

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

SECTION 1: TECHNICAL MATTERS

1.	Title	<ul style="list-style-type: none"> The clause names the proposed enterprise agreement. Proposed EA clause: 1 	<ul style="list-style-type: none"> No substantive change. Name of the enterprise agreement as opposed to the determination. 	Not applicable.	Not applicable.
2.	Parties to the enterprise agreement	<ul style="list-style-type: none"> This clause lists the parties to the enterprise agreement, including the department's Secretary, APS employees engaged under the <i>Public Service Act 1999</i> (PS Act) (other than SES employees) and the Community and Public Sector Union (CPSU). The clause prescribed in the Statement of Common Conditions (the Statement) has been adopted. The Statement was published by the Australian Public Service Commission (APSC). Proposed EA clause: 2. <p>Note: Clauses contained in the Statement were negotiated in APS-wide bargaining. For further information about APS-wide bargaining refer to the APSC's website.</p>	<ul style="list-style-type: none"> The department is not currently covered by an enterprise agreement. The employment determination that currently applies to the department was made under the <i>Public Service Act 1999</i>. The department has operated with PS Act employment determinations since its creation following the 2022 federal election. 	The Award covers all APS employees (excluding SES employees) engaged by APS employing authorities.	No corresponding clause in the NES. Note: Sections 53, 183 of the FWA.
3.	Operation of the agreement	<ul style="list-style-type: none"> This clause provides that the enterprise agreement will commence operation seven days after it is approved by the Fair Work Commission. The agreement will nominally expire on 28 February 2027. The clause prescribed in the Statement has been adopted. Proposed EA clause: 3-4 	<ul style="list-style-type: none"> The current Determination was not bargained under the FW Act. It remains in effect until an enterprise agreement comes into effect. Determinations made under the PS Act do not require Fair Work Commission approval. 	No corresponding clause in the Award.	No corresponding clause in the NES. Note: Section 54 of the FWA.
4.	Delegations	<ul style="list-style-type: none"> The clause reflects that the Secretary may delegate (or authorise any person to perform) powers or functions under the enterprise agreement to other persons. Conditions may apply. The clause prescribed in the Statement has been adopted. Proposed EA clause: 5. 	<ul style="list-style-type: none"> No substantive change. See clause 6 of the 2022 Determination. 	No corresponding clause in the Award.	No corresponding clause in the NES.
5.	National Employment Standards (NES) precedence	<ul style="list-style-type: none"> This clause provides that nothing in the enterprise agreement reduces an entitlement available to an employee under the NES. The clause prescribed in the Statement has been adopted. 	<ul style="list-style-type: none"> No substantive change. See clause 4 of the 22 Determination. 	The proposed NES precedence clause is consistent with clause 2.3 The National Employment Standards and this Award.	No corresponding clause in the NES. Note: Section 55 and 56 of the FWA. Confirms the NES is paramount.

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		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> Proposed EA clause: 6 			Part 2-2 of the FWA.
6.	Closed comprehensive agreement	<ul style="list-style-type: none"> This clause provides that the operation of the enterprise agreement is supported by policies and guidelines. Any policies and guidelines referred to in this proposed agreement are not incorporated into, and do not form part of the agreement. Where there is an inconsistency, the enterprise agreement's terms prevail. The clause prescribed in the Statement has been adopted. Proposed EA clause: 7-9 	<ul style="list-style-type: none"> No substantive change. See subclause 5 of the 22 Determination. 	No corresponding clause in the Award.	Not applicable.
7.	Individual flexibility arrangements (IFAs)	<ul style="list-style-type: none"> This clause enables the department to agree to make IFAs with employees. The Secretary may make IFAs with employees to vary the effect of the terms of the agreement. The clause prescribed in the Statement has been adopted. Proposed EA clause: 10-15 	<ul style="list-style-type: none"> This clause enables terms of the agreement to be varied by mutual agreement between the department and an individual employee. Determinations made under the PS Act do not include an IFA provision. However, where required, varied arrangements may be facilitated through individual PS Act determinations, but only where the varied arrangements supplement the APS Award. 	The proposed IFA clause is <u>more beneficial</u> than clause 4 of the Award. It provides a broader suite of provisions, allowing employees to enter into an IFA for leave and leave loading, and remuneration.	Note: Section 202 – 204 of the FWA requires enterprise agreements to include a flexibility term. See also Schedule 2.2 of the <i>Fair Work Regulations 2009</i> .
8.	Definitions (including normal location of work)	<ul style="list-style-type: none"> This clause provides definitions required for the effective application of the enterprise agreement. Proposed EA clause: 16 This includes definitions of: APS agency; APS consultative committee; APS Award, Agency Head; APS, Australian Defence Force Cadets; Bandwidth; Broadband; Casual employee (irregular and intermittent employee); Classification; Child; De facto partner; Discussion and consideration period; Delegate; Dependant; Employee; Employee representative; Enterprise agreement; Excess employee; Extended absence due to illness or injury; Family; Family and domestic violence; Full-time employee; FW Act; Manager; ML Act; Normal work location; Non-ongoing employee; NES; Ongoing employee; Ordinary hours, duty or work; Parliamentary service; Partner; Part-time employee; Primary caregiver; PS Act; Relevant employee; Secondary caregiver; Settlement period; Shiftworker; and Standard day. 	<ul style="list-style-type: none"> Definitions for 'Employee Representative' and 'Family and domestic violence' were introduced from the Statement. The definition of family retains the inclusion of a person who has a strong affinity with the employee. A definition of a 'Normal work location' was introduced as required by the Statement. It accounts for an employee's letter of offer, flexible working arrangements and PS Act requirements. The definitions of 'Shiftworker' and 'Standard day' were restored from the provisions of the Department of Education and Training Enterprise Agreement 2016-2019 (Education EA 16-19). These definitions are consistent with the revised definitions made under the section 24(3) Determination. 	<p>The proposed definitions clause is <u>more beneficial</u> than Schedule E – Definitions. The proposed clause:</p> <ul style="list-style-type: none"> has a broader definition of family which extends to kinship; and has a broader definition of dependent. <p>The proposed definitions for a full-time employee, part-time employee, ongoing employee, non-ongoing employee and casual employee are consistent with clause 6. Types of employment in the Award which is reflected in the PS Act.</p>	<p>Note: Part 1-2 of the FWA, including definitions of base rate of pay, casual employee, child, de facto partner, family and domestic violence, full rate of pay, immediate family.</p> <p>Definitions in the enterprise agreement are either consistent with or enhance the FWA entitlements.</p>

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		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

SECTION 2: REMUNERATION

9.	Salary increase	<ul style="list-style-type: none"> The clause identifies that salary rates and increases are reflected in Attachment A, B, C and D of the proposed enterprise agreement. These attachments reflect salary increases of: <ul style="list-style-type: none"> 4.0 per cent from the first full pay period on or after 1 March 2024 (14 March 2024). 3.8 per cent from the first full pay period on or after 1 March 2025 (13 March 2025). 3.4 per cent from the first full pay period on or after 1 March 2026 (12 March 2026). The clause prescribed in the Statement has been adopted. Proposed EA clause: 17-19 	<ul style="list-style-type: none"> Provides salary increases of 11.2% over three years, which is more beneficial in comparison to the department's current determination. The determination provides for a salary increase of X% from 9 April 2024, in line with the most recently published June Private Sector WPI%, which was 3.8%. No further salary increases are provided. (See clause 28-33 of the 2022 Determination). 	The salary rates in the proposed agreement are significantly higher than the equivalent minimum salaries in the award.	Not applicable.
10.	Payment of salary	<ul style="list-style-type: none"> The clause provides that employees will be paid fortnightly in arrears using a specified formula for fortnightly salary. The clause prescribed in the Statement has been adopted. Proposed EA clause: 20 	<ul style="list-style-type: none"> No substantive change. See clause 34-35 of the 2022 Determination. 	The proposed payment of salary clause is consistent with clause 10 Minimum pay rates in the Award.	Not applicable. Note: Section 232 of the FWA.
11.	Salary setting	<ul style="list-style-type: none"> The clause outlines arrangement for setting the salary of employees on engagement, promotion or movement. Employees engaged, promoted or moved will be paid at base rate of classification, unless otherwise determined by the Secretary. An employee from another agency whose salary is above the top pay point will be maintained until absorbed into the salary range for their classification. If their salary is below the maximum and does not align with a pay point, their salary will be set to the next highest pay point. The clause prescribed in the Statement has been adopted. Proposed EA clause: 21-28 	<ul style="list-style-type: none"> No substantive change. See clause 36-42 of the 2022 Determination. 	The proposed salary setting clause is <u>more beneficial</u> than clause 10.3 APS classifications in the Award, as it provides Agency Head discretion to determine a salary above the minimum.	Not applicable.
12.	Salary on reduction	<ul style="list-style-type: none"> The clause provides that employees may request to perform work at a lower classification level for a specified period and that their salary rate will normally be the top of the range for the lower classification. 	<ul style="list-style-type: none"> No substantive change. See clause 43-44 of the 2022 Determination. 	<p>No corresponding clause in the Award.</p> <p>Clause 24.12 only provides for a reduction in the scenario of an excess employee.</p>	Not applicable.

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		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> In the case of a permanent reduction, the Secretary will determine the salary having regard to experience, qualification and skills of the employee. Proposed EA clause: 29-30 			
13.	Incremental advancement	<ul style="list-style-type: none"> The clause provides the eligibility requirements for annual, incremental salary advancement. Employees must attain annual performance cycle ratings of 'Meets Expectations' for both business deliverables and observable work behaviours in their most recent performance appraisal, and have worked at least: <ul style="list-style-type: none"> three continuous months of eligible service; or six months accumulative eligible service, at level during the annual performance management cycle Employees will progress through their salary increments at both acting and substantive classifications if they meet all requirements. Subject to meeting eligibility criteria, employees will progress through salary increments during paid and unpaid parental leave for one increment regardless of the length of the unpaid parental leave, and while employed in a non-ongoing role. The clause notes additional arrangements exist for employees under the Government Lawyer Broadband as outlined in Attachment C. The clause prescribed in the Statement has been adopted with the more beneficial period of eligible service duration (3 months continuous) retained. Proposed EA clause: 31-36 	<ul style="list-style-type: none"> Enhancement to current arrangements: Access to incremental advancement for employees on paid and unpaid parental leave (one increment) and for non-ongoing employees. Eligibility now includes either performing duties at a higher classification for three continuous months, or six months accumulative eligible service in the most recent performance cycle. See clause 45-49 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u> .	Not applicable.
14.	Superannuation	<ul style="list-style-type: none"> The clause provides that the department will provide employer contributions of 15.4 per cent of Fortnightly Contribution Salary (FCS) for employees in PSSap and Ordinary Time Earnings (OTE) for employees in accumulation funds. The clause prescribed in the Statement has been adopted. Employer contributions will be made for employees who take unpaid parental leave for a period of equal to a maximum of 52 weeks, or as required by applicable 	<ul style="list-style-type: none"> No substantive change. See clause 56-61 of the 2022 Determination. 	The proposed superannuation clause is <u>more beneficial</u> than clause 13. Superannuation contribution for employees on other accumulation funds (other than PSSap) is 15.4 per cent of OTE. The Award superannuation contribution rate is the superannuation guarantee rate. The Award refers to the rate required	From 1 January 2024, the NES will include a right to superannuation contributions. See Superannuation in the National Employment Standards - Department of Employment and Workplace Relations, Australian Government (dewr.gov.au) . The proposed superannuation clause will be consistent with the NES.

