



**NDIS Quality  
and Safeguards  
Commission**

## **Explanation of terms of the proposed NDIS Quality and Safeguards Commission Enterprise Agreement 2019 to 2022**

### **Part 1 – Scope of the Agreement**

<b>Issue</b>	<b>Explanation of terms</b>
Agreement title	This term provides that the Agreement is known as the <i>NDIS Quality and Safeguards Commission Enterprise Agreement 2019 to 2022</i> .
Parties bound	This term provides that the Agreement will cover the Commissioner and all Commission employees (ie employed under the <i>Public Service Act 1999</i> ) – not SES employees.
Commencement and duration	This term provides that the Agreement will commence seven days after it is approved by the Fair Work Commission and that the nominal expiry date is three years after the commencement date.
Guidelines and Policies	This term provides that the Agreement will be supported by the Commission's policies and guidelines, but those policies and guidelines will not form part of the Agreement. The Agreement will prevail if there are any inconsistencies between it and the Commission's policies.
Delegation	This term provides that the Commissioner may delegate their powers or functions under the Agreement, including the power to sub-delegate.
Interaction with the National Employment Standards	This term provides that this Agreement will not reduce any entitlements provided by the National Employment Standards (NES).
Family and Domestic Violence Support	This term specifies the Commission's commitment to supporting employees who may be impacted by Family and Domestic Violence

### **Part 2 – Performance and Capability**

<b>Issue</b>	<b>Explanation of terms</b>
Performance management framework	This term sets out the purpose of performance management, the principles of performance management and specifies the performance management cycle which is to be from 1 July each year to 30 June in the following year. This term also requires that an employee and their supervisor develop a performance agreement within 4 weeks (or longer as agreed) of the commencement of a new performance cycle and/or starting in a new position expected to be undertaken for at least 3 months.
Study assistance	This term provides that an employee may be entitled to receive study assistance. Study assistance may take the form of access to paid leave and/or reimbursement of costs to a set limit (\$1,500 per semester to a maximum of \$3,000 per annum) for studies that are considered to be of benefit to the Commission.

Issue	Explanation of terms
Support for professionals	This term provides for reimbursement of professional association membership fees (up to \$750 per annum) where the membership is required for the performance of an employee's role. The term also provides reimbursement of up to \$42 per employee towards annual membership of other professional associations relevant to the work of the Commission.

### Part 3 – Remuneration

Issue	Explanation of terms
Salary increases	<p>This term provides that the minimum and maximum salary levels for each classification are as set out in <b>Appendix A</b> (Salaries and Classification Structures) of the Agreement.</p> <p>This term provides for the following pay increases for employees paid a salary that falls within the salary range for their classification:</p> <ul style="list-style-type: none"> <li>• 2% immediately following commencement of the Agreement;</li> <li>• 2% on the first anniversary of commencement of the Agreement; and</li> <li>• 2% on the second anniversary of commencement of the Agreement.</li> </ul> <p>This term also provides for a one-off payment (that is not considered as salary) for employees who on commencement of the Agreement, are paid above the top increment point in their classification:</p> <ul style="list-style-type: none"> <li>• 1% of their pre-Agreement salary immediately following commencement of the Agreement;</li> <li>• 1.5% of their pre-Agreement salary on the first anniversary of commencement of the Agreement; and</li> <li>• 0.5% of their pre-Agreement salary on the second anniversary of commencement of the Agreement.</li> </ul> <p>Where an employee who was above the top increment point in their classification transitions to a paypoint/increment point within the classification, if the value of the one-off payment is less than the value of the salary increase, they will be eligible to be paid the one-off payment in addition to the salary adjustment.</p>
Individual flexibility arrangements	This term facilitates written agreements (Individual flexibility arrangements) between the Commission and individual employees to vary the effect of terms of the Agreement relating to remuneration, allowances, arrangements about when work is performed, overtime and penalty rates and/or leave to deal with specific individual employee situations. An employee must be better off overall under an Individual flexibility arrangements compared to what they would have been under this Agreement. The individual flexibility arrangement can be terminated by the Commissioner and/or the employee subject to appropriate notice and/or agreement between the Commissioner and the employee.
Recovery of overpayments and other debts	This term provides that salary, salary related and other debts that an employee or former employee owes to the Commission, will be recovered in accordance with the Commissioner's Instructions and section 324 of <i>the Fair Work Act 2009</i>

