



Australian Government
**Australian Commission on Safety
and Quality in Health Care**

Public Service Act 1999

Determination pursuant to section 24(1)

The Determination

ACSQHC Reference Number - S24: 2012/003
TRIM: 64596

I, Professor Debora Picone AM, Chief Executive Officer, Australian Commission on Safety and Quality in Health Care ("ACSQHC"), make the following determination under section 24(1) of the *Public Service Act 1999*.

A handwritten signature in black ink, appearing to read 'Debora Picone', written over a dotted line.

Professor Debora Picone AM

Chief Executive Officer

Australian Commission on Safety and Quality in Health Care

Date: 28 June 2012

Table of Contents

PART A – PRELIMINARY	4
1. Commencement	4
2. Citation	4
3. Application	4
4. Period of Operation	4
5. Interaction with other instruments	4
6. Policies	4
7. Delegation	5
8. Relationship with agreements, awards and legislation	5
PART B – DEFINITIONS	6
PART C – REMUNERATION AND CLASSIFICATIONS	9
9. Salary increases	9
10. Salary rates	9
11. Junior wage rates	9
12. Part-time staff	9
13. Casual staff	9
14. Payment related matters	9
15. Salary advancement	9
16. Advancement not to occur	10
17. Review of assessment	11
18. Salary payable on engagement, promotion and movement	11
19. Superannuation	11
20. Treatment of allowances	12
PART D – EMPLOYMENT CONDITIONS AND ALLOWANCES.....	13
21. Conditions of engagement (including probation)	13
22. Travel allowance	13
23. Relocation assistance	14
24. Disturbance allowance	14
25. Community language allowance	15
26. Allowances	15
27. Restriction allowance	15
28. Overtime meal break allowance	16
29. Loss of, or damage to, clothing or personal effects	17
30. Workplace responsibility allowance	17
31. Disruption allowance	17
PART E – HOURS OF WORK AND FLEXIBILITY	19
32. General	19
33. Hours of work	19
34. Flextime scheme	20
35. Additional hours	22
36. Executive Level time off	22
37. Overtime	23
38. Public holidays	25
39. Annual closedown and early stand down	26
40. Working from home	26
41. Part-time work	27
42. Flexible work arrangements for parents	27
43. Review of workloads	27
44. Individual flexibility arrangements	28

PART F – LEAVE	29
45. General conditions	29
46. Portability of leave	29
47. Annual leave	30
48. Personal/carers leave	32
49. Miscellaneous leave	35
50. Unauthorised absences	36
51. War service sick leave	37
52. Compassionate leave	37
53. Purchased leave	37
54. Extended purchased leave	38
55. Leave for ADF Reserve and Continuous Full Time Service	38
56. Community service leave	39
57. Long service leave	39
58. Parental leave	39
PART G – HEALTHY WORKPLACE.....	42
59. Workplace injury prevention and management	42
PART H – WORKFORCE PLANNING AND MANAGEMENT	45
60. Reassignment of duties	45
61. Temporary vacancy considerations	45
62. Termination of employment	46
PART I – REDPLOYMENT, REDUCTION AND RETRENCHMENT	48
63. Excess staff	48
64. Voluntary retrenchment	49
65. Severance benefit	50
66. Involuntary retrenchment	52
PART J – PEOPLE MANAGEMENT	54
67. General	54
68. Performance management	54
69. Managing underperformance	55
70. Skills and knowledge development	56
71. Continuing professional development	56
72. Workplace diversity	56
PART K – CONSULTATION AND DISPUTE RESOLUTION.....	58
73. Staff/workplace participation	58
74. Fair treatment and review of actions	59
75. Dispute Resolution Procedures	59
Attachment A – Salary table	61
Attachment B – Recognition of allowances for particular purposes.....	62
Attachment C – Principles relating to workplace delegates	63

PART A – PRELIMINARY

1. Commencement

- 1.1 This determination takes effect from 29 June 2012.

2. Citation

- 2.1 This determination for non-SES APS staff terms and conditions sought under Section 24 of the Public Service Act may be cited as 'the Determination' in this document.

3. Application

- 3.1 This determination applies to APS employees of the ACSQHC, including APS employees who are moved to the ACSQHC under section 72 of the PS Act.

4. Period of Operation

- 4.1 The Determination continues in force until it is:
- (a) replaced by another section 24(1) determination made under the PS Act;
 - (b) revoked; or
 - (c) an enterprise agreement begins to apply to the Employee.

5. Interaction with other instruments

- 5.1 The Determination provides additional entitlements to those that the Employee enjoys under the Australian Public Service Award 1999.
- 5.2 The Determination replaces the Public Service Act 24(1) determination, ACSQHC reference S24:2012/001, made on 10 May 2012.

6. Policies

- 6.1 The terms and conditions in the Determination will be administered in accordance with the relevant ACSQHC policies, procedures and guidelines.
- 6.2 An ACSQHC policy, procedure or guideline will apply in the form it is in at the time of any relevant action or decision.
- (a) All policies, procedures and guidelines are in draft form until finalisation of the process of consultation with staff and approval by either the CEO, the Executive Committee or the Board. Use of the policies and procedures prior to finalisation is subject to approval by the CEO or the Executive Committee.
 - (b) Where policies, procedures or guidelines are yet to be developed the ACSQHC will use DoHA policies, procedures and guidelines to provide direction for decision making.
 - (c) Titles of policies, procedures and guidelines are indicative only and may be subject to change.
- 6.3 The Determination will prevail to the extent of any inconsistency with an ACSQHC policy, procedure or guideline.

7. Delegation

- 7.1 The CEO may (in writing) delegate any or all of his powers and functions under the Determination, including this power of delegation, and may do so subject to conditions.

8. Relationship with agreements, awards and legislation

- 8.1 Without incorporating the terms of any legislation into the Determination, it is acknowledged that employment in the ACSQHC is subject to the provisions of various Acts (including regulations, directions, rules or instruments made under those Acts) as in force from time to time, including:
- (a) Age Discrimination Act 2004,
 - (b) Disability Discrimination Act 1992,
 - (c) Fair Work Act 2009,
 - (d) Fair Work (Transitional Provisions and Consequential Amendments) Act 2009,
 - (e) Long Service Leave (Commonwealth Employees) Act 1976,
 - (f) Maternity Leave (Commonwealth Employees) Act 1973,
 - (g) Occupational Health & Safety (Commonwealth Employment) Act 1991,
 - (h) Paid Parental Leave Act 2010,
 - (i) Privacy Act 1988,
 - (j) Public Employment (Consequential and Transitional) Amendment Act 1999,
 - (k) Public Service Act 1999,
 - (l) Safety, Rehabilitation and Compensation Act 1988,
 - (m) Sex Discrimination Act 1984,
 - (n) Superannuation Act 1976,
 - (o) Superannuation Act 1990,
 - (p) Superannuation Act 2005,
 - (q) Superannuation (Consequential Amendments) Act 2005,
 - (r) Superannuation Benefits (Supervisory Mechanisms) Act 1990,
 - (s) Superannuation Guarantee (Administration) Act 1992, and
 - (t) Superannuation Productivity Benefit Act 1988.

PART B – DEFINITIONS

In the Determination, unless a contrary intention is clear, the following definitions apply:

ACSQHC	Means the Australian Commission on Safety and Quality in Health Care.
APS	Means the Australian Public Service.
Chief Executive Officer (CEO)	Means the person who at the relevant time is performing the duties of the office of the CEO of the ACSQHC, and holding those powers provided to Agency Heads under the PS Act. A reference to the CEO may also mean a reference to a person holding a delegation from the CEO.
Consultation	Means providing Staff and their representatives with relevant information and a bona fide opportunity to influence the decision making process, not only in appearance but in fact, before a decision is made.
Dependant	Means in relation to a Staff member: a) the Staff member's partner; or b) a child or parent of the Staff member, or of the partner of the Staff member, being a child or parent who ordinarily resides with the Staff member and who is wholly or substantially dependent upon the Staff member.
the Determination	Means the ACSQHC Australian Public Service Act Section 24(1) determination for non-SES APS staff.
DoHA	Means the Department of Health and Ageing.
Family	Means a person who: a) is a spouse, de-facto partner, including a former spouse or former de facto partner; b) is a child including an adult child, adopted child, step child, or foster child; c) is a parent, grandparent, grandchild or sibling of the Staff member, or the Staff member's spouse; d) has a strong affinity with the Staff member; e) is a member of the Staff member's household; or f) for Aboriginal and Torres Strait Islander Staff members, is a person related to the Staff member through traditional kinship and includes a person of the opposite or same sex to the Staff member.
Foster child	Means a child for whom the Staff member has assumed long term responsibility arising from the placement of the child by a permanent fostering arrangement: a) by a person or an organisation with statutory responsibility for the placement of the child; and b) where the child is expected to stay with the Staff member.
HDA	Means Higher Duties Allowance, the temporary payment of an allowance where a Staff member is temporarily assigned duties at a higher classification than his or her current classification.

Health/Medical Practitioner	Means a person registered or licensed as a Health/Medical Practitioner under a law of a State or Territory.
Manager	Includes Senior Operations Manager, Chief Financial Officer, Program Manager or supervisor who has been delegated by the CEO to approve or make decisions under the Determination.
Movement or Move	Means reassignment of duties of a Staff member, whether on a temporary or permanent basis, either within the ACSQHC or from/to another agency. Previously referred to as 'transfer'.
OH&S	Means Occupational Health and Safety.
PDS	Means the ACSQHC's Performance Development Scheme.
Promotion	Means the ongoing assignment of duties at a higher classification (excluding HDA) than the Staff member's current classification, as defined in the <i>Public Service Commissioner's Directions 1999</i> .
PS Act	Means the <i>Public Service Act 1999</i> , as amended from time to time.
Representative	Means a person chosen by a Staff member, or a group of Staff, to represent them, and includes but is not limited to a friend, colleague, representative from an established consultation body, or a delegate or official of a union.
Retirement	Means cessation of a Staff member's APS employment.
Salary advancement	Means movement through pay points within a salary range for a classification. These increases are salary for the purposes of superannuation.
Salary increase	Means a general increase to the base salary paid to a Staff member, subject to meeting any necessary requirements under the PDS. Salary increase and increase in salary have the same meaning. These increases are salary for the purposes of determining salary for superannuation purposes.
Satisfactory evidence	Satisfactory Evidence means: a) a certificate from a relevant health/medical practitioner confirming a Staff member or a member of their family, for whom they have caring responsibility, has a personal illness or injury which prevents the Staff member from performing their duties; or b) a statutory declaration confirming a Staff member, or a member of their family for whom they have caring responsibility, has a personal illness or injury which prevents the Staff member from performing their duties; or c) for the purposes of clauses 48.9(c) and 48.9(d) a statutory declaration setting out the reason for the absence; or d) a medical treatment schedule or a medical certificate for an ongoing medical condition of the Staff member, or a member of their family for whom they have caring responsibility, which cover absences for the treatment, or absences caused by the condition within a period of three months; or e) other evidence which the CEO determines is satisfactory.