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		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<p>legislation and fund requirements. This replicates clause 59 of the 2022 Determination.</p> <ul style="list-style-type: none"> Proposed EA clause: 37-43 		under legislation which as at 1 July 2023 is 11 per cent.	This is consistent with Division 10A Part 2-2 of the FWA.
15.	Overpayments	<ul style="list-style-type: none"> The clause provides arrangements for when the department overpays an employee. This includes: <ul style="list-style-type: none"> The employee must be advised in writing. The employee has 28 days to dispute. If verified, the employee must repay the amount. Employees can discuss repayment arrangements and the department must consider the employee's circumstances. No interest will be charged. The clause prescribed in the Statement has been adopted. Proposed EA clause: 44-51 	<ul style="list-style-type: none"> No substantive change. No equivalent clause is provided for under the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
16.	Salary packaging	<ul style="list-style-type: none"> The clause provides that employees may access salary packaging and may package up to 100% of salary. Proposed EA clause: 52-53 	<ul style="list-style-type: none"> No substantive change. See clause 62-63 of the 2022 Determination. 	No corresponding clause in the NES.	Not applicable.
17.	Supported wage system	<ul style="list-style-type: none"> The clause notes detail regarding the supported wage system can be found at Attachment F. The clause prescribed in the Statement has been adopted. Proposed EA clause: 54-55 	<ul style="list-style-type: none"> No substantive change. The clause in the proposed enterprise agreement identifies the criteria for an employee to be subject to a supported wage system. See clause 54 of the 2022 Determination. 	Agencies with SWS – the proposed supported wage system clause is consistent with the Schedule C – Supported Wage System in the Award.	Not applicable.
18.	IT Specialists	<ul style="list-style-type: none"> The clause identifies that detail regarding the IT Specialist Designation is at Attachment D. Proposed EA clause: 56 	<ul style="list-style-type: none"> No substantive change. No equivalent clause is provided for under the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.

SECTION 3: ALLOWANCES

19.	Higher duties allowance	<ul style="list-style-type: none"> The clause provides an allowance for an employee performing duties at a higher classification. Employees acting in a role that needs to be filled for two or more working weeks are eligible for the allowance. The Secretary will determine the amount payable for an employee assigned to only part of the higher duties. The Secretary may also shorten the acting period required to receive the allowance on a case-by-case basis. 	<ul style="list-style-type: none"> Current eligibility: requirement for an employee to perform higher duties for 10 or more continuous working days to receive allowance. The proposed agreement provides eligibility for the allowance where the <u>role</u> needs to be filled for two or more working weeks. Where the latter is expected, any employee that acts in the role (no matter how long the duration) will receive the allowance. 	The proposed higher duties clause is potentially less beneficial for employees, but only where the role concerned does not need to be filled for 2 or more working weeks. For APS1-6 employees, the Award clause 10.8 Higher duties entitles payment of higher duties allowance where the employee acts in the higher position	Not applicable.
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		<ul style="list-style-type: none"> Higher duties is payable while an employee is acting as part of a job sharing arrangement, where the duration of the arrangement is at least two weeks. The clause prescribed in the Statement has been adopted. Where an employee is absent on paid leave, or observes a public holiday, and has been directed to perform duties at a higher classification, payment of the higher duties allowance will continue during the absence as if the employee were still at work, to the extent of the continued operation of the direction. Proposed EA clause: 57-63 	<ul style="list-style-type: none"> This means an employee could perform less than 10 working days at a higher classification and receive the allowance if the role is vacant for two or more working weeks. An employee could also receive the allowance when acting as part of a job sharing arrangement. See clause 87-92 of the 2022 Determination. 	for more than half a day. For EL1-2 employees, the award entitles payment of higher duties allowance where the employee acts for one or more weeks. However, the Award enables the agency head to make higher duties allowance payments to employees in exceptional circumstances, without the above qualifying periods applying.	
20.	Health allowance	<ul style="list-style-type: none"> The clause provides an annual payment to employees as a lump sum on the first full pay period on or after 1 September each year. \$500 for APS1 to APS3 employees and \$200 for APS4 to EL2 employees. Employees on leave without pay (other than maternity leave without pay) for a period of six months or more before 1 September will not be entitled to receive the health allowance for that year. Proposed EA clause: 64-65 	<ul style="list-style-type: none"> No substantive change. See clause 74-75 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u> .	Not applicable.
21.	School holiday care allowance	<ul style="list-style-type: none"> The clause provides a payment, upon production of a receipt from a school holiday program provider, for employees required to work and require school holiday care services for primary school children. The maximum reimbursement is \$22.22 per child per day up to \$222.16 per family per week. Proposed EA clause: 66-68 	<ul style="list-style-type: none"> The allowance has increased by 23% from that which currently applies. Rates will be adjusted annually against the previous four quarterly results for the Consumer Price Index. The school holiday care program provider no longer needs to be one approved by the department. See clause 76-77 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u> .	Not applicable.
22.	Departmental Liaison Officer allowance	<ul style="list-style-type: none"> The clause provides a payment to employees designated as a Department Liaison Officer of \$22,270. The rate is increased by the general salary increases. Proposed EA clause: 69 	<ul style="list-style-type: none"> The allowance has increased from that which currently applies and will increase in 2025 and 2026 in line with the general salary increases. See clause 78 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u> .	Not applicable.
23.	Cadet book and equipment	<ul style="list-style-type: none"> The clause provides that the department will reimburse all compulsory fees paid and reasonable expenses incurred during the year relating to the approved study for a cadet employee. Proposed EA clause: 70 	<ul style="list-style-type: none"> No substantive change. See clause 84 of the 2022 Determination. 	The EA is consistent with the Award.	Not applicable.

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24.	Workplace responsibility allowance	<ul style="list-style-type: none"> The clause provides a payment (\$30.51 on commencement) for employees performing specific roles including First Aid Officer, Health and Safety Representative, Emergency Warden, Harassment Contact Officer, Mental Health First Aid Officer and Employee Support Officer. The rate is increased by the general salary increases. The clause prescribed in the Statement has been adopted. Proposed EA clause: 71-76 	<ul style="list-style-type: none"> The clause includes new roles such as, Harassment Contact Officer, Mental Health First Aid Officer and Employee Support Officer. The full allowance is payable regardless of flexible work and part-time arrangements. Casual employees who are eligible to receive a workplace responsibility allowance will be paid the full amount. See clause 79-81 of the 2022 Determination. 	The proposed workplace responsibility allowances clause is more beneficial than clause 11.14 First Aid Allowance. The proposed agreement provides for a rate of \$30.51 per fortnight from commencement, \$31.67 per fortnight from 13 March 2025 and \$32.75 from 12 March 2026. This is payable to employees appointed or elected to the role of a first aid officer, health and safety representative, emergency warden, harassment contact officer and mental health first aid officer. The Award provides an entitlement to a First Aid Allowance of \$14.25 per week and does not include a corresponding entitlement for other roles.	<p>Not applicable.</p> <p>The rates are \$1,267 per annum and \$2,534 per annum.</p>
25.	Community language allowance	<ul style="list-style-type: none"> The clause provides for a payment for an employee 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 level of competency set by the Secretary. Rate 1 (\$1,768 on commencement) is for an employee who has adequate skills for simple communication as determined by an individual or body approved by the Secretary. The higher Rate 2 (\$2,870 on commencement) is for an employee who is certified by the National Accreditation Authority for Translators and Interpreters 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. The clause prescribed in the Statement has been adopted. Proposed EA clause: 77-82. 	<ul style="list-style-type: none"> Rate 1 is based on the current rate in clause 83 of the 2022 Determination. Rate 2 is based on the common condition in the Statement and is a new tier for the department. These rates are increased annually by the same percentage applying to the general salary increases. See clause 82-83 of the 2022 Determination. 	The proposed community language allowance clause is more beneficial than clause 11.15 Community language allowance. The Award provides for a rate 1 of \$24.36 per week and a rate 2 of \$48.74 per week. The proposed agreement provides for a rate 1 of \$1,435 per annum from commencement, \$1,490 per annum from 13 March 2025 and \$1,541 from 12 March 2026. The proposed agreement provides for a rate 2 of \$2,870 per annum from commencement, \$2,979 per annum from 13 March 2025 and \$3,080 per annum from 12 March 2026.	Not applicable.
26.	Overtime meal allowance	<ul style="list-style-type: none"> The clause provides for a payment for an employee who is eligible for overtime payment and is directed to work 	<ul style="list-style-type: none"> No substantive changes. See clause 161 of the 2022 Determination. 	The EA is consistent with the Award.	Not applicable.

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		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<p>overtime for at least three hours outside their ordinary hours. The rate is set in accordance with the relevant ATO Determination.</p> <ul style="list-style-type: none"> Proposed EA clause: 83. 			
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SECTION 4: CLASSIFICATIONS AND BROADBANDS

27.	Opening clause	<ul style="list-style-type: none"> This clause identifies the department's classification structures and broadbands are details at: <ul style="list-style-type: none"> Attachment A, which covers general classifications and broadbands. Attachment B, which covers employees under the Training Broadband. Attachment C, which covers employees under the Government Lawyer Broadband. Attachment D, which covers employees under the IT Specialist Designation. Proposed EA clause: 84 	<ul style="list-style-type: none"> No substantive changes. See clause 20 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
28.	Training broadband	<ul style="list-style-type: none"> This clause provides that the department may engage employees on entry-level programs with classification and progression arrangements established in policy. The Training Broadband at Attachment B of the enterprise agreement provides for the salary ranges and is used for advancement arrangements for entry-level employees undertaking a mandatory training or development program. Entry-level programs can include graduate programs, apprenticeships, cadetships and traineeships. The clause also provides that that advancement is subject to successfully completing a program. Proposed EA clause: 85-88 	<ul style="list-style-type: none"> The proposed amendments maintain the salary rates and provision of advancement within the enterprise agreement, and enable detail regarding different programs to be contained in policy. This will enable the department to tailor its entry-level arrangements specific to each program. See clause 21-25 of the 2022 Determination. The broadband is consistent with the <i>Public Service Classification Rules 2000</i>. 	The Award does not include a training broadband. Training classifications are in accordance with the <i>Public Service Classification Rules 2000</i> .	Not applicable.
29.	Work Level Standards	<ul style="list-style-type: none"> This clause notes that the Work Level Standards (WLS) describe work at each APS classification level. The clause prescribed in the Statement has been adopted. Proposed EA clause: 89 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. However, the WLS are longstanding in the APS and the department already applies this in practice. 	The proposed work level standards clause is consistent with clause 7 in the Award.	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999</i> (PS Act) employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

