

**Key changes between Commission Determination 2018/01 and draft NDIS Quality and Safeguards Commission Agreement  
2019 - 2022**

**Note: grammar, punctuation changes, are not all listed in the table below.**

| <b>Part</b> | <b>Topic</b>  | <b>Explanation</b>  |
|-------------|---|---|
| General     | Various   | <ul style="list-style-type: none"> <li>Number of acronyms are referred to in full.</li> </ul>   |
| Part 1      | Various   | <ul style="list-style-type: none"> <li>New content - required for an Enterprise Agreement that was not relevant for Commission Determination 2018/01.</li> </ul>  |
|             | Interaction with the National Employment Standards (NES)<br><b>Clause 1.6</b> | <ul style="list-style-type: none"> <li>New Content – makes it clear that the NES provides minimum entitlements and that this Agreement cannot reduce these.</li> </ul>  |
|             | Family and Domestic Violence<br><b>Clause 1.7</b>                             | <ul style="list-style-type: none"> <li>New content – demonstrates Commission’s commitment to supporting employees affected by Family &amp; Domestic Violence</li> </ul>   |
| Part 2      | Performance Management Framework<br><b>Clauses 2.1 to 2.4</b>                 | <ul style="list-style-type: none"> <li>New content – clarifies the principles of the performance management framework and includes the dates of a performance cycle.</li> </ul>   |
| Part 3      | Salary Increases<br><b>Clause 3.2</b>   | <ul style="list-style-type: none"> <li>New content - 2% p.a increase to salaries specified in the Agreement</li> <li>Provision for employees paid above the top of the range to be paid one-off payments on commencement of the Agreement and when future pay increases are payable.</li> </ul> |
|             | Adjustment to first pay increase<br><b>Clauses 3.5 to 3.7</b>                 | <ul style="list-style-type: none"> <li>New content - to provide for increase to be paid if FWC takes longer than 12 weeks to approve</li> </ul>   |
|             | Individual Flexibility Agreements (IFA)<br><b>Clauses 3.8 to 3.12</b>         | <ul style="list-style-type: none"> <li>New content - this was not able to be included in the Determination. These clauses provide flexibility to vary the terms specified in the Enterprise Agreement when entering into an IFA.</li> </ul>   |
|             | Recovery of overpayments<br><b>Clause 3.13</b>                                | <ul style="list-style-type: none"> <li>Reference to the Fair Work Act 2009 added.</li> </ul>  |

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|             | Salary Advancement<br><b>Clauses 3.14, 3.15, 3.17 &amp; 3.18</b>                  | <ul style="list-style-type: none"> <li>• Effective date specified as 1 September, not after 1 September.</li> <li>• Clearer that the relevant service for salary advancement is service with the Commission.</li> <li>• Clause 3.17 ensures that when an employee attains a higher pay point whilst on higher duties, that pay point will be retained on promotion as well.</li> </ul> |
|             | Salary on engagement, promotion and assignment of duties.<br><b>Clause 3.19</b>   | <ul style="list-style-type: none"> <li>• Examples of factors that may be considered if above base salary is being sought. This makes it easier for potential employees to understand the types of considerations that may be taken into account.</li> </ul>  |
|             | Temporary re-assignment to a higher classification<br><b>Clauses 3.21 to 3.23</b> | <ul style="list-style-type: none"> <li>• Changed Temporary Performance Allowance to Higher duties Allowance to better reflect what this allowance is paid for.</li> </ul>  |
|             | Superannuation<br><b>Clauses 3.27 &amp; 3.28</b>                                  | <ul style="list-style-type: none"> <li>• Ordinary Time Earnings (OTE) methodology specified as the applicable methodology to Funds of Choice (ie private superannuation funds), consistent with the Superannuation Guarantee (Administration) Act 1992.</li> <li>• The applicable percentage remains as 15.4% (SG Act provides 9.5%).</li> </ul>                                       |
|             | Loading for Casual Employees<br><b>Clause 3.33</b>                                | <ul style="list-style-type: none"> <li>• Clearer that LSL accrues for casual employees.</li> </ul>   |
|             | Salary Packaging<br><b>Clause 3.37</b>  | <ul style="list-style-type: none"> <li>• Clearer that administrative costs the Commission may incur as part of the shared services arrangements with DSS, are not costs that an employee is required to meet (only the costs charged by a salary packaging provider).</li> </ul>   |
| Part 4      | Workplace Contact Officer Allowance<br><b>Clause 4.1</b>                          | <ul style="list-style-type: none"> <li>• “Diversity and Harassment Contact Officer” changed to “Harassment Contact Officer”, consistent with terminology used by the Australian Public Service Commission.</li> <li>• Additional sentence added to confirm that this allowance will increase in line with % salary increases.</li> </ul>   |

