



DECISION

Fair Work Act 2009
s.185—Enterprise agreement

Commonwealth of Australia as Represented by the Department of the Treasury
(AG2023/5321)

TREASURY ENTERPRISE AGREEMENT 2024-2027

Commonwealth employment

DEPUTY PRESIDENT MASSON

MELBOURNE, 15 JANUARY 2024

Application for approval of the Treasury Enterprise Agreement 2024-2027.

[1] An application has been made for approval of an enterprise agreement known as the *Treasury Enterprise Agreement 2024-2027* (the Agreement). The application was made pursuant to s.185 of the *Fair Work Act 2009* (the Act). It has been made by the Commonwealth of Australia as Represented by the Department of the Treasury. The Agreement is a single enterprise agreement.

[2] The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) (Amending Act) made a number of changes to enterprise agreement approval processes in Part 2-4 of the Fair Work Act, which commenced operation on 6 June 2023. By reason of the transitional arrangements for the Amending Act and the *notification time* for the Agreement of 28 February 2023, the *genuine agreement* requirements for agreement approval in Part 2-4 of the Fair Work Act, as it was just before 6 June 2023 apply to the present application. Further, as the Agreement was *made* on 15 December 2023 the *better off overall test* provisions in Part 2-4 of the Fair Work Act as amended on 6 June 2023 apply.

[3] I am satisfied that each of the requirements of ss.186, 187 and 188 as are relevant to this application for approval have been met.

[4] The Community and Public Sector Union being a bargaining representative for the Agreement, has given notice under s.183 of the Act that it wants the Agreement to cover it. In accordance with s.201(2) I note that the Agreement covers the organisation.

[5] The Agreement is approved and, in accordance with s.54 of the Act, will operate from 22 January 2024. The nominal expiry date of the Agreement is 28 February 2027.



DEPUTY PRESIDENT

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Treasury Enterprise Agreement 2024-2027

Signatures

For and on behalf of the **Department of the Treasury** (ABN 92 802 414 793)



(Signature)

Langton Crescent, Parkes, ACT, 2600

Dr Angela Barrett

(Name)

Chief Operating Officer

(Title)

18 December 2023

(Date)



(Witness Signature)

RHEANNON JASPRIZZA-QUINN

(Witness Name)

For and on behalf of the **Community and Public Sector Union**



(Signature)

PO Box K243, Haymarket, NSW, 1240

Beth Vincent-Pietsch

(Name)

Deputy Secretary

(Title)

18 December 2023

(Date)



(Witness Signature)

David Hermolin

(Witness Name)

Table of Contents

Proposed Treasury Enterprise Agreement 2024-2027	1
Section 1 - Technical matters	8
Title	8
Parties to the Agreement.....	8
Operation of the agreement.....	8
Delegations	8
National Employment Standards (NES) precedence.....	8
Closed comprehensive agreement	9
Individual flexibility arrangements	9
Definitions	10
Section 2: Remuneration	13
Salary.....	13
Payment of salary	13
Salary setting.....	13
Pay point advancement	14
Pay point advancement for APS 1 to APS 6.1 employees.....	14
Pay point advancement for APS 6.2 to Executive Level 2 employees	14
Pay point advancement for employees in the Treasury Graduate and Training Broadband	15
Employees acting at a higher classification	15
Eligible Treasury service for pay point advancement	15
Superannuation.....	15
Method for calculating super salary	16
Payment during unpaid parental leave.....	16
Salary for superannuation, severance and termination purposes	16
Overpayments.....	16
Supported wage system.....	17
Salary packaging.....	17
Section 3: Allowances and reimbursements	18
Higher duties allowance.....	18
Workplace responsibility allowances.....	18
Travel allowance	19
Overtime meal expenses	19
Departmental Liaison Officer allowance.....	20

Lifestyle contribution	20
Family responsibilities.....	20
Loss, damage and indemnity	20
Community language allowance.....	20
Section 4: Classifications and broadbands.....	22
Broadbands	22
Advancement to a higher classification within a broadband.....	22
Movement from a broadband.....	22
Treasury Graduates	23
Transitional arrangement for 2022 and 2023 Treasury Graduates	23
Other broadband arrangements.....	23
Work Level Standards	23
Section 5: Working hours and arrangements.....	24
Job security	24
Commitment to ongoing employment and rebuilding APS capacity.....	24
Reporting	24
Pathways to permanency	24
Working hours.....	24
Variation of hours	24
Regular breaks	25
Part-time work	25
Non-ongoing employment.....	25
Casual (irregular and intermittent) employment	25
Flexitime for APS 1 to APS 6 employees	26
Entitlements to flexitime	26
Use of flexitime prior to movement or cessation.....	26
Recording attendance.....	27
Overtime for APS 1 to APS 6 employees.....	27
Executive Level Time Off In Lieu	28
Break before resumption of duty	28
Restriction allowance.....	29
Flexible working arrangements.....	29
Requesting formal flexible working arrangements.....	30
Christmas closedown	33
Public holidays	33

Unauthorised absence	35
Section 6: Leave	36
Application and approval of leave	36
Annual leave.....	36
Purchased leave	37
Personal/carer’s leave.....	37
Entitlement	37
Crediting and accrual	37
Usage.....	38
Carers	39
Evidence	39
Parental leave	39
Payment during parental leave.....	40
Adoption and long-term foster care	41
Short-term foster care	41
Stillbirth.....	41
Pregnancy loss leave	42
Premature birth leave	42
Transitional provisions	42
NAIDOC, ceremonial and cultural leave.....	42
NAIDOC leave	42
First Nations ceremonial leave	42
Cultural leave	43
Long service leave	43
Compassionate leave	43
Bereavement leave	43
Sabbatical leave	44
Emergency response leave	44
Leave for jury duty or to attend proceedings	44
Leave for jury duty	44
Leave to attend proceedings	45
Defence reservist leave.....	45
Defence service sick leave	46
Miscellaneous leave	47

Portability of leave	47
Re-crediting leave	48
Section 7: Employee support and workplace culture	50
Blood donation.....	50
Vaccinations	50
Employee Assistance Program	50
Respect at work	50
Principles.....	50
Consultation	50
Family and domestic violence support	50
Integrity in the APS	52
First Nations cultural competency training	52
Lactation and breastfeeding support.....	53
Disaster support.....	53
Section 8: Performance and development.....	54
Performance Management and the Performance Development System	54
Probation	54
Workloads	55
Professional development	55
Studies assistance	55
Professional qualifications	55
Section 9: Location-based conditions	56
Usual location of work	56
Moves to other Treasury offices.....	56
Relocation assistance.....	56
Establishment allowance — Treasury Graduate recruitment	57
Overseas conditions of service	57
Section 10: Consultation, representation and dispute resolution	58
Consultation.....	58
Principles.....	58
When consultation is required	58
Provisions for consultation on major change and introduction of a change to regular roster or ordinary hours of work of employees.....	59
Representation.....	59
Major change	59

Change to regular roster or ordinary hours of work.....	60
Interaction with emergency management activities	61
Workplace Relations Committee	61
APS consultative committee	61
Dispute resolution.....	62
Leave of absence to attend proceedings	63
Delegates' rights	63
Supporting the role of union delegates	63
Section 11: Internal mobility, resignation and management of excess employees	65
Internal mobility.....	65
Resignation.....	65
Management of excess employees.....	65
Application	65
Definition of 'excess'	65
Process	66
Provision of information	66
Decision by the Secretary	66
Timeframes	67
Involuntary redundancy.....	67
Entitlement	67
Service for redundancy pay purposes.....	67
Service not to count as service for redundancy pay purposes	68
Earlier periods of service.....	68
Rate of payment — redundancy pay	68
Period of notice — termination	69
Reduction in classification	69
Attachment A – Base salaries	70
Attachment B – Supported Wage System	71
Definitions.....	71
Eligibility criteria	71
Supported wage rates.....	71
Assessment of capacity.....	72
Lodgement of SWS wage assessment agreement	72

Review of assessment.....	73
Other terms and conditions of employment	73
Workplace adjustment.....	73
Trial period.....	73

Section 1 - Technical matters

Title

1. This agreement will be known as the *Treasury Enterprise Agreement 2024-2027*.

Parties to the Agreement

2. This agreement covers:
 - 2.1 the Secretary, for and on behalf of the Commonwealth of Australia as the employer;
 - 2.2 all employees in Treasury employed under the *Public Service Act 1999* other than:
 - 2.2.1 Senior Executive Service employees or equivalent;
 - 2.2.2 employees employed in the Commonwealth Grants Commission;
 - 2.2.3 employees employed in the Australian Office of Financial Management; and
 - 2.2.4 employees employed in the Royal Australian Mint; and
 - 2.3 subject to notice being given in accordance with section 183 of the *Fair Work Act 2009*, and the following employee organisation which was a bargaining representative for this agreement:
 - 2.3.1 the Community and Public Sector Union.

Operation of the agreement

3. This agreement will commence operation 7 days after approval by the Fair Work Commission.
4. This agreement will nominally expire on 28 February 2027.

Delegations

5. The Secretary may delegate to or authorise any person to perform any or all of the Secretary's powers or functions under this agreement, including the power of delegation, and may do so subject to conditions.

National Employment Standards (NES) precedence

6. The terms of this agreement are intended to apply in a manner that does not derogate from the NES. The NES will continue to apply to the extent that any term of this agreement is detrimental to an employee of Treasury in any respect when compared with the NES.

Closed comprehensive agreement

7. This agreement states the terms and conditions of employment of employees covered by this agreement, other than terms and conditions applying under relevant Commonwealth laws.
8. This agreement will be supported by policies and guidelines, as implemented and varied from time to time.
9. Policies and guidelines are not incorporated into and do not form part of this agreement. To the extent that there is any inconsistency between policies and guidelines and the terms of this agreement, the terms of this agreement will prevail.

Individual flexibility arrangements

10. Treasury and an employee covered by this agreement may agree to make an individual flexibility arrangement to vary the effect of terms of the agreement if:
 - 10.1 the agreement deals with one or more of the following matters:
 - 10.1.1 arrangements about when work is performed;
 - 10.1.2 overtime rates;
 - 10.1.3 penalty rates;
 - 10.1.4 allowances;
 - 10.1.5 remuneration;
 - 10.1.6 leave and leave loading; and
 - 10.2 the arrangement meets the genuine needs of Treasury and employee in relation to one or more of the mentioned in clause 10.1; and
 - 10.3 the arrangement is genuinely agreed to by Treasury and the employee.
11. Treasury must ensure that the terms of the individual flexibility arrangement:
 - 11.1 are about permitted matters under section 172 of the *Fair Work Act 2009*;
 - 11.2 are not unlawful terms under section 194 of the *Fair Work Act 2009*; and
 - 11.3 result in the employee being better off overall than the employee would be if no arrangement was made.
12. Treasury must ensure that the individual flexibility arrangement:
 - 12.1 is in writing;
 - 12.2 includes the name of Treasury and the employee;
 - 12.3 is signed by Treasury and employee and if the employee is under 18 years of age, signed by a parent or guardian of the employee; and
 - 12.4 includes details of:
 - 12.4.1 the terms of the agreement that will be varied by the arrangement;

- 12.4.2 how the arrangement will vary the effect of the terms;
 - 12.4.3 how the employee will be better off overall in relation to the terms and conditions of their employment as a result of the arrangement; and
- 12.5 states the day on which the arrangement commences.
- 13. Treasury must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.
- 14. Treasury or employee may terminate the individual flexibility arrangement:
 - 14.1 by giving no more than 28 days written notice to the other party to the arrangement;
or
 - 14.2 if Treasury and employee agree in writing – at any time.
- 15. Treasury and employee are to review the individual flexibility arrangement at least every 12 months.

Definitions

- 16. The following definitions apply to this agreement:

APS agency means an agency whose employees are employed under the *Public Service Act 1999*, including an agency as defined in section 7 of the *Public Service Act 1999* whose employees are employed under that Act.

APS consultative committee means the committee established by the APS Commissioner to consider matters pertaining to the (APS) employment relationship and of interest to the APS as a whole.

Agreement means the *Treasury Enterprise Agreement 2024-2027*.

APS means the Australian Public Service.

Australian Defence Force Cadets means the Australian Navy Cadets, Australian Army Cadets, or the Australian Air Force Cadets.

Bandwidth means the span of hours during which an employee can perform ordinary hours.

Broadband refers to the allocation of more than one approved classification by the Secretary to a group of duties involving work value applying to more than one classification under sub-rule 9(4) of the *Public Service Classification Rules 2000*. A broadband encompasses the full range of work value of the classifications contained within it.

Casual employee (irregular and intermittent employee) means an employee engaged under paragraph 22(2)(c) of the *Public Service Act 1999* who:

- a. is a casual employee as defined by the *Fair Work Act 2009*; and
- b. works on an irregular and intermittent basis.

Classification or classification level means the approved classifications as set out in rule 5 of the *Public Service Classification Rules 2000*.

Child means a biological child, adopted child, foster child, step child, or ward.

De facto partner means a person who, regardless of gender, is living in a common household with the employee in a bona fide, domestic, interdependent partnership, although not legally married to the employee.

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

Dependant means the employee's spouse or de facto partner, a child, parent or aged relative of the employee or the employee's spouse or de facto partner, who ordinarily lives with the employee and who is substantially dependent on the employee. Dependant also includes a child of the employee who does not ordinarily live with the employee but for whom the employee provides substantial financial support.

Employee means an employee of the Commonwealth engaged under subsection 22(2) of the *Public Service Act 1999* who is covered by this agreement (whether full-time, part-time or casual, ongoing or non-ongoing).

Employee representative means a person (whether an employee or not) elected or chosen by an employee, or elected or chosen by a group of employees in a workplace, to represent the individual and/or collective views of those employees in relation to a matter under this agreement.

Family means:

- a. a spouse, former spouse, de facto partner or former de facto partner of the employee;
- b. a child, parent, grandparent, grandchild, or sibling of the employee;
- c. a child, parent, grandparent, grandchild, or sibling of a spouse, former spouse, de facto partner or former de facto partner of the employee;
- d. a member of the employee's household; or
- e. a person with whom the employee has a relationship of traditional kinship where there is a relationship or obligation, under customs and traditions of the community or group to which the employee belongs.