Issue	Explanation of terms
Salary advancement	<p>This term provides that ongoing employees are eligible to salary advancement if they are not at the top point of their base/substantive classification salary range. The date of effect is 1 September each year and subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• the employee has performed duties at that classification level or higher in the Commission for a period of 6 continuous months or more during the performance cycle; and</li> <li>• the employee having a performance agreement in place and performed at a satisfactory level or higher.</li> </ul>
Salary advancement – temporary assignment of duties to a higher classification	<p>This term provides that where an employee is temporarily performing duties at a higher classification level, they will be eligible for salary advancement at the higher classification level effective 1 September each year if:</p> <ul style="list-style-type: none"> <li>• They are not at the top pay point of the salary range at the higher classification level, and</li> <li>• they have a performance agreement in place, and</li> <li>• their performance was rated as satisfactory or higher, and</li> <li>• they have performed duties at the higher classification level for a continuous period of 12 months, or for a period of 12 months within a 24 month period by the end of the performance cycle.</li> </ul> <p>If the employee meets the above requirements for salary advancement whilst undertaking the higher duties, the performance rating achieved will be considered to apply equally to the employee’s base/substantive classification.</p> <p>This term also provides that where advancement to a higher pay point has been attained, it is retained for future periods of temporary performance at that higher classification and also on promotion - unless the employee has not worked at this higher classification (or above) within 24 months from the date of cessation of the temporary assignment of higher duties.</p>
Salary advancement for non-ongoing employees	<p>This term provides that a non-ongoing employee who is not at the top pay point of the salary range for their classification, will be eligible to salary advancement by one pay point effective 1 September each year, subject to the employee having met the following conditions:</p> <ul style="list-style-type: none"> <li>• being continuously in employment in the Commission at their original contracted level or higher for a minimum period of 12 months by the end of the performance cycle; and</li> <li>• has a performance agreement in place within a minimum of three months following their commencement of employment; and</li> <li>• performed at a satisfactory or higher level.</li> </ul>
Salary on engagement, promotion and assignment of duties	<p>This term provides for an employee’s salary on engagement, promotion and assignment of duties (including movement from another Australian Public Service Agency) will be at the minimum (base) salary point for the classification unless the Commissioner determines a higher salary will be paid.</p> <p>If an employee moves at level into the Commission and their previous salary at the same classification with the former APS Agency is higher than the top point of the salary range of the Commission classification, the Commissioner may approve for the employee’s previous salary to be maintained (or frozen) until the maintained salary is at or below the maximum salary point for the relevant classification level.</p> <p>Where an employee is assigned duties to a lower classification, the Commissioner may transfer an employee to any pay point within the salary range of that classification (including the top pay point). Considerations that the Commissioner may take into account to determine whether a higher than base salary will be approved include (but not limited to) previous relevant experience, salary, shortage of required skills in the market.</p>

Issue	Explanation of terms
Temporary re-assignment to a higher classification	<p>This term sets out the arrangements for the payment of a higher duties allowance. The minimum period of higher duties that can attract payment is two weeks. Payment may be made for shorter periods of higher duties if the Commissioner determines there are special circumstances associated with the duties, including the requirement to exercise significant delegated authority.</p> <p>Where higher duties is payable, the allowance paid to an employee performing all of the duties of a position at the higher classification will be the difference between the employee's substantive salary and the base point of the higher classification. The Commissioner may approve payment at a higher pay point salary having regard to the employee's:</p> <ul style="list-style-type: none"> <li>• previous periods of higher duties at or above the higher duties classification;</li> <li>• performance, including during previous periods of higher duties; and</li> <li>• relevant experience and/or skills.</li> </ul> <p>If an employee performs part of the duties of a higher classification, the Commissioner will determine the amount of allowance payable.</p>
Superannuation	<p>This term provides that the Commission will make compulsory employer contributions as required by the applicable legislation and fund requirements. The Commission's default superannuation fund is the Public Sector Superannuation Accumulation Plan. The Commission will provide employer superannuation contributions to members of this scheme of no less than 15.4% of an employee's fortnightly contribution salary.</p> <p>The applicable legislation for funds of choice (ie private superannuation funds) is the Superannuation Guarantee (Administration) Act 1992. Consistent with this legislation, employer superannuation contributions will be based on an employee's Ordinary Time Earnings (OTE) and will be no less than 15.4%. Under OTE methodology, salary sacrifice arrangements would result in a reduction of employer superannuation contribution. This provision states that the employer superannuation contribution will <u>not</u> be reduced by any contributions made through salary sacrifice arrangements.</p> <p>The term also provides for employer contributions to be paid to a fund of choice for up to 52 weeks (or in accordance with the rules of the superannuation scheme) when an employee takes paid and/or unpaid parental leave. Employer superannuation contributions are not payable during other forms of unpaid leave unless rules of a scheme provide otherwise. The term also provides that the an employee is responsible for any administration fees that a superannuation fund may charge.</p> <p>Choice of fund can be limited to funds that allow for the employer superannuation contributions to be paid via electronic funds transfer using a file generated by the payroll system.</p>
Loading for casual employees	<p>Casual employees will receive a loading of 20 per cent of salary in lieu of public holidays not worked, and paid leave (except long service leave). Casual employees do accrue long service leave, consistent with the Long Service Leave Act.</p>

<b>Issue</b>	<b>Explanation of terms</b>
Supported salary rates	This term provides that <b>Appendix B</b> of the Agreement, sets out the arrangements for an employee with disability under the Supported Wage System.
Salary packaging	This term provides that all ongoing employees as well as non-ongoing employees with an initial contract of at least 3 months, will have access to salary packaging. Consistent with the superannuation provisions, this provision specifies that an employee's salary for superannuation purposes or any other purpose will not be reduced. Employees will be responsible for any costs associated with their salary sacrificing arrangements that the salary packaging provider may charge (including fringe benefits tax).
Death of an employee	This term sets out how an employee's entitlements may be dealt with in circumstances where the employee dies, or presumed to have died. In such circumstances, the Commissioner may approve payment to the former employee's dependents or partner or legal personal representative of an amount that would have been paid if the employee had otherwise ceased employment either by resignation or age retirement on that day.