Spouse	Means in relation to a Staff member: a) the husband or wife of the Staff member; b) the former husband or wife of the Staff member; c) a person who is in a recognised de facto relationship with the Staff member; d) the former de facto of the Staff member; or e) the partner of the Staff member and includes a person of the opposite or same sex to the Staff member.
Staff or Staff member	Means an employee engaged by the ACSQHC in a casual, non-ongoing or ongoing classification under section 22 of the PS Act.
Standard day	Means ordinary hours of 7 hours and 30 minutes per day for full time Staff to be worked from 8.30 am to 12.30 pm and 1.30 pm to 5.00 pm, or 8.00 am to 12.00 midday and 1.00 pm to 4.30pm in the Northern Territory, or the agreed pattern of hours for part-time Staff. Standard Day is also used for a range of purposes including: a) determining a Staff member's hourly rate of salary b) determining overtime entitlements c) accrual and deduction of leave d) calculating hours over the flextime settlement period.
Support person	Means a person selected by the Staff member to provide support and advice during a discussion the Staff member has with the Staff member's Manager.
Union(s)	Means an industrial association registered under the terms of the relevant legislation that is entitled to represent the interests of the ACSQHC's Staff.
Voluntary retrenchment	Means voluntary termination of an excess Staff member's APS employment, also known as 'voluntary retirement' or 'voluntary redundancy'.

PART C – REMUNERATION AND CLASSIFICATIONS

9. Salary increases

- 9.1 Salary rates from 1 July 2012 will increase 3% for all classifications, except the top pay point of the APS5 which will increase by 4% and the second and minimum pay points of the APS5 which will increase by 2%.

10. Salary rates

- 10.1 Salary rates applying to Staff designations as determined from time to time by the CEO during the life of the Determination are specified in Attachment A.

11. Junior wage rates

- 11.1 Staff who are younger than 21 years of age and who are employed as an APS 1 or Cadet (practical training) will be paid the following percentages of the minimum APS1 salary range:

(a) Under 18 years	60%
(b) At 18 years	70%
(c) At 19 years	81%
(d) At 20 years	91%

12. Part-time staff

- 12.1 Remuneration for part-time Staff will be calculated as a pro-rata of the appropriate salary table indicated at Attachment A, based on the proportion of hours worked in comparison to full time hours.

13. Casual staff

- 13.1 A non-ongoing Staff member engaged for duties that are irregular or intermittent in nature will be paid for the actual hours worked, based on the appropriate salary rate as indicated at Attachment A plus a 20 per cent loading in lieu of all paid leave and accruals (excluding Long Service Leave) and public holidays on which they do not work.

14. Payment related matters

- 14.1 Staff will be paid fortnightly in arrears, based on the following formula:

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

- 14.2 Payment will be made by electronic funds transfer (EFT) into a financial institution of the Staff member's choice.

15. Salary advancement

Within classifications

- 15.1 Subject to clause 16, salary advancement within all classification levels will occur from the beginning of the first full pay period commencing on or after 1 August each year subject to:

- (a) completion of the requirements of the PDS; and

- (b) performance of duties at the Staff member's substantive level or above within the ACSQHC, for an aggregate of three months or more within the PDS planning cycle ended 30 June; and
- (c) achievement of the third from the top rating on the four-point PDS rating scale or better at the end of the PDS planning cycle; or
- (d) the advancement provisions applying to specific groups of Staff as outlined in this section.

Non-ongoing staff

- 15.2 Non-ongoing staff, other than casual staff, will be eligible for salary advancement where they have been engaged at the same classification to perform the same duties continuously for six months during the PDS cycle. Non-ongoing Staff are subject to the same qualifying ratings under the PDS as ongoing Staff.
- 15.3 This clause does not affect the CEO's discretion to determine salary on the commencement of each period of engagement.

Junior staff

- 15.4 Staff who are under 21 years of age employed at the APS 1 level will be advanced to the next salary point on the Staff member's birthday, except where they are paid the adult salary rate following automatic advancement upon successful completion of a course of study or training.

Probationers

- 15.5 A probationer engaged before 1 April will be eligible for salary advancement on the date they cease to be a probationer. The advancement cannot occur before the common salary progression date in August each year.

Higher duties advancement

- 15.6 In accordance with the PDS salary advancement arrangements, where a Staff member has been temporarily reassigned duties at a higher classification for a period aggregating three months or longer during the PDS cycle, then the Staff member will be eligible for salary advancement for the purposes of future or continuing Higher Duties Allowance (HDA). Where HDA periods have been at different levels, progression will occur to the HDA level closest to the Staff member's substantive level, unless the person has acted for three months or more at a higher classification level.
- 15.7 Staff on short term HDA remain eligible for advancement within the Staff member's substantive classification level, subject to meeting the requirements of the PDS.

16. Advancement not to occur

- 16.1 Staff who either:
 - (a) do not complete and meet the requirements of the PDS without reasonable cause; or
 - (b) are ongoing and have not performed duties at the Staff member's substantive classification level or a higher position in the ACSQHC for at least three months of the PDS cycle; or
 - (c) are non-ongoing and have not met the requirements of clause 15.2 of this section; or

- (d) are not eligible because of relevant administrative actions, including a sanction under section 15 of the PS Act

will not move to the next pay point within that classification salary range. Those Staff will then not be able to progress to another pay point within the classification salary range until the salary review in the next year.

- 16.2 The provisions of this clause do not apply to Staff subject to age rate salary advancement.
- 16.3 For the purposes of this clause, 'reasonable cause' refers to Staff absent from duty due to the following circumstances:
 - (a) long term or frequent leave granted due to illness or injury; or
 - (b) long service leave; or
 - (c) compensation leave; or
 - (d) parental leave (maternity/adoption/fostering) or as otherwise determined by the CEO.

17. Review of assessment

- 17.1 Where a Staff member has sought review of the Staff member's assessment under the PDS and the review is subsequently upheld, salary advancement will occur from the appropriate August advancement date.

18. Salary payable on engagement, promotion and movement

- 18.1 Unless otherwise determined by the CEO (having regard to experience, qualifications and skills) where a person is:
 - (a) promoted or engaged, salary will be payable at the minimum pay point of the relevant salary range;
 - (b) transferred at level on an ongoing or temporary movement basis from another APS agency and:
 - i. the Staff member's salary is above the top pay point of the relevant range as stated at Attachment A, the Staff member will be paid at the top pay point; or
 - ii. the Staff member's salary is below the top pay point of the relevant range as stated at Attachment A, but not aligned with a pay point in the range, the Staff member's salary will be paid at the next highest pay point in that range.

Correction to salary on commencement

- 18.2 The CEO may determine the correct pay point to apply to a person's salary on commencement to correct any anomaly or misunderstanding that may have occurred.

19. Superannuation

Employer Superannuation Contributions

- 19.1 A Staff member will receive compulsory employer superannuation contributions as required by the applicable legislation and fund requirements.

Superannuation choice

- 19.2 Where a Staff member has chosen an accumulation superannuation fund, other than PSSap, the employer contribution will be 15.4% of the Ordinary Time Earnings (OTE). This will not be reduced by any other contributions made through salary sacrifice arrangements or during a period of paid parental leave (however described). This clause does not apply where a superannuation fund cannot accept employer superannuation contributions (eg. unable to accept contributions for people aged over 75).
- 19.3 For the purposes of this clause OTE is the salary paid for a Staff member's regular hours of work, not including overtime. It includes over-award payments, shift allowances, commissions and paid leave up to the maximum contributions base for the quarter. For the purpose of the Determination where salary sacrifice arrangements are in place or the Staff member is on paid maternity, adoption or foster leave, employer contributions will be paid as if those arrangements had not been entered into.
- 19.4 Employer superannuation contributions will not be paid on behalf of Staff during periods of unpaid leave not to count as service, unless otherwise required under legislation.
- 19.5 The CEO may choose to limit superannuation choice to complying superannuation funds that allow a Staff member and/or employer contributions to be paid through fortnightly electronic funds transfer using a file generated by the ACSQHC's payroll system.

20. Treatment of allowances

- 20.1 A table indicating the treatment of allowances for superannuation purposes is at Attachment B.

PART D – EMPLOYMENT CONDITIONS AND ALLOWANCES

21. Conditions of engagement (including probation)

- 21.1 Information on arrangements that apply to persons engaged by the ACSQHC is available in the ACSQHC's Conditions of Engagement Policy, Probation Guidelines and Non-ongoing Staff Policy.

22. Travel allowance

- 22.1 Current rates for travel related allowances are listed in the Procedural Rules. The CEO will review and adjust as necessary Travel Allowance (TA) rates on 1 January and 1 July each year, up to the maximum non-acquittable amount required for taxation purposes.
- 22.2 The ACSQHC will meet reasonable costs for Staff on official overnight travel including accommodation of at least 3.5 stars where available, meals and any incidental expenses.
- 22.3 Where this period exceeds three continuous weeks, the CEO and the Staff member will agree on a package of assistance to meet any additional costs incurred as a result of the Staff member being temporarily relocated.
- 22.4 The CEO will authorise an additional payment in circumstances where a Staff member has incurred reasonable costs in excess of the allowance, subject to the presentation of receipts. Where possible, prior approval should be obtained by the Staff member before incurring the expense.

Overpayment of travel allowance

- 22.5 Where a travel allowance overpayment occurs, the Staff member will repay the amount of the overpaid allowance to the ACSQHC to reflect the travel actually undertaken, in accordance with the Chief Executive's Instructions.

Part-day travel

- 22.6 A Staff member who is required to be absent from the Staff member's usual place of work on official business for a period of not less than 10 hours, but is not absent overnight, will be paid an allowance of \$44 for each absence.

Illness while travelling

- 22.7 Where a Staff member falls ill or is injured while travelling on official business and subsequently takes leave, the CEO will approve payment of return journey costs to the Staff member.

Recognition of travel time

- 22.8 Where a Staff member classified as an APS 1-6 (and their equivalents) is required to undertake official travel, the time spent travelling within the bandwidth, excluding the usual time taken for the Staff member to travel to and from the Staff member's regular place of work, will be recorded as work hours.
- 22.9 Travel outside the bandwidth undertaken by APS 1-6 (and their equivalents) will be claimed as travel time in lieu at single time rates.

Travel clothing allowance

- 22.10 Where a Staff member is required to travel on official business to a locality which has a climate greatly different from the Staff member's usual place of work (for example, tropical to temperate, or temperate to tropical), the Staff member may make an application to their Manager for reimbursement of reasonable costs of clothing bought for the trip. Their Manager will have regard to the prevailing climate conditions at both locations and the frequency and length of travel of the Staff member.

Motor vehicle allowance

- 22.11 Motor vehicle allowance (MVA) is payable where the CEO approves a Staff member to use a private or personally hired vehicle for official purposes.
- 22.12 Where a Staff member seeks, and is approved to use, a private vehicle instead of the most efficient means of travel as determined by the CEO, the amount of MVA paid to the Staff member will not exceed the cost of the most efficient means of travel.

23. Relocation assistance

Access for existing staff

- 23.1 Where the ACSQHC initiates a permanent relocation (including transfer or promotion) of a Staff member, or the relocation is in the interest of the ACSQHC, the CEO will reimburse reasonable relocation costs for:
- (a) transport and removal;
 - (b) costs associated with the sale and purchase of the Staff member's normal place of residence;
 - (c) costs incurred in avoiding serious disruption to the final two (2) years of the Staff member's child's secondary education (Years 11 and 12);
 - (d) temporary accommodation in the new location.

Requested move

- 23.2 Relocation or temporary transfer at the request of the Staff member will only attract relocation assistance at the discretion of the CEO.

Access for new staff

- 23.3 Relocation assistance for reasonable costs can be negotiated on engagement, as agreed by the Manager, for:
- (a) transport and removal costs;
 - (b) temporary accommodation in the new location.