Family and domestic violence has the same meaning as in subsection 106B(2) of the *Fair Work Act 2009*.

Full-time employee means an employee employed to work an average of 37 hours and 30 minutes per week in accordance with this agreement.

Manager means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may include a person referred to as a supervisor.

Non-ongoing employee means an employee engaged for a specified term or for the duration of a specified task in accordance with paragraph 22(2)(b) of the *Public Service Act 1999*, consistent with the *Fair Work Act 2009*.

NES means the National Employment Standards at Part 2-2 of the *Fair Work Act 2009*.

Ongoing employee means an employee engaged under paragraph 22(2)(a) of the *Public Service Act 1999*.

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

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

Partner means a spouse or de facto partner.

Part-time employee means an employee employed to work less than an average of 37 hours and 30 minutes per week in accordance with this agreement.

Primary caregiver for the purposes of the parental leave clause means a pregnant employee with an entitlement under the *Maternity Leave Act 1973*, or an employee other than a casual employee who has primary care responsibility for a child who is born to them or who is adopted or in long-term foster care as per clauses 254 and 255.

Relevant employee means an affected employee.

Secondary caregiver for the purposes of the parental leave clause means an employee, other than a pregnant employee or casual employee, who has secondary care responsibility for a child who is born to them, or for a child who is adopted or in long-term foster care as per clauses 254 and 255.

Secretary means the Secretary of the Department of the Treasury or the Secretary's delegate.

Treasury Graduate means an employee who is participating in the Treasury Graduate Development Program.

Section 2: Remuneration

Salary

17. Salary rates will be as set out in Attachment A of this agreement.
18. The base salary rates in Attachment A include the following increases:
 - 18.1 4.0 per cent from the first full pay period on or after 1 March 2024 (14 March 2024);
 - 18.2 3.8 per cent from the first full pay period on or after 1 March 2025 (13 March 2025);
and
 - 18.3 3.4 per cent from the first full pay period on or after 1 March 2026 (12 March 2026).
19. In recognition of a common alignment date of the first full pay period on or after 1 March each year, the base salary rates in Attachment A were calculated based on base salary rates as at 31 August 2023.

Payment of salary

20. Employees will be paid fortnightly in arrears by electronic funds transfer into a financial institution account of the employee's choice, unless otherwise agreed with the Secretary, based on their annual salary using the following formula:

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

Note: This formula is designed to achieve a consistent fortnightly pay rate without significant variability year-to-year. It reflects that the calendar year is not neatly divisible into 26 fortnightly periods. There are 313 fortnightly pay cycles within a 12 year period.

Salary setting

21. Where an employee is engaged, moves to or is promoted in Treasury, the employee's salary will be paid at the minimum of the salary range of the relevant classification, unless the Secretary determines a higher salary within the relevant salary range under these salary setting clauses.
22. The Secretary may determine the payment of salary at a higher value within the relevant salary range of the relevant classification and the date of effect at any time.
23. In determining a salary under these salary setting clauses, the Secretary will have regard to relevant factors including the employee's experience, qualifications and skills.
24. Where an employee commences ongoing employment in Treasury immediately following a period of non-ongoing employment in Treasury for a specified term or task, the Secretary will determine the payment of the employee's salary within the relevant salary range of the

relevant classification which recognises the employee's prior service as a non-ongoing employee in Treasury.

25. Where an employee commences ongoing employment in Treasury immediately following a period of casual employment in Treasury, the Secretary will determine the payment of salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a casual employee in Treasury.
26. Where an APS employee moves to Treasury at level from another APS agency, and their salary is above the maximum of the salary range for their classification, the Secretary will maintain the employee's salary at that level, until it is absorbed into the salary range for that classification.
27. Where the Secretary determines that an employee's salary has been incorrectly set, the Secretary may determine the correct salary and the date of effect.
28. Where an employee is assigned duties at a classification lower than the employee's previous classification (for example, as an outcome of an underperformance process, a sanction under section 15 of the *Public Service Act 1999*, redeployment under clause 450 of this agreement, or at the request of the employee), the employee's salary will be determined by the Secretary, taking account of the employee's most recent performance appraisal.

Pay point advancement

Pay point advancement for APS 1 to APS 6.1 employees

29. Employees (excluding employees on the Treasury Graduate and Training Broadband) at APS 1 to APS 6.1 pay points will advance to the next highest pay point for their substantive classification following the February and August formal appraisal processes if they have not reached the maximum pay point and they have:
 - 29.1 performed at least 3 months of aggregate eligible Treasury service at or above their substantive classification, including paid leave and any unpaid leave that counts as service, during the bi-annual performance management cycle per subclause 374.1; and
 - 29.2 received a performance rating of 'Effective' or above at the relevant classification in the appraisal process, under the terms of the Performance Development System.
30. If an employee has less than 3 months of aggregate eligible Treasury service, the Secretary may exercise their discretion to determine a higher salary under the salary setting clause in this agreement.
31. Movement to the next highest pay point will be effective from the first pay period commencing in the month following the formal appraisal.

Pay point advancement for APS 6.2 to Executive Level 2 employees

32. Employees at APS 6.2 to EL 2 pay points will advance to the next highest pay point for their substantive classification following the August formal appraisal process if they have not reached the maximum pay point and they have:

- 32.1 performed at least 6 months' of aggregate eligible Treasury service at or above their substantive classification, including paid leave and any unpaid leave that counts as service, during the annual performance management cycle per subclause 374.2; and
 - 32.2 received a performance rating of 'Effective' or above at the relevant classification in the appraisal process under the terms of the Performance Development System.
33. If an employee has less than 6 months of aggregate eligible Treasury service, the Secretary may exercise their discretion to determine a higher salary under the salary setting clause in this agreement.
34. Movement to the next highest pay point will be effective from the first pay period commencing in the month following the formal appraisal.

Pay point advancement for employees in the Treasury Graduate and Training Broadband

35. Employees who are in the Treasury Graduate and Training Broadband are eligible to advance to the next highest pay point for their substantive classification in the manner set out in the Performance Development System.

Note: For the Performance Development System see section 8. For advancement to a higher classification within a broadband see section 4.

Employees acting at a higher classification

36. Employees who are acting at a higher classification, and satisfy the other eligibility criteria specified in clauses 29 or 32, will be eligible for salary progression at both their substantive and acting classifications.
37. Salary progression while acting at a higher classification will be retained for future acting duties at, or promotion to, that classification regardless of elapsed time.

Eligible Treasury service for pay point advancement

38. Eligible Treasury service for salary progression will include:
- 38.1 periods of paid and unpaid parental leave;
 - 38.2 periods of unpaid leave that count as service; and
 - 38.3 service while employed on a non-ongoing basis.
39. During a period of unpaid parental leave employees will be eligible to advance a maximum of one pay point, regardless of the length of unpaid parental leave.

Superannuation

40. Treasury will make compulsory employer contributions as required by the applicable legislation and fund requirements.
41. Employer superannuation contributions will be paid on behalf of employees during periods of paid leave that count as service.

42. Treasury will make employer superannuation contributions to any eligible superannuation fund, provided that it accepts payment by fortnightly electronic funds transfer (EFT) using a file generated by Treasury's payroll system.

Method for calculating super salary

43. Treasury will provide an employer contribution of 15.4 per cent of the employee's Fortnightly Contribution Salary for employees in the Public Sector Superannuation Accumulation Plan (PSSap) and Ordinary Time Earnings for employees in other accumulation funds.
44. Employer contributions will be made for all employees covered by this agreement.
45. Employer contributions will not be reduced by any other contributions made through salary sacrifice arrangements.

Payment during unpaid parental leave

46. Employer contributions will be paid on periods of unpaid parental leave in accordance with the requirements of the PSSap or PSS fund where the employee is a member of the PSSap or PSS.
47. For employees whose Treasury employer contributions are being paid to another accumulation fund, no employer contributions will be paid on periods of unpaid parental leave.

Salary for superannuation, severance and termination purposes

48. From the date on which they take effect as base pay, the salary levels applying under this agreement specified in Attachment A are to be used for determining the salary for superannuation, severance and a termination payment.
49. Where an employee has a base salary other than a salary specified in Attachment A, the base salary is to be used for determining the salary for superannuation, severance and a termination payment.
50. Nothing in clauses 48 or 49 displaces superannuation legislation as it applies to employees who have a higher salary recognised for superannuation purposes.

Overpayments

51. An overpayment occurs if Treasury provides an employee with an amount of money to which the employee was not entitled (including but not limited to salary, entitlements, allowances, travel payment and/or other amount payable under this agreement).
52. Where the Secretary considers that an overpayment has occurred, the Secretary will provide the employee with notice in writing. The notice will provide details of the overpayment.
53. If an employee disagrees that there has been an overpayment including the amount of the overpayment, they will advise the Secretary in writing within 28 calendar days of receiving the notice. In this event, no further action will be taken until the employee's response has been reviewed.

54. If after considering the employee's response (if any), the Secretary confirms that an overpayment has occurred, the overpayment will be treated as a debt to the Commonwealth that must be repaid to Treasury in full by the employee.
55. The Secretary and the employee will discuss a suitable recovery arrangement. A recovery arrangement will take into account the nature and amount of the debt, the employee's circumstances and any potential hardship to the employee. The arrangement will be documented in writing.
56. Treasury and the employee may agree to make a deduction from final monies where there is an outstanding payment upon cessation of employment.
57. Interest will not be charged on overpayments.
58. Nothing in clauses 51 to 57 prevents:
 - 58.1 Treasury from pursuing recovery of the debt in accordance with an Accountable Authority Instruction issued under *the Public Governance, Performance and Accountability Act 2013*;
 - 58.2 Treasury from pursuing recovery of the debt through other available legal avenues;
or
 - 58.3 the employee or Treasury from seeking approval to waive the debt under the *Public Governance, Performance and Accountability Act 2013*.

Supported wage system

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

Salary packaging

61. All ongoing employees will have access to salary packaging.
62. Further information is contained in policy.

Section 3: Allowances and reimbursements

Higher duties allowance

63. Where a role needs to be filled for two or more working weeks, higher duties allowance will be paid to any employee temporarily occupying the role acting at a classification level higher than their substantive classification level.
64. Higher duties allowance will be equal to the difference between the employee's current salary and the salary that would be payable if they were promoted to the higher classification level, or a higher amount determined by the Secretary.
65. Where an employee is found to be eligible for salary progression at their acting classification level they will receive an appropriate increase in the rate of higher duties allowance. The employee's salary level will be retained for any future periods of acting regardless of elapsed time.
66. Where an employee is assigned only part of the higher duties, the Secretary will determine the amount of allowance payable.
67. Higher duties allowance will be payable while an employee is acting at a higher classification level as part of a job sharing arrangement where the duration of the arrangement is at least two working weeks.
68. The Secretary may shorten the qualifying period for higher duties allowance on a case-by-case basis.
69. The additional payment for higher duties is treated as pay for the purposes of determining other allowances based on pay.
70. An employee who is temporarily assigned for a period of two weeks or more at a classification that attracts different conditions of service, will receive the conditions of service of the temporary classification, subject to any limitations advised by the relevant manager to the employee.
71. An employee who is receiving a higher duties allowance and is granted paid leave, or who observes a public holiday, will continue to receive the higher duties allowance during that absence, for as long as that absence falls within the period that the employee is temporarily assigned higher duties.
72. An employee may decline a request to act at a classification higher than their substantive position.
73. Where an employee covered by this agreement is temporarily assigned to a Senior Executive Service classification, the employee's rate of payment will be determined by the Secretary.

Workplace responsibility allowances

74. A workplace responsibility allowance will be paid where an agency has appointed or elected an employee to one of the following roles:

- 74.1 First Aid Officer;
 - 74.2 Health and Safety Representative;
 - 74.3 Emergency Warden;
 - 74.4 Harassment Contact Officer; and
 - 74.5 Mental Health First Aid Officers.
75. An employee is not to receive more than one workplace responsibility allowance unless approved by the Secretary due to operational requirements.
76. The minimum rate will be:

Rate from commencement of the agreement	Rate from 13 March 2025	Rate from 12 March 2026
\$30.51 per fortnight	\$31.67 per fortnight	\$32.75 per fortnight

77. As a salary-related allowance, this value will continue to be increased in line with headline wage increases. These increases are incorporated in the minimum rates in the table above.
78. The full allowance is payable regardless of flexible work and part-time arrangements.
79. An employee’s physical availability to undertake the role will be considered by Treasury when appointing and reappointing employees to these roles. This is noting that not all workplace responsibility roles will necessarily require a physical presence in the workplace for the role to be successfully undertaken, such as Harassment Contact Officers and Health and Safety Representatives depending on work group arrangements.
80. Casual employees who are eligible to receive a workplace responsibility allowance will be paid the full amount (noting the minimum rate), as varied from time to time provided they engage in work during any given pay cycle, irrespective of the frequency and duration of the work undertaken.

Travel allowance

81. An employee who undertakes travel on official business and is required to be away from home overnight will be paid an allowance for meals and incidental expenses. An allowance for accommodation will be paid where there are reasonable and actual costs involved. Wherever possible Treasury will prepay accommodation costs.
82. In some circumstances, an allowance will be payable for travel that does not involve an overnight absence.

Overtime meal expenses

83. An employee who is required by their manager to work overtime and takes a meal break during the overtime will be paid a meal allowance at the applicable rate set by the applicable determination made by the Australian Taxation Office, in addition to any entitled overtime.

84. An employee is not eligible for the overtime meal allowance where Treasury provides the employee with a meal.

Departmental Liaison Officer allowance

85. An employee who performs duties of Departmental Liaison Officer is entitled to an annual allowance as determined by the Secretary. An employee receives this allowance for overtime worked instead of payment of penalty rates or Time Off In Lieu.
86. In exceptional circumstances, the Secretary may decide to pay overtime (for an employee up to the APS 6 classification) or provide Time Off In Lieu (for an Executive Level employee).