#### **Part 4 – Allowances and Reimbursements**

<b>Issue</b>	<b>Explanation of terms</b>
Workplace contact officer allowance	This term provides for the payment of a fortnightly Workplace Contact Officer allowance, at the specified rate to an employee who has been appointed to undertake the duties of a First Aid Officer, Emergency Warden, Health and Safety Representative and/or Harassment Contact Officer. This is subject to the employee having undertaken the relevant training and/or possessing the required certification(s). If an employee performs more than one role they are entitled to receive one allowance. The allowance is not payable during periods of leave greater than four weeks. This term also provides that the allowance rates will be increased in accordance with the general salary increases provided for in in clauses 3.2(b) and 3.2(c).
Community language allowance	This term provides that an employee will be paid a community language allowance where, in providing client or employee services, the Commissioner determines there is a continuing need to utilise an employee's particular language skills for communication in languages other than English, (including Aboriginal and Torres Strait Islander languages and utilising deaf communication skills). There are two different rates of allowance. The applicable rate depends on the level of competence as specified in the table. The allowance is paid fortnightly, including during periods of leave. This term also provides that the allowance rates will be increased in accordance with the general salary increases provided for in clauses 3.2(b) and 3.2(c).
Motor vehicle allowance	This term provides that the Commissioner may authorise the payment of a motor vehicle allowance to an employee who uses a private vehicle for official purposes, where the Commissioner considers that it will result in greater efficiency or involve less expense. The motor vehicle allowance is paid at the rates set periodically by the Australian Taxation Office and is not treated as salary for any purpose.
Extra family care costs	This term provides that the Commissioner may approve reimbursement (net of government assistance) to an employee if they are required to be away from home outside bandwidth hours (including normal travel time) or if they are required to work outside their regular hours. The employee is required to provide satisfactory evidence.
Assistance with relocation expenses – employer initiated moves	This term provides that a term transfer is an employer initiated move. For a term transfer, the Commissioner may reimburse an employee or pay the third party provider directly, up to \$40,000 for reasonable expenses associated with relocation. An employee on term transfer will not be eligible to receive travelling allowance (as per Part 7) during their employment at that place of work.

Issue	Explanation of terms
	The term also provides that the Commissioner may reimburse an employee who is on a term transfer the cost of six reunion visits by economy class per year from the date that the term transfer commences. Where the Commissioner approves a mode of travel other than air, the provisions of motor vehicle allowance (clause 4.5) will apply.
Assistance with relocation expenses – employee initiated moves	This term provides for employee initiated moves. The Commissioner may reimburse an eligible employee or pay a third party provider directly, up to \$10,000 for reasonable expenses associated with relocation on engagement, promotion and/or a transfer/move into the Commission. The amount may be increased up to \$20,000 if relocation of employee is considered critical. Employees who requesting a transfer to a new locality are generally not deemed to be eligible relocated employees.
Loss or damage to clothing or personal effects	This terms provides that the Commissioner may approve the payment of an amount up to the Comcover excess (currently \$250) to an employee per incident for loss or damage to clothing or personal effects in the following circumstances: the loss/damage was caused by a fault or defect in Commonwealth property. the loss/damage resulted from an act or omission by another Commonwealth employee. the loss/damage occurred while protecting or trying to protect Government property. the loss/damage is causally connected to the employee’s duties. other extenuating circumstances.
Allowance rates - adjustment	Where the rate of an allowance in this Agreement ceases to be updated by a provider, the Commissioner may vary allowance rates.

## Part 5 – Hours of Work and Working Arrangements

Issue	Explanation of terms
Recording hours worked	This term provides that all employees must record and retain an accurate record of their working hours. This term also provides the Commissioner can direct an employee to work standard hours if they fail to maintain a satisfactory pattern of attendance.  Where an employee is absent from duty without approval, this is considered an unauthorised absence and all pay and other benefits under the Agreement (such as flextime) will cease to be available to the employee while the employee until the employee resumes duty or is granted leave. Periods of leave, other than approved flex leave or time off in lieu, not authorised by a leave application may be treated as an unauthorised absence.
Hours of work	This term provides for ordinary hours of work for full time employees being 37 hours and 30 minutes per week and 150 hours per 4 week settlement period. The bandwidth is from 7.00am to 7.00pm Monday to Friday. Ordinary hours for part time employees are the hours specified in the part time work agreement. Standard hours are from 8.30 am to 12.30 pm and from 1.30 pm to 5 pm (ie 7.5 hours per day). Standard hours are the hours that are used for processing/calculating leave. This term also specifies that all employees are required to take an unpaid break for at least 30 minutes after five hours of continuous work. The provisions also specifies that an employee will not be required to work more than 10 hours in a working day unless exceptional circumstances arise.

Issue	Explanation of terms
	Regular hours can vary standard hours and are to be worked within the bandwidth from 7.00 am to 7.00 pm.
Flextime	<p>Employees up to and including APS 6 and equivalent classifications may work flextime. Employee may request to work some, or all, of their hours outside of the 7.00am to 7.00pm Monday to Friday bandwidth. Approval of this is subject to operational requirements. If an employee requests to work regular hours of duty outside of the bandwidth shift work conditions or overtime do not apply.</p> <p>The maximum flex credit which can be carried from one settlement period to another is 37 hours and 30 minutes unless otherwise agreed in writing. The maximum flex debit which can be carried from one settlement period to another is 22.5 hours.</p> <p>That employee is required to provide sufficient notice for flex leave of a day or more and also for period of less than a day if operational requirements would be affected. An employee may take up to 5 consecutive days of flex leave.</p>
Reversion to standard hours	This term provides that the Commissioner may revert an employee to standard hours (ie 8.30 am to 12.30pm and 1.30pm to 5.00pm) if an employee doesn't use flextime provisions appropriately.
Excess flex credits	This term provides that the Commissioner may, in exceptional circumstances, approve the cash out at the single hourly rate of flex credit in excess of 22.5 hours at the end of the settlement period where an employee has a flex balance in excess of 37 hours and 30 minutes. Consistent with clause 5.13, an employee is expected to carry over a maximum of 37 hours and 30 minutes flex credit.
Excess flex debit	This term provides that the Commissioner may direct an employee who has a negative flex debit of more than 22.5 hours at the end of a settlement period, to take unpaid miscellaneous leave not to count as service in order to cancel the excess debit (ie for the hours exceeding 22.5 hours).
Flex credit/debit on cessation	This term provides that where an employee ceases duty with the Commission and has a flex credit, the flex credit will be paid out to the employee at the single hourly rate applicable on the employees last day of employment. A flex debit is considered an outstanding debt a which will be recovered from the employees final separation payment.
Executive level employees – Time off in lieu (EL TOIL)	This provision acknowledges that Executive Leave employees will be required from time to time to work additional hours. It also advises that the Commission does not support EL employees working unreasonable hours. The term also provides for Executive Level employees having access to EL TOIL which is not provided on an hour for hour basis. In addition, the taking of EL TOIL needs to take into account operational requirements. A maximum of 37.5 hours EL TOIL can be carried over from month to month.
Part-time employment	<p>This term provides that the Commissioner may engage employees on a part-time basis and/or approve arrangements for an employee to work as a part-time employee if an employee requests this. A full time employee cannot be compelled to work part-time.</p> <p>This term also provides employees returning from maternity, adoption/foster or permanent care leave a right to part-time employment for a period of up to three years. The hours the employee proposes to work are subject to approval of the Commissioner.</p>