24. Disturbance allowance

- 24.1 The CEO may approve disturbance allowance on permanent movement requiring relocation.
- 24.2 Until the ACSQHC Relocation Assistance Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

25. Community language allowance

- 25.1 A Staff member who is required to undertake translating or interpreting responsibilities may, with the CEO's approval, receive payment of a community language allowance (CLA).
- 25.2 Eligibility for payment of CLA is dependent on the requirements of the job, and the need to speak a second language must be essential to the efficient and effective fulfilment of the duties of the position.
- 25.3 Payment will not be made simply in recognition of a Staff member's language skills.
- 25.4 Further information is provided in the ACSQHC's Allowance Guideline.

26. Allowances

- 26.1 The ACSQHC provides eligible Staff with particular allowances or payments that recognise:
 - (a) particular skills; or
 - (b) additional costs borne by the Staff member in the course of the Staff member's employment.

Recognition of allowances

- 26.2 Information on the recognition (for particular purposes) of allowances provided for in the Determination is at Attachment B.
- 26.3 Further information on allowances is available in the Allowance Guideline.

27. Restriction allowance

- 27.1 Where the Manager requires a Staff member to be contactable and available to work for a specified period outside the bandwidth of hours, the Staff member will be paid a restriction allowance as follows:
 - (a) A Staff member restricted for a period of seven calendar days will receive an allowance of \$275 per week.
 - (b) A Staff member restricted for a period of less than seven calendar days will receive a proportional rate based on the number of hours restricted outside the bandwidth.
 - (c) A Staff member restricted on a weekend roster arrangement will receive an allowance of \$50 for each day of the weekend they are restricted. Proportional rates will not apply for rostered weekend restriction periods.

Ineligible staff

- 27.2 Executive Level Staff (and their equivalents) and casual Staff are generally ineligible to receive restriction allowance payments. In exceptional circumstances the CEO may approve restriction allowance payments for these Staff.

Restriction on public holidays and annual closedown

- 27.3 Where the Manager determines that a Staff member should be restricted for any period that includes a public holiday, the Staff member will receive payment of \$50 in addition to salary for each public holiday the Staff member is restricted.
- 27.4 Where the Manager determines that a Staff member should be restricted on the three working days of annual closedown between Christmas Day and New Year's Day the Staff member will receive payment of \$50, in addition to salary, for each day of annual closedown the Staff member is restricted.

Place of work

- 27.5 A restricted Staff member who is required to perform overtime may be required to work at the Staff member's usual workplace or at another designated place, including the Staff member's home. Duties may include provision of advice, the management of other Staff, or work over the phone.

Non payment

- 27.6 Payment of restriction allowance will not be made to a Staff member who does not remain contactable or at the required degree of readiness to perform overtime.

Overtime

- 27.7 Where a Staff member is restricted under the provisions of clause 27.1 and is required to perform overtime, but is not required to be recalled to work, overtime payment will be made subject to a one-hour minimum payment.
- 27.8 Where a Staff member restricted under the provisions of clause 27.1 is recalled to duty at a place of work, overtime payment will be made, subject to a three-hour minimum payment.
- 27.9 Overtime provisions are outlined in Part E.

28. Overtime meal break allowance

- 28.1 Where a Staff member is required to work overtime for a continuous period of at least one hour outside the bandwidth which extends over a meal period, they will be paid a meal allowance of \$25.30. For the purposes of this clause a meal period is:

Monday to Friday:	6.30 am - 7.00 am
	7.00 pm – 7.30 pm
Saturday, Sunday and Public Holidays:	6.30 am -7.00 am
	12.30 pm -1.30 pm
	7.00 pm – 7.30 pm

- 28.2 Where overtime is worked for long periods and does not coincide with designated meal periods, the Manager has the discretion to authorise payment of a meal allowance.

29. Loss of, or damage to, clothing or personal effects

- 29.1 Where a Staff member incurs loss of, or damage to, clothing or personal effects, and the loss or damage can be reasonably associated with the Staff member's performance of the Staff member's duties, the Manager will authorise reimbursement of costs for repairs or replacement of the personal effects.
- 29.2 Until the ACSQHC Loss, or Damage to, Clothing or Personal Effects Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

30. Workplace responsibility allowance

- 30.1 Given the responsibilities associated with undertaking the roles specified in this clause, the Staff member will generally be authorised to undertake only one role at a time. The CEO may approve a Staff member undertaking more than one role.

First aid officers

- 30.2 Where a Staff member possesses the required qualifications for first aid at the minimum accreditation standard of Senior First Aid Certificate (Level 2 or equivalent), has continuing expertise commensurate with that training, and is appointed as a first aid officer by the CEO, they will be paid a Workplace Responsibility Allowance at the rate of \$14 per week.

Fire wardens

- 30.3 A Staff member, who has successfully undertaken relevant fire warden training and is appointed as a fire warden by the CEO, will be paid a workplace responsibility allowance at the rate of \$9.50 per week.

Workplace harassment contact officers

- 30.4 A Staff member, who has successfully undertaken the relevant training and is appointed as a workplace harassment contact officer by the CEO, will be paid a workplace responsibility allowance at the rate of \$9.50 per week.

Health and safety representatives

- 30.5 A Staff member, who has successfully undertaken the relevant health and safety representative training and is appointed as a health and safety representative by the CEO, will be paid a workplace responsibility allowance at the rate of \$9.50 per week.

31. Disruption allowance

- 31.1 Where building or other disruptive activities are being undertaken in a particular office location, the ACSQHC will take steps to ensure that this causes minimal disruption to Staff, including, but not limited to, moving Staff to temporary accommodation, allowing short breaks from work, or temporarily providing equipment or facilities to improve conditions.

Payment of allowance

- 31.2 Where the effects of the disruption persist, the CEO may determine that an allowance will be payable to affected Staff to compensate them for the inconvenience, with the rate and period of payment to be determined according to the circumstances and in consultation with Staff and their representatives.

PART E – HOURS OF WORK AND FLEXIBILITY

32. General

- 32.1 All Staff, including Managers, have a mutual responsibility for managing their working hours and patterns, including leave planning, flextime arrangements, and minimising additional hours where possible. The provisions below are designed to be sufficiently flexible for Staff to meet business requirements and balance their personal needs.
- 32.2 A Staff member and their Manager will work together to manage hours of work to ensure that a Staff member is not working excessive hours without the opportunity to take time off either as flextime (for APS1-6 and their equivalents) or in the case of Executive Level Staff (and their equivalents), as Executive Level time off. Further information about managing working hours is available in the ACSQHC's Hours of Work and Overtime Guidelines.

33. Hours of work

- 33.1 All Staff have access to flexible working hours. For APS1-6 (and their equivalents), these flexible working hours will be accessed through the flextime scheme.
- 33.2 An employee's ordinary hours of work are 36.75 hours per week. An employee is required to work an additional 0.75 hours per week each week.
- 33.3 For the purpose of calculating flextime and for leave purposes, ordinary hours of work for full-time Staff are 150 hours over the four week settlement period commencing on a payday Thursday. This equates to an average of 7 hours 30 minutes per day.

Hours of work of part-time staff

- 33.4 For part-time Staff, ordinary hours are those agreed in the Staff member's part-time work agreement within the provisions of clause 41.
- 33.5 Part-time Staff members are eligible to accumulate flextime for the duty performed in excess of the agreed ordinary hours over the settlement period. Clause 37.4 contains overtime provisions for part-time Staff.

Working patterns

- 33.6 The pattern of hours by which a Staff member meets their ordinary hours of duty is a matter of agreement between the Staff member and their Manager. A Staff member will not normally be required to:
- (a) work more than 10 hours ordinary time on any day;
 - (b) work more than five consecutive hours without a break of at least 30 minutes; or
 - (c) commence work on any day without having at least 10 hours minimum break from the previous day's work, without specific approval from their Manager.
- 33.7 Where this does occur, the overtime and time in lieu provisions at clause 37 and/or meal allowance provisions at clause 28 may apply.
- 33.8 In discussing working patterns, other issues on which a Manager and their Staff should reach agreement include:

- (a) In what, if any, exceptional circumstances large flex credits may be carried over or cashed out at ordinary time rates (eg. credits in excess of 30 hours), under clause 34.6.
- (b) The amount of flex time which may be taken in a settlement period.
- (c) Any other relevant issues for the Staff member, team or Manager, which may include any periods that may require coverage by at least one member of the team.

Insufficient work and flextime

- 33.9 A Manager may require a Staff member not to work hours in addition to ordinary hours where there is insufficient work. That is, a Manager may require a Staff member not to accumulate flextime where such accumulation cannot be justified by the Staff member's workload.

Bandwidth

- 33.10 The bandwidth of hours in which a Staff member will work their ordinary hours is 7.00 am to 7.00 pm, Monday to Friday. The ACSQHC's business hours for the public are 8.30 am to 5.00 pm Monday to Friday.

Work outside bandwidth

- 33.11 Where a Staff member requests to work their ordinary hours outside the bandwidth eg. on Saturday or Sunday, the Staff member may do so, subject to operational requirements, with the agreement of their Manager. Any hours worked on this basis will be considered ordinary hours and will not attract overtime.

Recording attendance

- 33.12 All Staff are required to record their working hours.

34. Flextime scheme

- 34.1 Flextime is a system of flexible working hours' arrangements that enables a Staff member and their Manager to vary working hours, patterns and arrangements to provide maximum organisational flexibility with benefit to Staff, clients and the ACSQHC.
- 34.2 Staff and Managers are required to regularly discuss and manage flextime accumulation and utilise flextime credits as time off.

APS 1-6 (and their equivalents)

- 34.3 APS 1-6 Staff (and their equivalents) are eligible to accumulate flextime for duty performed in excess of their ordinary hours of work (over the settlement period), but which does not attract overtime.
- 34.4 A Staff member may choose to vary their pattern of attendance from time to time in order to meet personal needs. As part of this process, Staff members may take flextime as a part or whole day absence, subject to agreement with their Manager.

Excess flex credits

- 34.5 At the end of a settlement period, where the Staff member's flex credit exceeds 20 hours credit the Staff member, in consultation with their Manager will discuss and mutually agree a plan to reduce flex credits. This discussion will include, but not be limited to;
- (a) identification of opportunities to take flextime,
 - (b) operational needs of the ACSQHC,
 - (c) consideration of the Staff member's work/life balance and work pressure
 - (d) working hours,
 - (e) patterns of attendance.

Cash out of credits exceeding 30 hours

- 34.6 At the end of a settlement period, flex credits exceeding 30 hours may be cashed out at ordinary time rates where, due to organisational requirements, the Staff member's Manager cannot envisage an opportunity for the Staff member to use those credits in the settlement period. Where the Manager has authorised cashing out of excess credits, the Manager will be required to advise Human Resources of such authorisation in writing.

Cash out of credits exceeding 37.5 hours

- 34.7 At the request of the Staff member, flex credits exceeding 37.5 hours will be automatically cashed out.

Flex debit balance

- 34.8 Staff may carry over a maximum of 10 hours flex debit accumulated in any settlement period into the next settlement period.
- 34.9 In circumstances where the maximum debit is exceeded at the end of a settlement period, the Staff member will endeavour to reduce the debit to the maximum allowable (or lower) over the next settlement period.

Deduction of flex debit from salary

- 34.10 Should this not occur, the amount by which the maximum is exceeded shall be treated as leave without pay and an appropriate deduction made from the Staff member's salary in accordance with the Chief Executive's Instructions.