Lifestyle contribution

87. In recognition of the benefit to Treasury of employees undertaking initiatives of their own, each eligible ongoing employee may apply for a single payment of \$600 each calendar year to contribute towards maintaining a healthy lifestyle. Further information on payment of the lifestyle contribution can be found in policy.
88. In the calendar year that this agreement commences, an employee is not eligible for the lifestyle contribution if in the same calendar year the employee received the lifestyle contribution in clause 6.8 of the *Treasury Enterprise Agreement 2018–2021*.

Family responsibilities

89. Where employees may be called upon to respond to an unexpected workplace demand, managers may approve reimbursement of reasonable expenses arising from additional family care arrangements made necessary where an employee is required to travel away from their normal work location for business purposes or is directed to work outside their normal patterns of work. Wherever possible, employees should alert their manager when that situation might arise.

Loss, damage and indemnity

90. The Secretary may approve reimbursement to an employee for loss or damage to clothing or personal effects, which occurred in the course of the employee's work.

Community language allowance

91. A community language allowance will be paid where the Secretary determines that an employee is regularly required to use their ability to communicate in Braille or a language other than English (including First Nations languages and AUSLAN) in the course of their work, and the employee meets the required level of competency set by the Secretary. Further information is included in policy.
92. The allowance is paid in accordance with the employee's level of competency:

Table 1: Community language allowance rates

Rate	Standard	Rate from commencement of the agreement	Rate from 13 March 2025	Rate from 12 March 2026
1	An employee who has adequate language skills, as determined by an individual or body approved by the Secretary, for simple communication.	\$1,435 per annum	\$1,490 per annum	\$1,541 per annum
2	An employee who is certified by the National Accreditation Authority for Translators and Interpreters (NAATI) as a Translator or Interpreter at any level; or is assessed to be at the equivalent level by an individual or body approved by the Secretary.	\$2,870 per annum	\$2,979 per annum	\$3,080 per annum

93. The allowance is calculated annually and paid fortnightly.
94. The full allowance is payable regardless of flexible work and part-time arrangements.
95. The allowance is payable during periods of paid leave.
96. The allowance counts as salary for superannuation purposes and for calculating retirement and redundancy entitlements.

Section 4: Classifications and broadbands

Broadbands

97. The below broadbands are provided at Treasury:

Broadband title	Corresponding APS classifications
Treasury General Broadband 1	APS 1 – 4
Treasury General Broadband 2	APS 5 – 6
Treasury Graduate and Training Broadband	APS 3 – 5

Advancement to a higher classification within a broadband

98. Subject to clause 99, an employee is eligible to advance to a higher classification within a broadband where:

- 98.1 sufficient work is available at the higher classification;
- 98.2 they have gained the necessary skill and proficiencies to perform the more complex work; and
- 98.3 they have achieved the relevant performance rating provided in the Performance Development System.

99. Where an employee moves to a Treasury General Broadband because clause 104.2 or 105.2 applies, movement to a higher classification within the applicable Treasury General Broadband in the manner set out in clause 98 may only occur if 24 months have passed since the employee completed the Treasury Graduate Development Program.

100. Clause 99 does not apply to an employee who completed the Treasury Graduate Development Program that commenced in 2022.

101. Nothing in clauses 98 to 100 prevents an employee from advancing to a higher classification within a broadband at any time as the result of an appointment made following a merit selection process in which the employee was rated as suitable.

Movement from a broadband

102. Movement from:

- 102.1 Treasury General Broadband 1 to Treasury General Broadband 2,
- 102.2 Treasury General Broadband 2 to Executive Level 1, and
- 102.3 Executive Level 1 to Executive Level 2

may occur only following a merit selection process.

Treasury Graduates

103. Employees recruited to participate in the Treasury Graduate Development Program that starts in 2024 and onwards will commence:
 - 103.1 at the APS 3 classification;
 - 103.2 in the Treasury Graduate and Training Broadband;
 - 103.3 at the second pay point of the APS 3 classification; and
 - 103.4 be assigned a local title of Treasury Graduate.
104. Movement from the Treasury Graduate and Training Broadband to Treasury General Broadband 1 will occur in either of the following circumstances (whichever occurs first):
 - 104.1 the employee is promoted to the APS 4 classification following a merit selection process, or
 - 104.2 the employee completes the Treasury Graduate Development Program at the APS 3 or APS 4 classification.
105. Movement from the Treasury Graduate and Training Broadband to Treasury General Broadband 2 will occur in either of the following circumstances (whichever occurs first):
 - 105.1 the employee is promoted to the APS 5 or APS 6 classification following a merit selection process, or
 - 105.2 the employee completes the Treasury Graduate Development Program at the APS 5 classification.

Transitional arrangement for 2022 and 2023 Treasury Graduates

106. At the commencement of this agreement, an employee who is a current or former participant in the 2022 or 2023 Treasury Graduate Development Program will move to the Treasury Graduate and Training Broadband where their classification is APS 4 or lower.
107. An employee who is a current or former participant in the 2022 or 2023 Treasury Graduate Development Program will remain in Treasury General Broadband 2 where their classification is APS 5 or higher.

Other broadband arrangements

108. The Secretary may determine the commencement salary and broadband progression requirements for other entry level employees who are engaged through a whole-of-government program.

Work Level Standards

109. The APS Work Level Standards continue to operate and describe the work at each of the classification levels in this agreement, consistent with the *Public Service Classification Rules 2000*, made in accordance with section 23 of the *Public Service Act 1999*.

Section 5: Working hours and arrangements

Job security

Commitment to ongoing employment and rebuilding APS capacity

110. The APS is a career-based public service. In its engagement decisions, Treasury recognises that the usual basis for engagement is as an ongoing APS employee.

Reporting

111. Treasury will report to the Workplace Relations Committee on an annual basis, or more frequently if agreed, on the number, duration, classification and location of ongoing, non-ongoing and casual employees engaged by Treasury.

Pathways to permanency

112. Treasury and the APS will comply with the casual conversion provision(s) of the *Fair Work Act 2009*. In addition, Treasury recognises that a proactive approach, including regularly reviewing casual and non-ongoing arrangements, is both a fair and efficient approach to supporting ongoing employment as the usual form of employment.

Working hours

113. The ordinary hours of work for a full-time employee are 37 hours and 30 minutes each week, which translates to a standard day of 7 hours and 30 minutes from Monday to Friday, within a bandwidth from 7 am to 7 pm.
114. Within the bandwidth, an employee is able to work flexibly. Employees are not expected to work more than 10 hours in any given day.
115. For this agreement, a standard day for the purposes of leave, attendance (including flextime) and payment of salary shall constitute the hours 8:30 am to 12:30 pm and 1:30 pm to 5:00 pm.
116. For the purposes of section 62 of the *Fair Work Act 2009* (maximum weekly hours), the parties agree that the averaging periods will be successive 26 week periods beginning on the day this agreement comes into operation.

Variation of hours

117. The 7 am to 7 pm bandwidth may be varied if the employee and manager agree, having regard to operational requirements, provided the length of the bandwidth remains a minimum of 12 continuous hours.
118. The bandwidth as varied will be taken to be the bandwidth for that employee for all purposes under this agreement (including for the purposes of determining an employee's eligibility to receive overtime payments or Time Off In Lieu).

Regular breaks

119. An employee should not work more than 5 hours without a break of at least 30 minutes.

Part-time work

120. Any employee who has an agreement to work fewer hours than the standard week of 37 hours and 30 minutes is a part-time employee.

121. The terms and conditions of employment of a part-time employee shall be, unless otherwise provided for in this agreement, those of full-time employees but reduced on a pro-rata basis (where appropriate) for the number of hours worked.

122. Employees engaged on a full-time basis will not be compelled to convert to part-time employment.

123. Employees engaged on a part-time basis will not be compelled to convert to full-time employment.

Non-ongoing employment

124. A non-ongoing employee is defined in the definitions section.

125. Non-ongoing employees will generally have the same terms and conditions of employment as ongoing employees under this agreement's terms, except:

125.1 personal/carer's leave accrual in section 6;

125.2 redundancy provisions in section 11 (subject to clause 126); and

125.3 otherwise specified in this agreement.

126. If the non-ongoing employee's contract is not permitted by section 333E of the *Fair Work Act 2009*, then the redundancy provisions in section 11 will apply.

127. If the redundancy provisions apply to an employee under clause 126, Treasury must adhere to the consultation requirements in section 10 and, where applicable, the consultation requirements in section 11.

Casual (irregular and intermittent) employment

128. A casual (irregular and intermittent) employee is defined in the definitions section.

129. A decision to expand the use of casual employees is subject to section 10.

130. Treasury will regularly review the working arrangements of casual employees to assess if they are genuinely performing irregular and intermittent duties, and report de-identified outcomes to the consultative committee, where one is in place.

131. Remuneration for casual employees is on an hourly basis. A casual employee will receive a 25 per cent loading on the base hourly rate of their classification as set out in this agreement.

132. The casual loading is paid in lieu of payment for public holidays not worked, notice of termination of employment, redundancy benefits and all paid leave entitlements, other than leave required by legislation including long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976* and leave for family and domestic violence support.
133. A casual employee will be engaged for a minimum of 3 hours per engagement or shall be paid for a minimum of 3 hours at the appropriate casual rate.
134. A casual employee who is eligible for a workplace responsibility allowance will be paid the full amount.

Flexitime for APS 1 to APS 6 employees

Entitlements to flexitime

135. Flexitime provides a level of flexibility to employees in their daily working patterns and applies to employees at or below APS 6 level, other than casual employees.
136. Eligible employees who work more or less than their ordinary hours within the bandwidth will incur an hour-for-hour flexitime credit or debit. Flexitime is not designed to increase or reduce the total number of hours that must be worked.

Note: For time off in lieu of overtime see clause 150.

137. Policy may make further provision for the administration of flexitime and recording attendance.
138. Accrued flex credits should be taken as soon as practicable, subject to operational requirements and by agreement between the employee and their manager. Managers must give consideration to the employee's personal circumstances.
139. Where an employee's flex credit exceeds 37 hours and 30 minutes (pro-rata for part-time), or they have a flex debit of 10 hours or more, the employee and their manager must agree a plan to return their balance within these parameters over the next 4 weeks, or an alternative timeframe agreed between the employee and their manager.

Use of flexitime prior to movement or cessation

140. Where an employee intends to cease their employment with Treasury, move into a new role within Treasury, or is to be promoted to an Executive Level classification:
 - 140.1 the employee and their manager must make reasonable efforts to balance flex credits or debits, and
 - 140.2 a request from an employee to balance flex credits or debits (for example, by taking flexitime) must not be unreasonably refused.
141. Where an employee has been promoted to an Executive Level and the employee was unable to use flexitime credits prior to the promotion taking effect, the employee and their new manager may agree to recognise Time Off In Lieu instead of flexitime credits.

Recording attendance

142. Employees at or below the APS 6 level must record their attendance accurately in Treasury's timekeeping system.

Overtime for APS 1 to APS 6 employees

143. Employees at or below the APS 6 classification are sometimes required to work reasonable additional hours in excess of their ordinary working hours.
144. Consistent with the NES, employees may refuse to work unreasonable additional hours. In determining whether additional hours are reasonable or unreasonable, regard will be had to subsection 62(3) of the *Fair Work Act 2009*.
145. An employee works overtime when their manager requests or directs the employee to do any one of the following:
- 145.1 work which is not continuous with the employee's agreed or specified hours,
 - 145.2 work beyond the total hours of work specified for the employee (and where flextime is not being accrued under clause 136),
 - 145.3 work more than 10 hours in any given day,
 - 145.4 work outside the bandwidth,
 - 145.5 work on Saturday, Sunday or a public holiday.
146. Employees at or below the APS 6 level will be paid for overtime hours worked at the following penalty rates:
- 146.1 overtime worked Monday to Saturday will be paid at the rate of time and a half for the first 3 hours each day and double time thereafter;
 - 146.2 overtime worked on Sunday will be paid at the rate of double time;
 - 146.3 overtime worked on a public holiday will be paid at the rate of double time and a half. Duty on a public holiday, not in excess of the prescribed weekly hours (that is duty during prescribed standard hours), will be payable at time and a half in addition to payment for the holiday;
 - 146.4 emergency duty, where no notice is given to the employee prior to ceasing ordinary duty, will be paid at the rate of double time.
147. Where overtime is continuous with ordinary duty, overtime payments will be made for hours actually worked (that is, there will be no minimum period for which overtime will be paid). Where overtime is not continuous, or where overtime constitutes emergency duty, payment for each separate overtime attendance will be for a minimum of 2 hours.
148. Where a single period of overtime extends across more than one calendar day and the calendar days attracts different penalty rates, the higher penalty rate will apply to the full period.
149. Where a break as described in clause 159 is not possible due to operational requirements as approved by the employee's manager, the employee will be paid for subsequent periods of

work at the rate of double time of the employee's salary until the employee has taken an 8 hour break.

150. Where agreed with managers, employees may take time off instead of overtime at the appropriate penalty rate set out above.
151. Where time off instead of overtime has been agreed for the employee, but the employee has not been granted that time off within 4 weeks or another agreed period due to operational requirements, the employee may elect to receive payment of the original entitlement.

Executive Level Time Off In Lieu

152. Executive Level employees are sometimes required to work reasonable additional hours. Consistent with the NES, employees may refuse to work unreasonable additional hours.
153. Executive Level employees seeking to access time off in lieu (TOIL) are required to keep records of their working hours using a method determined by Treasury.
154. A manager is to grant TOIL in recognition of reasonable additional hours worked. TOIL granted to employees can be taken as whole or part days.
155. The working arrangements for an Executive Level employee should be agreed through discussion between the manager and the employee. The discussion should include consideration of the work requirements that will safely get the job done and reasonably allow the employee to balance their work and personal life.
156. An Executive Level employee's working arrangements and actual hours worked should be discussed on at least a quarterly basis between the employee and their manager.
157. The pattern of hours is to be flexible enough to accommodate short term peaks and troughs in workload, and include expected reasonable additional hours. The agreed pattern of hours is to be recorded.
158. Requests from Executive Level employees to access flexible time off which are consistent with their agreed working arrangements are to be supported, subject to operational requirements.