SECTION 5: WORKING HOURS AND ARRANGEMENTS

30.	Job security	<ul style="list-style-type: none"> The clause identifies the department's commitment that the APS is career-based and the usual basis of engagement is as an ongoing employee. (This simply reflects existing clause 10A of the <i>Public Service Act 1999</i>). The clause also commits the department to report to its Consultative Committee on the number, duration and classification of ongoing, non-ongoing and casual employees. The department also commits to proactively complying the casual conversion requirements of the FWA. The clause prescribed in the Statement has been adopted. Proposed EA clause: 90-92 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. However, the clause reflects what the department is already required to do by law, with the exception of reporting certain workforce statistics to the Consultative Committee. 	<p>The proposed job security clause is consistent with clause 6.5 Offers and requests for casual conversion in the Award.</p> <p>This is mostly not covered by the Award.</p> <p>The causal conversion clause in enterprise agreement is consistent with the clause 6.5 of the Award.</p>	<p>Offers and requests for casual conversion</p> <p>The enterprise agreement clause is consistent with NES requirements regarding casual conversion.</p>
31.	Casual (irregular or intermittent) employment	<ul style="list-style-type: none"> The clause outlines the department's approach to using casual employees, noting the casual conversion requirements, casual loading (25%) and consultation provisions when seeking to expand its use of casual employees. The clause prescribed in the Statement has been adopted. Proposed EA clause: 93-99 	<ul style="list-style-type: none"> The loading for casual employees has increased from 20% to 25%. Commitment that the department will regularly review the working arrangements of casual employees. See clause 51-53 of the 2022 Determination. 	<p>The proposed casual employment clause is consistent with clause 6.4 Irregular or intermittent employment in the Award.</p>	<p>Offers and requests for casual conversion</p> <p>As above.</p>
32.	Non-ongoing employment	<ul style="list-style-type: none"> The clause identifies which clauses in the agreement apply, or do not apply, to non-ongoing employees. The clause prescribed in the Statement has been adopted. Proposed EA clause: 100-103 	<ul style="list-style-type: none"> No substantive change. No equivalent clause is provided for under the 2022 Determination. 	<p>No corresponding clause in the Award.</p>	<p>Not applicable.</p>
33.	Usual location of work	<ul style="list-style-type: none"> The clause requires an employee's 'usual location of work' to be specified in writing, which may be through a letter of offer or a reassignment of duties under section 25 of the PS Act, which may be varied. Proposed EA clause: 104-105 	<ul style="list-style-type: none"> No substantive change. No equivalent clause is provided for under the 2022 Determination. 	<p>No corresponding clause in the Award.</p>	<p>Not applicable.</p>
34.	Working hours	<ul style="list-style-type: none"> The clause provides for: <ul style="list-style-type: none"> Ordinary full-time hours of 150 hours per settlement period (7 hours 30 minutes per day). 	<ul style="list-style-type: none"> No substantive change. See Schedule 1, Clause 8 of the section 24(3) Determination. 	<p>The agreement is less beneficial as the Award provides for ordinary hours of work for full-time employees of 36.75 hours per week. The Award provides that ordinary hours of work or span of</p>	<p>Maximum weekly hours are 38 hours.</p> <p>Employees may be request to work reasonable additional hours.</p>

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> ○ A bandwidth of 12 hours from 7:00am to 7:00pm, Monday to Friday except public holidays (which can be varied via agreement). ○ Employees must take a meal break of at least 30 minutes after every five continuous hours of work. ○ Employee should have at least eight hours between finishing work (including overtime) and commencing work the next day. Employees directed to resume or continue work without a minimum break should be paid at double the hourly rate until their next eight hour break. ● A full-time employee's pattern of hours ordinary hours should be agreed between the employee and their manager in accordance with flextime, EL and flexible working arrangements. ● Proposed EA clause: 106-116 		hours (bandwidth) for day workers may be worked between 8:00am and 6:00pm, Monday to Friday.	
35.	Contact Centre Branch rostering arrangements	<ul style="list-style-type: none"> ● The clause commits the department to develop a rostering policy for the Contact Centres Branch within 6 months of the commencement of the enterprise agreement in accordance with the agreement's consultation provisions. The clause also includes matters to be considered in the policy. ● The clause also provides 15 minutes paid preparation time for rostered employees in the Contact Centres Branch. ● Proposed EA clause: 117-118 	<ul style="list-style-type: none"> ● New clause resulting from agency-level bargaining. ● No equivalent clause is provided in the 2022 Determination. 	The Award does not provide paid preparation time for rostered workers (who are not shiftworkers as defined by the EA).	Not applicable.
36.	Flex for APS 1-6 classifications	<ul style="list-style-type: none"> ● The clause provides for the accumulation of flex time for APS 1-6 employees, where they accumulate hours in excess of their ordinary hours with the agreement of their manager. ● The clause details maximum flex credit and flex debit amounts, and arrangements for addressing flex credits (maximum of 37.5 hours) and flex debits (maximum of 22.5 hours). ● The clause sets out that flex leave requires prior approval and, for periods of one day or more, reasonable notice. ● Proposed EA clause: 119-126 	<ul style="list-style-type: none"> ● No substantive change. ● See clause 140-147 of the 2022 Determination. 	Clause 8.2(g) Flextime in the Award does not include a cap on the number of flextime credits that may be carried over from one settlement period nor a cap on the number of flextime debits that may be carried over.	The NES envisages employers may require employees to work reasonable additional hours.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
37.	EL Time Off in Lieu arrangements	<ul style="list-style-type: none"> The clause provides that EL employees should have regular discussions with their manager about the additional hours they work, are expected to work and when TOIL is appropriate. The clause requires a manger to grant TOIL in recognition of reasonable additional hours worked. EL employees are required to keep a record of their hours if they wish to access TOIL. The clause prescribed in the Statement has been adopted. Proposed EA clause: 127-133 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. See clause 162-165 of the 2022 Determination. The department's current arrangements already require EL employees to keep a record of the hours they work. Current arrangements also state that reasonable requests for TOIL will not be refused, except for operational reasons. The new clause requires regular discussions between a manager and employee about working arrangements and hours, and the agreed pattern of hours must be recorded. This is more beneficial than current arrangements. 	Clause 5.11 in the Award provides hour for hour TOIL in lieu of overtime payments. There is no entitlement to TOIL beyond this scenario.	As above.
38.	Overtime and restriction – Overtime	<ul style="list-style-type: none"> The clause provides for employees to be paid overtime when directed to work outside the bandwidth or in excess of their ordinary hours on any day. Employers and managers must consider their obligations under the FWA when determining what additional hours are reasonable. Employees may refuse to work unreasonable additional hours. Overtime rates are: <ul style="list-style-type: none"> Monday to Saturday: one and a half times the hourly rate for the first three hours each day and double the hourly rate thereafter. Sunday: double the hourly rate. Public Holiday: two and a half times the hourly rate. EL employees will only be eligible for overtime in exceptional circumstances. Proposed EA clause: 134-141 	<ul style="list-style-type: none"> The reference to an employee directed to work "outside and in excess of their ordinary hours" under the 2022 Determination has been replaced with "outside the bandwidth or in excess of their ordinary hours". This better reflects that there can be circumstances where an employee is directed to work outside the bandwidth, but not in excess of their ordinary hours, and should be eligible for overtime, or vice versa. See clause 148-154 of the 2022 Determination. 	<p>Clause 15 provides overtime rates of 150% for the first three hours 200% after three hours and all day Saturday and Sunday, 250% on public holidays.</p> <p>The agreement is less beneficial for the first 3 hours on a Saturday. However, the general salary rates in the agreement are much higher in comparison to the Award.</p>	Note interaction with maximum weekly hours prescribed in the NES.
39.	Overtime and restriction – Restriction allowance	<ul style="list-style-type: none"> The clause provides an allowance for employees who are required to be restricted, which is to remain contactable, available and able to perform extra duties. The restriction rate is 9 per cent for each hour or part hour restricted. Proposed EA clause: 142-146 	<ul style="list-style-type: none"> The reference to an employee being restricted outside their 'ordinary hours' under the 2022 Determination has been replaced with an employee being 'outside the bandwidth'. This restores the restriction arrangements that operated under clause 159 of the Education EA 2016-2019. See clause 155-159 of the 2022 Determination. 	<p>The Award provides a restriction allowance of 7.5% (Monday to Friday), 10% (Saturdays and Sundays) and 15% (public holidays) of their hourly rate for each hour restricted.</p> <p>The agreement's composite allowance rate of 9% is more beneficial on Monday to Friday and less beneficial on weekends and public holidays.</p>	Not applicable.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

40.	Emergency duty	<ul style="list-style-type: none"> The clause provides that employees performing emergency duty will attract a base payment of two hours (which includes reasonable travel time) at double the hourly rate, which will be payable for all emergency duty without prior notice. EL employees will be eligible for emergency duty payments in exceptional circumstances. Proposed EA clause: 147 	<ul style="list-style-type: none"> No substantive change. See clause 160 of the 2022 Determination. 	The enterprise agreement is consistent with the Award.	The NES envisages employers may require employees to work reasonable additional hours.
41.	Shiftwork	<ul style="list-style-type: none"> The clause notes Attachment E contains details on shift work arrangements. Proposed EA clause: 148 	<ul style="list-style-type: none"> No substantive change. See clause 123 and Attachment E of the 2022 Determination. 	Not applicable.	Not applicable.

SECTION 6: FLEXIBLE WORKING ARRANGEMENTS

42.	Flexible working arrangements	<ul style="list-style-type: none"> The clause requires the department to genuinely consider flexible work requests and approve these where possible. Request may include part time work, compressed hours, working from home, change in usual location of work, job sharing and changing span of hours as examples. The clause does not permit a cap on the number of days an employee can work from home, with request to work from home considered on its merits and business requirements. The department must give consideration to connection to country and cultural and obligations when reviewing First Nations employees' flexible work requests and requests to change the location of work. The clause gives the department the discretion to assist an employee set up a home office through the provision of equipment and reimbursement of expenses. The department must take steps to discuss and seek agreement where possible, before giving notice to vary, pause or terminate a flexible working arrangement. The clause prescribed in the Statement has been adopted. Proposed EA clause: 149-175 	<ul style="list-style-type: none"> The clause provides significant detail on the department's commitments to flexible working arrangements and related matters. This goes beyond the model flexibility term in the NES and Award. See clause 119-120 of the 2022 Determination. The proposed clause is much more detailed about what actions the employee and department must take when setting up and varying a flexible working arrangement. However, the entitlement that any employee can access flexible working arrangements, including working from home, remains unchanged. 	<p>The proposed flexible working arrangements clause is <u>more beneficial</u> than clause 8.1 Ordinary hours of work and rostering in the Award.</p> <p>The Award simply refers to the NES. The proposed agreement is more beneficial than the NES.</p>	<p>Requests for flexible working arrangements</p> <p>The proposed flexible working arrangements clause is more beneficial than the NES. It expands who can request a flexible working arrangement to all employees, and from commencement rather than after the minimum period of service.</p> <p>The EA does not limit the application of flexible working arrangements in that way that section 65 of FWA does.</p>
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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

43.	Part-time work	<ul style="list-style-type: none"> The clause provides that employees engaged on a part time basis will not be compelled to convert to full-time employment, and vice versa. Employees are required to work at least three continuous hours on any working day. Part time working arrangements must be agreed in writing. Proposed EA clause: 176-179 	<ul style="list-style-type: none"> No substantive change. See clause 132-139 of the 2022 Determination. The clause in the proposed enterprise agreement is simplified from the clause in the 2022 Determination. 	The proposed part-time work (no unilateral conversion) clause in the agreement is consistent with clause 6.3(c) Part-time employment in the Award.	Not applicable.
44.	Annual closedown	<ul style="list-style-type: none"> The clause retains the current annual closedown period arrangements. Proposed EA clause: 180-182 	<ul style="list-style-type: none"> No substantive change. See clause 167-169 of the 2022 Determination. 	The Award provides that an agency head may direct and employee to access their leave entitlements during an established agency close down period. The EA is <u>more beneficial</u> as employees are not required to use their leave entitlements during the annual closedown.	Not applicable.
45.	Public holidays	<ul style="list-style-type: none"> The clause outlines which public holidays apply, including public holidays recognised by an employee's usual location of work. Employees can swap days on cultural, religious or other grounds with the agreement of the department. The clause prescribed in the Statement has been adopted. Proposed EA clause: 183-191 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. Employees already have the right to swap a public holiday for another day, by agreement with their manager. 	The proposed public holidays clause is consistent with clause 21 Public holidays. The Award provides an 'additional holiday' between Christmas and New Year at clause 22 but the EA is more beneficial as it provides three days paid leave between Christmas Day and New Years Day via the Christmas Closedown clause.	Public holidays The proposed public holidays clause is consistent with the NES.