Flex balances at cessation

- 34.11 Prior to cessation of employment, the Staff member's Manager should provide opportunities to enable the Staff member to balance any flex credits or debits. Staff members should also take all reasonable steps to balance their flex debit or credit. Where flex credits are outstanding at the cessation of employment with the ACSQHC the flex credit will be paid to the Staff member at ordinary time rates. Where flex debits are outstanding at the cessation these will be recovered as part of the termination payment, in accordance with the Chief Executive's Instructions.

Reversion to Standard Day

- 34.12 Where a Staff member has failed to comply with the provisions of flextime, their Manager may remove the Staff member from flextime for a specified period and the Staff member will revert to working the Standard Day. Access to flexible working arrangements including flextime will be restored where the Manager is satisfied that the Staff member will maintain satisfactory attendance patterns.

35. Additional hours

- 35.1 A Staff member may refuse to work additional hours (extra hours or directed overtime) where such additional hours are unreasonable. Such refusal will not prejudice the Staff member's employment. For determining whether additional hours are reasonable or unreasonable, the following will be taken into account:
- (a) any risk to the Staff member's health and safety from working the additional hours;
 - (b) the Staff member's personal circumstances including any family responsibilities;
 - (c) the needs of the ACSQHC;
 - (d) whether the Staff member is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of working additional hours;
 - (e) any notice given by the ACSQHC of any request or requirement to work the additional hours;
 - (f) any notice given by the Staff member of the Staff member's intention to refuse to work the additional hours;
 - (g) the nature of the Staff member's role and the Staff member's level of responsibility;
 - (h) whether the additional hours are in accordance with clause 33;
 - (i) any other relevant matter.

36. Executive Level time off

- 36.1 The ACSQHC recognises the focus on the achievement of outcomes by Executive Level Staff (and their equivalents) as senior professionals of the ACSQHC. The achievement of organisational outcomes may involve considerable work effort, variable work hours and on occasions a requirement to work over and above normal working hours. It is important that these efforts and contributions are recognised by the ACSQHC, as well as the need to balance the achievement of organisational outcomes and a Staff member's personal commitments.
- 36.2 Executive Level Staff (and their equivalents) have access to flexible working hours in accordance with clause 32. Executive Level remuneration recognises that some additional demands may be placed upon them.
- 36.3 Executive Level Staff and their Managers will work together to manage workloads and working hours, including making arrangements as to when any Executive Level time off will be taken.

- 36.4 Where operational needs require an Executive Level Staff member to work additional hours in excess of their ordinary hours for a sustained period, including a critical incident response, the Staff member and their Manager will agree on arrangements for time off to recognise the additional effort. This will be recorded in the ACSQHC's timekeeping systems.
- 36.5 Examples of the type of situations when clause 36.4 applies are when operational needs require a Staff member to:
- (a) work outside the bandwidth, on a weekend, public holiday or during closedown period; or
 - (b) work a sustained working pattern that is significantly above and beyond the normal working week; or
 - (c) (for part-time Executive Level Staff) work on their scheduled day off, or significantly above and beyond their ordinary hours over a working week.
- 36.6 To minimise any negative impact on a Staff member's health and wellbeing Executive Level time off should be taken as soon as practical, subject to operational requirements.
- 36.7 Time off for Executive Level Staff is available on an hour for hour basis for official domestic travel only. All other Executive Level time off will not be on an hour for hour basis.
- 36.8 Regardless of the bandwidth, Executive Level Staff members are required to break for at least 30 minutes after five hours of continuous work. Managers should not give approval for continuous work for longer periods.
- 36.9 Where situations cannot be resolved locally, Human Resources will provide assistance to achieve appropriate working arrangements and facilitate resolution of the issue.
- 36.10 Executive Level Staff members are not eligible for overtime payments except in exceptional circumstances.

Time off for official travel

- 36.11 To minimise any negative impact on an Executive Level Staff member's personal commitments, wherever possible the ACSQHC encourages Staff to travel within the bandwidth.
- 36.12 Executive Level Staff will receive Executive Level time off at hour for hour, for the period where the time spent travelling on official domestic travel exceeds the Standard Day, excluding the usual time taken for the Staff member to travel to and from their regular place of work.
- 36.13 Existing local travel arrangements for international travel will continue to apply.

37. Overtime

APS 1-6 (and their equivalents)

- 37.1 APS 1-6 level Staff (and their equivalents) are eligible for an overtime payment where they are required by their Manager to:
- (a) perform work outside the bandwidth (inclusive of weekends and public holidays); or

- (b) work in excess of 9.5 hours on any one day (Monday to Friday inclusive);

whichever occurs first.

- 37.2 For employees above APS2.3 overtime is not payable in relation to any hours worked where the employee has not worked in excess of 37.5 hours in the relevant week.

Executive Level (and their equivalents)

- 37.3 Executive Level Staff (and their equivalents) are not generally entitled to payment for overtime. However, the time off provisions in clause 36 will apply. Where appropriate, the CEO may approve payment for additional hours worked.

Part-time staff

- 37.4 Part-time Staff at the APS 1-6 level (and their equivalents) are eligible for overtime for work performed at the direction of the Staff member's Manager which is:
- (a) not continuous with the Staff member's agreed or specified hours of work; and/or
 - (b) beyond the total ordinary hours of work over the settlement period specified in the Staff member's part-time work agreement.
- 37.5 A part-time Staff member who has not elected to receive flextime for work performed in excess of the agreed hours of duty over the settlement period will be eligible for overtime.

Travel not to count

- 37.6 Time spent travelling to or from work will not count as part of an overtime attendance.

Time in lieu (TIL)

- 37.7 If a Staff member chooses, the Staff member's Manager may allow the Staff member to take TIL as a form of recompense for overtime duty as an alternative to overtime payment, subject to the provisions of this clause.

Calculation

- 37.8 Where overtime is worked, the rate of payment (or TIL, if the Staff member elects) is calculated at the following rates:
- (a) Monday to Saturday: time and one half;
 - (b) Sunday: double time.

Hourly divisor

- 37.9 Calculations for a Staff member's overtime entitlement will use a divisor of 37.5 hours to determine the Staff member's hourly rate.

Public holidays

- 37.10 A Staff member who is directed to work overtime on a public holiday which falls on a weekday, will be paid overtime at double-time for duty outside of a Standard Day (for full time Staff) or the agreed pattern of hours (for part-time Staff). This rate also applies to Easter Saturday if it is not declared or prescribed as a public holiday. For duty within a Standard Day (or agreed pattern of hours for part-time Staff), overtime will be paid at single-time as Staff are already being paid for the public holiday.
- 37.11 Staff required to perform overtime during the annual closedown will be recompensed with overtime calculated at time and a half.

Non-continuous duty

- 37.12 Where a period of overtime is not continuous with ordinary duty, the minimum overtime payment is four hours at the relevant rate. Where the period of overtime is greater than four hours, payment will be made for the actual period worked at the relevant rate.

Continuous duty

- 37.13 Overtime is considered to be continuous with ordinary duty when a Staff member does not have a break, other than a meal break, between the periods of ordinary duty and overtime.

Multiple attendance

- 37.14 Where more than one attendance is required, the minimum overtime payment provision will not operate to increase a Staff member's overtime payment beyond that which they would have received had they remained on duty from the commencing time of duty on one attendance, to the ceasing time of duty on a subsequent attendance.
- 37.15 Further information on overtime and TIL is available in the ACSQHC Hours of Work and Overtime Guideline.

38. Public holidays

- 38.1 Consistent with s.115 of the FW Act Staff will be entitled to the following public holidays:
- (a) New Year's Day (1 January)
 - (b) Australia Day (26 January)
 - (c) Good Friday
 - (d) Easter Monday
 - (e) Anzac Day (25 April)
 - (f) The Queen's birthday holiday (on the day on which it is celebrated in a state or territory or a region of a state or territory)
 - (g) Christmas Day (25 December)
 - (h) Boxing Day (26 December)
 - (i) 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.

- 38.2 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.
- 38.3 The CEO and a Staff member may agree on the substitution of a day or part-day that would otherwise be a public holiday, having regard to operational requirements.
- 38.4 A Staff member who is absent on a day or part-day that is a public holiday in the place where the Staff member is based for work purposes, 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.
- (a) Where a public holiday falls during a period when a Staff member is absent on leave (other than annual or paid personal/carers leave) there is no entitlement to receive payment as a public holiday. Payment for that day would be in accordance with the entitlement for that form of leave (eg. if on long service leave on half pay, payment is on half pay).

39. Annual closedown and early stand down

- 39.1 The ACSQHC will be closed for normal business and Staff will not be required to perform normal duty on the working days between Christmas Day and New Year's Day. Eligible Staff will be paid for closedown. Pay eligibility for annual closedown will be treated in the same manner as public holidays in determining the appropriate rate of salary payment to apply on those days.
- 39.2 Where a Staff member is absent on leave, payment for the Christmas closedown provision will be in accordance with the entitlement for that form of leave, (eg. if on long service leave half pay, payment is at half pay).
- 39.3 There will be no deduction from annual or personal/carer's leave credits for the annual closedown days.

Early stand down

- 39.4 The ACSQHC will be closed for normal business and Staff will not be required to perform normal duty from 3.00 pm on the working day prior to Christmas and from 3.00 pm on the working day prior to Good Friday. Eligible Staff will be paid for early stand down. Payment eligibility will be treated in the same manner as a normal working day.

Part-time Staff

- 39.5 Part-time Staff normally not working on the days of the week on which annual closedown and early stand down occur will not be entitled to alternative time off duty.

40. Working from home

- 40.1 A Staff member and their Manager may agree to a request by a Staff member to work from home on a regular, temporary or intermittent basis.
- 40.2 A request made by a Staff member in accordance with clause 40.1 must be in writing and set out details of the change sought and the reasons for the change. The Manager will respond in writing to the request.

- 40.3 Further information on home based work arrangements is available in the ACSQHC's Home Based Work Guideline.

41. Part-time work

Hours of work

- 41.1 A part-time Staff member is one who has a part-time agreement with their Manager and who:
- (a) regularly works less than full-time ordinary hours; and
 - (b) has reasonably predictable hours of work.
- 41.2 Payment and conditions for part-time Staff will be calculated on a pro-rata basis, apart from allowances of a reimbursement nature, where a part-time Staff member will receive the same amount as a full-time Staff member.

Variation in hours

- 41.3 A part-time Staff member may not vary their hours for a period of one week or less. Changes in hours for these periods should be accommodated using flextime or alternative arrangements as agreed with their Manager.
- 41.4 Details of the operation of the flextime provisions for part-time Staff are provided at clause 34.
- 41.5 Further information on part-time work provisions is available in the ACSQHC Part-time Work Guideline.

42. Flexible work arrangements for parents

- 42.1 Without limiting clause 42.2, Managers will make every reasonable effort to accommodate requests for part-time work from Staff returning from maternity, adoption, fostering or parental leave for the period up until the child's second birthday, or in the case of adoption and eligible fostering, the second anniversary of the placement. Reasons for non-approval must be provided in writing to the Staff member, including reasons relating to operational requirements.
- 42.2 A Staff member who is a parent, or has responsibility for the care of a child under school age or a child under 18 who has a disability, may request flexible working arrangements, including part-time hours.
- 42.3 A request made in accordance with clause 42.2 must be in writing and set out details of the change sought and the reasons for the change. The Manager will respond in writing to the request within 21 days and will only refuse the request on reasonable business grounds. Where the request is refused, the response will include reasons for the refusal.
- 42.4 Staff may seek a review by Human Resources of any refusal under clauses 42.1 or 42.2.
- 42.5 An approved flexible work arrangements under clause 42 will be subject to an annual review.