Break before resumption of duty

159. Where an employee is directed to work outside the bandwidth by their manager, the employee will be entitled to an 8 hour break plus reasonable travelling time before commencing work again. If the break occurs during standard working hours, then the employee will receive their normal salary during that period.
160. Where the employee would be unable to take an 8 hour break plus reasonable travelling time before commencing work again, the employee must inform their manager.
161. Clause 159 does not apply to an employee who is directed to work outside the bandwidth for a period of 2 hours or less and the period of work commences no earlier than 2 hours before the beginning of the bandwidth.

Restriction allowance

162. A manager may direct an employee to be contactable and to be available to perform extra duty outside of the bandwidth, subject to payment of a restriction allowance. The restriction allowance will be paid at the following rates:
 - 162.1 for each restricted hour on Monday to Friday - 7.5 per cent of the employee's hourly rate of salary.
 - 162.2 for each restricted hour on Saturday and Sunday - 10 per cent of the employee's hourly rate of salary.
 - 162.3 for each restricted hour on public holidays - 15 per cent of the employee's hourly rate of salary.
163. An employee at or below the APS 6 classification will be paid for work performed while restricted at the penalty rates specified at clause 146.
164. Where the employee who has been restricted is required to perform duty, they will be paid a 2 hour minimum payment.
165. An Executive Level employee may be granted TOIL for work performed while restricted in line with the TOIL provisions above.

Flexible working arrangements

166. Treasury, employees and their union recognise:
 - 166.1 the importance of an appropriate balance between employees' personal and working lives, and the role flexible working arrangements can play in helping to achieve this balance;
 - 166.2 access to flexible work can support strategies to improve diversity in employment and leadership in the APS;
 - 166.3 access to flexible work supports APS capability, and can assist in attracting and retaining the employees needed to deliver for the Australian community, including employees located at a wider range of locations;
 - 166.4 that flexibility applies to all roles in Treasury, and different types of flexible working arrangements may be suitable for different types of roles or circumstances; and
 - 166.5 requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests.
167. Treasury is committed to engaging with employees and their union to build a culture that supports flexible working arrangements across Treasury at all levels. This may include developing and implementing strategies through the Workplace Relations Committee.
168. Flexible working arrangements include, but are not limited to, changes in hours of work, changes in patterns of work and changes in location of work.

Requesting formal flexible working arrangements

169. The following provisions do not diminish an employee's entitlement under the NES.
170. An employee may make a request for a formal flexible working arrangement.
171. The request must:
- 171.1 be in writing;
 - 171.2 set out details of the change sought (including the type of arrangement sought and the proposed period the arrangement will operate for); and
 - 171.3 set out the reasons for the change, noting the reasons for the change may relate to the circumstances set out at subsection 65(1A) of the *Fair Work Act 2009*.
172. The Secretary must provide a written response to a request within 21 days of receiving the request.
173. The response must:
- 173.1 state that the Secretary approves the request and provide the relevant detail in clause 174; or
 - 173.2 if following discussion between Treasury and the employee, Treasury and the employee agree to a change to the employee's working arrangements that differs from that set out in the request – set out the agreed change; or
 - 173.3 state that the Secretary refuses the request and include the following matters:
 - 173.3.1 details of the reasons for the refusal; and
 - 173.3.2 set out Treasury's particular business grounds for refusing the request, explain how those grounds apply to the request; and
 - 173.3.3 either:
 - 173.3.3.1 set out the changes (other than the requested change) in the employee's working arrangements that would accommodate, to any extent, the employee's circumstances outlined in the request and that Treasury would be willing to make; or
 - 173.3.3.2 state that there are no such changes; and
 - 173.3.4 state that a decision to refuse the request, or failure to provide a written response within 21 days is subject to the dispute resolution procedures of the enterprise agreement, and if the employee is an eligible employee under the *Fair Work Act 2009*, the dispute resolution procedures outlined in sections 65B and 65C of the *Fair Work Act 2009*.
174. Where the Secretary approves the request this will form an arrangement between Treasury and the employee. Each arrangement must be in writing and set out:
- 174.1 any security and work health and safety requirements;
 - 174.2 a review date (subject to clause 178): and

- 174.3 the cost of establishment (if any).
- 175. The Secretary may refuse to approve the request only if:
 - 175.1 Treasury has discussed the request with the employee;
 - 175.2 Treasury has genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for refusal);
 - 175.3 Treasury and the employee have not reached such an agreement;
 - 175.4 Treasury has had regard to the consequences of the refusal for the employee; and
 - 175.5 the refusal is on reasonable business grounds.
- 176. Reasonable business grounds include, but are not limited to:
 - 176.1 the new working arrangements requested would be too costly for Treasury;
 - 176.2 there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;
 - 176.3 it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate the new working arrangements requested;
 - 176.4 the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity;
 - 176.5 the new working arrangements requested would be likely to have a significant negative impact on customer service; and
 - 176.6 it would not be possible to accommodate the working arrangements without significant changes to security requirements, or where work health and safety risks cannot be mitigated.
- 177. For First Nations employees, Treasury must consider connection to country and cultural obligations in responding to requests for altering the location of work.
- 178. Approved flexible working arrangements will be reviewed by Treasury and the employee after 12 months, or a shorter period, if agreed by the employee. This is to ensure the effectiveness of the arrangement.

Varying, pausing or terminating flexible working arrangements

- 179. An employee may request to vary an approved flexible working arrangement in accordance with clause 171. An employee may request to pause or terminate an approved flexible working arrangement.
- 180. The Secretary may vary, pause or terminate an approved flexible working arrangement on reasonable business grounds, subject to clause 182.
- 181. Treasury must provide reasonable notice if varying, pausing or terminating a flexible working arrangement without the agreement of the employee, having regard to the circumstances of the employee. Exceptions to this requirement are urgent and critical operational

circumstances or an employee's demonstrated and repeated failure to comply with the agreed arrangements.

182. Prior to the Secretary varying, pausing or terminating the arrangement under clause 180, Treasury must have:
 - 182.1 discussed with the employee their intention to vary, pause or terminate the arrangement with the employee;
 - 182.2 genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for alteration);
 - 182.3 had regard to the consequences of the variation, pause or termination for the employee;
 - 182.4 ensured the variation, pause or termination is on reasonable business grounds; and
 - 182.5 informed the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out in clause 173.3.

Working from home

183. Treasury will not impose caps on groups of employees on the time that may be approved to work from home or remotely, with each request to be considered on its merits.
184. Treasury may provide equipment necessary for, or reimbursement, for all or part of the costs associated with establishing a working from home arrangement.
185. An employee working from home is covered by the same employment conditions as an employee working at an office site under this agreement.
186. Treasury will provide employees with guidance on working from home safely.
187. Employees will not be required by Treasury to work from home unless it is lawful and reasonable to do so. This may include where circumstances prevent attendance at an office during a pandemic or natural disaster. In these situations, Treasury will consider the circumstances of the employees and options to achieve work outcomes safely.

Ad-hoc arrangements

188. Employees may request ad-hoc flexible working arrangements. Ad-hoc arrangements are generally one-off or short-term arrangements for circumstances that are not ongoing.
189. Employees should, where practicable, make the request in writing and provide as much notice as possible.
190. Requests for ad-hoc arrangements are not subject to the request and approval processes detailed in clauses 169 to 178.
191. Treasury should consider ad-hoc requests on a case-by-case basis, with a bias to approving ad-hoc requests, having regard to the employee's circumstances and reasonable business grounds.

192. Where a regular pattern of requests for ad-hoc arrangements from an employee emerges, Treasury should consider whether it is appropriate to seek to formalise the arrangement with the employee.

Altering span of hours

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

Christmas closedown

194. Treasury will close its normal operations from the close of business on the last working day before Christmas Day, with business resuming on the first working day after New Year's Day (Christmas closedown).
195. Employees will be provided with time off between Christmas and New Year's Day and will be paid in accordance with their ordinary hours of work. Where an employee is absent on long service leave or parental leave, payment for Christmas closedown will be in accordance with the entitlement for that form of leave (for example if on long service leave at half pay, payment is at half pay).
196. With the exception of long service leave and where required by legislation, there will be no deduction from paid leave credits for the Christmas closedown.
197. If an employee is directed to work on any of the working days during Christmas closedown, then the employee may elect to have their credit of annual leave increased by the equivalent period, or to receive the equivalent period as time off in lieu. In addition, employees who are directed to work on the first work day after the Boxing Day public holiday will be paid as if it were a public holiday.
198. A part-time employee who would not usually work one or more of the working days between Christmas Day and New Year's Day will be granted a period of absence equal to 20 per cent of their weekly part-time hours for each of the days on which they would not usually work.
199. An absence during Christmas Closedown will count as service for all purposes.

Public holidays

200. Employees are entitled to the following holidays each year as observed at their normal work location in accordance with the *Fair Work Act 2009*:
- 200.1 1 January (New Year's Day);
 - 200.2 26 January (Australia Day);
 - 200.3 Good Friday and the following Monday;
 - 200.4 25 April (Anzac Day);

- 200.5 the King's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory);
- 200.6 25 December (Christmas Day);
- 200.7 26 December (Boxing Day); and
- 200.8 any other day, or part day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part day, or a kind of day or part day, that is excluded by the *Fair Work Regulations 2009* from counting as a public holiday.
201. If a public holiday falls on a Saturday or Sunday, and if under a State or Territory law, a day or part day is substituted for one of the public holidays listed above, then the substituted day or part day is the public holiday.
202. The Secretary and an employee may agree on the substitution of a day or part day that would otherwise be a public holiday, having regard to operational requirements.
203. The Secretary and an employee may agree to substitute a cultural or religious day of significance to the employee for any day that is a prescribed holiday. If the employee cannot work on the prescribed holiday, the employee will be required to work make-up time at times to be agreed. This substitution does not impact or reduce an employee's entitlement to First Nations ceremonial leave, NAIDOC leave or cultural leave.
204. Where an employee substitutes a public holiday for another day, they will not be paid penalty rates for working their normal hours on the public holiday.
205. Where a public holiday falls during a period when an employee is absent on leave (other than annual leave, paid personal/carer's leave or defence service sick leave) there is no entitlement to receive payment as a public holiday. Payment for that day will be in accordance with the entitlement for that form of leave (for example, if on long service leave on half pay, payment is at half pay).
206. If under a law of a State or Territory every Sunday is declared or prescribed by or under that law to be a public holiday, there is no entitlement to receive payment as a public holiday if the employee would have worked, or does perform work, on that day. In these circumstances, payment will only be made at the public holiday rate if the employee performs work on that day, and the Sunday would otherwise be a public holiday under clause 200.1 to 200.8.
207. An employee, who is absent on a day or part day that is a public holiday in their normal work location, is entitled to be paid for the part or full day absence as if that day or part day was not a public holiday, except where that person would not normally have worked on that day.
208. Where a full-time employee, including but not limited to employees on compressed hours, has a regular planned day off which would fall on a public holiday, the Secretary may allow the employee to change their planned day off so that it does not fall on a public holiday. If it is not possible to change their planned day off, the employee will be credited an equivalent amount of time to their regular hours for the day in flex credits or EL TOIL in recognition of the planned day off.

Unauthorised absence

209. Where an employee is absent from duty and the period of absence was not authorised, all pay and other benefits provided under this agreement (such as flexitime) will cease to be available until the employee resumes duty or is granted leave.
210. Any period of unauthorised absence does not count as service for any purpose, and no entitlements accrue during this period.

Section 6: Leave

Application and approval of leave

211. All forms of leave must be applied for and approved by the Secretary or a manager as determined in this section. Further information on leave can be found in policy.
212. Where an employee takes more than 30 days in aggregate leave without pay in a calendar year (annual leave) or an accrual year (personal/carer's leave), the whole period will not count as service for the purposes of annual and personal/carer's leave accruals, subject to legislation.
213. In circumstances where a manager does not approve:
- 213.1 an application for leave;
 - 213.2 leave at half pay; or
 - 213.3 an application to purchase additional leave

the manager will provide clear reasons for the refusal and propose alternative options that would be approved. The manager must, if requested by the employee, provide these reasons and alternative options in writing within a reasonable timeframe of the request.

Annual leave

214. Annual leave will accrue at a rate of 20 days each year for a full-time employee and on a pro-rata basis for part-time employees.
215. Annual leave is cumulative and accrues on a pro-rata basis.
216. Annual leave will be credited daily and will be available for use as it accrues.
217. Annual leave may be taken at half pay. When annual leave is taken at half pay, deductions from leave credits will be halved.
218. If an employee has been credited more than 60 days of annual leave (excess annual leave balance) the employee is to reach an agreement with their manager on a reasonable time period to reduce the balance to 60 days or below.
219. An employee may make a written agreement with their manager to cash out a particular amount of accrued annual leave. The employee's remaining entitlement to annual leave must be no less than 20 days. The employee will be paid the full amount that would have been payable had the employee taken the leave that has been forgone. Cash out of annual leave is subject to conditions in policy.
220. Untaken annual leave will be paid out to the employee if the employment relationship ends, in accordance with the NES.

Note: See clauses 323 to 329 for portability of leave to other APS agencies.

- 221. Employees in receipt of compensation for incapacity under the *Safety, Rehabilitation and Compensation Act 1988* for more than 45 cumulative weeks will accrue annual leave credits on a pro-rata basis for hours actually worked.
- 222. Where annual leave is cancelled or the employee is recalled to duty, the employee will be reimbursed travel costs not recoverable from insurance or other sources. Evidence of costs may be required.

Purchased leave

- 223. By agreement, ongoing employees who do not have an excess annual leave balance may purchase up to 40 days' leave in each 12 month period, or a pro-rata number of days for part-time employees.
- 224. Deductions from fortnightly salary are in equal installments over the course of 12 months, or a lesser period.
- 225. Approval to take purchased leave is subject to operational requirements.
- 226. Where purchased leave credits are not used within 12 months after the purchase, the purchase value of the credits is returned to the employee.