SECTION 7: LEAVE

46.	Annual leave	<ul style="list-style-type: none"> The clause provides for 20 days paid annual leave per year of service (pro-rata for part time employees), and is accrued daily. Annual leave can be taken at half pay, but not in the same calendar year as purchased leave and not when an employee has an excess leave balance (unless approved by the Secretary). Periods of long service leave cannot be broken with annual leave, except as provided for by legislation. Proposed EA clause: 192-197 	<ul style="list-style-type: none"> No substantive change. See clause 177-181 of the 2022 Determination. The requirement that annual leave cannot be taken at half pay where an employee has an excess leave balance was introduced as is required under the Statement. 	The proposed annual leave clause is consistent with clause 16. Annual leave.	Annual leave The proposed clause is consistent with the NES.
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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

47.	Excess annual leave	<ul style="list-style-type: none"> The clause provides that employees with more than 40 days annual leave credit (equivalent to two years' accrual) and pro-rata for part time employees, must work with the manager to agree on a plan to reduce their annual leave balance to 40 days or below. If agreement cannot be reached, the manger may direct an employee in writing to take a period of annual leave to reduce the annual leave balance within 12 weeks of the direction and with at least 30 days' notice. Upon separation, any untaken annual leave will be paid out. Proposed EA clause: 198-200 	<ul style="list-style-type: none"> New clause resulting from agency-level bargaining. No equivalent clause is provided for under the 2022 Determination. Introducing this clause restores provisions from the previous Education EA 16-19 (clause 186-187 refers), with some changes: ie. previous provisions did not refer to agreeing on a plan to reduce excess balance before a direction was made, or that at least 30 calendar days' notice be provided to employees. 	No corresponding clause in the Award.	No corresponding clause in the NES.
48.	Cash out annual leave	<ul style="list-style-type: none"> The clause provides that employees may request in writing to cash out accrued annual leave. The employee's remaining annual leave balance must not fall below 20 days (pro-rata for part time employees) and they must have taken at least 10 days annual leave at the same time or have taken a block of 10 days annual leave (pro rata equivalent for part-time employees) in the same calendar year. Proposed EA clause: 201-202 	<ul style="list-style-type: none"> New clause resulting from agency-level bargaining. No equivalent clause is provided for under the 2022 Determination. Introducing this clause restores provisions from the previous Education EA 16-19 (clause 184-185 refers). 	No corresponding clause in the Award. The EA is <u>more beneficial</u> .	Cashing out arrangements in the proposed enterprise agreement requires that the employee have at least 20 days annual leave after the cash out.
49.	Purchased leave	<ul style="list-style-type: none"> The clause enables employees to purchase up to eight weeks additional annual leave, funded over 12 months. Purchased leave cannot be taken in the same calendar year when annual leave at half pay was accessed. Proposed EA clause: 203-207 	<ul style="list-style-type: none"> No substantive changes. See clause 182-186 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u>	Not applicable.
50.	Personal/carer's leave	<ul style="list-style-type: none"> The clause provides a personal/carer's leave entitlement of 18 days if you are: <ul style="list-style-type: none"> sick or injured managing a chronic illness providing care or support to a family or household member who is sick, injured or dealing with an unexpected emergency; or as a result of special or exceptional circumstances. Personal/carer's leave can be used for preventative health appointments, such as going to the dentist. Personal/carer's leave may be taken at half pay. 	<ul style="list-style-type: none"> Improved on commencement credit for newly engaged employees. Broader range of what constitutes suitable evidence and evidence for a chronic condition. See clause 207-223 of the 2022 Determination. 	The proposed personal/carer's leave clause is <u>more beneficial</u> than the Award. It provides a broader range of reasons for accessing the entitlement, provide 3 additional paid days per annum, and 18 days paid leave upfront for new APS employees.	Personal/carer's leave The proposed personal/carer's leave clause is more beneficial than the NES.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination) [Currently in effect]</i> <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
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		<ul style="list-style-type: none"> Employees may be asked to provide evidence after taking three consecutive days of personal/carer's leave or more than 12 days without evidence in a calendar year. Evidence can include: <ul style="list-style-type: none"> a certificate from a registered health practitioner a statutory declaration; and another form of evidence approved by the Secretary. The principles prescribed in the Statement has been adopted. There is an upfront credit of 18 days credit for new APS employees. Proposed EA clause: 208-224 			
51.	Rehabilitation management	<ul style="list-style-type: none"> The clause states that the department will accept the opinion of a medical practitioner it has nominated over a medical practitioner nominated by the employee, where their opinions differ. Proposed EA clause: 225 	<ul style="list-style-type: none"> No substantive changes. See clause 203 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
52.	Workers' compensation	<ul style="list-style-type: none"> The clause sets how annual and personal leave accrual will be calculated for employees on workers' compensation leave under the Safety, Rehabilitation and Compensation Act 1988. Proposed EA clause: 226 	<ul style="list-style-type: none"> No substantive changes. See clause 176 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
53.	Portability of leave	<ul style="list-style-type: none"> The clause provides for agencies to transfer or recognise accrued annual and personal leave entitlements depending on whether the employee is moving from another APS agency, Parliamentary Services, ACT public service or a non-APS agency, state or territory government agency, and provided there is no break in service. It sets out portability for employees engaged on a non-ongoing basis, where service is continuous with another APS agency. The clause prescribed in the Statement has been adopted. Proposed EA clause: 227-233 	<ul style="list-style-type: none"> Expands portability of leave for annual and personal/carer's leave for employees engaged from a non-APS agency and personal/carer's leave for employees engaged from a State or Territory Government. See clause 170-171 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u>	Not applicable.
54.	Impact of leave without pay on	<ul style="list-style-type: none"> The clause provides that up to 29 days of leave without pay per calendar year will count as service for the purposes of personal and annual leave accruals. Any leave without 	<ul style="list-style-type: none"> Currently, leave without pay up to 29 days per calendar year counts as service for the purposes of personal and annual leave accruals. However, if any 	No corresponding clause in the Award.	Not applicable.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999</i> (PS Act) employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

	personal and annual leave	<p>pay beyond that threshold in a calendar year does not count as service.</p> <ul style="list-style-type: none"> Proposed EA clause: 234 	<p>further leave without pay is taken in the same calendar year, <u>all</u> of the leave without pay taken that year does not count of service.</p> <ul style="list-style-type: none"> See clause 172-173 of the 2022 Determination. 		
55.	Cancellation of leave or recall to duty on leave	<ul style="list-style-type: none"> The clause provides that where leave is cancelled by the department or the employee is recalled to duty, reasonable unavoidable associated costs will be reimbursed and unused leave will be re-credited. Proposed EA clause: 235 	<ul style="list-style-type: none"> No substantive changes. See clause 174 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
56.	Re-crediting of leave	<ul style="list-style-type: none"> The clause identifies which leave types will be re-credited when an employee becomes eligible for another leave type. The clause prescribed in the Statement has been adopted. Proposed EA clause: 236-238 	<ul style="list-style-type: none"> The new clause is comprehensive and includes relevant leave types available under the proposed enterprise agreement. It provides a greater number of re-crediting leave circumstances. See clause 175 of the 2022 Determination. 	No specific clause in the Award. However, the Award refers to the NES for leave entitlements.	Note: Section 89(2) of the FWA provides that if the period during which an employee takes paid annual leave includes a period of any other leave (other than unpaid parental leave) under this Part, or a period of absence from employment under Division 8 (which deals with community service leave), the employee is taken not to be on paid annual leave for the period of that other leave or absence.
57.	Long service leave	<ul style="list-style-type: none"> The clause provides for long service leave in accordance with the <i>Long Service Leave (Commonwealth Employees) Act 1976</i>. The minimum period for which long service leave will be granted is seven calendar days (whether taken at full or half pay). The clause prescribed in the Statement has been adopted. Proposed EA clause: 239-240 	<ul style="list-style-type: none"> The minimum period long service leave can be granted is seven calendar days at full or half pay. The 2022 Determination requires 14 calendar days for leave if taken at half pay. See clause 207-209 of the 2022 Determination. 	No corresponding clause in the Award.	Long service leave The proposed long service leave clause is consistent with the NES. Entitlements to long service are provided through the <i>Long Service Leave (Commonwealth Employees) Act 1976</i> .
58.	Miscellaneous leave	<ul style="list-style-type: none"> The clause provides that the department may grant miscellaneous leave with or without pay, and to count or not to count as service. Proposed EA clause: 241-243 	<ul style="list-style-type: none"> No substantive changes. See clause 227-229 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u>	Not applicable.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

59.	NAIDOC leave	<ul style="list-style-type: none"> The clause provides First Nations and other employees up to one day of paid leave to participate in NAIDOC week activities. Proposed EA clause: 244-245 	<ul style="list-style-type: none"> No substantive changes. See clause 231 of the 2022 Determination. 	No corresponding clause in the Award. The EA is <u>more beneficial</u>	Not applicable.
60.	First Nations ceremonial leave	<ul style="list-style-type: none"> The clause provides that First Nations employees can access six days paid and 14 days unpaid leave over two calendar years, to participate in significant activities for ceremonial or cultural purposes. All leave taken count as service. The clause prescribed in the Statement has been adopted. Proposed EA clause: 246-250 	<ul style="list-style-type: none"> The 2022 Determination provided 20 days unpaid leave. The proposed EA provides for six days to be paid leave over two calendar years. All First Nations ceremonial leave is proposed to count as service. First Nations ceremonial leave can be taken as part days. See clause 232-233 of the 2022 Determination. 	The EA is <u>more beneficial</u> . The Award provides up to 10 days leave without pay over any two year period.	Not applicable.
61.	Cultural leave	<ul style="list-style-type: none"> The clause provides for the department to approve up to three days paid cultural leave per year for essential religious or cultural obligations. This is a separate leave arrangement to First Nations ceremonial leave. The clause prescribed in the Statement has been adopted. Proposed EA clause: 251-254 	<ul style="list-style-type: none"> This is an increase to three days paid leave compared with two days under the 2022 Determination. See clause 230 of the 2022 Determination. 	<p>The proposed cultural, ceremonial and NAIDOC leave clause is <u>more beneficial</u> than clause 20. Aboriginal and Torres Strait Islander ceremonial leave in the Award. The Award provides up to 10 days unpaid ceremonial leave over 2 years.</p> <p>The agreement provides up to one day paid NAIDOC leave per calendar year and up to 6 days paid and 14 days unpaid ceremonial leave over 2 calendar years to First Nations employees. The agreement provides up to 3 days paid cultural leave to all employees. The Award does not provide a corresponding entitlement to paid leave, or NAIDOC or cultural leave.</p>	Not applicable.
62.	Parental leave	<ul style="list-style-type: none"> The clause provides parental leave for primary and secondary caregivers up to 24 months after birth or placement of a child. Primary caregivers can get 18 weeks paid leave and the ability to take it at half pay. Secondary carers can get 8 weeks paid parental leave from the start of the enterprise agreements for secondary caregivers. This will rise to: 	<ul style="list-style-type: none"> An increase to parental leave from 14 weeks to 18 weeks for the primary care giver. The qualifying period for the primary caregiver is removed in the agreement. Incremental increases to paid leave for the secondary caregiver. Increased flexibility on how the leave may be taken. 	<p>The proposed parental leave clause is <u>more beneficial</u> than clause 18 Parental leave supplements the NES, in the Award and the <i>Maternity Leave (Commonwealth Employees) Act 1973</i>.</p> <p>The agreement provides a:</p>	<p>Parental leave and related entitlements.</p> <p>The proposed parental leave clause is more beneficial than the NES.</p>