43. Review of workloads

- 43.1 Where a Staff member or group of Staff believes their workload to be unmanageable they may request that an independent review be undertaken by Human Resources, and where Staff choose, representatives of Staff.

- 43.2 Until the ACSQHC Workload Review Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

44. Individual flexibility arrangements

- 44.1 The CEO and a Staff member covered by the Determination may agree to make an individual flexibility arrangement (IFA) to vary the effect of terms of the Determination if:
- (a) the IFA deals with one or more of the following matters:
 - i. when work is performed;
 - ii. overtime rates;
 - iii. penalty rates;
 - iv. allowances;
 - v. remuneration; and/or
 - vi. leave; and
 - (b) the IFA is genuinely agreed to by the CEO and Staff member recognising the operational requirements of the ACSQHC and the needs of the Staff member.
- 44.2 The CEO must ensure that the terms of the IFA:
- (a) are about permitted matters under section 172 of the Fair Work Act 2009; and
 - (b) are not unlawful terms under section 194 of the Fair Work Act 2009; and
 - (c) result in the Staff member being better off overall than the Staff member would be if no arrangement was made.
- 44.3 The CEO must ensure that the IFA:
- (a) is in writing; and
 - (b) includes the name of the employer and Staff member; and
 - (c) is signed by the CEO and Staff member and if the Staff member is under 18 years of age, signed by a parent or guardian of the Staff member; and
 - (d) includes details of:
 - i. the terms of IFA; and
 - ii. how the IFA will vary the effect of the terms; and
 - iii. how the Staff member will be better off overall in relation to the terms and conditions of his or her employment as a result of the IFA; and
 - (e) states the day on which the IFA commences and, where applicable, when the arrangement ceases.
- 44.4 The CEO must give the Staff member a copy of the IFA within 14 days of the agreement being made.
- 44.5 The CEO or Staff member may terminate the IFA:
- (a) by giving no more than 28 days written notice to the other party to the IFA; or
 - (b) if the CEO and Staff member agree in writing at any time.
- 44.6 Where an IFA is entered into during the life of the Determination the IFA dispute resolution clause, which refers to clause 75 of the Determination, will be included in that IFA.

PART F – LEAVE

45. General conditions

- 45.1 The ACSQHC provides access to a flexible range of options for paid and unpaid leave that assist Staff to balance work with other personal priorities.
- 45.2 All accrued leave entitlements will be expressed and deducted in hours and minutes.
- 45.3 Further information on leave is available in the Leave Guidelines.
- 45.4 For the purposes of leave, the employee's ordinary hours of work are 37.5 hours per week.

Public holidays during leave

- 45.5 Payment for public holidays which fall during a period of leave will be paid in accordance with clause 38.4 of the Determination.

Absences on compensation leave

- 45.6 Where a Staff member is absent on compensation leave, a Manager is required to consult with the Rehabilitation Case Manager prior to approval of applications for other forms of leave.

Donating blood

- 45.7 The ACSQHC recognises the importance of and supports Staff in donating blood. Staff donating blood during working hours, are not required to complete a leave application or to utilise flextime.

Recall to duty

- 45.8 The ACSQHC will not unreasonably cancel approved leave or recall Staff to duty while on leave. If a Staff member is recalled, the CEO will approve reimbursement toward travel expenses, incidental expenses or family care costs not otherwise recoverable under insurance or from another source, provided that the Staff member took reasonable precautions to avoid such expenses.

Non-approval of leave

- 45.9 Where a Manager decides to refuse a formal application for leave, the Manager will advise the Staff member of the reason(s) for the decision in writing, including reasons relating to operational requirements. The Manager, the Staff member and, where the Staff member requests, a support person will meet to consider alternative arrangements if required.

46. Portability of leave

- 46.1 Where an ongoing APS Staff member moves (including on promotion or for an agreed period) from another agency, the Staff member's unused accrued annual leave and personal/carers leave (however described) will be recognised, provided there is no break in continuity of service.

- 46.2 Where a Staff member is engaged as either an ongoing or non-ongoing APS Staff member immediately following a period of ongoing employment under the Parliamentary Service Act 1999 or the ACT Government Service, the Staff member's unused accrued annual leave and personal/carers leave (however described) will be recognised.

Former non-ongoing staff

- 46.3 Where a person is engaged as an ongoing Staff member, and immediately prior to the engagement the person was employed as a non-ongoing APS Staff member, the CEO, at the Staff member's request, may recognise any accrued annual leave and personal/carers leave (however described), provided there is no break in continuity of service. Any recognised annual leave excludes any accrued leave paid out on separation.
- 46.4 For the purposes of this clause:
- (a) 'APS' Staff member has the same meaning as Staff member; and
 - (b) 'Parliamentary Service' refers to employment under the Parliamentary Services Act 1999.

47. Annual leave

- 47.1 The purpose of annual leave is to provide Staff with the opportunity for a reasonable break from work. Therefore, it is important that Staff take leave within a reasonable period of its accrual. Leave planning is an integral part of work planning and task allocation for Managers. The timing and duration of annual leave is to be mutually agreed between the Staff member and the Staff member's Manager unless the leave is for health and/or safety reasons.
- 47.2 Staff are encouraged to access their annual leave by taking a minimum of two weeks leave in a single block per calendar year.

Entitlement

- 47.3 Full-time Staff are entitled to the equivalent of four weeks (150 hours), for each full year worked. Part-time Staff accrue annual leave on a pro-rata basis for ordinary hours worked. Annual leave will accrue daily, and be credited at the completion of each calendar month.

Calculation

- 47.4 Annual leave credits for all eligible Staff will be calculated using the following formula:
- $$(A/B \times 150) (C/D) = E$$
- Where:
- A = Calendar days in the month
 - B = 365 calendar days (366 in leap year)
 - C = Monthly hours from Staff member's work schedule
 - D = Monthly hours from full time work schedule
 - E = Credit
 - 150 = Basic annual credit of four weeks expressed in hours
- 47.5 Each period of service that has different weekly hours is calculated separately. If separate credits are calculated, all credits are added and expressed as a total number of hours of leave available.

Effect of leave without pay

- 47.6 Where 'leave without pay not to count as service' has been granted in the accrual period, annual leave will be adjusted on the day of accrual as follows:
- (a) Where aggregated absences for periods totalling 30 calendar days or less, the annual leave accrual is not affected.
 - (b) Where aggregated full day absences total more than 30 calendar days, the total period of leave without pay is deducted from the number of calendar days to count as service in the formula at clauses 47.4 and 47.5.
 - (c) Where leave without pay covers an entire calendar year, no annual leave credit accrues for that year.

Direction to take annual leave

- 47.7 The CEO may direct a Staff member who has more than two years annual leave credit to take annual leave. The Staff member must take annual leave if directed to do so.
- 47.8 The Staff member may be directed to be on leave (and to be absent from the workplace) for whichever is lesser of:
- (a) 10 consecutive working days; or
 - (b) a period of time equal to 25 per cent of accrued annual leave credits at the time of the direction.

Deferring annual leave

- 47.9 A Staff member may apply to the CEO to defer taking the leave defined in clause 47.7 for up to one year from an agreed date.
- 47.10 A Staff member with an annual leave credit greater than two years on:
- (a) commencing duty in the ACSQHC; or
 - (b) returning to work following a long term absence due to illness or injury; or
 - (c) resuming duty following a graduated return to work
- will have a period of 12 months to take sufficient leave to reduce the Staff member's credit down to the equivalent of two years or less.
- 47.11 Further information on direction to take annual leave or defer annual leave is available in the ACSQHC Leave Guideline.

Annual leave at half pay

- 47.12 Staff may take annual leave at half pay. The minimum absence of leave on half pay is two working days, with further absences in multiples of two days.

Public holidays during leave

- 47.13 Where a public holiday occurs in a period of annual leave, the public holiday will not be deducted from the Staff member's annual leave credits.

Payment of annual leave on termination

- 47.14 Any unused accrued annual leave will be subject to payment to the Staff member when the Staff member's APS employment is terminated.

- 47.15 Payment will be calculated using the Staff member's final rate of salary, including allowances that would have been included in the Staff member's pay during a period of annual leave.

Special availability

- 47.16 Without limiting the general entitlement under clause 47.3, a Staff member may access annual leave where they have a long term illness and have exhausted other paid leave entitlements.

48. Personal/carers leave

- 48.1 On engagement, an ongoing Staff member will be credited with personal/carers leave of 18 days (135 hours) or the part-time equivalent. A further 18 days (135 hours) or the part-time equivalent will accrue on completion of each 12 month period of service thereafter.
- 48.2 Ongoing Staff will accumulate 18 days (or the part-time equivalent) personal/carers leave credits at full pay each year without limit throughout the Staff member's period of employment with the ACSQHC.

Accrual and credits – non-ongoing staff

- 48.3 Full-time non-ongoing Staff, other than casual Staff, are entitled to 18 days personal/carers leave (135 hours) per year or the part-time equivalent, accruing daily.
- 48.4 Personal/carers leave credits for Staff covered by clause 48.3 will be calculated and credited at the end of the calendar month, using the following formula:

$$(A/B \times 135) (C/D) = E$$

Where:

A = Calendar days in the month

B = 365 calendar days (366 in leap year)

C = Monthly hours from Staff work schedule

D = Monthly hours from full time work schedule

E = Credit

135 = Basic annual credit of eighteen days expressed in hours

Part-time ongoing staff

- 48.5 Part-time Staff' credits will be calculated using the following formula:

$$A \times 3.6 = B$$

Where:

A = weekly hours on the date of accrual

B = credit

Deferral of Accrual

- 48.6 Where 'leave without pay not to count as service' has been granted in the accrual year, personal/carers leave accrual will be deferred as follows:
- (a) Where aggregated full day absences total 30 calendar days or less, the accrual is not affected.

- (b) Where aggregated full day absences total more than 30 calendar days, the accrual date will be deferred by one calendar month for each 30 calendar day period.

Unpaid carers leave – casual staff

- 48.7 Casual Staff are entitled to two days unpaid personal leave for caring purposes for each permissible occasion, subject to notifying the Staff member's Manager and providing satisfactory evidence.

Advice to Manager

- 48.8 A Staff member, where practicable, must personally advise the Staff member's Manager of the Staff member's absence or the Staff member's intention to be absent as soon as possible. Where the Staff member's Manager is not contactable, advising another Staff member in the Staff member's work team will suffice.

Use of personal/carers leave

- 48.9 Personal/carers leave will be granted to a Staff member by their Manager, subject to available credits for the following reasons:
- (a) where the Staff member is not fit for work because of a personal illness or injury affecting the Staff member;
 - (b) to provide care or support to a member of the Staff member's immediate family or the Staff member's household, who requires care or support because of a personal illness or personal injury, affecting the member;
 - (c) where a member of the Staff member's immediate family or the Staff member's household is affected by an unexpected emergency;
 - (d) for compelling personal reasons, including family responsibilities; or
 - (e) to attend preventative health consultations for the Staff member and/or those in the Staff member's care.

Family responsibilities

- 48.10 For the purposes of personal/carers leave, 'family responsibilities' shall mean responsibilities of the Staff member for any person who is clearly dependent on the Staff member for care, support and attention.

Public holidays during leave

- 48.11 Where a public holiday occurs in a period of personal leave, the public holiday will not be deducted from the Staff member's personal leave credits.