Issue	Explanation of terms
Home based work	This term provides that the Commissioner may agree to an employee working from home on a long term or casual basis however an employee cannot be compelled to work from home.
Shiftwork	<p>This term sets out the shift work arrangements and specifies that penalty rate payable depending on the day/time of the shift.</p> <p>If a shift worker's roster includes working on weekends, the shift worker is entitled to accrue additional annual leave at the rate of ½ day for each Sunday that the employee is rostered on up to maximum of 5 days.</p>
Executive Level Employee – Overtime and related payments	This term provides that in exceptional circumstances, the Commissioner may approve for an Executive Level employee to work and be paid for overtime, emergency duty, restriction duty and overtime meal allowance. If approved in exceptional circumstances, payment for these is on the same basis as applicable to employees below the Executive Level.
Overtime	<p>This term requires approval from the Commissioner for an employee to work overtime after their ordinary hours. For part-time employees, approved overtime relates to work required to be performed which is in addition to the hours specified in the employees part-time work agreement.</p> <p>A full time employee who may have in place a 'regular hours' arrangement may have overtime approved by the Commissioner if they are required to work outside of these hours.</p> <p>The term also provides for an employee to refuse to work additional hours if the hours are considered to be unreasonable. The rates of overtime vary depending on the day/time the overtime is worked. The overtime rates are:  Monday to Saturday time &amp; half for first three hours and double time thereafter  Sunday – double time all day  Public holiday – double time &amp; half (inclusive of single time that is already paid)</p> <p>This term also provides for agreement to be reached between the employee and the Commissioner to take Time Off In Lieu (TOIL) instead of being paid overtime. If this is agreed, the TOIL can be taken at the applicable overtime rate. If operational requirements impact on the employee being able to take TOIL within 4 weeks (or another agreed period), the employee may choose to receive payment instead.</p> <p>If an employee works overtime that is continuous with ordinary hours (ie between Monday to Friday) there is no minimum overtime payment applicable. The employee is paid for actual hours worked including for the time to travel home after the overtime. The salary used to calculate overtime payment includes allowances that are considered salary (eg higher duties allowance).</p>
Emergency duty	This term provides for the Commissioner to approve for an employee to be called to work to meet an emergency that may arise outside of the employees ordinary hours (ie with no prior knowledge that employee would need to come into work). For emergency situations, the applicable rate of payment is double time and is payable for a minimum of 2 hours.
Rest period	This term applies when an employee has worked outside of their ordinary hours (eg overtime, emergency duty) they are entitled to have an 8 hour break before they commence work again with no loss of pay. If operational requirements are such that the employee is required to commence work again without having the 8 hour break, the employee is entitled to be paid double time for the hours they work until they have taken the 8 hour break.



Issue	Explanation of terms
Restriction duty	<p>This term provides for a restriction allowance to be paid to an employee where the Commissioner approves for an employee to be contactable and available to come into work for a minimum period of 12 hours (unless a reduced period is approved). Restriction allowance is paid at a flat rate of \$45 between Monday to Friday and \$55 for weekends, public holidays and closedown days.</p> <p>If an employee is recalled to duty (at a place of work) whilst restricted, the employee is entitled to be paid a minimum overtime payment of 3 hours. If the employee is recalled to perform duty but not required to do the duty at the workplace (ie they may resolve the matter over the phone), the employee will be paid a minimum of 1 hour overtime.</p>
Overtime meal allowance	<p>This term provides for the Commissioner to approve payment of overtime meal allowance to an employee who works overtime. The overtime meal allowance is payable subject to the employee working up to the completion (or beyond) of a meal period. The meal periods are:</p> <p>7 am to 9 am  noon to 2pm  6pm to 7pm  midnight to 1 am</p>
Public holidays	<p>This term specifies public holidays that employees are entitled to. There is also provision for substituted days that may occur under a state or territory law. The Commissioner may also agree with an employee to a substitution day or part day that would otherwise be a public holiday (this is subject to operational requirements). If an employee is absent on annual or paid personal leave (and purchased leave by virtue of clause 6.67), and a public holiday falls during this period, an employee is entitled to be paid for the public holiday - the public holiday is not deducted from annual or paid personal leave).</p>
Christmas and Easter closedowns	<p>This term provides for Easter closedown from 3 pm on Easter Thursday and Christmas closedown from 12.30 pm on the last working day before Christmas Day until resumption of duty on the first working day after New Year's day. Closedown means that employees do not need to apply for leave. If an employee is on half pay leave on both sides of the closedown period, the closedown period will be paid at half pay. If on leave without pay on either side of the closedown periods, an employee will not be paid for the closedown days.</p> <p>Where the Commissioner approves for an employee to work during the closedown period between Monday and Friday on days that are not public holidays, an employee is entitled to be paid double time (which is inclusive of the single time already paid for the public holiday).</p>