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> ○ 11 weeks on 1 March 2025 ○ 14 weeks on 1 March 2026 and ○ 18 weeks on 28 February 2027. • There is no qualifying period for primary and secondary caregivers to access paid parental leave. • Where a parent has already had some parental leave, their leave will be 'topped up' to these amounts. • Parental leave can be taken flexibly and does not need to be taken as a single block. • Paid parental leave may be taken at half pay up to a period of 36 weeks. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 255-266 	<ul style="list-style-type: none"> • See clause 234-241 and 245-249 of the 2022 Determination. 	<ul style="list-style-type: none"> • greater entitlement of paid maternity (parental) leave of 18 weeks instead of 12 weeks; • more flexible usage provisions (after the first 12 weeks of leave, it can be taken to supplement a part-time arrangement, etc.); • paid adoption and foster leave; • paid secondary caregiver leave which will become 18 paid weeks over the life of the agreement; and • no qualification period for accessing parental leave entitlements. 	
63.	Adoption and long-term foster care	<ul style="list-style-type: none"> • The clause provides the same parental leave entitlements to primary and secondary caregivers who become an adoptive or foster parent in the 24 months from placement. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 267-268 	<ul style="list-style-type: none"> • The increased parental leave entitlements for primary and secondary caregivers are also available in adoption and long-term foster care arrangements. • See clause 242-244 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	In accordance with the FWA, where an employee has exhausted all other forms of paid leave credits (such as annual, personal or paid adoption leave), an employee is entitled to up to two days of unpaid pre-adoption leave to attend any interviews or examinations required for the adoption of a child.
64.	Stillbirth	<ul style="list-style-type: none"> • The clause provides that parents of a stillborn child remain eligible for parental leave. • However, a secondary caregiver can only access 2 weeks paid leave. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 271-272 	<ul style="list-style-type: none"> • New clause from APS-wide bargaining. • No equivalent clause is provided for under the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	As above.
65.	Pregnancy loss leave	<ul style="list-style-type: none"> • The clause provides parents with access to one week's paid leave for loss of pregnancy that occurs between 12 and 20 weeks' gestation. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 273-274 	<ul style="list-style-type: none"> • New clause from APS-wide bargaining. • No equivalent clause is provided for under the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	As above.
66.	Premature birth leave	<ul style="list-style-type: none"> • The clause provides paid premature birth leave from the date of birth to what would have been 37 weeks gestation. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 275 	<ul style="list-style-type: none"> • New clause from APS-wide bargaining. • No equivalent clause is provided for under the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	As above.

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Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
67.	Transitional provisions (parental leave)	<ul style="list-style-type: none"> The clause provides transitional arrangements for employees to postpone their paid premature birth leave otherwise payable under the 'premature birth leave' clause until after their legislated paid maternity leave is used. The clause prescribed in the Statement has been adopted. Proposed EA clause: 276 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	As above.
68.	Returning from any type of parental leave	<ul style="list-style-type: none"> The clause provides that employees returning from parental leave will be returned to their previous duties or alternative duties appropriate to their skills and classification. The clause also provides that employees will be provided access to part time employment upon application, until their child reaches three 3 years age. After this, access to part time employment is per the flexible working arrangements provisions of the enterprise agreement. Proposed EA clause: 277-278 	<ul style="list-style-type: none"> No substantive changes. See clauses 136 and 250-251 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	The return to work guarantee is provided under section 84. Under section 65 employees may also request access to flexible working arrangements.
69.	Compassionate leave	<ul style="list-style-type: none"> The clause provides employees with three days paid compassionate leave on each on each occasion <ul style="list-style-type: none"> 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 the employee or their partner has a miscarriage. For casual employees, bereavement leave is unpaid. Compassionate leave provided in relation to miscarriage is in addition to any entitlement an employee may be eligible for under the parental leave clause. Leave may be taken as three consecutive days or in separate days totally three days. This includes part days. The clause prescribed in the Statement has been adopted. Proposed EA clause: 279-282 	<ul style="list-style-type: none"> Expands eligibility and application of the entitlement. See clause 204-206 of the 2022 Determination. 	The proposed compassionate and bereavement leave clause is <u>more beneficial</u> than clause 17. Personal/carer's leave and compassionate leave in the Award which provides 1 day per occasion. The agreement provides for broader usage on the basis of a broader definition of family than in the Award. The agreement provides for an additional day of unpaid leave for casual employees.	Compassionate leave The proposed compassionate leave clause is more beneficial than the NES.
70.	Bereavement leave	<ul style="list-style-type: none"> The clause provides employees three days paid leave on each occasion: <ul style="list-style-type: none"> a member of their family (including a member of their household) or someone they had a close personal relationship with dies; or 	<ul style="list-style-type: none"> Expands eligibility to include someone the employee had a close relationship with. See clause 204-206 of the 2022 Determination. 	As above.	As above.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> ○ a child is stillborn, where the child was a member of their family (including a member of their household). • For casual employees, bereavement leave is unpaid. • Bereavement leave provided in relation to stillbirth is in addition to any entitlement an employee may be eligible for under the parental leave clause. • Leave may be taken as three consecutive days or in separate days totally three days. This includes part days. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 283-286 			
71.	Emergency response leave	<ul style="list-style-type: none"> • The clause provides support to employees engaged in eligible community service activities (as per section 108 of the FWA) to volunteer in emergency management duties. • This includes 20 days paid leave to participate in the activity, reasonable travel time and reasonable recovery time, and reasonable paid or unpaid leave for ceremonial duties or training. The Secretary may also approve additional paid leave. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 287-292 	<ul style="list-style-type: none"> • A new provision that provides 20 days paid leave per year. • See clause 210-211 of the 2022 Determination. The department currently has the ability to approve emergency response leave with or without pay. The determination does not prescribe any quantum of paid or unpaid leave. 	The proposed emergency response leave clause in the agreement is <u>more beneficial</u> than clause 19. Community service leave in the Award, which refers to the NES. The agreement provides for 20 days paid leave.	Community service leave The proposed emergency response leave is more beneficial than the NES.
72.	Jury duty	<ul style="list-style-type: none"> • The clause provides support to employees required by a court to attend for jury duty. Employees must inform their manager in advance and provide evidence, and will be paid for the period required. • Employees will need to repay any amount received from the court for attendance, apart from expense related payments and reimbursements. • The clause prescribed in the Statement has been adopted. • Proposed EA clause: 293-296 	<ul style="list-style-type: none"> • No substantive changes. • See clause 212-214 of the 2022 Determination. 	The proposed jury duty clause in the agreement is <u>more beneficial</u> than clause 19. Community service leave in the Award. The agreement provides for guaranteed paid jury duty leave.	Community service leave The proposed jury duty clause is more beneficial than the NES.
73.	Defence reservist leave	<ul style="list-style-type: none"> • The clause provides support to employees serving with the Australian Defence Force Reserve. This includes four weeks paid defence reservist leave per financial year, an extra two weeks for the first year of reserve service, and three weeks paid leave annually for ADF Cadet officers and instructors. • The clause prescribed in the Statement has been adopted. 	<ul style="list-style-type: none"> • New provision providing that an Australian Defence Force Cadet officer or instructor can get paid leave up to 3 weeks in each financial year to perform their duties • See clause 218-223 of the 2022 Determination. The department already has the ability to grant leave with or without pay for an employee to fulfil Cadet 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> Proposed EA clause: 297-305 	Force obligations, but the determination does not prescribe a quantum for related leave.		
74.	Volunteer leave	<ul style="list-style-type: none"> The clause provides for the department to grant up to two days paid leave each calendar year for employees to volunteer with a registered community organisation, including volunteer legal services for employees on the Government Lawyer Broadband. Proposed EA clause: 306-307 	<ul style="list-style-type: none"> No substantive changes. See clause 216-217 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
75.	Defence service sick leave	<ul style="list-style-type: none"> The clause provides support to employees who have a recognised medical condition as a result of operational service with the Australian Defence Force. This includes nine weeks defence service sick leave where certified by the Department of Veterans' Affairs as having a medical condition resulting from operational service. It also includes an annual three weeks credit, up to a maximum of nine weeks. The clause prescribed in the Statement has been adopted. Proposed EA clause: 308-314 	<ul style="list-style-type: none"> No substantive changes. See clause 218-223 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
76.	Leave to attend proceedings	<ul style="list-style-type: none"> The clause provides paid time to employees who need to give evidence before a court, tribunal or royal commission on behalf of the Commonwealth. The clause prescribed in the Statement has been adopted. Proposed EA clause: 315-318 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. 	The proposed paid time to attend proceedings clause is <u>more beneficial</u> than clause 26.7 in the Award	Not applicable.

SECTION 8: EMPLOYEE SUPPORT AND WORKPLACE CULTURE

77.	Diversity	<ul style="list-style-type: none"> The clause outlines the department's commitment to promoting and supporting workplace diversity and inclusion that values the contributions of people with different experiences and perspectives. Proposed EA clause: 319-320 	<ul style="list-style-type: none"> No substantive change. This reflects what the department is already doing in practice. See clause 64-65 of the 2022 Determination. This clause in the 2022 Determination has been relocated to its own section within the proposed enterprise agreement. 	No corresponding clause in the Award.	Not applicable.
78.	Blood donation	<ul style="list-style-type: none"> The clause provides paid time for employees, having informed their manager in advance, to donate blood, plasma or platelets during their ordinary hours, including reasonable travel time. The clause prescribed in the Statement has been adopted. 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. However, the department is already providing this support to employees through policy arrangements. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
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		<ul style="list-style-type: none"> Proposed EA clause: 321-322 			
79.	Vaccinations	<ul style="list-style-type: none"> The clause provides that the department will offer employees with an annual influenza vaccination at no cost. Employees required to be vaccinated for a particular condition will be provided a vaccination at no expense. The clause prescribed in the Statement has been adopted. Proposed EA clause: 323-324 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. However, the department is already providing this support to employees. 	No corresponding clause in the Award. Enterprise agreement is <u>more beneficial</u> .	Not applicable.
80.	Employee Assistance Program	<ul style="list-style-type: none"> The clause provides for the department to offer employees, their partners and dependents/children access to an Employee Assistant Program. The clause prescribed in the Statement has been adopted. Proposed EA clause: 325 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. However, the department is already providing this support to employees. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
81.	Respect at work	<ul style="list-style-type: none"> The clause identifies the department's commitment to create safe, respectful and inclusive workplaces, and to prevent and address workplace sexual harassment consistent with Australian Human Rights Commission (AHRC) guidance. The clause also provides the department will consult with employees to develop, review and evaluate approaches to preventing sexual harassment, sex discrimination, sex-based harassment, and victimisation in the workplace. The clause prescribed in the Statement has been adopted. Proposed EA clause: 326-328 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The department takes these matters seriously. A range of arrangements are already in place and others are currently being developed in response to the AHRC guidance. The <i>Public Service Act 1999</i>, APS Values and APS Code of Conduct apply to the department's employees. 	No corresponding clause in the Award.	Not applicable.
82.	Family and domestic violence support	<ul style="list-style-type: none"> The clause outlines how the department will provide individual and holistic support to its employees experiencing family and domestic violence. Employees can access paid leave as needed for their circumstances, recognising other support will be provided as appropriate. This includes a commitment to protect your privacy. The clause prescribed in the Statement has been adopted. Proposed EA clause: 329-345 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. Employees will be able to access paid miscellaneous leave for a broad range of reasons. Previously, personal/carer's leave could also be used for absences due to domestic and family violence. See 191(d) of the 2022 Determination. The arrangements reflect how the department is already currently supporting employees in these situations. 	Enterprise agreement is more beneficial.	Family and domestic violence leave. Enterprise agreement is more beneficial.
83.	Integrity in the APS	<ul style="list-style-type: none"> The clause outlines the department's commitment to a standard for integrity and transparency. This includes the importance of procedural fairness to build and maintain 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The clause supports the application 	No corresponding clause in the Award.	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999</i> (PS Act) employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination) [Currently in effect]</i> <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
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		<p>trust, and fair and impartial processes for employees impacted by service-wide or agency decisions.</p> <ul style="list-style-type: none"> Employees will have access to the APS-wide ethics advisory service or other similar service, will attend mandated integrity training and will not be disadvantaged or discrimination because they gave advice in accordance with their expertise or professional qualifications. The clause prescribed in the Statement has been adopted. Proposed EA clause 346-348 	<p>of current legislative requirements under the <i>Public Service Act 1999</i>, including the APS Values and APS Code of Conduct.</p>		
84.	First National cultural competency training	<ul style="list-style-type: none"> The clause requires all EL2 employee complete First Nations cultural competency training within a specified period once the agreement commences or once an employee joins the department or is promoted to EL2. The clause prescribed in the Statement has been adopted. Proposed EA clause: 349-350 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. 	No corresponding clause in the Award. Enterprise agreement is <u>more beneficial</u> .	Not applicable.
85.	Lactation and breastfeeding support	<ul style="list-style-type: none"> The clause outlines the department's support for employees with reasonable paid time for lactation breaks for breastfeeding and other associated activities. This includes access to appropriate facilities and discussions with managers to accommodate employees and accessing flexible working arrangements. The clause prescribed in the Statement has been adopted. Proposed EA clause: 351-356 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The department is already providing reasonable support for employees, where possible. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
86.	Disaster support	<ul style="list-style-type: none"> The clause outlines the department's commitment to support employees impacted by an official disaster or emergency that prevents employees from reasonably attending work, or where it impacts their household or home. This may include flexible working arrangements or where not possible, paid miscellaneous leave. The clause prescribed in the Statement has been adopted. Proposed EA clause: 357-359 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The clause reflects actions the department can already take to support employees in these scenarios. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.