Satisfactory evidence

- 48.12 Satisfactory evidence means:
- (a) a certificate from a relevant health/medical practitioner confirming a Staff member, or a member of their family for whom they have caring responsibility, has a personal illness or injury which prevents the Staff member from performing their duties; or
 - (b) a statutory declaration confirming a Staff member, or a member of their family for whom they have caring responsibility, has a personal illness or injury which prevents the Staff member from performing their duties; or

- (c) for the purposes of clauses 48.9(c) and 48.9(d) a statutory declaration setting out the reason for the absence; or
 - (d) a medical treatment schedule or a medical certificate for an ongoing medical condition of the Staff member, or a member of their family for whom they have caring responsibility, which cover absences for the treatment, or absences caused by the condition within a period of three months; or
 - (e) other evidence which the CEO determines is satisfactory.
- 48.13 For the purposes of clause 48.9(e) only, satisfactory evidence may also include a receipt showing payment and the date of the preventative health consultation.
- 48.14 Satisfactory evidence from registered health practitioners will be accepted for the purpose of personal illness or injury, unless the ACSQHC has sought independent medical advice resulting in a different diagnosis and/or prognosis.
- 48.15 A Staff member will provide satisfactory evidence to support applications for personal/carers leave of more than three consecutive days.
- 48.16 If a Staff member takes 10 days personal/carers leave without satisfactory evidence in a period of twelve months, then the Staff member must provide satisfactory evidence for any further applications for personal/carers leave of any duration for the balance of the period of 12 months, unless otherwise determined by the CEO.
- 48.17 For the purpose of this clause, the period of 12 months is the 12 month period commencing on the anniversary date of the Staff member's commencement of employment with the ACSQHC.
- 48.18 Satisfactory evidence must be provided within 24 hours of the Staff member's return to work or another period that is reasonable in the circumstances.

Conversion to half pay

- 48.19 The CEO may approve the conversion of personal/carers leave to half pay for a Staff member for a specified absence of not less than two days.

Unpaid personal/carers leave

- 48.20 Where paid personal/carers leave credits are exhausted, a Staff member may apply for personal/carers leave without pay. Continuous unpaid personal/carers leave to a total of 26 weeks will count as service for all purposes. Any further continuous periods of unpaid personal/carers leave will not count as service, except for long service leave purposes.

Termination of employment – invalidity retirement

- 48.21 A Staff member's employment will not be terminated on invalidity grounds without the Staff member's consent before the Staff member's paid personal/carers leave credit has expired.

Reappointment after invalidity retirement

- 48.22 If a Staff member's APS employment is terminated on the grounds of invalidity, and the Staff member is subsequently re-engaged as a result of action taken under the relevant superannuation legislation, the Staff member is entitled to be credited with personal/carers leave equal to the balance of the Staff member's personal/carers leave at the time of termination.

Use of personal/carers leave during other forms of leave

- 48.23 A Staff member who is medically unfit or is required to undertake carer's responsibilities for more than one day while on annual leave or long service leave and who produce satisfactory medical evidence may apply for personal/carers leave. Annual leave and long service leave will be re-credited to the extent of the period of personal/carers leave granted.
- 48.24 A Staff member is unable to access personal/carers leave while on paid parental leave.

Payment on termination

- 48.25 Unused personal/carers leave will not be paid out on termination of employment.

49. Miscellaneous leave

- 49.1 The intention of miscellaneous leave is to provide flexibility to Managers and Staff by providing leave that may be made available, either with or without pay, for a variety of purposes.
- 49.2 Miscellaneous leave may be granted by the CEO, having regard to the operational needs of the ACSQHC, including for purposes that the CEO considers to be in the interests of the ACSQHC.
- 49.3 Leave may be granted:
- (a) for the period requested or for another period;
 - (b) with or without pay; and
 - (c) subject to conditions.

Leave with pay

- 49.4 Miscellaneous leave with pay may be granted by the CEO in, but not limited to, the following circumstances:
- (a) Studybank;
 - (b) participation in major international sporting events;
 - (c) moving house;
 - (d) attendance at Fair Work Australia proceedings arising from industrial disputation;
 - (e) jury duty;
 - (f) attendance at short courses which do not fall within the internal and external learning and development frameworks;
 - (g) attendance at industrial proceedings when summonsed as a witness;
 - (h) for short term volunteer purposes.
- 49.5 Reasonable leave for moving house, under clause 49.4 will be approved by the CEO.

Extraordinary circumstances

- 49.6 Where exceptional circumstances affect a Staff member, the CEO will consider granting paid leave. These circumstances may include but are not limited to, emergency situations such as bushfires, floods, cyclones and earthquake.

Leave for Aboriginal and Torres Strait Islander staff

49.7 The ACSQHC recognises the obligations that may be placed on Aboriginal and Torres Strait Islander Staff to participate in ceremonial activities and other cultural obligations. To allow Staff to meet obligations and participate in activities, the following leave provisions are provided:

- (a) two days leave with pay each year to participate in NAIDOC Week activities or other cultural or ceremonial events under the miscellaneous leave provisions; and
- (b) three months unpaid leave each year under the miscellaneous leave provisions to fulfil cultural obligations; this leave will not count as service for any purpose.

Leave without pay

49.8 The CEO may grant miscellaneous leave without pay in, but not limited to, the following circumstances:

- (a) personal and development training where academic studies are undertaken;
- (b) cultural or ceremonial or NAIDOC leave to Staff for a recognised cultural activity;
- (c) accompanying a partner on a posting;
- (d) non-APS employment which is in the interests of the ACSQHC;
- (e) long term volunteer purposes;
- (f) other purposes where other types of paid leave may have been exhausted.

Not to count as service

49.9 Miscellaneous leave without pay will not count for service for any purpose with the following exceptions:

- (a) leave for personal and development training in the interests of the ACSQHC;
- (b) leave for non-APS employment in the interests of the ACSQHC.

49.10 In order for such leave to count as service for personal leave and long service leave, the Staff member must resume duty with the ACSQHC at or before the expiration of the leave.

49.11 On return to duty, leave credits will be calculated based on the period that is recognised as service. In the case of personal/carers leave, an assumed usage of five days per year for the period of absence will be applied.

49.12 Further information on Miscellaneous leave is available in the ACSQHC Leave Guidelines.

50. Unauthorised absences

50.1 Periods of unauthorised absence do not count as service for any purpose. Where a Staff member is absent from duty without approval, all pay and other benefits provided under the Determination (eg. flextime) will cease to be available until the Staff member resumes duty or is granted leave. Where flextime no longer applies, the Staff member will revert to the Standard Day.

51. War service sick leave

- 51.1 Eligible Staff will generally be granted war service sick leave while unfit for duty because of a war-caused condition.
- 51.2 A war-caused condition means an injury or disease of a Staff member that has been determined under the Veterans' Entitlements Act 1986 to be war-caused or defence-caused.
- 51.3 Eligible Staff will accrue a credit of nine weeks on commencement in the APS and an annual credit of three weeks for each year of APS service. Unused credits will accumulate to a maximum of nine weeks.

52. Compassionate leave

- 52.1 Staff, other than casual Staff, will be granted two days paid compassionate leave on each occasion that a member of the Staff member's family, or the Staff member's household:
 - (a) contracts or develops a personal illness that poses a serious threat to life; or
 - (b) sustains a personal injury that poses a serious threat to life; or
 - (c) dies.
- 52.2 The Staff member may take the period of leave as a single period of two days or any separate period on which the Staff member's Manager and Staff member agree.
- 52.3 The Staff member's Manager may require the Staff member to provide evidence of the illness, injury or death in support of the request for leave.
- 52.4 A casual Staff member is entitled to unpaid compassionate leave of two days per occurrence and is not eligible for paid bereavement leave under clause 52.5.

Bereavement leave

- 52.5 The Staff member's Manager will grant three days leave with pay to a Staff member, other than a casual Staff member, on the occasion of the death of a member of the Staff member's family or household, close friend, partner or a person who was clearly dependent on the Staff member for care, support and attention. Any further periods of leave for this purpose may be granted as miscellaneous leave with pay on a case by case basis.

53. Purchased leave

- 53.1 To assist Staff members in balancing work and life responsibilities, the ACSQHC provides a scheme where additional leave may be purchased. Purchasing additional leave is not intended to be used to establish a different work pattern, such as a regular reduction in weekly hours.
- 53.2 Where a Manager agrees that a Staff member may participate in the purchased leave scheme, the Staff member may purchase from one to six weeks purchased leave per year. Leave, once purchased, shall generally be taken in multiple days.

To count for service

- 53.3 Purchased leave will count for service for all purposes. The Staff member's salary for superannuation purposes continues to be their salary as if they had not purchased leave.
- 53.4 Further information about purchased leave is available in the ACSQHC Leave Guideline.

54. Extended purchased leave

- 54.1 When a Staff member has accrued a period of three years of continuous employment with the ACSQHC, they may apply for access to extended purchased leave.
- 54.2 A period of up to six months absence on extended purchased leave will be available following a further two years of continuous employment with the ACSQHC (during which time the Staff member will accrue the leave).

Not to count for service

- 54.3 Extended purchased leave will not count as service for any purpose.
- 54.4 Further information regarding extended purchased leave is available in the ACSQHC Leave Guideline.

55. Leave for ADF Reserve and Continuous Full Time Service

(The entitlement to leave for Reserve Service is prescribed under the Defence Reserve Service (Protection) Act 2001)

- 55.1 A Staff member may be granted leave (with or without pay) to enable the Staff member to fulfil Australian Defence Force (ADF) Reserve and Continuous Full Time Service (CFTS) or Cadet Force obligations.
- 55.2 A Staff member is entitled to ADF Reserve leave with pay, for up to four weeks during each financial year, for the purpose of fulfilling service in the ADF Reserve. These purposes include training and operational duty as required:
- (a) During the Staff member's first year of ADF Reserve service, a further two weeks paid leave may be granted to facilitate participation in additional ADF Reserve training, including induction requirements.
 - (b) With the exception of the additional two weeks in the first year of service, leave can be accumulated and taken over a period of two years, to enable the Staff member to undertake training as a member of the ADF Reserves.
 - (c) Staff are not required to pay their tax-free ADF Reserve salary to the ACSQHC in any circumstances.
- 55.3 A Staff member who is an officer or instructor of cadets in a Cadet Force may be granted paid leave of up to three weeks each financial year to perform duties as an officer or instructor of Cadets. For these purposes 'Cadet Force' means the Australian Navy Cadets, Australian Army Cadets, or the Australian Air Force Cadets.
- 55.4 Defence Reserve leave counts as service for all purposes, except for unpaid leave to undertake CFTS. Unpaid leave for the purpose of CFTS counts for all purposes except annual leave.

- 55.5 Eligible Staff may also apply for annual leave, long service leave, leave without pay, top-up pay or they may use flextime for the purpose of fulfilling ADF Reserve or CFTS obligations.
- 55.6 Staff are to notify their Manager at the earliest opportunity once the dates for ADF Reserve or CFTS activities are known and/or changed.

56. Community service leave

- 56.1 An eligible community service activity includes:
- (a) Jury service (including attendance for the purpose of jury selection) that is required by or under a law of the Commonwealth or a State or Territory; or
 - (b) Carrying out a volunteer emergency management activity (within the meaning of section 109 (2) of the FW Act).
- 56.2 A Staff member who engages in an eligible community service activity is entitled to paid leave if:
- (a) the period consists of one or more of the following:
 - i. time when the Staff member engages in the activity;
 - ii. reasonable travelling time associated with the activity;
 - iii. reasonable rest time immediately following the activity.
 - (b) where the activity is emergency management, the absence is due to:
 - i. regular training;
 - ii. all emergency service responses;
 - iii. reasonable rest time immediately following the activity; and
 - iv. attendance at ceremonial duties
 - (c) unless the activity is jury service – the Staff member's absence is reasonable in all the circumstances.