## Part 6 – Leave

Issue	Explanation of terms
Notification of absence	<p>This term requires employees to notify their manager (or if unavailable, an agreed alternative person) of their intended absence as close as possible to the employee's normal commencement time. If circumstances are such that an employee cannot provide prior notification, the employee should contact the manager by phone (not by email or text message) unless this is not practicable.</p>
Portability of leave	<p>This term provides that when an ongoing APS employee joins the Commission from another APS agency, their accrued annual leave and personal/carer's leave balances from the losing agency will be transferred if there is no break in continuity of service. Employees engaged by the Commission from the ACT Public Service and the Parliamentary service, will have their accrued annual and personal/carer's leave recognised if the employer did not make a payment in lieu of the leave to the employee. The Commissioner may also approve for a person who is engaged on an ongoing basis, who was a non-ongoing APS</p>

Issue	Explanation of terms
	employee prior to joining the Commission, to have their accrued annual and personal/carer's leave credits recognised if there is no break in continuity of service subject to the former employer not making payment in lieu of the accrued to the employee.
Unauthorised absence	Unauthorised absence occurs when an employee is absent from work without approval. Unauthorised absence is unpaid and does not count as service for any purpose.
Reimbursement of costs on cancellation of leave	If an employee's leave is cancelled by the Commission or they are recalled to duty and incur costs as a direct result of this, the Commissioner will determine reasonable costs to be reimbursed subject to the employee providing proof of expenditure. Costs that an employee can recover by other means (eg via travel insurance) will not be reimbursed.
School holiday / family care reimbursement	<p>If an employee with school aged children has their leave cancelled/they return to work early to meet a Commission business requirement, they may be reimbursed costs of the child/children to attend approved or registered care.</p> <p>If an employee is personally responsible for caring for other family members and the employee is required to return from leave early, the Commissioner may reimburse some or all of the amount paid by the employee for the care of the family member. Reimbursement covers costs incurred on the days the employee is required to be at work (unless otherwise approved by the Commissioner) and limited to being net of any government subsidy the employee may receive.</p>
Annual leave	<p>Full time and part time employees are entitled to 4 weeks paid annual leave. The 4 weeks for part-time employees, is accrued on a pro-rata basis.</p> <p>Annual leave may be approved at full pay or half pay. If taken at half pay, the amount deducted will be half of the period of leave taken (eg 2 weeks taken at half pay result in 1 week annual leave being deducted).</p> <p>An employee may be directed to take annual leave if their balance is more than 8 weeks (pro-rata for part time employees). 8 weeks annual leave represents 2 years credit. If an employee who has accrued 8 weeks (or equivalent credit) has applied for annual leave of more than 2 weeks in the previous 6 months but their application wasn't approved, they will not be directed to take the annual leave. They will also not be directed to take leave if a management strategy has been implemented to reduce the employees leave balance. If an employee takes more than 30 days leave without pay that does not count as service, in a calendar year, accrual of annual leave is reduced . If an employee is on leave without pay not to count as service for an entire year, nil annual leave accrues for that year.</p>
Accrual of personal/carer's leave credits	<p>On engagement, ongoing employees are credited 10 days personal/carer's leave (pro-rata for part-time employees) and in addition, they accrue 8 days personal/carer's leave (pro-rata for part-time employees) in their first year of employment. For each subsequent year, ongoing employees accrue 18 days personal/carer's leave (pro-rata for part-time employees) per year of service. The leave accrues daily and credited at the completion of each month.</p> <p>Non-ongoing employees will receive a credit of 18 days personal/carer's leave (pro-rata for part-time employees) per year, accruing daily and credited at the completion of each month.</p> <p>If an employee takes more than 30 days leave without pay that does not count as service, in a calendar year, accrual of personal/carer's leave is reduced . If an employee is on leave without pay not to count as service for an entire year, nil personal/carer's leave accrues for that year.</p>