SECTION 9: PERFORMANCE AND DEVELOPMENT

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination))</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
87.	Performance management	<ul style="list-style-type: none"> The clause provides that all employees must participate in the department's performance management arrangements and must maintain a performance agreement, except non-ongoing employees engaged for less than three months. The clause outlines the purpose of performance management, including to develop a culture of high performance, to align individual performance requirements with business outcomes, ensure employees have a clear understanding of their role and expectations, and to identify and plan for learning and development needs. Proposed EA clause: 360-366 	<ul style="list-style-type: none"> The clause clarifies the purpose of performance management arrangements. The 'Managing underperformance' section has been replicated from clauses 70-73 of the 2022 Determination. See clause 67-73 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
88.	Workloads	<ul style="list-style-type: none"> The clause outlines the need for the department to consider workloads in order to strike a balance between work and employees' personal lives. The clause notes working additional hours will be necessary on occasion, but is an exception. The clause provides that where an employee (or group) raises concerns regarding significant workload pressure over a prolonged period of time, the department and employees together must review workloads and priorities. Proposed EA clause: 367-369 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The EA guarantees the right to request a review of workloads and requires a review to occur in certain circumstances. 	The right to request a review of workloads is <u>more beneficial</u> than the Award provisions.	No corresponding clause in the NES. Note interaction with maximum weekly hours in section 65 of the FWA.
89.	Learning and development	<ul style="list-style-type: none"> The clause identifies the department's commitment to supporting the development of its employees. Employees and their managers are jointly responsible for identifying learning and development needs and opportunities. Proposed EA clause: 370 	<ul style="list-style-type: none"> New clause from agency-level bargaining. No equivalent clause is provided for under the 2022 Determination. The clause confirms what is already happening in practice. 	No corresponding clause in the Award.	Not applicable.
90.	Study assistance	<ul style="list-style-type: none"> The clause provides arrangements for study assistance, including the reimbursement of costs and study leave. Proposed EA clause: 371 	<ul style="list-style-type: none"> The maximum reimbursement of costs has increased from \$3,000 p.a. to \$4,000 p.a. Employees with disability seeking reasonable adjustment can also receive up to 15 hours per week paid leave as part of study assistance. See clause 66 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
91.	Professional qualifications	<ul style="list-style-type: none"> The clause provides arrangements for the reimbursement of professional association membership costs and/or 	<ul style="list-style-type: none"> New clause from agency-level bargaining. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<p>accreditation or registration fees, which required for the performance of an employee's duties.</p> <ul style="list-style-type: none"> The clause provides for up to \$1,000 per annum and subject to evidence. Proposed EA clause: 372 	<ul style="list-style-type: none"> No equivalent clause is provided for under the 2022 Determination. However, the EA confirms what is already happening in practice via policy arrangements. 		
92.	Support for graduate lawyers	<ul style="list-style-type: none"> The clause identifies that graduate lawyers will be provided support to complete their practical legal training and to gain admission to practice. Details regarding support is provided for under policy. Proposed EA clause: 373-374 	<ul style="list-style-type: none"> New clause from agency-level bargaining. No equivalent clause is provided for under the 2022 Determination. However, the EA confirms what is already happening in practice via policy arrangements. 	Enterprise agreement is more beneficial.	Not applicable.

SECTION 10: TRAVEL AND LOCATION-BASED CONDITIONS

93.	Travel	<ul style="list-style-type: none"> The clause commits the department to undertaking a review of existing travel arrangements over the life of the enterprise agreement, to improve efficiency and effectiveness of travel-related payments and administration. The clause guarantees that any resulting changes to travel arrangements will not be pursued if it would result in an overall reduction in benefits for employees. The clause provides that the department will support employees required to be away from home overnight. This includes: <ul style="list-style-type: none"> reimbursement of actual travel expenditure within daily indicative caps in accordance with the Travel Policy withdraw an amount from an Automatic Teller Machine for incidentals and meals in accordance with the Travel Policy, and up to \$55 per night for non-commercial accommodation. Proposed EA clause: 375-379 	<ul style="list-style-type: none"> Other than adding the commitment to a review, there are no substantive changes. See clause 104-107 of the 2022 Determination. 	<p>Clause 11.8 (a) Travelling allowance the employee will be paid an allowance to cover reasonable travelling, accommodation, meal and other incidental expenses.</p> <p>The agreement is consistent with the Award, as employees are entitled to have actual travel expenditure within a daily cap paid for or reimbursed. The daily caps, in policy, are linked to the Australian Taxation Office travel rates.</p>	Not applicable.
94.	Part day travel allowance	<ul style="list-style-type: none"> The clause provides for a part day travel allowance of \$40 where an employee is required to travel for official business purposes for a period of 10 hours or more, but no overnight stay is required. Proposed EA clause: 380 	<ul style="list-style-type: none"> No substantive changes. This arrangement will be included in the department's review of travel arrangements as per clause 375 of the agreement. See clause 108 of the 2022 Determination. 	Consistent with the Award. Clause 11.8(a) refers.	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

95.	Reviewed travel allowance	<ul style="list-style-type: none"> The clause provides payment arrangements for travel will be reviewed after the employee is away from home in one location for 21 days. Proposed EA clause: 381 	<ul style="list-style-type: none"> No substantive changes. See clause 109 of the 2022 Determination. 	No corresponding clause in the Award.	Not applicable.
96.	Recognition of travel time	<ul style="list-style-type: none"> The clause provides that travel on official business by APS1-6 employees between 7:00am and 7:00pm will be recorded as flex time, but will not be paid as overtime. Reasonable TOIL may be granted when directed to travel outside 7:00am to 7:00pm. Proposed EA clause: 382-384 	<ul style="list-style-type: none"> No substantive changes. See clause 110-112 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	Section 65 of the FWA requires employees perform reasonable additional hours. The proposed clause is Enterprise agreement is more beneficial.
97.	Airline lounge membership	<ul style="list-style-type: none"> The clause provides for airline lounge membership where an employee is anticipated to make eight or more business trips in a 12-month period. Proposed EA clause: 385 	<ul style="list-style-type: none"> No substantive changes. See clause 113 of the 2022 Determination. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
98.	Motor vehicle allowance	<ul style="list-style-type: none"> The clause provides for a motor vehicle allowance where an employee is authorised by the department to use their private vehicle for official business purposes. The rate is set by the relevant ATO Determination. Proposed EA clause: 386 	<ul style="list-style-type: none"> No substantive changes. See clause 114 of the 2022 Determination. 	The Award clause 11.7 (a) provides an allowance for each kilometre of authorised travel as stated in Schedule 1 to the <i>Income Tax Assessment Regulations 1997</i> as varied from time to time. The agreement is consistent with this provision.	Not applicable.
99.	Emergency situations while travelling on official business	<ul style="list-style-type: none"> The clause provides for the department to provide assistance where an employee becomes ill while travelling on official business, for family to visit or for the employee to visit their family. Proposed EA clause: 387-388 	<ul style="list-style-type: none"> No substantive changes. See clause 115-116 of the 2022 Determination. 	Enterprise agreement is more beneficial.	Not applicable.
100.	Family care expenses when travelling	<ul style="list-style-type: none"> The clause provides for the reimbursement of additional commercial care for family members, where an employee is required to travel away from home for official purposes. This includes a reimbursement of up to \$60 per night, subject to satisfactory evidence, where commercial care is unavailable. Proposed EA clause: 389-390 	<ul style="list-style-type: none"> No substantive changes. See clause 117-118 of the 2022 Determination. 	Enterprise agreement is more beneficial.	Not applicable.
101.	Relocation assistance	<ul style="list-style-type: none"> The clause provides relocation assistance on a reimbursement basis for employer-initiated transfers. This includes relocations on a temporary basis to take up higher duties if relocating for 13 weeks or more. 	<ul style="list-style-type: none"> The key enhancement in this clause is that relocation assistance will be provided in a range of circumstances, rather than 'may be provided' as set out in the determination. 	The proposed relocation assistance clause is varied when compared with the Award but are generally consistent .	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<ul style="list-style-type: none"> Reasonable expenses covered include cost of transport, removal expenses and reimbursement of insurance premiums based on a reasonable replacement value. Proposed EA clause: 391-394 	<ul style="list-style-type: none"> See clause 94-97 of the 2022 Determination. 	<p>Clause 11.5 Removal expenses in the Award provides a range of relocation expenses payable to an employee consistent with those in the agreement.</p> <p>Clause 11.8 Travelling allowance in the Award provides for travelling allowance in the context of permanent relocation, rates of travelling allowance for more than 21 days and reunion visits. The agreement is silent on this so is technically less beneficial. However, the department maintains a Relocation Policy which provides</p> <ul style="list-style-type: none"> employees who temporarily transfer for a period of 13 weeks or more, either at the initiative of themselves or the department, may negotiate a relocation assistance package for reimbursement of reasonable expenses limited to a total of \$14,000, and relocation assistance of up to \$48,000 for reasonable expenses for employer-initiated transfers, and relocation assistance of up to \$14,000 for reasonable expenses for employee-initiated moves. 	
102.	Employee initiated transfer	<ul style="list-style-type: none"> The clause provides that an employee may request assistance when transferring at level which involves permanently moving from one geographic locality to another. Proposed EA clause: 395-396 	<ul style="list-style-type: none"> No substantive changes. See clause 96-97 of the 2022 Determination. 	The proposed enterprise agreement provides a right to request which is <u>more beneficial</u> than the Award's provisions.	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999</i> (PS Act) employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination) [Currently in effect]</i> <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
103.	Disturbance allowance	<ul style="list-style-type: none"> The clause provides for a one-off disturbance allowance of \$810 for an employee who relocates alone and \$1,500 for an employee with a spouse, partner or dependents, where their household effects have been moved at the department's expense. Proposed EA clause: 397-398 	<ul style="list-style-type: none"> No substantive changes. See clause 98-100 of the 2022 Determination. 	<p>Clause 11.6 Disturbance allowance in the Award provides for single-payment disturbance allowance when the household of an eligible employee is removed from one locality to another as a consequence of relocation for 12 months or more.</p> <p>Comparing the proposed enterprise agreement with the Award:</p> <ul style="list-style-type: none"> For single employees – More beneficial under the enterprise agreement with \$810 compared with \$689.05 under the Award. For employees with one or more dependants or partners – More beneficial under the enterprise agreement with \$1,500 compared with \$1,444 under the Award. Additional payment for each full-time student(s) dependent child(ren) – Less beneficial with no payment under the enterprise agreement and \$273.59 under the Award. 	Not applicable.
104.	Remote localities	<ul style="list-style-type: none"> The clause provides for remote localities assistance where an employee is engaged or relocated to remote locations. Four categories of remoteness attract increasing amounts payable for employee with/and without dependents. Proposed EA clause: 399-403 	<ul style="list-style-type: none"> No substantive changes. See clause 85-86 and Attachment F of the 2022 Determination. 	<p>Clause 12. Remote conditions in the Award provides for employees residing in specific localities to be paid district allowance and entitlement to certain leave fares. The agreement provides a significantly higher remote localities assistance allowance but does not provide the fares or annual leave component of district allowance.</p>	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