Personal/carer's leave

Entitlement

- 227. Employees will have a paid personal/carer's leave entitlement of 18 days each year, or a pro-rata number of days for part-time employees. Personal/carer's leave credits are cumulative.
- 228. Personal/carer's leave may be taken at half pay subject to Secretary approval. When it is taken at half pay, deductions from leave credits will be halved.
- 229. Where an employee's entitlement to personal/carer's leave is exhausted, the Secretary may approve additional leave as paid, unpaid or half pay leave and may determine conditions under which the leave will apply.
- 230. Consistent with the *Fair Work Act 2009*, if the employee has exhausted their entitlement to paid personal/carer's leave, the employee may take up to two days' unpaid carer's leave each time a member of the employee's family or household requires care or support because of a personal illness or injury of the member, or an unexpected emergency affecting the member.
- 231. Casual employees may be absent without pay when not fit for work due to personal illness or injury. A casual employee may access 2 days unpaid carer's leave per occasion, consistent with the NES.

Crediting and accrual

- 232. Ongoing employees will be credited 18 days personal/carer's leave upon commencement with the APS, or a pro-rata number of days for part-time employees. After 12 months, ongoing employees will accrue personal leave daily, credited at least monthly.

- 233. Non-ongoing employees will be credited personal/carer's leave upon commencement with Treasury. This will be 18 days pro-rated based on the employee's initial contract period. After the initial contract period or 12 months, whichever is shorter, or where the employee has an existing entitlement to personal/carer's leave, leave will accrue daily, credited at least monthly.
- 234. Employees in receipt of compensation for incapacity under the *Safety, Rehabilitation and Compensation Act 1988* for more than 45 cumulative weeks will accrue personal leave credits on a pro-rata basis for hours actually worked.

Accrual – transitional arrangements

- 235. The accrual method set out above will apply from when the transition to daily accrual of personal/carer's leave occurs. Treasury will transition to the daily accrual method and (at least) monthly crediting of the leave by 1 January 2026.
- 236. Before the transition to daily accrual of personal/carer's leave:
 - 236.1 ongoing employees will accrue annual personal/carer's leave credits in advance. The annual accrual date will be deferred by periods of leave not to count as service of more than 30 days in aggregate over the previous year; and
 - 236.2 non-ongoing employees will accrue 7 days personal/carer's leave after one month of service and one day for each month of service thereafter. Credits will be reduced by any amounts of leave not to count as service.
- 237. Where an employee:
 - 237.1 has, or cares for someone with, a chronic condition or other ongoing illness;
 - 237.2 is recovering from surgery;
 - 237.3 is pregnant; or
 - 237.4 is returning from parental leave or has a child commencing day care.

and, as a result of the transition to daily accrual of personal/carer's leave, does not have sufficient credit to cover an absence for which they would otherwise be able to take personal/carer's leave, the Secretary will advance the employee's accrual up to the 12 month anniversary when their leave would otherwise be credited.

Usage

- 238. Reasons for personal/carer's leave may include:
 - 238.1 due to personal illness or injury;
 - 238.2 to attend appointments with a registered health practitioner;
 - 238.3 to manage a chronic condition; and/or
 - 238.4 to provide care or support for a family member (including a household member) or a person they have caring responsibilities for, because:
 - 238.4.1 of a personal illness or injury affecting the other person; or
 - 238.4.2 of an unexpected emergency affecting the other person.

Carers

239. A person that an employee has caring responsibilities for may include a person who needs care because they:
- 239.1 have a medical condition, including when they are in hospital;
 - 239.2 have a mental illness;
 - 239.3 have a disability;
 - 239.4 are frail or aged; and/or
 - 239.5 are a child, not limited to a child of the employee.

Evidence

240. An employee may be requested to provide evidence in one or more of the following circumstances:
- 240.1 when the employee is or will be absent on personal leave for more than 3 consecutive working days; and
 - 240.2 if the manager has reason to believe that the employee's absence is not consistent with the appropriate use of personal leave.
241. Acceptable evidence includes:
- 241.1 a certificate from a registered health practitioner;
 - 241.2 a statutory declaration; and
 - 241.3 another form of evidence approved by the Secretary.
242. A certificate from a registered health practitioner may be used as evidence of a chronic condition for up to 12 months for both personal and carer's leave.

Parental leave

243. A primary caregiver and secondary caregiver is defined in the definitions section.
244. An employee who is a **primary caregiver** or **secondary caregiver** is entitled to parental leave up until 24 months from the date of the child's birth or placement (parental leave period). For the avoidance of doubt, this is inclusive of all legislated leave entitlements. The parental leave period does not extend non-ongoing employment where the employment period remaining is less than 24 months. An employee is only eligible for parental leave with pay as either a primary caregiver or a secondary caregiver for the particular parental leave period, and cannot switch roles for the purpose of accessing additional paid leave.
245. For the pregnant employee, the parental leave period starts on commencement of maternity leave as per *Maternity Leave Act 1973* requirements, and ceases 24 months from the date of birth. Medical certification requirements for the pregnant employee will be as required by the *Maternity Leave Act 1973*.

246. Conditions in this agreement will continue to apply in circumstances where successor legislation to the *Maternity Leave Act 1973* does not provide parental leave conditions included in this agreement.

Payment during parental leave

247. An employee is entitled to parental leave with pay as per clauses 249 and 250 below within the parental leave period. Any further parental leave during the parental leave period is without pay. Unused paid parental leave remaining at the end of the employee’s parental leave period will lapse. An employee may choose to use their accrued paid leave entitlements in accordance with usage and eligibility requirements in this agreement during the parental leave period that would otherwise be without pay.
248. Employees newly engaged in Treasury or who have moved to Treasury from another APS agency are eligible for the paid parental leave in clauses 249 and 250 where such paid leave had not already been provided by another APS agency or Commonwealth employer in the 24 months since the child’s date of birth or placement. If the paid leave used by the employee with the previous APS agency or Commonwealth employer is less than the limits specified in clauses 249 and 250, the balance is available to the employee.
249. An employee who is a primary caregiver is entitled to parental leave with pay during the parental leave period to a maximum of 18 weeks as provided in the table below.

Table 1: Primary caregivers - circumstances for paid parental leave

Paid leave entitlement under the <i>Maternity Leave Act 1973</i>	Additional parental leave with pay under this agreement for the primary caregiver
12 weeks’ paid maternity leave, including any reduced paid maternity leave period due to <i>Maternity Leave Act 1973</i> qualifying period rules	Paid leave to bring the total period of paid parental leave to 18 weeks
No <i>Maternity Leave Act 1973</i> eligibility or coverage	18 weeks

250. An employee who is a secondary caregiver is entitled to parental leave with pay during the parental leave period as provided in the table below.

Table 2: Secondary caregivers - circumstances for paid parental leave

Period which coincides with the parental leave period for the secondary caregiver	Parental leave with pay under this agreement
Date of commencement of this agreement to 28 February 2025	8 weeks, or top up to 8 weeks where a lesser period of parental leave has already been provided
1 March 2025 to 28 February 2026	11 weeks, or top up to 11 weeks where a lesser period of parental leave has already been provided

Period which coincides with the parental leave period for the secondary caregiver	Parental leave with pay under this agreement
1 March 2026 to 27 February 2027	14 weeks, or top up to 14 weeks where a lesser period of parental leave has already been provided
On and from 28 February 2027	18 weeks, or top up to 18 weeks where a lesser period of parental leave has already been provided

251. **Flexibility:** Parental leave with pay, whether provided as maternity leave under the *Maternity Leave Act 1973* or under this agreement, can be accessed flexibly during the parental leave period and does not have to be taken in a single block. For the avoidance of doubt, parental leave can be used to replicate a part-time work arrangement, and can be taken concurrently with another parent in relation to the same child.
252. **Rate of payment:** An employee's rate of payment during paid parental leave is the same as for an absence on personal/carer's leave and based on the employee's weekly hours at the time of the absence.
253. **Half-pay option:** The payment of any paid parental leave may be spread over a maximum period of 36 weeks at the rate of, no less than, half the normal rate of salary. All paid parental leave counts as service for all purposes, where permitted by legislation.

Adoption and long-term foster care

254. An employee who is a primary caregiver or secondary caregiver is entitled to parental leave in accordance with this agreement for adoption or long-term foster care, provided that the child:
- 254.1 is under 16 as at the day (or expected day) of placement;
 - 254.2 has not lived continuously with the employee for a period of 6 months or more as at the day (or expected day) of placement; and
 - 254.3 is not (otherwise than because of the adoption) a child of the employee or the employee's spouse or de facto partner.
255. Documentary evidence of approval for adoption or enduring parental responsibilities under formal fostering arrangements must be submitted when applying for parental leave for adoption or long-term foster carer purposes.

Short-term foster care

256. An ongoing employee who has parental responsibilities under formal fostering arrangements may access up to 5 days' paid short-term foster care leave in a calendar year.
257. Documentary evidence of parental responsibilities under formal fostering arrangements must be submitted to the Secretary when applying for short-term foster care leave.

Stillbirth

258. Parents of a stillborn child remain eligible for parental leave, except for paid leave for the secondary caregiver which is 2 weeks.

259. A stillborn child is a child:
- 259.1 who weighs at least 400 grams at delivery or whose period of gestation was 20 weeks or more;
 - 259.2 who has not breathed since delivery; and
 - 259.3 whose heart has not beaten since delivery.

Pregnancy loss leave

260. A pregnant employee who experiences, or an employee whose partner experiences, pregnancy loss is entitled to one week of paid leave. Pregnancy loss is a miscarriage or other loss of pregnancy that occurs between 12 and 20 weeks' gestation that is not a stillbirth.
261. Pregnancy loss leave is in addition to entitlements to compassionate leave for miscarriage provided under the *Fair Work Act 2009* and this agreement.

Premature birth leave

262. In circumstances of a live birth before 37 weeks' gestation a pregnant employee, or an employee whose partner has given birth prematurely, is entitled to paid premature birth leave from the date of the child's birth up to just before 37 weeks' gestation. Parental leave with pay is then available from what would have been 37 weeks' gestation in accordance with parental leave in this agreement, noting the parental leave period commences on the child's date of birth.

Transitional provisions

263. Employees eligible for paid leave under the *Maternity Leave Act 1973* are required under legislation to use their paid maternity leave first. In this circumstance, the employee may postpone their paid premature birth leave otherwise payable under clause 262 until after the legislated paid maternity leave is used.

NAIDOC, ceremonial and cultural leave

NAIDOC leave

264. First Nations employees may access up to one day of paid leave per calendar year, to participate in NAIDOC week activities.
265. NAIDOC leave can be taken in part days.

First Nations ceremonial leave

266. First Nations employees may access up to 6 days of paid leave over 2 calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations.
267. The Secretary may approve additional leave for cultural or ceremonial purposes as miscellaneous leave, with or without pay.
268. First Nations ceremonial leave can be taken as part days.

269. First Nations ceremonial leave is in addition to compassionate and bereavement leave.

Cultural leave

270. The Secretary may grant up to 3 days of paid leave per calendar year for the purpose of attending significant religious or cultural obligations associated with the employee's particular faith or culture.

271. The Secretary may approve additional leave for cultural purposes as miscellaneous leave, with or without pay.

272. Cultural leave can be taken as part days.

273. For the avoidance of doubt, this leave does not cover cultural purposes or obligations which are eligible for paid First Nations ceremonial leave.

Long service leave

274. An employee is eligible for long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

275. The minimum period for which long service leave will be granted is 7 calendar days (whether taken at full or half pay). Long service leave cannot be broken with other periods of leave, except as otherwise provided by legislation or provided for in the re-crediting of leave clauses 330 to 332 of this agreement.

Compassionate leave

276. Employees will be eligible for 3 days paid compassionate leave on each occasion when:

276.1 a member of their family (including a member of their household) or someone they have a close personal relationship with contracts, develops or sustains a life-threatening illness or injury; or

276.2 the employee or their partner has a miscarriage (see also pregnancy loss leave in this agreement).

277. An employee may be asked to provide evidence to support their absences on compassionate leave.

278. Compassionate leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.

279. For casual employees, compassionate leave is unpaid.

Bereavement leave

280. Employees will be eligible for 3 days paid bereavement leave on each occasion when:

280.1 a member of their family (including a member of their household) or someone they had a close personal relationship with dies; or

- 280.2 a child is stillborn, where the child was a member of their family (including a member of their household) (see also stillbirth in this agreement).
281. An employee may be asked to provide evidence to support their absences on bereavement leave.
282. Bereavement leave for an occasion may be taken as 3 consecutive days or in separate periods totalling 3 days. This can include part days.
283. For casual employees, bereavement leave is unpaid.

Sabbatical leave

284. By agreement, an ongoing employee may purchase up to one years' leave to enable them to take a long period of sabbatical leave.

Emergency response leave

285. In line with section 108 of the *Fair Work Act 2009*, an employee who engages in an eligible community service activity is entitled to emergency response leave to volunteer for emergency management duties for:
- 285.1 the time engaged in the activity;
- 285.2 reasonable travelling time; and
- 285.3 reasonable recovery time.
286. Full-time and part-time employees will be able to access 20 working days of paid emergency response leave at their full rate of pay per year if required. The Secretary may provide additional emergency response leave with pay.
- 286.1 For the purposes of this clause, full rate of pay is to be as if the employee was at work.
287. Paid leave may be refused where the employee's role is essential to Treasury's response to the emergency.
288. An employee must provide evidence that the organisation requests their services. Employees can provide evidence before or as soon as practical after their emergency service activity.
289. The Secretary may approve reasonable paid or unpaid leave for ceremonial duties and training.
290. Emergency response leave, with or without pay, will count as service.

Leave for jury duty or to attend proceedings

Leave for jury duty

291. Employees who are required by a court to attend either for jury selection, or to act as a juror, will be released from duty for the required period, without the need to apply for leave.