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|             | Community Language Allowance<br><b>Clause 4.4</b>                    | <ul style="list-style-type: none"> <li>Reference added to ensure it is clear that the rates of the allowance will increase in line with the % applicable to salary increases.</li> </ul>  |
|             | Motor Vehicle Allowance<br><b>Clause 4.5</b>                         | <ul style="list-style-type: none"> <li>Removed reference to 'engine capacity' because the same rate applies irrespective of size of engine.</li> </ul>  |
|             | Assistance with Relocation Expenses<br><b>Clauses 4.7 &amp; 4.10</b> | <ul style="list-style-type: none"> <li>Provides for the Commission to pay the removal provider directly rather than employee having to seek reimbursement.</li> </ul>   |
| Part 5      | Recording Hours Worked<br><b>Clause 5.3</b>                          | <ul style="list-style-type: none"> <li>The automatic reversion to standard working hours following return to duty after an absence without authority, has been removed.</li> </ul>  |
|             | Hours of Work<br><b>Clauses 5.5 to 5.11</b>                          | <ul style="list-style-type: none"> <li>Bandwidth changed to 7.00 am to 7.00 pm to provide employees with more flexibility. The order of some clauses changed to read better and minor wording changes for clarity.</li> </ul>   |
|             | Flexitime<br><b>Clause 5.12</b>                                      | <ul style="list-style-type: none"> <li>Minor changes for consistency with other clauses (eg reference to 7.00 am to 7 pm).</li> </ul>   |
|             | Executive Level Time Off In Lieu<br><b>Clauses 5.20 to 5.23</b>      | <ul style="list-style-type: none"> <li>This section has been moved to the Working Hours section from the Overtime section. Intended to reduce confusion around TOIL for EL employees.</li> <li>Commitment from the Commission that it does not support EL employees working unreasonable additional hours.</li> </ul> |
|             | Part-Time Employment<br><b>Clause 5.24</b>                           | <ul style="list-style-type: none"> <li>Clarity around entitlement to access part time work (PTW) on return from maternity/parental leave - that PTW will be approved and the hours of work are subject to discussions/agreement.</li> </ul>   |
|             | Shift Work/Penalties<br><b>Clause 5.29</b>                           | <ul style="list-style-type: none"> <li>Table with penalty rates amended to be consistent with 7 am to 7 pm bandwidth.</li> <li>Reference to annual allowance removed, as this was specific to DSS shift workers. The rates in the table provide the entitlement.</li> </ul>   |

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|             | Overtime<br><b>Clauses 5.34 to 5.35</b>                         | <ul style="list-style-type: none"> <li>The word 'directed' in relation overtime changed to 'approved'.</li> </ul>  |
|             | Emergency Duty<br><b>Clause 5.42</b>                            | <ul style="list-style-type: none"> <li>Replaced 'directs' with 'approves'</li> </ul>   |
|             | Rest Period<br><b>Clause 5.43</b>                               | <ul style="list-style-type: none"> <li>For clarity, to capture employees who work hours that work different to 'ordinary hours' (which may be full time or part time employees)</li> </ul>   |
|             | Overtime Meal Allowance<br><b>Clause 5.48</b>                   | <ul style="list-style-type: none"> <li>Clearer that the meal allowance is paid whether or not a meal break is taken.</li> </ul>  |
|             | Payment for public holiday during leave<br><b>Clause 5.55</b>   | <ul style="list-style-type: none"> <li>The words <i>'other than a period of leave that counts as service'</i> replaced with <i>'other than annual or paid personal/carer's leave'</i>.</li> </ul> <p>This makes it clearer that a public holiday will always be treated (and paid) as a public holiday when an employee take annual or personal leave (ie no deduction from annual or personal leave credits). For other types of leave such as long service leave, the whole period is treated as long service leave because LSL is based on calendar days.</p> |
| Part 6      | Christmas and Easter Closedowns<br><b>Clause 5.56</b>           | <ul style="list-style-type: none"> <li>Clearer words - "Sunday Rate" only applies between Monday to Friday over the closedown period on days that are <u>not</u> public holidays.</li> </ul>   |
|             | Portability of Leave<br><b>Clause 6.2</b>                       | <ul style="list-style-type: none"> <li>Replaced the word 'recognised' with 'transferred' to reflect that leave is transferred automatically and doesn't require a 'recognition' decision.</li> </ul>   |
|             | Annual Leave<br><b>Clause 6.13</b>                              | <ul style="list-style-type: none"> <li>Changed 20 days to 4 weeks</li> </ul>   |
|             | Accrual of personal/carer's leave credits<br><b>Clause 6.20</b> | <ul style="list-style-type: none"> <li>Clearer words – to explain credit of leave on commencement of employment.</li> </ul>  |