Issue	Explanation of terms
Use of personal/carer's leave	<p>Subject to an employee providing evidence for taking personal/carer's leave (as specified in clauses 6.25 – 6.26) and having available paid credits, an employee is entitled to take paid personal/carer's leave when they are unfit for duty, attend preventative medical appointments and if they need to provide care or support to a member of the employees' family or household.</p> <p>In exceptional circumstances, the Commissioner may approve for the employee to be paid half pay. If an employee takes the leave at half pay, the deduction from the paid leave balance will be half of the period taken paid credits (eg 2 weeks taken at half pay result in 1 week leave being deducted).</p>
Where an employee has insufficient personal/carer's leave credits	<p>This term provides that where an employee's paid leave entitlements, in exceptional circumstances, and subject to the employee providing suitable evidence, the Commissioner may approve paid or unpaid personal/carer's leave (to count or not to count as service). If leave without pay is granted, the Commissioner will decide whether or not the leave counts as service. Leave without pay granted for personal illness will count as service for long service leave (as required by the LSL Act). It may count as service for other purposes if the Commissioner determines so. A maximum of 15 days additional paid leave can be used for caring purposes if there are exceptional circumstances.</p>
Evidence for taking personal/carer's leave	<p>An employee is required to provide evidence if they take personal/carer's leave in excess of 3 consecutive work days and/or if they take more than 8 days (pro-rata for part-time employees) in a calendar year.</p> <p>Suitable evidence includes: a medical certificate, statutory declaration or another form of evidence as agreed by the Commissioner. Future leave can be approved based on medical evidence that supports future absences (eg employee may be certified to work a specified number of hours for a period of time). Even if an employee has not accessed paid leave for the limits specified above (ie 3 consecutive days or 8 days in a calendar year) the Commissioner may require an employee to provide evidence. This may include where there are repeated and frequent single day/short term absences or if there is a pattern of employee taking a particular day off.</p>
Interaction with other leave types	<p>This provides for an employee who is on annual or long service leave, to have leave recredited if the employee is eligible to apply for another type of non-discretionary leave such as personal/carer's leave, compassionate leave</p>
Compassionate leave	<p>Employees are entitled to 3 days paid compassionate leave (casual employee 3 days unpaid leave) to spend time with the employees' family or household member who has an injury or illness that poses a serious threat to their life. 3 days compassionate leave can also be taken by an employee after the death of a member of their family or household. The Commissioner may require the employee to provide evidence. Annual, purchased or long service leave can be re-credited if an employee needs to take compassionate leave during this leave.</p>
Long service leave	<p>The Long Service Leave (Commonwealth Employees) Act 1976 is the basis for taking of long service leave. Long Service Leave cannot be granted for less than 7 calendar days at full pay (or 14 days at half pay). Other types of leave cannot break an approved period of long service leave except as provided by legislation.</p>

Issue	Explanation of terms
Maternity and Parental Leave	<p>Maternity and Parental leave includes leave applicable to adoption/foster and permanent care. Employees who are pregnant, or who give birth, are covered by the Maternity Leave (Commonwealth Employees) Act 1973 (ML Act). Employees taking leave for maternity/adoption/foster and permanent care purposes are entitled to 52 weeks leave. The ML Act provides for 12 weeks paid maternity leave subject to the employee achieving 12 months continuous employment and the Agreement provides for an additional 2 weeks paid leave (it total of 14 weeks week).</p> <p>Public holidays and closedown periods extend the additional 2 weeks that is provided (in addition to the 12 weeks paid leave) but they do not extend the 12 week period of paid leave.</p> <p>An employee who fosters, adopts or is granted permanent care of a child is also entitled to 14 weeks paid leave if they have achieved 12 months continuous service. The 14 weeks paid leave can be spread over a maximum period of 28 weeks. The entitlement to parental leave for adoption/foster/permanent care requires employees to provide documentary evidence and also that the child has not lived continuously with the employee for a period of 3 months or more as at the date of placement.</p> <p>An employee can request to extend the initial period of 52 weeks maternity or parental leave for a further period of 52 weeks and this extended period must be continuous with the initial 52 week period. 2 days unpaid leave is available for pre-adoption leave or the employee may choose to take annual or purchased leave for this purpose.</p>
Supporting partner leave	<p>Employees are entitled to 4 weeks paid supporting partner leave where the employee's partner has given or is giving birth or whose partner is the primary caregiver for a child who is adopted/fostered and permanently cared for. The leave can be taken from 1 week prior to birth or placement and must be taken within 12 months of the date of birth or placement.</p> <p>This leave can be taken at half pay if the employee takes the full 4 week period in one continuous period of 8 weeks. However only the first 4 weeks will count as service. An employee eligible for maternity, adoption, fostering, permanent care leave is not also eligible for paid supporting partner leave.</p>
Return to work	<p>This term confirms that the return to work guarantee provided by section 84 of the <i>Fair Work Act 2009</i> applies in respect of employees ending maternity leave, adoption/foster or permanent care leave or general parental leave.</p> <p>The return to work guarantee provides that after maternity or parental leave, an employee is entitled to return to their pre-parental leave position or if that position no longer exists, a position the employee is qualified/suited for and which is nearest in status to the pre-parental leave position.</p>
Defence reserve leave	<p>This term provides an entitlement to employees to take leave to fulfil Defence Reserve/Cadet services. Entitled to 4 weeks paid leave each financial year (for training and operational duty) and in the first year of ADF service, entitled to another 2 weeks paid leave (to participate in additional training). The employee is entitled to be paid their ADF salary as well as the salary paid by the Commission. Paid leave counts as service whilst unpaid leave to undertake continuous full time service, does not count as service for annual leave.</p>
Miscellaneous leave	<p>Miscellaneous leave with or without pay may be granted by the Commissioner in circumstances not provided for elsewhere in the Agreement. Approval is subject to the Commissioner considering operational requirement and the absence being in interests of the Commission. Miscellaneous leave may be approved for employees affected by family and domestic violence. The Commissioner determines if the miscellaneous leave will count or not count as service</p>
Community service leave	<p>Paid community service leave will be provided to an employee who is required to engage in community service activities (including jury service and emergency management activities).</p>