292. Full-time and part-time employees will be released from duty on their full rate of pay. Payment for casuals will be as per the relevant state or territory legislation.
- 292.1 For the purposes of this clause, full rate of pay is to be as if the employee was at work.
293. The employee is required to inform their manager before they are released from duty and provide evidence of the need to attend.
294. If the employee receives a payment from the court for attendance (which is not expense related such as an allowance or reimbursement), they must repay that amount to Treasury for the period of absence. This will be administered in accordance with the overpayments clause.

Leave to attend proceedings

295. An employee giving evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth or a Commonwealth party in the course of their duties, will be considered on duty.
296. An employee who is not covered under clause 295, and is required to give evidence to, appear before or attend to instruct a representative at a Court, Tribunal or Royal Commission in relation to their duties will be released from duty without loss of pay. This includes in proceedings relating to a dispute between the employee and Treasury.
297. An employee may otherwise be granted paid or unpaid miscellaneous leave by the Secretary if required to give evidence to a Court, Tribunal or Royal Commission for any other reason. Where approval for unpaid leave is given, the employee may elect to use accrued annual leave, flex leave or time off in lieu.
298. The Secretary may refuse to release an employee from duty having regard to business requirements and whether the employee's attendance is necessary for the Court, Tribunal or Royal Commission hearing.

Defence reservist leave

299. The Secretary will give an employee leave with or without pay to undertake:
- 299.1 Australian Defence Force (ADF) Reserve and continuous full-time service (CFTS); and
- 299.2 Australian Defence Force Cadet obligations.
300. An employee who is a Defence Reservist can take leave with pay for:
- 300.1 up to 4 weeks (20 days) in each financial year (pro-rata for part-time employees); and
- 300.2 an extra 2 weeks (10 days) in the first year of ADF Reserve service (pro-rata for part-time employees).
301. Leave can be built up and taken over 2 consecutive years. This includes the extra 2 weeks in the first year of service.

302. An employee who is an Australian Defence Force Cadet officer or instructor can get paid leave up to 3 weeks in each financial year to perform their duties. Australian Defence Force Cadets means:
- 302.1 Australian Navy Cadets;
 - 302.2 Australian Army Cadets; and
 - 302.3 Australian Air Force Cadets.
303. In addition to the entitlement at clause 300, paid leave may be granted to an employee to attend an interview or medical examination in connection with the enlistment of the employee in a Reserve Force of the Defence Force.
304. Paid defence reservist leave counts for service.
305. Unpaid defence reservist leave for 6 months or less counts as service for all purposes. This includes periods of CFTS.
306. Unpaid leave taken over 6 months counts as service, except for annual leave.
307. An employee will not need to pay their tax free ADF Reserve salary to their agency for any reason.
308. Eligible employees may also apply for annual leave, long service leave, leave without pay, or they may use flextime for the purpose of fulfilling ADF Reserve, CFTS or Australian Defence Force Cadet obligations.
309. Employees are to notify their manager at the earliest opportunity once the dates for ADF Reserve, CFTS or Australian Defence Force Cadet activities are known and/or changed.

Defence service sick leave

310. An employee is eligible for defence service sick leave credits when the Department of Veterans Affairs (DVA) has certified that an employee's medical condition is as a result of either:
- 310.1 war-like service; or
 - 310.2 non war-like service.
311. An eligible employee can get 2 types of credits:
- 311.1 an initial credit of 9 weeks (45 days) defence service sick leave (pro-rata for part-time employees) will apply as at the following dates, whichever is later:
 - 311.1.1 they start employment with the APS;
 - 311.1.2 DVA certifies the condition; or
 - 311.2 an annual credit of 3 weeks (15 days) defence service sick leave (pro-rata for part-time employees).
312. An employee can use their defence service sick leave when a recognised medical practitioner provides a certificate that says they were away due to their DVA certified medical condition.

- 313. Unused annual credits can be built up to 9 weeks.
- 314. An employee cannot use annual credits until the initial credit is exhausted.
- 315. Defence service sick leave is paid and counts as service for all purposes.

Miscellaneous leave

- 316. Where leave is not otherwise provided or available in this agreement, the Secretary may grant an employee miscellaneous leave. The leave may be granted with or without pay, as appropriate in the circumstances. The Secretary may request evidence to support a request for miscellaneous leave.
- 317. Miscellaneous leave may be granted in the circumstances set out in policy.
- 318. Miscellaneous leave may also be granted:
 - 318.1 where the leave would be in the interests of Treasury, the Australian Public Service or the Australian community, and
 - 318.2 in consideration of the nature of the request and the employee's circumstances, particularly circumstances that are unexpected or exceptional.
- 319. Any period or cumulative periods of miscellaneous leave without pay greater than 30 calendar days within a 12-month period will not count as service for annual leave and personal/carer's leave purposes.
- 320. However, the Secretary may determine that the leave without pay is in the interests of Treasury or the APS and determine that the leave may count for annual leave and personal/carer's leave when the employee returns to Treasury following the leave.
- 321. Miscellaneous leave may be granted to casual employees for the purpose of family and domestic violence leave and to accommodate other Government directives.
- 322. Further information is available in policy.

Portability of leave

- 323. Where an employee moves to Treasury from another APS agency where they were an ongoing employee, the employee's unused accrued annual leave and personal/carer's leave will be transferred, provided there is no break in continuity of service.
- 324. Where an employee is engaged in Treasury immediately following a period of ongoing employment in the Parliamentary Service or the ACT Government Service, the employee's unused accrued annual leave and personal/carer's leave will be recognised unless the employee received payment in lieu of those entitlements on cessation of employment.
- 325. Where an employee is engaged as an ongoing employee in Treasury, and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in Treasury or another APS agency), at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on separation) and personal/carer's leave will be recognised.

326. Where a person is engaged as an ongoing employee in Treasury, and immediately prior to the engagement the person was employed by a Commonwealth employer (other than in the Parliamentary Services which are covered in clause 324), the Secretary will offer to recognise any unused accrued personal/carer's leave at the employee's request.
327. Where an employee is engaged as an ongoing employee in Treasury, and immediately prior to the engagement the person was employed by a State or Territory Government, the Secretary may recognise any unused accrued personal/carer's leave, provided there is not a break in continuity of service.
328. Where an employee is engaged as a non-ongoing employee in Treasury, and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in Treasury or another APS agency) at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on termination of employment) and personal/carer's leave will be recognised.
329. For the purposes of clauses 323 to 328, an employee with a break in service of less than 2 months is considered to have continuity of service.

Re-crediting leave

330. When an employee is on:
- 330.1 annual leave;
 - 330.2 purchased leave;
 - 330.3 defence reservist leave;
 - 330.4 First Nations ceremonial leave;
 - 330.5 NAIDOC leave;
 - 330.6 cultural leave; or
 - 330.7 long service leave; and
- becomes eligible for, under legislation or this agreement:
- 330.8 personal/carer's leave;
 - 330.9 compassionate or bereavement leave;
 - 330.10 jury duty;
 - 330.11 emergency services leave;
 - 330.12 leave to attend to family and domestic violence circumstances; or
 - 330.13 parental leave, premature birth leave, stillbirth leave or pregnancy loss leave;
- the affected period of leave will be re-credited.
331. When an employee is on personal/carer's leave and becomes eligible for parental leave, premature birth leave, stillbirth leave or pregnancy loss leave, the affected period of leave will be re-credited.

332. Re-crediting is subject to appropriate evidence of eligibility for the substituted leave.

Section 7: Employee support and workplace culture

Blood donation

333. An employee can take reasonable time away from duty during their ordinary work hours to donate blood, plasma or platelets. The time includes reasonable travel time. The time will be treated as ordinary work hours.
334. The employee must inform their manager in advance of when they will be away from work.

Vaccinations

335. Treasury will offer annual influenza vaccinations to all employees at no cost to the employee.
336. Where Treasury requires an employee performing a role to be vaccinated for a particular condition, this vaccination will be offered at no expense to the employee.

Employee Assistance Program

337. An employee, their partner, and dependants will have access to a confidential, professional counselling service to assist employees to manage personal and work issues. This service will be provided by Treasury at no cost to employees and will be accessible on paid time.

Respect at work

Principles

338. Treasury values a safe, respectful and inclusive workplace free from physical and psychological harm, harassment, discrimination and bullying. Treasury recognises that preventing sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace is a priority.
339. Treasury recognises that approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace should be holistic and consistent with the Australian Human Rights Commission's guidance, including the *Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment*.

Consultation

340. Treasury will consult with employees and their unions in developing, reviewing and evaluating approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace.

Family and domestic violence support

341. Treasury will provide support for employees affected by family and domestic violence, depending on the employee's circumstances.

342. Treasury recognises that a holistic approach should be taken to support the employee, appropriate for the employee's individual circumstances.
343. Family and domestic violence support provisions, including paid leave, are available to all employees covered by this agreement.
344. An employee experiencing family and domestic violence support is able to access paid miscellaneous leave. Reasons an employee experiencing family and domestic violence may access this leave include, but are not limited to:
 - 344.1 illness or injury affecting the employee resulting from family and domestic violence;
 - 344.2 providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is ill or injured as a result of family and domestic violence;
 - 344.3 providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is affected by an unexpected emergency as a result of family and domestic violence;
 - 344.4 making arrangements for the employee's safety, or the safety of a close relative;
 - 344.5 accessing alternative accommodation;
 - 344.6 accessing police services;
 - 344.7 attending court hearings;
 - 344.8 attending counselling; and
 - 344.9 attending appointments with medical, financial or legal professionals.
345. This entitlement exists in addition to an employee's existing leave entitlements and may be taken as consecutive days, single days or part days and will count as service for all purposes.
346. Given the emergency context in which leave may need to be accessed, employees can proceed to take the leave and seek approval at a later date, as soon as practicable.
347. These provisions do not reduce an employee's entitlement to family and domestic violence leave under the NES.
348. Paid miscellaneous leave available under clause 344 is paid for ongoing and non-ongoing employees at their full rate as if they were at work.
349. Paid leave for casual employees (see clause 321) is paid at their full pay rate for the hours they were rostered to work in the period they took leave.
350. Evidence may be requested to support Treasury in approving leave. In most cases, this will not be required. Where it is required, this will be discussed with the employee and a statutory declaration is the only form of evidence Treasury will require, unless the employee chooses to provide another form of evidence.
351. An employee may also choose to provide other forms of evidence, including a medical certificate, or document issued by the police service, a court, a doctor, district nurse, a family violence support service or lawyer.

352. Treasury will take all reasonable measures to treat information relating to family and domestic violence confidentially. Treasury will adopt a 'needs to know' approach regarding communication of an employee's experience of family and domestic violence, subject to steps Treasury may need to take to ensure the safety of the employee, other employees or persons, or mandatory reporting requirements.
353. Where Treasury needs to disclose confidential information for purposes identified in clause 352, where it is possible Treasury will seek the employee's consent and take practical steps to minimise any associated safety risks for the employee and/or privacy breaches.
354. Treasury will not store or include information on the employee's payslip in relation to the employee's experience of family and domestic violence; any leave accessed for the purposes of family and domestic violence; or support(s) provided by the employer, unless otherwise required by legislation.
355. Other available support may include, but is not limited to, flexible working arrangements, additional access to EAP, and changes to the employee's bandwidth, pattern of hours, shift patterns, and location of work where reasonably practicable.
356. Treasury will acknowledge and take into account an employee's experience of family and domestic violence if an employee's attendance or performance at work is affected.
357. Further information about leave and other support available to employees affected by family and domestic violence may be found in policy.

Integrity in the APS

358. Treasury understands that procedural fairness is essential in building and maintaining trust with APS employees, and that it requires fair and impartial processes for employees affected by APS-wide or Treasury decisions.
359. Employees are to give advice that is frank, honest, timely and based on the best available evidence. This includes scientific and engineering advice based on evidence-based facts guided by the best available science and data. Employees will not be disadvantaged or discriminated against because they have given advice in accordance with their expertise or professional qualifications and in accordance with the APS Code of Conduct in the *Public Service Act 1999*.
360. Employees can, during their ordinary work hours, take time to:
 - 360.1 access an APS-wide ethics advisory service or another similar service provided by Treasury or a professional association such as a law society; and
 - 360.2 attend Treasury mandated training about integrity.

First Nations cultural competency training

361. The Secretary will take reasonable steps to ensure all substantive, ongoing EL 2 employees employed at the commencement of this agreement or any new substantive, ongoing EL 2 employees who commence within the first 6 months of this agreement will complete relevant

First Nations cultural competency training within 12 months of the commencement of the agreement.

362. Any new substantive, ongoing EL 2 employee who commences after 6 months of the commencement of this agreement will be required to complete a relevant First Nations cultural competency training course within 6 months of their engagement or promotion.

Lactation and breastfeeding support

363. Reasonable paid time during work hours will be provided for lactation breaks for breastfeeding, expressing milk and other associated activities.
364. Treasury will provide access to appropriate facilities for the purpose of breastfeeding or expressing milk, subject to clause 365. In considering whether a space is appropriate, Treasury should consider whether:
- 364.1 there is access to refrigeration;
 - 364.2 the space is lockable; and
 - 364.3 there are facilities needed for expressing, such as appropriate seating.
365. Where it is not practicable for a Treasury site to have a designated space, a flexible approach will be taken so that the employee can access the support required.
366. Treasury will facilitate discussion between individual employees and their managers about accommodating the employee's lactation needs and practical arrangements to meet these needs.
367. The manager and employee shall discuss any flexible working arrangements that may be needed to support lactation. This may include consideration of arrangements such as working from home, or remote working or varying work hours on an ad-hoc or regular basis. Wherever possible, requests by an employee will be accommodated, noting these needs may be changed over time.
368. Further information is available in policy.