57. Long service leave

- 57.1 Long service leave (LSL) will accrue and be available to eligible Staff in accordance with the Long Service Leave (Commonwealth Employees) Act 1976. Absences must be taken for a minimum of seven consecutive calendar days (at full or half pay) with the granting of such leave subject to operational requirements.
- 57.2 LSL cannot be broken with any other leave, including absences on flex leave, Christmas close down or public holidays except as provided for by the Maternity Leave (Commonwealth Employees) Act 1973 and the personal/carers leave provisions of the Determination.

58. Parental leave

Maternity leave

- 58.1 Maternity leave is available to a Staff member for her absence from the workplace on the birth of her child/children.
- 58.2 Staff covered by the Determination will be entitled to maternity leave under the terms of the Maternity Leave (Commonwealth Employees) Act 1973, including access to paid leave for the first 12 weeks of maternity leave for eligible Staff. Provisions of the Paid Parental Leave Act 2010 and the Fair Work Act 2009 may also apply.

Mandatory period of maternity leave at half pay

- 58.3 At the Staff member's request, the CEO will approve spreading the payment for the period of absence over a maximum period of 24 continuous weeks at a rate no less than half normal pay. The additional period of paid leave beyond the mandatory absence of 12 weeks specified in the Maternity Leave (Commonwealth Employees) Act 1973 will not count as service for any purpose.

Additional leave

- 58.4 An eligible Staff member will also receive an additional two weeks paid leave to be taken immediately following the mandatory period of maternity leave provided for under the Maternity Leave (Commonwealth Employees) Act 1973. The CEO will approve spreading the additional period over four weeks at a rate no less than half normal pay, however, leave that extends beyond two weeks does not count for service for any purpose.

Additional unpaid parental leave

- 58.5 A Staff member who has completed at least 12 months of continuous service with the APS immediately before making an application for twelve months unpaid parental leave (the first period) to care for a new born or newly adopted or foster child may request, at the completion of the first period, an additional period of unpaid parental leave of up to 12 months in accordance with the Fair Work Act 2009.
- 58.6 Taking unpaid parental leave does not prevent an eligible Staff member from accessing other types of paid leave (other than paid personal/carers leave, compassionate/bereavement leave and community service leave) in accordance with the Maternity Leave (Commonwealth Employees) Act 1973. If the Staff member does so, the taking of the other paid leave does not break the continuity of the period of unpaid parental leave.
- 58.7 Unpaid parental leave does not count as service for any purpose. Further information on parental leave is available in the ACSQHC Leave Guideline.

Special maternity leave

- 58.8 Where a Staff member who has at least 12 months continuous service with the APS experiences a pregnancy related illness, or if her pregnancy ends within 28 weeks of the expected birth, she will be granted paid personal leave for any period of leave supported by a medical certificate. If personal leave credits are exhausted, the remainder of leave will be unpaid in accordance with section 80 of the Fair Work Act 2009. Unpaid special maternity leave will count as service for all purposes
- 58.9 Special maternity leave will operate in conjunction with entitlements under the Maternity Leave (Commonwealth Employees) Act 1973.

Parental (partner) leave

- 58.10 Within 12 months of the birth, fostering or adoption of a child, a Staff member who is the child's non-primary care giver and stands in a domestic or household relationship with the child is entitled to be granted four weeks paid parental leave, and unpaid miscellaneous leave up to a total absence of 52 weeks.
- 58.11 The CEO may approve leave for a non-primary care giver not residing with the child.

- 58.12 The CEO may approve spreading the period of paid leave over a maximum period of eight continuous weeks at a rate no less than half normal pay; leave that extends beyond four weeks does not count as service for any purpose.

Return to work after parental leave

- 58.13 On ending parental, maternity, adoption or foster leave, a Staff member is entitled to recommence the Staff member's previous duties in accordance with the relevant provisions of the Fair Work Act 2009.

Adoption or foster leave

- 58.14 Within 12 months of the adoption or fostering of a child by a Staff member with a period of qualifying service as per the Maternity Leave (Commonwealth Employees) Act 1973, who will be the primary care giver, will receive 14 weeks at full pay for the purpose of adopting or a long-term and full-time foster care of a child up to the age of 16, and unpaid leave up to a total period of 52 weeks. The paid leave may commence up to two weeks prior to assuming responsibility for the child.
- 58.15 The adopted or foster child must not be a child or step-child of the Staff member or the Staff member's partner unless that child had not been in the custody and care of the Staff member or the Staff member's partner for a significant period.
- 58.16 The CEO will approve spreading the period of paid leave over a maximum period of 28 continuous weeks at a rate no less than half normal pay.
- 58.17 Where a Staff member elects to take paid adoption or fostering leave at half pay, a maximum of 14 weeks counts as service for all purposes.
- 58.18 The provisions of clauses 58.10 to 58.17 also apply to a child who is subject to a permanent care order made by an Australian court or under Australian legislation.
- 58.19 For the purposes of this clause, 'continuous service' has the same meaning as eligible service recognised under the Maternity Leave (Commonwealth Employees) Act 1973.

Pre-adoption leave

- 58.20 Staff in the process of adopting or fostering of a child may take up to two days paid leave to attend any interviews or examinations required to obtain adoption or foster care approval.

PART G – HEALTHY WORKPLACE

59. Workplace injury prevention and management

Commitment to a safe and healthy work environment

- 59.1 The ACSQHC is committed to providing a safe and healthy work environment for all Staff, including providing return to work opportunities for ill and injured Staff, consistent with all legislative obligations. Further information is available in the ACSQHC's Occupational Health and Aafety (OH&S) policy and agreement.

Health and life strategy

- 59.2 The ACSQHC encourages a culture that focuses on the health and wellbeing of Staff, and an appropriate balance between work and personal life.

Family care rooms

- 59.3 The CEO will provide access to family care facilities to provide a resource for Staff to carry out aspects of their normal duties while caring for dependants, as an alternative to taking leave.

Facilities for breastfeeding

- 59.4 The CEO will provide appropriate facilities for mothers to undertake breastfeeding, lactation and associated activities in the workplace.
- 59.5 Until the ACSQHC Breastfeeding/Lactation Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

Environmental sustainability strategy

- 59.6 The CEO will continue to improve the environmental performance of office operations through strategies addressing issues such as improving energy, waste management, and sustainability of major refurbishments.
- 59.7 Until the ACSQHC Environment Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

Employee Assistance Program

- 59.8 The CEO will provide Staff and their families with access to confidential, professional counselling to assist with work or personal issues through provision of an external Employee Assistance Program (EAP).

Family care assistance

- 59.9 Where a Staff member is required by the ACSQHC to be away from home outside the Staff member's Standard Day, and the Staff member incurs reasonable additional costs for family care arrangements the Staff member will be reimbursed those reasonable additional costs.

School holiday family care subsidy

- 59.10 Where a Staff member with school children has leave refused, has approved leave cancelled or is required to return from leave early because of ACSQHC business requirements during school holidays, the CEO will reimburse up to \$22 per child per day of the amount paid by the Staff member for each school child attending approved or registered care.
- 59.11 In the circumstances described above, where the Staff member can demonstrate that they would otherwise have taken personal responsibility for caring for other family members during school holidays, the CEO may reimburse some or all of the amount paid by the Staff member for that family care.
- 59.12 The reimbursement will:
- (a) apply only on the days when the Staff member is at work, except in exceptional circumstances determined by the Manager; and
 - (b) be net of any government subsidy available to the Staff member.
- 59.13 Until the ACSQHC Family Care Assistance Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

Influenza vaccinations

- 59.14 The CEO will, on an annual basis, make appropriate arrangements for the provision of influenza vaccinations to all Staff at no cost.

Hepatitis B vaccinations

- 59.15 The CEO will make appropriate arrangements for the provision of Hepatitis B vaccinations for Staff who, through the course of their work, are in regular contact with members of the community classified as at increased risk with regard to Hepatitis B.
- 59.16 Further information is available in the National Health and Medical Research Council Immunisation Handbook.

After hours use of taxis

- 59.17 The relevant Manager may approve the use of taxis by a Staff member for after hours work as part of their overall OH&S responsibility.
- 59.18 Further information is available in the ACSQHC's Official Travel Policy.

Eyesight testing

- 59.19 The CEO will provide for eyesight testing and reimbursement for prescribed eyesight correction (where not otherwise reimbursed under Medicare or private health insurance arrangements) to all Staff who, as an integral part of their duties, are required to:
- (a) operate screen based equipment; and/or
 - (b) undertake specialised work tasks which require particular visual acuity not normally required for general tasks (eg. microscopy).
- 59.20 For other tasks which require particular visual acuity (other than screen-based work) the range of test, testing procedures and reimbursement levels will be set by the management for that function (eg. the Therapeutic Goods Administration for microscopy work).

- 59.21 Staff are entitled to retesting at two-yearly intervals unless symptoms occur which indicate that further testing is necessary. Staff applying for testing more frequently than two-yearly intervals should support their applications with medical evidence.
- 59.22 The CEO will pay the full cost of the initial testing. If a Staff member is referred by the person conducting the initial test to an ophthalmologist for a condition related to the purpose for which they are being tested, this referral will also be paid by the ACSQHC.

Reimbursement of eyewear costs

- 59.23 Where spectacles are prescribed specifically for use with screen-based equipment, the ACSQHC will reimburse up to:
- (a) \$100 for single vision spectacles; and
 - (b) \$165 for bi-focal, multi-focal or tri-focal spectacles.
- 59.24 Visual correction that is recommended for general use, such as reading and driving, will not be reimbursed.
- 59.25 Until the ACSQHC Eyesight Testing Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

PART H – WORKFORCE PLANNING AND MANAGEMENT

60. Reassignment of duties

- 60.1 Having regard to individual circumstances, the CEO may reassign a Staff member to other duties, including duties at a higher or lower classification, providing such duties are:
- (a) within the limits of the Staff member's training, skill and capability;
 - (b) consistent with the Classification Rules 2000; and
 - (c) not designed to promote de-skilling.

Salary on reduction

- 60.2 Where a Staff member is temporarily reassigned duties at a lower work classification level, the CEO may determine in writing, with agreement in writing from the Staff member, that the Staff member shall be paid a rate of salary applicable to the lower classification level. Such determination will specify the period for which the lower salary will apply.
- 60.3 This clause does not apply to decisions made by the CEO in relation to breaches of the Code of Conduct or underperformance.

61. Temporary vacancy considerations

- 61.1 The Manager will consider whether:
- (a) it is essential that the duties of the position be performed for the period of the vacancy;
 - (b) it is reasonable for other Staff to share the duties of the position for the period of the vacancy, provided the duties are within the training, skill and competence of Staff;
 - (c) there are delegations or statutory powers held by the position that cannot reasonably be exercised by another Staff member who holds those powers; and
 - (d) the position is involved in public contact and has to be Staffed to comply with client service standards.

Higher duties allowance recommendation

- 61.2 To be recommended for payment of HDA, a Staff member must have been rated at the second from the top of the four point PDS rating scale (or better) in the Staff member's substantive position or above, under the most recent PDS assessment (ie. the mid or end of cycle review), or where the Manager otherwise certifies that the Staff member should fill the position, including for developmental purposes.