<b>Issue</b>	<b>Explanation of terms</b>
Cultural and ceremonial leave	Up to 3 days paid leave may be granted to Aboriginal and Torres Strait Islander employees to take part in activities associated with their culture (including NAIDOC week)
Community volunteering leave	2 days paid miscellaneous leave (as well as unpaid leave) may be granted to an employees undertaking community volunteering activities.
Purchased leave	<p>This term provides that the Commissioner may approve for an employee to purchase of up to 8 weeks leave which is paid for by salary deductions from an employee's fortnightly pay over a period of 12 months. Non-ongoing employees are eligible to apply for purchased leave once they achieve more than 12 months service with the Commission. An employee can only make one election to purchase leave in a calendar year unless the Commissioner agrees otherwise.</p> <p>Once an election to purchase leave is approved, a minimum of 1 day purchased leave can be taken (and cannot be taken at half pay). Purchased leave cannot be used as a substitute for part-time work except if an employee who is 54 or older, transitioning to retirement (this can be done for a maximum period of 2 years).</p> <p>Public holidays occurring during an approved period of purchased leave are treated the same as during annual leave (ie the public holiday is not deducted from the purchased leave). A refund of salary can be made if an employee cancels the purchased leave they have purchased due to exceptional circumstances. Where an employee ceases employment, the purchased leave is reconciled and applicable adjustments made to the employee's final pay.</p>
Extended purchased leave	This is available to an employee who has achieved 3 years continuous service with the Commission. Up to 6 months absence may be approved for an employee who achieved a further 2 years of continuous employment with the Commission. Extended purchased leave does not count as service for any purpose.
Sabbatical leave	The Commissioner may grant an employee paid sabbatical leave, consisting of a 4 year work period followed by a 1 year sabbatical leave period. Salary is paid to the employee over the 4 year work period at a rate of 80% per year. Payment for the fifth year will be based on the amount of money that has been banked in the previous 4 years (due to being paid 80%) and converted to an annual salary.
Defence service sick leave	Employees are entitled to this leave if they are unfit for duty due to an injury or disease that has been accepted by the Department of Veteran's Affairs (evidence of this is required to be provided). The leave is comprised of a special 9 weeks credit on date of commencement in the APS (or from the date liability was accepted). 3 weeks per year is accrued up to maximum of 9 weeks. The special credit must be used before the annual credit and if employee uses all of their Defence service sick leave, personal leave provisions apply.

## Part 7 – Travelling on Official Business

<b>Issue</b>	<b>Explanation of terms</b>
Travel allowance	Travel allowance comprises meals and incidentals (rates are in accordance with the subscription service) and paid to employees who are required to travel on official business and are absent overnight. Reasonable accommodation costs are met by the Commission. If an employee stays in non-commercial accommodation (eg with friend or family) \$50 per night is paid to the employee for accommodation costs.

<b>Issue</b>	<b>Explanation of terms</b>
Adjustment of allowances	If travel arrangements are changed, the amount of allowance payable will be based on the revised itinerary. If this change results in an employee being overpaid, the overpayment will be recovered in accordance with debt management procedures. If an employee is provided with meals and/or accommodation at the Commission's expense the employee is not allowed to be paid for these again (ie the travel allowance is reduced accordingly).
Excessive costs	The Commissioner may vary the amount of travel allowance payable if the Commissioner considers that amount is insufficient to meet reasonable expenses.
Reviewed travelling allowance	This applies to an employee travelling on Commission business and they are required to be at the temporary location for more than 21 days. In this circumstance, the Commissioner will negotiate reasonable costs payable with the employee.
Time off after official travel	If an employee is required to travel to work at a different location to their normal place of work and this results in the employee spending more time travelling to their temporary place of work than they spend when travelling to their usual place of work, flexitime and time off in lieu provisions apply
Overseas travel	If employees travel overseas on official business, the cost of reasonable accommodation, meals and incidental allowances will be paid in accordance with rates published by the relevant subscriptions service.

## **Part 8 – Remote Locality Assistance**

<b>Issue</b>	<b>Explanation of terms</b>
Remote locality assistance	The Commissioner will approve remote locality assistance where an employee resides in a designated remote locality in accordance with section 12.2 of the APS Award 2015. The assistance comprises an annual allowance, leave fares and additional leave entitlements as specified in the table in clause 8.9.

## **Part 9 – Resignation, Retirement, Redeployment, Redundancy and Reduction**

<b>Issue</b>	<b>Explanation of terms</b>
Resignation and retirement	An employee should as far as practicable, provide at least 2 weeks notice of their intention to resign or retire.
Redeployment, redundancy and reduction	This term applies to ongoing employees who are not on probation. It provides that the Commission will take all reasonably practicable steps to avoid compulsory redundancy or redeployment of an employee. The Commission will provide assistance to employees to maximise their redeployment opportunities within the Commission and/or in the APS.
Definition	An employee is considered excess if they are in a class of employees that is larger in size than required by the Commission; if the employee's services cannot be used effectively due to technological or other changes; or if the duties of an employee are to be performed at a different locality and the employee does not wish to relocate.
Notification and consultation	Employees who are likely to become excess will be notified by the Commissioner as soon as possible. If an employee chooses to have a representative, their representative will also be notified. If a significant excess staffing situation is expected to develop, relevant employees, managers and employee representatives will be advised by the Commissioner as soon as the Commissioner becomes aware of this.