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|------|---|---|
|      | Use of Personal/Carers Leave<br><b>Clauses 6.22 to 6.23</b>       | <ul style="list-style-type: none"> <li>• Changed title of this section from ‘approval of personal/carer’s leave’</li> <li>• Clearer that if an employee meets the requirements, this leave is an entitlement (ie not a discretionary decision).</li> <li>• Replaced “immediate family” with family. Definition is the same, only one definition required.</li> <li>• Approval of half pay leave is available to attend medical appointments.</li> </ul> |
|      | Insufficient personal/carer’s leave credits<br><b>Clause 6.24</b> | <ul style="list-style-type: none"> <li>• Clearer that leave without pay taken on account of illness does count as service under the LSL Act.</li> <li>• Clearer that the decision on whether unpaid leave counts/doesn’t count is discretionary.</li> </ul>   |
|      | Interaction with other leave types<br><b>Clause 6.28</b>          | <ul style="list-style-type: none"> <li>• For clarity - annual and LSL will be re-credited if the non-discretionary leave needs to be taken during annual and LSL. Examples of non-discretionary leave included.</li> </ul>  |
|      | Compassionate Leave<br><b>Clause 6.29</b>                         | <ul style="list-style-type: none"> <li>• Changed ‘entitled up to 3 days’ to ‘entitled to 3 days’ to make it clearer that the entitlement is not less than 3 days for an employee who needs to care/support someone in their family/household.</li> </ul>  |
|      | Maternity and Parental Leave<br><b>Clauses 6.35 to 6.47</b>       | <ul style="list-style-type: none"> <li>• These clauses have been changed for ease of understanding. Entitlements have not changed.</li> </ul>   |
|      | Supporting Partner Leave<br><b>Clauses 6.48 to 6.49</b>           | <ul style="list-style-type: none"> <li>• Changed 20 days to 4 weeks (for consistency)</li> <li>• For clarity – changed ‘due date’ to ‘date of birth’.</li> </ul>  |
|      | Defence Reserve Leave<br><b>Clause 6.55</b>                       | <ul style="list-style-type: none"> <li>• The word ‘may’ replaced to ‘will’ to make clear that approval of this leave is non-discretionary.</li> </ul>   |
|      | Miscellaneous Leave<br><b>Clause 6.60</b>                         | <ul style="list-style-type: none"> <li>• Words added to make it clear that this leave is available for employees affected by Family and Domestic Violence. This is complemented by the Family and Domestic Violence Policy.</li> </ul>  |

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|             | Community Service Leave<br><b>Clause 6.61</b>                      | <ul style="list-style-type: none"> <li>Separate leave type to ensure it is clear that jury service and emergency management activities are paid leave and approved under this provision rather than being an element of miscellaneous leave.</li> </ul>       |
|             | Purchased Leave<br><b>Clause 6.64</b>                              | <ul style="list-style-type: none"> <li>Now clear that the requirement to achieve more than 12 months service with the Commission, only applies to a non-ongoing employee.</li> <li>Transition to retirement provisions made clearer.</li> </ul>               |
|             | Defence Service Sick Leave<br>Clause<br><b>Clause 6.74 to 6.81</b> | <ul style="list-style-type: none"> <li>Title of the section changed from 'War Service Sick Leave' to 'Defence Service Sick Leave'. Wording amended to provide clarity about these entitlements</li> </ul>   |
| Part 7      | Travel Allowance<br><b>Clause 7.1</b>                              | <ul style="list-style-type: none"> <li>Title changed to 'Official Business'.</li> <li>Emergency accommodation costs need to be approved by the Commissioner (or delegate)</li> </ul>  |
| Part 8      | Remote Locality Assistance<br><b>Clauses 8.7 &amp; 8.9</b>         | <ul style="list-style-type: none"> <li>For clarity - changed 'close relative' to 'family member'. Definition of 'family' included in the definitions section.</li> <li>Amended column titles in the table to reflect that these are annual amounts</li> </ul> |
| Part 9      | Redeployment and Redundancy<br><b>Clause 9.23</b>                  | <ul style="list-style-type: none"> <li>Removed reference to 'deemed resignations' as people that may have been affected by this would no longer be in the workforce.</li> </ul>   |
| Part 10     | Workplace Consultative Committee<br><b>Clauses 10.17 to 10.20</b>  | <ul style="list-style-type: none"> <li>New content - provides for establishment of Workplace Consultative Committee (WCC).</li> </ul>   |
|             | Employee Representation<br><b>Clause 10.21</b>                     | <ul style="list-style-type: none"> <li>New content – specifies rights of employees to be represented on workplace matters by union and non-union representatives.</li> </ul>  |

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| Part 11     | Dispute Resolution Procedure<br><b>Clauses 11.1 to 11.7</b> | <ul style="list-style-type: none"> <li>Replaced acronyms with full terms.</li> </ul>  |
| Part 12     | Definitions<br><b>Clause 12.1</b>                           | <ul style="list-style-type: none"> <li>Definitions aligned to the content in the Agreement.</li> <li>Replaced the word 'Determination' with 'Agreement'</li> </ul>                    |
| Appendix A  | Salaries and Classification Structures                      | <ul style="list-style-type: none"> <li>All salary tables updated to reflect 2% increase</li> </ul>  |
| Appendix B  | Supported wage rates<br><b>Clauses B.4.1 &amp; B.10.3</b>   | <ul style="list-style-type: none"> <li>Replaced reference to \$84 per week with '<i>no less than the minimum weekly amount as prescribed by the Fair Work Commission</i>'.</li> </ul> |