Disaster support

369. Where an official disaster or emergency is declared and this prevents an employee from reasonably attending work, or where it impacts their household or home, the Secretary will consider flexible working arrangements to assist the employee to perform their work.
370. Where flexible working arrangements are not appropriate, the Secretary may grant paid miscellaneous leave to an employee with regard to the scale and nature of the emergency. This leave counts as service and may be approved retrospectively.
371. In considering what period of leave is appropriate, the Secretary will take into account the safety of the employee, their family (including their household) and advice from local, State and Commonwealth authorities.

Section 8: Performance and development

Performance Management and the Performance Development System

372. Treasury will have a Performance Development System that applies to all employees covered by this agreement. The Performance Development System may make different provision for different types of employees, such as casual employees.
373. The Performance Development System will provide a basis for:
- 373.1 specifying performance and behaviour expectations;
 - 373.2 determining performance requirements for salary point advancement;
 - 373.3 rewarding good work performance;
 - 373.4 providing mechanisms for feedback between employees and managers;
 - 373.5 addressing underperformance; and
 - 373.6 developing employees in their current roles.
374. Each calendar year, under the Performance Development System:
- 374.1 APS level staff will have two formal appraisals, in February and August; and
 - 374.2 Executive Level staff will have one formal appraisal in August.

Note: See clauses 29 to 34 for incremental advancement.

375. Employees and managers should engage in regular, real-time and meaningful conversations about expectations and feedback to enable Treasury to deliver on its purpose and facilitate the ongoing professional development of employees.
376. Treasury adopts the principles of equity, transparency and procedural fairness in all performance management processes.
377. If employees are not performing consistently at the required standard, in the first instance they will be supported to improve and maintain their performance. Where relevant, the employee's fitness for duty will be assessed and taken into account.
378. Underperformance provisions of the Performance Development System do not apply to employees on probation or casual employees.

Probation

379. The duration of the probationary period for the purposes of subsection 22(6) of the *Public Service Act 1999* will be 6 months, unless the Secretary determines otherwise. Further information can be found in policy.

Workloads

- 380. Treasury recognises the importance of employees balancing their work and personal life. While it is acknowledged that at times it may be necessary for some extra hours being worked by some employees, this should be regarded as the exception rather than the rule.
- 381. When determining workloads for an employee or group of employees, Treasury will consider the need for employees to strike a balance between their work and personal life.
- 382. Where an employee (or group of employees) raises that they have experienced significant workload pressures over a prolonged period of time, Treasury and the employee together must review the employee's workloads and priorities, and determine appropriate strategies to manage the impact on the employee (or group of employees).

Professional development

- 383. Treasury recognises the importance of investing in learning and development strategies to offer professional development and career opportunities.
- 384. Employees and managers are jointly responsible for identifying professional development needs and opportunities. Investment in professional development must align with Treasury priorities, individual and team development needs, and be affordable within budget allocations.

Studies assistance

- 385. Professional development opportunities include studies assistance for study targeted at Treasury's skills needs.
- 386. Consistent with this opportunity, Treasury will provide support, which may include study leave and financial assistance, to ongoing employees undertaking study that is relevant to the operational needs of Treasury and is approved in accordance with policy.

Professional qualifications

- 387. The Secretary will reimburse an employee for the reasonable cost of a professional membership, accreditation or registration, including required maintenance, where it is determined that the membership, accreditation or registration is a necessary requirement of the employee's role or is relevant to Treasury's priorities.

Section 9: Location-based conditions

Usual location of work

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

Moves to other Treasury offices

390. An employee may request a move to another Treasury office. The request may be granted in the circumstances set out in the State Office Strategy or other relevant guidance.

Relocation assistance

391. Where an existing employee is required to relocate at the request of Treasury (such as a promotion), the employee will be provided with financial relocation assistance. Employees who relocate on a temporary basis to take up higher duties are entitled to removal expenses if they relocate for a period of 13 weeks or more.
392. Where an employee is required to relocate on engagement with Treasury, the employee will be provided with financial relocation assistance.
393. Reasonable expenses associated with the relocation include:
- 393.1 the cost of transport of the employee, dependants and partner by the most economical means;
 - 393.2 removal expenses, namely the reimbursement of reasonable incurred costs of the removal of furniture and household effects of the employee, dependants and partner;
 - 393.3 the reimbursement of the cost of the insurance premium based on a reasonable replacement value; and
 - 393.4 the reasonably incurred expenses in kennelling and transport of pets, up to the amount specified in the APS Award.
394. Additional relocation assistance may be considered by Secretary discretion.
395. Unless otherwise determined, relocation assistance is not available to an employee where an Establishment allowance has been or will be provided, under clause 396, in relation to the same relocation.

Establishment allowance — Treasury Graduate recruitment

396. An employee who is recruited to Treasury to participate in the Treasury Graduate Development Program may be entitled to an establishment allowance in the form of a single lump sum payment to cover relocation costs incurred in the commencement at Treasury.

Overseas conditions of service

397. In determining the appropriate conditions and rates, Treasury may be guided by the conditions of service extended to employees of the Department of Foreign Affairs and Trade and material available from accredited providers, for employees on overseas posts and on short-term duty overseas.

Section 10: Consultation, representation and dispute resolution

Consultation

Principles

398. Genuine and effective consultation with employees and the relevant union(s), taking into account the diverse needs of employees, fosters a positive and inclusive workplace, enabling the views of employees to be considered.
399. Treasury recognises:
- 399.1 the importance of inclusive and respectful consultative arrangements;
 - 399.2 employees and the relevant union(s) should have a genuine opportunity to influence decisions;
 - 399.3 the nature and extent of consultation will vary depending on the proposed change and the likely impact on employees. Consultation on Treasury policies may occur over at least 2 weeks, whereas a major change is likely to require a more extensive consultation process;
 - 399.4 consultation with employees and relevant unions(s) on workplace matters that significantly affect or materially impact them is sound management practice; and
 - 399.5 the benefits of employee and union involvement and the right of employees to be represented by their union.
400. Genuine and effective consultation involves:
- 400.1 providing employees and the relevant union(s) with a genuine opportunity to influence the decision prior to a decision being made;
 - 400.2 providing all relevant information to employees and the relevant union(s) in a timely manner to support consideration of the issues;
 - 400.3 considering feedback from employees and the relevant union(s) in the decision-making process; and
 - 400.4 advising employees and the relevant union(s) of the outcome of the process, including how their feedback was considered in the decision-making process.

When consultation is required

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

- 401.3 major change that is likely to have a significant effect on employees;
 - 401.4 implementation of decisions that significantly affect employees;
 - 401.5 changes to employees' regular roster or ordinary hours of work (subject to any other relevant provisions in this agreement); and
 - 401.6 other workplace matters that are likely to significantly or materially impact employees.
402. Treasury, employees and the relevant union(s) recognise that consultation prior to a decision may not be practicable where a decision is made by Government or is required due to matters beyond the reasonable control of Treasury. In these circumstances, consultation regarding the implementation of the decision will occur as early as is reasonably practicable.

Provisions for consultation on major change and introduction of a change to regular roster or ordinary hours of work of employees

403. This clause applies if Treasury:
- 403.1 proposes to introduce a major change to production, program, organisation, structure or technology in relation to its enterprise that is likely to have a significant effect on the employees; or
 - 403.2 proposes to introduce a change to the regular roster or ordinary hours of work of employees.

Representation

404. Employees may appoint a representative for the purposes of the procedures in this clause. A representative for the purpose of this clause may be a union representative.
405. Treasury must recognise the representative if:
- 405.1 a relevant employee appoints, or relevant employees appoint, a representative for the purposes of consultation; and
 - 405.2 the employee or employees advise the employer of the identity of the representative.

Major change

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

- 406.6 the need to relocate employees to another workplace; or
- 406.7 the restructuring of jobs.
- 407. The following additional consultation requirements in clauses 408 to 414 apply to a proposal to introduce a major change referred to in clause 401.3.
- 408. Consultation with employees and the relevant union(s) and/or recognised representatives will occur prior to a decision being made, subject to clause 402.
- 409. Where practicable, a Treasury change manager or a primary point of contact will be appointed and their details provided to employees and the relevant union(s) and/or their recognised representatives.
- 410. Treasury must notify employees and relevant union(s) and/or recognised representatives of the proposal to introduce the major change as soon as practicable.
- 411. As soon as practicable after proposing the change, or notifying of the change in circumstances described at clause 402, Treasury must:
 - 411.1 discuss with affected employees and relevant union(s) and/or other recognised representatives:
 - 411.1.1 the proposed change;
 - 411.1.1.1 the effect the proposed change is likely to have on the employees; and
 - 411.1.1.2 proposed measures to avert or mitigate the adverse effect of the proposed change on the employees; and
 - 411.1.2 for the purposes of the discussion – provide, in writing, to employees and the relevant union(s) and/or other recognised representatives:
 - 411.1.2.1 all relevant information about the proposed change, including the nature of the change proposed;
 - 411.1.2.2 information about the expected effects of the proposed change on the employees; and
 - 411.1.2.3 any other matters likely to affect the employees.
- 412. Treasury must give prompt and genuine consideration to matters raised about the major change by employees and the relevant union(s) and/or other recognised representatives.
- 413. However, Treasury is not required to disclose confidential or commercially sensitive information to employees and the relevant union(s) and/or other recognised representatives.
- 414. If a term in this agreement provides for a major change to production, program, organisation, structure or technology in relation to the enterprise of Treasury, the requirements set out in clauses 408 to 412 are taken not to apply.

Change to regular roster or ordinary hours of work

- 415. The following additional consultation requirements in clauses 416 to 418 apply to a proposal to introduce a change referred to in clause 401.5.

416. Treasury must notify affected employees and the relevant union(s) and/or other recognised representatives of the proposed change.
417. As soon as practicable after proposing to introduce the change, Treasury must:
- 417.1 discuss with employees and the relevant union(s) and/or other recognised representatives the proposed introduction of the change;
 - 417.2 for the purposes of the discussion – provide to the employees and relevant union(s) and/or other recognised representatives:
 - 417.2.1 all relevant information about the proposed change, including the nature of the proposed change;
 - 417.2.2 information about what the employer reasonably believes will be the effects of the proposed change on the employees; and
 - 417.2.3 information about any other matters that the employer reasonably believes are likely to affect the employees; and
 - 417.3 invite employees and the relevant union(s) and/or other recognised representatives to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities). However, Treasury is not required to disclose confidential or commercially sensitive information to the relevant employees and the relevant union(s) and/or other recognised representatives.
418. Treasury must give prompt and genuine consideration to matters raised about the proposed change by the employees and the relevant union(s) and/or other recognised representatives.

Interaction with emergency management activities

419. Nothing in this term restricts or limits the ability of a designated emergency management body to undertake activities provided at subsection 195A(1) of *the Fair Work Act 2009*.

Workplace Relations Committee

420. Treasury has a Workplace Relations Committee (WRC).
421. Treasury will consult with, and take into account the views of, the WRC on issues surrounding the implementation and operation of this agreement, as these affect the employment conditions of employees. Treasury will allow a reasonable period for the WRC to consider issues.
422. The WRC will operate subject to an agreed terms of reference and structure for the term of this agreement. Representation on the committee will be in accordance with the terms of reference.
423. Treasury will continue to undertake consultation with employees outside the WRC forum.

APS consultative committee

424. The Secretary will support the operation of the APS consultative committee to the extent possible. This includes providing information requested by the Australian Public Service

Commission to support the operation of the APS consultative committee, subject to legislative requirements.

Dispute resolution

425. If a dispute relates to:

425.1 a matter arising under this agreement; or

425.2 the NES;

this term sets out procedures to settle the dispute.

426. An employee or union who is covered by this agreement may initiate and/or be a party to a dispute under this term.

427. An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this term. Representatives will be recognised and dealt with in good faith.

428. Parties to the dispute must attempt to resolve the dispute at the workplace level, by discussion between the employee or employees and relevant managers. Parties to the dispute will notify higher level managers to assist in the resolution of the dispute. Parties will give genuine consideration to proposals to resolve the dispute.

429. If a dispute about a matter arising under this agreement is unable to be resolved at the workplace level, and all appropriate steps under clause 428 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

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

430.1 the Fair Work Commission will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and

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

430.2.1 arbitrate the dispute; and

430.2.2 make a determination that is binding on the parties.

Note: If the Fair Work Commission arbitrates the dispute, it may also use the powers that are available to it under the Fair Work Act 2009. A decision that the Fair Work Commission makes when arbitrating a dispute is a decision for the purpose of Div 3 of Part 5.1 of the Act. Therefore, an appeal may be made against the decision.

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

431.1 an employee must continue to perform their work as they would normally in accordance with established custom and practice at Treasury that existed immediately prior to the dispute arising unless they have a reasonable concern about an imminent risk to their health or safety; and

431.2 subject to clause 431.1 an employee must comply with a direction given by the employer to perform other available work at the same workplace, or at another workplace, unless:

431.2.1 the work is not safe;

431.2.2 applicable work health and safety legislation would not permit the work to be performed;

431.2.3 the work is not appropriate for the employee to perform; or

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

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

433. Any disputes arising under the *Treasury Enterprise Agreement 2018-2021* or the NES that were formally notified under clause 8.1 of that agreement before the commencement of this agreement, that remain unresolved at the date of commencement of this agreement, will be progressed under the dispute resolution procedures in this agreement.

Leave of absence to attend proceedings

434. Where the provisions of clauses 425 to 429 have been complied with, and to assist in the resolution of the matter, the employee, and/or the union delegate or other employee representative referred to in clause 426, or employee required to provide evidence, will be granted paid time to attend dispute resolution processes and proceedings in the Fair Work Commission arising from referral of the matter in clause 429.

Delegates' rights

435. Union delegates play an important and legitimate role in the workplace. This includes representing their members and supporting employee access to union officials, and providing employee views to Treasury.

436. The role of union delegates is to be respected and supported.

437. Treasury and union delegates will work together respectfully and collaboratively.

Supporting the role of union delegates

438. Treasury respects the role of union delegates to:

438.1 provide information, consult with and seek feedback from employees in the workplace on workplace matters;

438.2 consult with other delegates and union officials, and get advice and assistance from union officials;

438.3 represent the interests of members to the employer and industrial tribunals; and

438.4 represent members at relevant union forums, consultative committees or bargaining.

