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in paragraphs 8.2.3-9.

8.2.5 In the first instance, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the employee or employees and relevant supervisor and/or senior management.

8.2.6 If discussions at the workplace level (up to and including the General Manager) do not resolve the dispute, a party to the dispute may refer the matter to FWA.

8.2.7 FWA may deal with the dispute in 2 stages:

- FWA will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and
- if FWA is unable to resolve the dispute at the first stage, FWA may then:
  - arbitrate the dispute; and
  - make a determination that is binding on the parties

*Note: If FWA arbitrates the dispute, it may also use the powers that are available to it under the FW Act.*

*A decision that FWA makes when arbitrating a dispute is a decision for the purpose of Division 3 of Part 5.1 of the FW Act. Therefore, an appeal may be made against the decision.*

- 8.2.8 While the parties are trying to resolve the dispute using the procedures in this term:
- an employee must continue to perform his or her work as he or she would normally unless he or she has a reasonable concern about an imminent risk to his or her health or safety; and
  - Tan employee must comply with a direction given by the General Manager to perform other available work at the same workplace, or at another workplace, unless:
    - the work is not safe; or
    - applicable occupational health and safety legislation would not permit the work to be performed; or
    - the work is not appropriate for the employee to perform; or
    - there are other reasonable grounds for the employee to refuse to comply with the direction.
- 8.2.9 The parties to the dispute agree to be bound by a decision made by FWA in accordance with paragraphs 8.2.3-9.
- 8.2.10 Nothing above prevents an employee from accessing other legislative rights as might be applicable to an issue, for example, the review of actions provisions of the PS Act.

**SAMPLE ONLY**