				The department's proposed enterprise agreement does not provide for district allowance. The department's proposed enterprise agreement provides for remote localities assistance. The methodology for remote localities assistance shares some similarities with the Award's methodology for district allowance, however, can produce different results for some locations.	
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SECTION 11: CONSULTATION, REPRESENTATION AND DISPUTE RESOLUTION

105.	Consultation	<ul style="list-style-type: none"> The clause details how the department is committed to consulting directly with employees and their union/s about workplace matters that affect them. This includes consulting on major change, changes to regular roster or ordinary hours of work, change to work practices which materially impacts how an employee carries out work, changes to or the introduction of policies and guidelines relevant to workplace matters, and other workplace matters that are likely to significantly affect or materially impact employees. The clause prescribed in the Statement has been adopted. The clause aligns with APSC Circular 2022/08: Genuine and effective employee and union consultation in Commonwealth agencies Proposed EA clause: 404-425 	<ul style="list-style-type: none"> The consultation clause under the 2022 Determination replicated the model clause under schedule 2.3 the <i>Fair Work Regulations 2009</i>. The proposed consultation clause provides more detail about when consultation must occur, the principles behind genuine consultation and the role of employee representatives. The proposed clause provides that the department recognises the importance of employees having a genuine opportunity to influence decisions regarding workplace matters that are likely to significantly affect or materially impact employees (i.e. genuine pre-decision consultation). See clauses 2-17 of the 2022 Determination. The proposed clause enshrines in the agreement what the department is already doing in practice in accordance with the determination and Australian Government policy. 	The proposed consultation clause is <u>more beneficial</u> than clause 25. Consultation regarding major workplace change in the Award. The agreement provides for additional mechanisms for consultation with employees not provided for in the Award, including establishing a consultative committee and consultation in respect of changes to work practices which materially alter how an employee carries out their work, changes to or the introduction of policies or guidelines relevant to workplace matters (unless the changes are minor or procedural), implementation of decisions that significantly affect employees, and other workplace matters that are likely to significantly or materially impact employees.	Enterprise agreement is more beneficial than the model term. Note: section 205 of the FWA provides for a mandatory consultation term. See also Schedule 2.3 of the Fair Work Regulations 2009.
106.	Departmental consultative committee	<ul style="list-style-type: none"> The clause outlines that the department will establish and maintain a consultative committee for the duration of the enterprise agreement. 	<ul style="list-style-type: none"> The clause specifies in the enterprise agreement that the committee will meet at least 3 times annually and its membership. The membership is as 	Enterprise agreement is more beneficial.	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> The committee will operate subject to an agreed term of reference. The clause prescribed in the Statement has been adopted. The committee's membership will consist of: <ul style="list-style-type: none"> Four management representatives One elected employee representative from each of the department's groups Two representatives nominated by the CPSU; and One representative from each of the department's Employee Diversity Networks. Proposed EA clause: 426-429 	<p>per the current Consultative Committee's membership.</p> <ul style="list-style-type: none"> The description of the committee as the key mechanism for general staff consultation between the department and employee representatives is replicated from clause 18 of the 2022 Determination. See clauses 18-19 of the 2022 Determination. 		
107.	APS consultative committee	<ul style="list-style-type: none"> The clause outlines how the department will engage with the APS consultative committee established by the APS Commissioner. The department will support the operation of the APS consultative committee. The committee will consider matters that relate to employment and APS-wide issues. The clause prescribed in the Statement has been adopted. Proposed EA clause: 430 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. The arrangements enable the views of DEWR and its employees to be considered by the APS Consultative Committee once it is established. 	Enterprise agreement is <u>more beneficial</u> .	Not applicable.
108.	Dispute resolution	<ul style="list-style-type: none"> The clause provides procedures to settle disputes in relation to matters under the enterprise agreement or the National Employment Standards. The dispute resolution arrangements apply if a dispute relates to a matter arising under the enterprise agreement. The clause prescribed in the Statement has been adopted. Applies the model clause provided under scheduled 6.1 of the <i>Fair Work Regulations 2009</i>. Proposed EA clause: 431-440 	<ul style="list-style-type: none"> No substantive change. The proposed clause provides that disputes arising under the current industrial instruments that remain unresolved at the date of commencement of the enterprise agreement will be progressed under the dispute resolution provisions of the enterprise agreement. This is required under the Statement. The proposed clause also provides that employees, union delegates or other employee representatives will be granted paid time to attend dispute resolution processes and proceedings under the Fair Work Commission arising from matters referred to under the dispute resolution provisions. This is required under the Statement. See clauses 291-297 of the 2022 Determination. 	The proposed dispute resolution clause is consistent with clause 26. Dispute resolution in the Award.	<p>Enterprise agreement is more beneficial.</p> <p>Note: section 186 of the FWA provides for a mandatory dispute settlement term.</p> <p>See also Schedule 6.1 of the Fair Work Regulations 2009.</p>

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination))</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
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109.	Delegates' rights	<ul style="list-style-type: none"> The clause outlines arrangements for facilitating the role of union delegates in the workplace. The role of union delegates is to be respected and facilitated. The department will provide a range of support to union delegates including paid time, access to facilities, access to new employees as part of inductions and paid time for training. Proposed EA clause: 441-448 	<ul style="list-style-type: none"> New clause from APS-wide bargaining. No equivalent clause is provided for under the 2022 Determination. Provides workplace rights and facilities to support union delegates represent their members. 	No corresponding clause in the Award. The enterprise agreement is <u>more beneficial</u> .	Not applicable. General protections under the FWA provides the right to be a member of a union.
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SECTION 12: SEPARATION AND RETENTION

110.	Resignation	<ul style="list-style-type: none"> The clause provides detail on what is required when an employee resigns from their employment with the department. Employees must give at least 14 calendar days' notice or a shorter notice period as agreed by the Secretary. The clause prescribed in the Statement has been adopted. Proposed EA clause: 449-451 	<ul style="list-style-type: none"> No substantive change. See clause 287-288 of the 2022 Determination. A shorter notice period of one week where an employee has less than one year of continuous service is preserved from the 2022 Determination. 	The Award requires an employee to comply with notice requirements determined by the agency head.	Not applicable.
111.	Payment on death of an employee	<ul style="list-style-type: none"> The clause outlines that the Secretary must authorise payments to a partner, dependent or legal representative of a former deceased employee, which the former employee would otherwise would have received had they ceased employment through resignation or retirement. The clause prescribed in the Statement has been adopted. Proposed EA clause: 452 	<ul style="list-style-type: none"> No substantive change. See clause 289-290 of the 2022 Determination. 	The proposed payment on death of an employee is consistent with clause 16.6 Payment of accrued annual leave on death in the Award.	No corresponding clause in the NES.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

112.	Redeployment, retraining, redundancy	<ul style="list-style-type: none"> This clause details the department's redeployment, retraining and redundancy arrangements. This includes: <ul style="list-style-type: none"> Two weeks' salary for each year of service, four week minimum and 48 week maximum applies. Up to \$1200 payable for financial advice. Up to \$1200 for outplacement services or training opportunities that would be expected to enhance the employment prospects of employees. Two month discussion and consideration period from date of formal offer. Retention period of seven months (or 13 months for employees with 20 or more years' service or over 45 years of age). Where an employee elects redeployment, and the Secretary and employee agree, the employee can be paid out for the balance of the retention period. In deciding whether to terminate an excess employee, the Secretary will take account of any re-assignment process that may be in progress. Proposed EA clause: 453-486 	<ul style="list-style-type: none"> No substantive change. See clause 253-286 of the 2022 Determination. 	<p>Clause 24 Redundancy in the Award refers to redundancy pay as provided for the in the NES, and additional entitlements in the Award - notably 2 weeks of severance pay per year of service up to 48 weeks.</p> <p>The enterprise agreement provides a 2-month consideration period and a retention period of seven months (or 13 months for employees with 20 or more years' service or over 45 years of age) and is consistent with the Award.</p>	<p>Redundancy pay. These arrangements are either consistent or better than the NES.</p>
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ATTACHMENTS