439. Treasury and union delegates recognise that undertaking the role of a union delegate is not the primary purpose of an employee's engagement, and must work with and not unreasonably impact their regular duties. Honorary officials may request additional time and facilities from time to time.
440. Union delegates will be provided with reasonable paid time during their normal working hours to perform their union delegate role. The paid time provided should not result in disruption to critical services or operational requirements.
441. To support the role of union delegates, Treasury will, subject to legislative and operational requirements, including privacy and security requirements:
- 441.1 provide union delegates with reasonable access to Treasury facilities and resources, including for paid or unpaid meetings between employees and their unions and to communicate with union officials;
 - 441.2 advise union delegates and other union officials of Treasury facilities and resources available for their use, which may include telephone, photocopying, internet, and email;
 - 441.3 allow reasonable official union communication appropriate to Treasury from union delegates with employees, including through email, intranet pages and notice boards. This may include providing a link to a union website for employees to access union information. Any assistance in facilitating email communications does not include Treasury vetoing reasonable communications;
 - 441.4 provide access to new employees as part of induction; and
 - 441.5 provide reasonable access to union delegates to attend appropriate paid time training in workplace relations matters, during normal working hours.
442. Where APS employees are elected as officials of a trade union or professional association, they are not required to seek permission from the workplace or Treasury before speaking publicly in that capacity, subject to the APS Code of Conduct and legislative requirements.

Section 11: Internal mobility, resignation and management of excess employees

Internal mobility

443. Where an employee is offered a permanent or temporary move within Treasury, the current manager should enable the release of the employee to the new area as soon as reasonably practicable, typically no more than 4 weeks or as otherwise agreed.

Resignation

444. An employee may resign from their employment by giving the Secretary at least 14 calendar days' notice.

445. At the instigation of the Secretary, the resignation may take effect at an earlier date within the notice period. In such cases, the employee will receive paid compensation in lieu of the notice period which is not worked.

446. The Secretary has the discretion to agree to a shorter period of notice or waive the requirement to give notice.

Payment on death of an employee

447. When an employee dies, or the Secretary has directed that an employee is presumed to have died on a particular date, subject to any legal requirements, the Secretary must authorise payments to the partner, dependants or legal representative of the former employee, the amount to which the former employee would have been entitled had they ceased employment through resignation or retirement, or where legislation provides specifically for amounts calculated based on the death of the employee, those amounts. If payment has not been made within a year of the former employee's death, it should be made to their legal representative.

Management of excess employees

Application

448. The following redeployment, retirement and redundancy provisions will apply to ongoing employees who are excess to the needs of Treasury.

Definition of 'excess'

449. An employee is excess if:

- 449.1 the employee is included in a class of employees, which class comprises a greater number of employees than is necessary for the efficient and economical working of Treasury;

- 449.2 the services of the employee cannot be effectively used because of technological or other changes in the work methods of Treasury or changes in the nature, extent or organisation of the functions of Treasury; or
- 449.3 where the duties usually performed by the employee are to be performed at a different locality, the employee is not willing to perform duties at the locality and the Secretary has determined that these provisions will apply to that employee.

Process

- 450. If the Secretary identifies an employee as excess, the Secretary will inform the employee they are excess. The Secretary will hold discussions with the excess employee and, if the employee chooses, with a representative nominated by the employee, to consider any of the following options:
 - 450.1 Redeployment at the employee's current classification level within Treasury or the APS. Treasury may use the services of an external placement organisation to assist in the process of redeployment and the provision of retraining services.
 - 450.2 Reduction of the employee's substantive classification and reassignment of duties on redeployment pursuant to clause 468 of this agreement.
 - 450.3 Transfer of another employee to the position occupied by the excess employee (a 'swap') and the former employee immediately accepting retirement pursuant to clause 450.4. This clause is subject to the Secretary being satisfied that the excess employee can, with reasonable training, effectively replace the employee accepting retirement.
 - 450.4 Termination of the employee's employment (referred to elsewhere in this clause as redundancy) under section 29 of the *Public Service Act 1999*, with entitlements pursuant to clauses 457 to 459 of this agreement. An offer of redundancy can be made to an excess employee during a redeployment period.

Provision of information

- 451. An excess employee will be entitled to have access to information in relation to:
 - 451.1 the sums of money the employee would receive by way of severance pay, pay in lieu of notice and paid up leave credits;
 - 451.2 the amount of accumulated superannuation contributions;
 - 451.3 the options open to the employee concerning superannuation; and
 - 451.4 the taxation rules applicable to the various payments.

Decision by the Secretary

- 452. Following the discussions and consideration referred to in clause 450 the Secretary may decide to take action specified in that clause in relation to an excess employee.
- 453. If the Secretary decides that an excess employee should be offered voluntary redundancy, the Secretary may invite the employee in writing to accept an offer of voluntary redundancy.

Timeframes

454. If it is determined that clause 450.1 should apply, then the period during which time the employee and Treasury will actively seek a suitable vacancy for the excess employee will be two months. The Secretary may determine that it is in the interests of Treasury or the APS to extend the redeployment period.
455. An employee who is made an offer of redundancy pursuant to clauses 452 and 453 must either accept or decline the offer, in writing to the Secretary not before 7 days and not later than 21 days after the making of the offer and after receiving the information in clause 451 unless the Secretary agrees to an extension of the period of the offer.

Involuntary redundancy

456. If the excess employee situation has not been resolved at the end of the period referred to in clauses 454 and 455 through the options set out in clause 450, the Secretary may terminate the employee's employment under section 29 of the *Public Service Act 1999*, by giving notice in accordance with clauses 465 to 467. The entitlements in clauses 457 to 459 will apply.

Entitlement

457. An excess employee whose employment is terminated by redundancy pursuant to clauses 450.4 or 456 will be entitled to be paid redundancy pay of a sum equal to 2 weeks salary for each completed year of continuous service, plus a pro-rata payment for completed months of service since the last completed year of service unless the NES entitles the employee to a higher rate. In that case, the rate under the NES applies.
458. The minimum sum payable as redundancy pay on termination will be 4 weeks' salary and the maximum will be 48 weeks' salary.
459. Redundancy pay will be calculated on a pro-rata basis where the employee has worked part-time hours during the period of service and the employee has less than 24 years' full-time service.

Service for redundancy pay purposes

460. Subject to clauses 461 and 462, for the purpose of calculating entitlements in accordance with clauses 457 to 459 'service' means:
- 460.1 service in an APS agency;
 - 460.2 government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*;
 - 460.3 service with the Commonwealth (other than service with a joint Commonwealth State body or a body corporate in which the Commonwealth does not have a controlling interest) which is recognised for long service leave purposes;
 - 460.4 service with the Australian Defence Forces; and
 - 460.5 service in another organisation where:
 - 460.5.1 an employee was transferred from that organisation with a transfer of function; or

460.5.2 an employee engaged by that organisation on work connected with the function is engaged as a result of the transfer of that function to the APS and such service is recognised for long service leave purposes.

Service not to count as service for redundancy pay purposes

461. Any period of service which ceased in any of the following ways will not count as service for redundancy pay purposes:

461.1 retrenchment;

461.2 retirement on grounds of invalidity;

461.3 termination of probation;

461.4 'voluntary' retirement at or above the minimum retiring age applicable to the employee or with the payment of an employer financed retirement benefit; or

461.5 termination of employment for:

461.5.1 misconduct or a breach of the APS Code of Conduct;

461.5.2 non-performance or unsatisfactory performance of duties;

461.5.3 failure to meet a condition of employment imposed at engagement;

461.5.4 inability to perform duties because of a physical or mental incapacity;

461.5.5 loss of an essential qualification; or

461.5.6 failure to complete an entry level training course.

462. Absences from duty that do not count as service for long service leave purposes will not count as service for redundancy pay purposes.

Earlier periods of service

463. For earlier periods of service to count, there must be no breaks between the periods except where the break in service is less than one month and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer.

Rate of payment — redundancy pay

464. For the purposes of calculating any payment under clauses 457 to 459 and clause 468, 'salary' will include:

464.1 the employee's full-time base salary, adjusted on a pro-rata basis for periods of part-time service;

464.2 other allowances in the nature of salary which have been paid during periods of annual leave and on a regular basis and which are not reimbursement for expenses incurred or payment for disabilities associated with the performance of a duty; and

464.3 salary payments where the employee has been temporarily assigned duties at a higher classification or at a higher level within a broadband for a continuous period of

at least 12 months immediately preceding the date on which the employee is given notice of termination.

Period of notice — termination

- 465. Where an excess eligible employee is terminated, the period of notice will be 4 weeks. In the case of an employee over 45 years of age with at least 5 years' continuous service the period of notice will be 5 weeks. Where the Secretary and the employee agree to a termination date within the notice period, the employee's employment will terminate on that date. The employee will be paid compensation in lieu of notice for the unexpired portion of the notice period. The payments an employee would have received in respect of the ordinary time the employee would have worked during the period of notice, had the employment not been terminated, will be used in calculating any payment in lieu of notice.
- 466. An employee will be entitled to reasonable time off with full pay to attend necessary employment interviews, from the date the period of notice commences.
- 467. Where expenses to attend interviews are not met by the prospective employer, the employee will be entitled to reasonable travel and incidental expenses incurred.

Reduction in classification

- 468. Where the Secretary proposes to reduce an excess employee's classification, pursuant to clauses 450 to 456, either:
 - 468.1 the employee will be given the same period of notice as the employee would have been entitled to receive pursuant to clauses 465 to 467; or
 - 468.2 Treasury may pay an amount to maintain the level of salary received by the employee at the date of notice of reduction in classification for the number of weeks of notice still owing. Such payments will be calculated in accordance with clauses 457 to 459.

Attachment A – Base salaries

Classification	Salary levels	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
APS 1	APS 1.1	\$51,003	\$53,043	\$55,059	\$57,497 ¹
	APS 1.2	\$55,385	\$57,600	\$59,789	\$61,822
APS 2	APS 2.1	\$58,787	\$61,138	\$63,461	\$65,619
	APS 2.2	\$62,681	\$65,188	\$67,665	\$69,966
APS 3	APS 3.1	\$66,570	\$69,233	\$71,864	\$74,307
	APS 3.2	\$70,457	\$73,275	\$76,059	\$78,645
APS 4	APS 4.1	\$74,354	\$77,328	\$80,266	\$82,995
	APS 4.2	\$78,243	\$81,373	\$84,465	\$87,337
APS 5	APS 5.1	\$83,596	\$86,940	\$90,244	\$93,312
	APS 5.2	\$88,949	\$92,507	\$96,022	\$99,287
APS 6	APS 6.1	\$94,300	\$98,072	\$101,799	\$105,260
	APS 6.2	\$99,650	\$103,636	\$107,574	\$111,232
	APS 6.3	\$107,435	\$111,732	\$115,978	\$119,921
	APS 6.4	\$114,243	\$118,813	\$123,328	\$127,521
EL 1	EL 1.1	\$123,005	\$127,925	\$132,786	\$137,301
	EL 1.2	\$132,655	\$137,961	\$143,204	\$148,073
	EL 1.3	\$141,099	\$146,743	\$152,319	\$157,498
EL 2	EL 2.1	\$150,245	\$156,255	\$162,193	\$167,708
	EL 2.2	\$157,640	\$163,946	\$170,176	\$175,962
	EL 2.3	\$165,034	\$171,635	\$178,157	\$184,214
	EL 2.4	\$172,429	\$179,326	\$186,140	\$192,469

¹ The Commonwealth's pay fragmentation mechanism causes this increase to be greater than 3.4 per cent.

Attachment B – Supported Wage System

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

Definitions

2. In this attachment:

Approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system.

Assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system.

Disability Support Pension means the Commonwealth Government pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme.

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

Supported Wage System (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full agreement wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the JobAccess website (www.jobaccess.gov.au).

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate.

Eligibility criteria

3. Employees covered by this attachment will be those who are unable to perform the range of duties to the competence level required within the class for which the employee is engaged under this agreement, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.
4. The attachment does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this agreement relating to the rehabilitation of employees who are injured in the course of their employment.

Supported wage rates

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

Table 2 Applicable percentage of relevant minimum wage paid to applicable employees

Assessed capacity	Percentage of agreement rate
10 per cent	10 per cent
20 per cent	20 per cent
30 per cent	30 per cent
40 per cent	40 per cent
50 per cent	50 per cent
60 per cent	60 per cent
70 per cent	70 per cent
80 per cent	80 per cent
90 per cent	90 per cent

6. Provided that the minimum amount payable to an employees to whom the SWS applies is not less than the amount prescribed in the National Minimum Wage Order.

Note: The minimum amount payable is reviewed every year in July.

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

Assessment of capacity

8. For the purposes of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and the employee, and if the employee so desires, a union which the employee is eligible to join.
9. Assessment made under this attachment must be documented in a SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the *Fair Work Act 2009*.

Lodgement of SWS wage assessment agreement

10. All SWS wage assessment agreements under the conditions of this attachment, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.
11. All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the agreement is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

Review of assessment

12. The assessment of the applicable percentage should be subject to annual review or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

Other terms and conditions of employment

13. Where an assessment has been made, the applicable percentage will apply to the relevant wage rate only. Employees covered by the provisions of the attachment will be entitled to the same terms and conditions of employment as all other workers covered by this agreement paid on a pro-rata basis.

Workplace adjustment

14. An employer wishing to employ a person under the provisions of this attachment must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve redesign of job duties, working time arrangements and work organisation in consultation with other workers in the area.

Trial period

15. In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this attachment for a Trial Period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.
16. During that Trial Period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
17. The minimum amount payable to the employee during the Trial Period must be no less than the current weekly rate, as determined by the Fair Work Commission.
18. Work trials should include induction or training as appropriate to the job being trialled.
19. Where the employer and employee wish to establish a continuing employment relationship following the completion of the Trial Period, a further contract of employment will be entered into based on the outcome of assessment under clause 8 and 9 in this attachment.