Issue	Explanation of terms
Discussion period	<p>After the initial notification, the Commissioner will write to potentially excess employee(s). The employee will be given the opportunity to discuss their circumstances. This discussion period will be for a maximum period of 1 month (this can be shorter if employee agrees).</p> <p>In order to facilitate the redeployment of a potentially excess employee, the Commissioner may invite other employees to express an interest in voluntary redundancy.</p>
Voluntary redundancy	<p>Following the discussion period, the Commissioner may make a formal redundancy offer to an employee (which can only be made once) and the employee has 1 month to consider if they wish to accept or reject the offer. The employee will be provided with calculations of estimates of monies payable either before or during this 1 month consideration period. The Commission will reimburse the employee a maximum of \$500 for costs they may incur to obtain financial or career advice.</p>
Redundancy benefit	<p>The redundancy benefit is 2 weeks pay for each completed year of continuous service. This is subject to any entitlements provided for under the National Employment Standards with the minimum payment being 4 weeks salary and the maximum being 48 weeks salary. Pro-rata calculations are undertaken for part-time service. Salary used for the calculations includes salary, higher duties allowance if on higher duties for continuous period of 12 months prior to termination date and any allowances paid during annual leave.</p>
Calculating service for redundancy pay purposes	<p>The various types of service relevant for calculating the redundancy benefit are specified. The service must be continuous in order to count. There is provision for a break in services of less than 1 month if an offer of employment was made and accepted before ceasing employment with the former employer.</p>
Service not to count as service for redundancy pay purposes	<p>The various types of service that do not count for redundancy pay are specified. These include, termination of employment for any reason specified under section 29 of the Public Service Act, if employment ceased due to redundancy or if an employee received a redundancy or similar benefit.</p>
Period of notice – termination with a voluntary redundancy	<p>All employees are entitled to 4 weeks notice while employees who are older than 45 and have achieved 5 years service, are entitled to 5 weeks notice.</p> <p>The employee may request and the Commissioner may agree to the employee ceasing employment before the end of the notice period. If this occurs, the employee is entitled to be paid compensation for the unexpired portion of the notice period.</p> <p>From the start of the notice period, the Commissioner will approve reasonable paid time off for the employee to attend necessary employment interviews if an employee incurs expenses to attend interviews (that are not met by the prospective employer) the Commissioner will reimburse agreed reasonable travel and incidental expenses.</p>
Retention period	<p>If an employee does not accept a voluntary redundancy, an employee with 20 or more years service (or over 45) is entitled to a 13 month retention period whilst all other employees are entitled to 7 months. The retention period is reduced by the redundancy pay provided for in the National Employment Standards. The retention period may be extended if the Commissioner considers that the period should be extended due to employee being absent on leave (this is determined on a case by case basis).</p> <p>If the Commissioner is of the view that there is insufficient productive work for the employee to do during the retention period, and the employee cannot be redeployed, the Commissioner can terminate the employee before the end of the retention period. If this occurs, the balance of the retention period will be paid out to the employee (reduced by the applicable NES redundancy entitlement).</p>

<b>Issue</b>	<b>Explanation of terms</b>
Redeployment	Employees on a retention period who apply for jobs in the Commission will be considered for any vacancies at their substantive level in isolation to other employees. The Commissioner will take all reasonable steps to find a job for the employee on a retention period and the employee is also required to take reasonable steps to find a job and to attend training and other activities that are intended to assist the employee secure a permanent job.
Reduction in classification	The Commissioner may reduce an employees' classification to secure a job for the employee. If this is being proposed, the employee will be given at least 4 weeks notice.
Period of notice – termination of the retention period	At the end of the retention period, employment is terminated under section 20 of the Public Service Act 1999. The employee will be give at least 4 weeks notice. If employment is terminated before the end of the notice period, the employee will be paid for the unexpired portion of the notice period

## Part 10 – Consultation

<b>Issue</b>	<b>Explanation of terms</b>
Application	This consultation term is based on the model term as set out in the Fair Work Act 2009. This part applies if the Commission has made a definite decision to introduce major change and the change is likely to have a significant effect on employees or if the Commission proposes to introduce a change to regular rosters or ordinary hours of work.
Major change	Employee representatives may be appointed by employees. As soon as practicable after making its decision, the Commission will discuss with employees (or representatives) the introduction of the change, the likely effect of the change, the measures being taken to avert/mitigate an adverse effect, will provide all relevant information about the change and will give prompt and genuine consideration to matters raised by the relevant employees.
Changes to regular roster or ordinary hours of work	This type of proposed change will be notified to relevant employees and/or their appointed representative. The principles outlined above apply to this type of change also.
Workplace consultative forum	The Commissioner will establish a Workplace Consultative Committee (WCC) to consult with employees and their representatives. The WCC will consult about proposed changes to policies where the change is likely to have an impact on employees. Sub- committees may be established
Employee representation	This clause recognises the role of employee representatives, including union delegates and non-union representatives.

## Part 11 – Dispute Resolution Procedure

<b>Issue</b>	<b>Explanation of terms</b>
Dispute resolution procedure	This term sets out the procedure to resolve a dispute relating to matters arising under the Agreement, or under the National Employment Standards. It is expected that parties to a dispute resolve the issue at the workplace level. If local resolution is not successful, the matter may be referred to the Fair Work Commission. This dispute resolution procedure is based on the model term as set out in the Fair Work Act 2009.

## Part 12 – Definitions

<b>Issue</b>	<b>Explanation of terms</b>
Definitions	This section includes a range of definitions of terms referenced in the Agreement.



## Appendix A – Salaries and Classification Structures

Issue	Explanation of terms
Salaries and classification structures	The formula to calculate fortnightly gross salary is specified here. The formula is: annual salary multiplied by 12 divided by 313. Salaries and Classification structures tables are included for current Commission classifications as well as possible future classifications. The tables include the salary applicable prior to commencement of the Agreement and the salaries that will apply on commencement, 12 months after commencement and 24 months after commencement

## Appendix B – Supported Wage System

Issue	Explanation of terms
Supported wage system	The arrangements relating to employees who, because of the effects of a disability, are eligible for a supported wage. Employees covered are those unable to perform the range of duties to the required competence level because of the disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.