113.	Attachment A – General classifications, broadbands and salary increases	<ul style="list-style-type: none"> This attachment provides for general classification, broadbands and salary ranges. It also stipulates the salary rates after each salary increase. Salary ranges include: <ul style="list-style-type: none"> APS/ICT APS 1.1-1.2 APS/ICT APS 2.1-2.3 APS/ICT APS 3.1-3.2 APS/ICT APS 4.1-4.3 APS/ICT APS 5.1-5.3 APS/ICT APS 6.1-6.3 EL/ICT EL 1.1-1.4 	<ul style="list-style-type: none"> The salary table reflects the general salary increases at clause 18 of the enterprise agreement. A new 'ICT stream' local title was introduced. The department is no longer imposing lower pay rates for junior employees. See Attachment A of the 2022 Determination 	<p>The agreement is <u>more beneficial</u> than the Award, providing significantly higher annual salaries compared with the Award's ordinary hourly rates.</p>	<p>Not applicable.</p>
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Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> ○ EL/ICT EL 2.1-2.4 • The Secretary will determine roles to be included in ICT Stream. • General broadbands include: <ul style="list-style-type: none"> ○ Broadband 1 – APS/ICT APS 1 to APS/ICT APS 3 ○ Broadband 2 – APS/ICT APS 4 to APS/ICT APS 6 • Hard barriers requiring advancement subject to a merit process from: <ul style="list-style-type: none"> ○ APS/ICT APS 3 to APS/ICT APS 4 ○ APS/ICT APS 6 to EL/ICT EL 1 ○ EL/ICT EL 1 to EL/ICT EL 2 			
114.	Attachment B – Training Broadband	<ul style="list-style-type: none"> • This attachment provides for the department's Training Broadband, its classifications and salary rates. This includes the salary rates after each salary increase. • Training salary ranges include: <ul style="list-style-type: none"> ○ APS 1.1-1.2 ○ APS 2.1-2.3 ○ APS 3.1-3.2 ○ APS 4.1-4.3 ○ APS 5.1-5.3 • Training broadband from APS1 to APS5. 	<ul style="list-style-type: none"> • The Training Broadband has been expanded to include APS5 classification. This provides flexibility for the classification to be incorporated into future training programs, if desirable. • The salary table reflects the general salary increases at clause 18 of the enterprise agreement. • The department is no longer imposing lower pay rates for junior employees. • See Attachment B of the 2022 Determination 	The agreement is <u>more beneficial</u> than the Award, providing higher annual salaries compared with the Award's ordinary hourly rates.	Not applicable.
115.	Attachment C – Government Lawyer Broadband	<ul style="list-style-type: none"> • This attachment details the arrangements for the Government Lawyer Broadband, including eligibility, salary rates, salary increases and movements to and from the broadband. • Employees who meet established eligibility criteria may apply to transfer into Government Lawyer Broadband. • Salary ranges included for the Government Lawyer Broadband include: <ul style="list-style-type: none"> ○ Government Lawyer pay point 1 (APS 3) ○ Government Lawyer pay point 2 (APS 4) ○ Government Lawyer pay point 3 (APS 5) ○ Government Lawyer pay point 4-6 (APS 6) ○ Senior Government Lawyer pay point 1-3 (EL1) ○ Principal Government Lawyer pay point 1-2 (EL2) 	<ul style="list-style-type: none"> • The salary table reflects the general salary increases at clause 18 of the enterprise agreement. • The section 'Transfer to or from the Government Lawyer Broadband' has been clarified. <ul style="list-style-type: none"> ○ Clause 302 of the 2022 Determination provides that <i>an employee who transfers at level or is promoted to a higher classification and is no longer required to provide legal services</i>, will have their salary set in accordance with general classifications. ○ The proposed enterprise agreement replaces the words "is no longer required to provide legal services", with "no longer meets the eligibility requirements". 	The agreement is <u>more beneficial</u> than the Award, providing significantly higher annual salaries compared with the Award's ordinary hourly rates.	Not applicable.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<ul style="list-style-type: none"> Government Lawyer Broadband extends from Government Lawyer pay point 1 (APS3) to Senior Government Lawyer pay point 3 (EL1). A Hard barrier requiring advancement subject to a merit process applies from Senior Government Lawyer (EL1) to Principal Government Lawyer (EL2). Where an employee commences in, or is promoted to the Government Lawyer broadband, salary will be determined within the relevant classification level having regard to the experience, qualifications and skills of the employee and their likely corporate contribution. Advancement through the Government Lawyer Broadband is subject to the Secretary determining there is sufficient work is available at the relevant classification and other factors outlined. An employee on the Government Lawyer broadband may be advanced two pay points within the broadband, subject to Secretary approval. Proposed EA clause: 487-496 	<ul style="list-style-type: none"> ○ This clarification does not substantively change how the clause currently operates in practice. • See Attachment C of the 2022 Determination. 		
116.	Attachment D – Information Technology Specialist Designation and salary	<ul style="list-style-type: none"> This attachment details the arrangements for the IT Specialist Designation, including eligibility, salary rates, salary increases and movements to and from the designation. Salary ranges included for the Information Technology Specialist Designation include IT Specialist (EL1) 1.1-1.2. Eligibility requires: <ul style="list-style-type: none"> (a) a degree in ICT from an Australian tertiary institution or comparable qualification in the same or associated discipline, and (b) highly specialised IT skills and expertise required to support the delivery of important or critical business applications, projects or services as determined by the relevant IT First Assistant Secretary. Employees who meet the eligibility criteria must seek approval to move onto the designation and must have met their performance expectations. 	<ul style="list-style-type: none"> • The salary table reflects the general salary increases at clause 18 of the enterprise agreement. • The opening clause of the provision has been omitted (clause 308 of the 2022 Determination), because it duplicated the eligibility criteria. • The 'Eligibility and selection' section has been simplified while retaining the current intent. • See Attachment D of the 2022 Determination. 	The agreement is <u>more beneficial</u> than the Award, providing significantly higher annual salaries compared with the Award's ordinary hourly rates at the EL1 level.	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

		<ul style="list-style-type: none"> Salary maintenance at the IT Specialist Designation salary will not be provided on transfer out of the IT Specialist Designation role. Proposed EA clause: 497-501 			
117.	Attachment E – Shiftworkers	<ul style="list-style-type: none"> This attachment details the arrangements for shiftworkers, including penalty rates, crib time, operation of shifts, leave and other conditions. Penalty rates for shiftworkers on their ordinary hourly rate: <ul style="list-style-type: none"> 115% for work performed on a shift, any part of which falls between 7:00 pm and 7:00 am. 130% for work performed continuously for a period exceeding 4 weeks on a shift falling wholly between 7:00 pm and 7:00 am. 150% for work performed anytime on a Saturday. 200% for work performed anytime on a Sunday. 250% for work performed anytime on a public holiday. Penalty rates on ordinary hourly rates for shiftworkers directed to work overtime: <ul style="list-style-type: none"> 150% for the first three hours Monday to Saturday. 200% after the first three hours Monday to Saturday. 200% all day on Sunday. 250% all day on public holidays or an additional holiday. Crib time is paid where an employee is required to be on standby during meal breaks. A shiftworker can be moved from one shift team to another by agreement at any time or with seven days' notice. Shiftworkers can exchange shifts or rostered days off by mutual agreement and delegate approval. An additional half day of paid annual leave is accrued for each Sunday or public holiday worked, up to a maximum of five days for each calendar year in addition to penalty rates. The Secretary will consult with employees if consideration is given to introducing 12 hour shifts. Implementation 	<ul style="list-style-type: none"> No substantive changes. Note: the department does not currently employ any shiftworkers as defined in the enterprise agreement. Penalty rates, crib time, operation of shifts and leave arrangements for shiftworkers are replicated from the 2022 Determination. The clause regarding the requirements for consultation and agreement to implement 12 hour shifts restores clauses 334-337 of the previous Education EA 2016-2019. These clauses were omitted under the 2022 Determination, because of interactions with application of the Award because it was a section 24(1) PS Act Determination. See Attachment E of the 2022 Determination. 	<p>The agreement is generally consistent with the Award except the first three hours of overtime on a Saturday, which is less beneficial.</p> <ul style="list-style-type: none"> Clause 15.5 Definition of overtime-shiftworkers in the Award defines overtime for shiftworkers. Clause 15.6 Overtime rates – shift workers in the Award provides overtime rates applicable to shiftworkers. The EA is consistent with the Award. Clause 14. Penalty rates – shiftworkers in the Award provides penalty rates of 115% (or 130%) for shiftworkers working night (or continuous night) shifts. Clause 14.6 provides for averaging of shift penalties. The EA is broadly consistent with the Award, but is less generous where any part of a shift falls between 6pm and 7pm on a weekday. Clause 16.2 Additional leave for certain shiftworkers in the Award provides that employees will receive the full shift penalty for shifts falling during a period of annual leave which they would have worked if not on approved leave. The enterprise agreement is 	No corresponding clause in the NES.

Official

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>requires agreement from the majority of affected employees.</p> <ul style="list-style-type: none"> Proposed EA clause: 502-516 		<p>consistent with the Award in this regard.</p> <ul style="list-style-type: none"> Clause 14.4 Continuous night in the Award provides specific rates for part-time shiftworkers where shifts fall wholly within 6pm and 8am. The EA is less generous where a shift falls wholly within this period. 	
118.	Supported Wage System	<ul style="list-style-type: none"> This attachment details the Supported Wage System (SWS) which is a special workplace arrangement, which the department may use to pay wages to a person with disability based on an assessment of their capacity to perform duties/tasks of the job. The clause prescribed in the Statement has been adopted. Proposed EA clause: 517-535 	<ul style="list-style-type: none"> No substantive changes. The minimum amount payable is set as per the amount prescribed in the Fair Work Commission's National Minimum Wage Order (reviewed annually), rather than a set dollar amount under the 2022 Determination. See Attachment G of the 2022 Determination. 	Schedule C of the Award provides for the Supported Wage System. The agreement is consistent with the Award.	Not applicable.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i>	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department:	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
		<p>The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining.</p> <p>The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).</p>	<p><i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect]</p> <p><i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i>, establishes terms and conditions of employment. [Superseded, but relevant]</p> <p><i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i>, establishes current pay scales and rates for some allowances.[Superseded, but relevant]</p>		

OTHER MATTERS

119.	References to the APS Enterprise Award 2015	<ul style="list-style-type: none"> The enterprise agreement defines 'APS Award' as Australian Public Service Enterprise Award 2015. 	<ul style="list-style-type: none"> The proposed enterprise agreement displaces the application of the Award. 	Not applicable.	Not applicable.
120.	Junior rates of pay	<ul style="list-style-type: none"> Not provided for under the proposed enterprise agreement. 	<ul style="list-style-type: none"> Junior rates of pay for APS1 classifications are removed from the proposed enterprise agreement. All APS1 employees will be subject the same salary rates regardless of their age. The clause prescribed in the Statement has been adopted. Agencies are to remove any conditions on junior rates of pay from their agreements. See clause 55 of the 2022 Determination. 	The proposed agreement does not have junior rates of pay and which is in clause 10.5 Juniors in the Award and is more beneficial for young employees.	No corresponding clause in the NES.
121.	Grandfathering of remote localities assistance.	<ul style="list-style-type: none"> Not provided for under the proposed enterprise agreement, because it does not apply to any employees. Therefore the clause is no longer required. 	<ul style="list-style-type: none"> The grandfathering provisions (at clause 331 of the 2022 Determination) for employees in receipt of remote localities assistance under the <i>DEEWR Enterprise Agreement 2012-2014</i> or the <i>One Innovation Enterprise Agreement 2011</i>, have not been retained. No employees are in current receipt of these benefits, or will become eligible for these provisions. This clause is therefore redundant. 	Not applicable.	Not applicable.
122.	Other allowances provided for under the Award	<ul style="list-style-type: none"> A number of specific allowances included in the Award are not included in the enterprise agreement, primarily because they do not relate to the work performed in the department. 	<ul style="list-style-type: none"> These award specific allowances were not provided for under the 2022 Determination. 	<p>The Award provides for:</p> <ul style="list-style-type: none"> excess travel time allowance in clause 11.9 – the Award provides an allowance for employees who are required to travel for longer than usual when they are temporarily relocated to a different place of work. camping allowance in clause 11.10 isolated allowance in clause 11.11 allowances for eligible employees at the APS 3 level or below for tools, plumbers' licence, plumber's 	No corresponding clause in the NES.

Reference #	Proposed enterprise agreement term	Proposed <i>Department of Employment and Workplace Relations (DEWR) Enterprise Agreement 2024-2027</i> The department's proposed enterprise agreement reflects the outcomes from APS-wide and agency-level bargaining. The APS Commissioner has certified that the proposed enterprise agreement is consistent with the Australian Government's Public Sector Workplace Relations Policy 2023 (weblink).	Outline of substantive changes in comparison to the current <i>Public Service Act 1999 (PS Act)</i> employment determination that applies to the department: <i>Public Service (Terms and Conditions of Employment) (Department of Employment and Workplace Relations Determination 2023 (section 24(3) Determination)</i> [Currently in effect] <i>Department of Employment and Workplace Relations Determination 2022/2 (Non-SES employees) pursuant to section 24(1) (2022 Determination)</i> , establishes terms and conditions of employment. [Superseded, but relevant] <i>Public Service (Section 24(1) – Department of Employment and Workplace Relations Non-SES Employees) Determination 2023/1 (2023 Determination)</i> , establishes current pay scales and rates for some allowances.[Superseded, but relevant]	Comparison with Australian Public Service Enterprise Award 2015 [MA000124] (the Award)	Comparison with National Employment Standards (NES) (Part 2-2 of the <i>Fair Work Act 2009</i> (FWA))
				registration, electrical licence, in clause 11.13, 11.16, 11.17, 11.18, 11.19. <ul style="list-style-type: none">allowances for employees required to work at heights in clause 11.19, employees performing spray painting functions in clause 11.20, employees performing trade functions in clause 11.21, asbestos eradication in clause 11.22 and general disability allowances in clause 11.23.	