Period of HDA attracting payment

- 61.3 Where a Staff member is performing higher duties for a continuous period of more than five working days, HDA is payable from the first day of the period of acting.
- 61.4 For the purpose of clause 61.4, 'continuous' means periods of higher duties unbroken by working days at or above a particular classification level.

- 61.5 Unless all members of the relevant team agree, Managers will not divide periods of HDA into periods of less than six working days.

Level of payment

- 61.6 Where a Staff member is to be paid HDA, the Staff member will be paid at the pay point nominated by their Manager, in consultation with the relevant Staff member, and recognising that there is an opportunity for the Staff member to be paid above the minimum pay point within the salary range of the higher position.
- 61.7 The pay point attained through salary advancement in previous periods of HDA at that classification level will be at least maintained.

Payment for partial performance

- 61.8 Where the full duties of the position are not being undertaken the Staff member and the CEO may agree to payment at a point in a classification below that of the higher duties position.

Short term HDA and the PDS

- 61.9 Where a Staff member has been temporarily assigned duties of a higher classification, including for short periods, the performance of those duties will be taken into account in a Staff member's annual PDS review.

HDA and Senior Executive Service (SES) positions

- 61.10 Further information on remuneration for temporary assignment of duties at a SES level will be consistent with DoHA SES terms and conditions.

Staff on HDA for 12 months or more

- 61.11 Where a Staff member has performed higher duties in an ongoing vacant position for a continuous period of 12 months or more, the relevant Branch Head will endeavour to nominally fill the position as soon as practicable.

Public holidays or leave

- 61.12 A Staff member on HDA who is granted paid leave or who observes a public holiday will continue to receive HDA, payable having regard to the provisions of this section, during the Staff member's absence. HDA will not be paid beyond the date on which the Staff member would have ceased the period of acting had he or she not been absent. Where the period of leave is paid at less than full pay, payment of HDA will be made on a pro-rata basis.
- 61.13 Until the ACSQHC Temporary Reassignment of Duties (higher duties and temporary transfer) Guideline is finalised, the DoHA guideline will provide the ACSQHC with direction.

62. Termination of employment

Grounds for termination of ongoing Staff

- 62.1 Where the CEO considers whether to terminate an ongoing Staff member's employment in the ACSQHC, the provisions of section 29 of the PS Act shall be applicable.

Procedures in the Determination

- 62.2 Where procedures outlined in the Determination may lead to termination of employment on any of the allowable grounds under section 29 of the PS Act, those procedures must be followed before an ongoing Staff member's employment may be terminated.

Right of review

- 62.3 The sole and exhaustive rights and remedies of a Staff member in relation to termination of employment are those that the Staff member has under:
- (a) Parts 3-1 and 3-2 of the Fair Work Act 2009;
 - (b) other Commonwealth laws; and
 - (c) common law.
- 62.4 Termination of, or a decision to terminate, employment cannot be reviewed under the review of actions framework or dispute resolution procedure outlined in the Determination.
- 62.5 Nothing in the Determination prevents the CEO from terminating the employment of a Staff member for serious misconduct, without further notice or payment in lieu, in accordance with the Fair Work Act 2009 subject to compliance with the procedures established by the CEO for determining whether a Staff member has breached the Code of Conduct under section 13 of the PS Act.

Separation from the Australian Public Service

- 62.6 Where a Staff member resigns on a public holiday, they will be deemed to have resigned on the last working day prior to the public holiday.

Death of a staff member

- 62.7 Where a Staff member dies whilst in employment, or the CEO has directed that a Staff member is presumed to have died on a particular date whilst in employment, the CEO will, subject to legal requirements, authorise the payment of the amount to which the former Staff member would have been entitled had he or she ceased employment by resignation or retirement. Long service leave credits will be paid out in accordance with the Long Service Leave Act (Commonwealth Employees) 1976.

PART I – REDPLOYMENT, REDUCTION AND RETRENCHMENT

63. Excess staff

Definition

63.1 A Staff member is 'excess' when:

- (a) they are included in a group of Staff in the ACSQHC, comprising a greater number than is necessary for the efficient and economical working of the ACSQHC;
- (b) due to technological or other changes in the work methods of the ACSQHC, or structural or other changes in the nature, extent or organisation of the functions of the ACSQHC, the services of the Staff member cannot be effectively used; or
- (c) the duties usually performed by the Staff member are to be performed at a different locality and the Staff member is not willing to perform those duties at the new locality, and the CEO has determined that the provisions of this clause may apply to that Staff member.

Eligible staff

63.2 The provisions of this Part do not apply to non-ongoing Staff, Staff who are on probation or Staff who are still within the minimum employment period as defined in the Fair Work Act 2009.

CEO's powers

63.3 The powers of the CEO with regard to excess Staff allow the CEO to:

- (a) reassign duties to a Staff member within the ACSQHC and determine the place at which the duties are performed
- (b) consider options for redeployment of the Staff member to another APS agency
- (c) reduce the classification level of a Staff member on the grounds that the Staff member is excess to the requirements of the ACSQHC at the higher classification level
- (d) terminate the employment of an ongoing Staff member on the grounds that the Staff member is excess to the requirements of the ACSQHC.

APS Redeployment Guidelines

63.4 The CEO will consider the APS Redeployment Guidelines in making any decision in respect to a potentially excess Staff member. The APS Redeployment Policy includes the option of job exchanges.

Timely advice

63.5 When the CEO is aware that a Staff member is likely to become excess, the CEO will advise the Staff member at the earliest practicable time.

- 63.6 The CEO will hold discussions with the potentially excess Staff member to consider:
- (a) redeployment opportunities for the Staff member concerned; and
 - (b) whether voluntary retrenchment might be appropriate.

Referral to staff member – initial consultation

- 63.7 Where a Staff member is identified as potentially excess, the CEO will hold an initial consultation with the Staff member and/or the Staff member's representative.
- 63.8 During this initial consultation period of one month, unless the Staff member agrees to a lesser period, the CEO will not:
- (a) invite the Staff member to accept an offer of voluntary retrenchment; or
 - (b) advise that Staff member in writing that they are excess.
- 63.9 The CEO may, prior to the conclusion of these discussions, invite Staff who are not potentially excess to express an interest in voluntary retrenchment, where those retrenchments would permit the redeployment of Staff who are potentially excess. The CEO will not advise a Staff member they are excess until the discussions referred to in clause 63.6 have occurred.

64. Voluntary retrenchment

- 64.1 Where the CEO invites an excess Staff member to elect to accept voluntary retrenchment, the Staff member will have one month to accept or reject the invitation. The CEO will not give notice of termination under section 29 of the PS Act on the grounds that the Staff member is excess to requirements, before the end of that period or until such election is received (where the election is received before the end of that period).

Information to staff member

- 64.2 At the time of inviting the Staff member to make an election, the CEO will provide the Staff member the following information:
- (a) the amounts of severance pay, payment in lieu of notice, and likely payment in lieu of leave credits;
 - (b) the amount of accumulated superannuation contributions;
 - (c) the options open to the Staff member concerning superannuation; and
 - (d) the taxation rules applying to the various payments.

Financial assistance

- 64.3 Staff considering voluntary retrenchment also have access to financial assistance up to a total maximum of \$450 (inclusive of GST) for financial counselling, and a further \$450 (inclusive of GST) for career counselling where such career counselling is not otherwise provided through the ACSQHC's external Employee Assistance Program.

Period of notice

- 64.4 Where a Staff member accepts an offer of voluntary retrenchment and the CEO approves the Staff member's termination under section 29 of the PS Act, the CEO will give the Staff member a period of notice of four weeks, or five weeks for a Staff member over 45 years of age with at least five years of continuous service.

Payment in lieu of notice

- 64.5 Where a Staff member retires or is retrenched at the beginning of, or within the notice period, he or she will receive payment in lieu of notice for the unexpired portion of the notice period.

65. Severance benefit

- 65.1 Where a Staff member accepts an offer of voluntary retrenchment and the CEO terminates the Staff member's employment under section 29 of the PS Act, the Staff member is entitled to be paid a severance benefit of a sum equal to two weeks salary for each completed year of service, plus a pro-rata payment for completed months of service since the last completed year of service, subject to any minimum amount the Staff member is entitled to under the Fair Work Act 2009 National Employment Standards (NES).
- 65.2 The minimum sum payable will be four weeks salary and the maximum will be 48 weeks salary.
- 65.3 The redundancy benefit will be calculated on a pro-rata basis for any period where a Staff member has worked part-time hours during the Staff member's period of service and the Staff member has less than 24 years full-time service, subject to any minimum amount the Staff member is entitled to under the NES.

Earlier periods of service

- 65.4 For earlier periods of service to count there must be no breaks between the periods of service, except where:
- (a) 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 Staff member before ceasing employment with the preceding employer; or
 - (b) the earlier period of service was with the APS and ceased because the Staff member was deemed to have resigned from the APS on marriage under the then section 49 (as repealed in 1966) of the repealed Public Service Act 1922.

Service for severance benefits purposes

- 65.5 Having regard to clause 65.4, and subject to clauses 65.1 to 65.3 and clause 65.8, service for severance benefit purposes means:
- (a) service in the ACSQHC;
 - (b) government service as defined in section 10 of the Long Service Leave (Commonwealth Employees) Act 1976;

- (c) 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;
- (d) service with the Australian Defence Forces;
- (e) APS service immediately preceding deemed resignation under the then section 49 (as repealed in 1966) of the repealed Public Service Act 1922, if the service has not previously been recognised for redundancy pay purposes; and
- (f) Service in another organisation where a Staff member was transferred from the APS to that organisation with a transfer of function; or a Staff member engaged by that organisation on work within a function is appointed 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

65.6 Having regard to clause 65.5, any period of service which ceased:

- (a) through termination on the following grounds, or on a ground equivalent to any of the following grounds:
 - i. the Staff member lacks, or has lost, an essential qualification for performing the Staff member's duties; or
 - ii. non-performance, or unsatisfactory performance, of duties; or
 - iii. inability to perform duties because of physical or mental incapacity; or
 - iv. failure to satisfactorily complete an entry level training course; or
 - v. failure to meet a condition imposed under subsection 22(6) of the PS Act; or
 - vi. a breach of the Code of Conduct; or
- (b) on a ground equivalent to a ground listed in subparagraph (a) above under the repealed Public Service Act 1922; or
- (c) through voluntary retrenchment at or above the minimum retiring age applicable to the Staff member; or
- (d) with the payment of a redundancy benefit or similar payment or an employer-financed retirement benefit

will not count as service for severance benefit purposes.

65.7 Absences from work which do not count as service for any purpose will not count as service for severance benefit purposes.

Part-time service

65.8 The severance benefit will be calculated on a pro-rata basis for any period where a Staff member has worked part-time hours during the Staff member's period of service and the Staff member has less than 24 years full time service.

Severance benefit – rate of payment

- 65.9 For the purpose of calculating any payment under this clause, salary will include:
- (a) the Staff member's salary; or
 - (b) the salary of the higher position, where the Staff member has performed duties at the higher level for a continuous period of at least 12 months immediately preceding the date on which the Staff member is given notice of retrenchment; and
 - (c) other allowances in the nature of salary which are paid during periods of annual leave and on a regular basis, excluding allowances which are a reimbursement for expenses incurred, or a payment for disabilities associated with the performance of duty.

66. Involuntary retrenchment

Retention periods

- 66.1 Where an excess Staff member has not accepted an offer of voluntary retrenchment, unless he/she agrees otherwise, the excess Staff member will not be involuntarily terminated by the CEO under section 29 of the PS Act until the following retention periods have elapsed:
- (a) 56 weeks where a Staff member has 20 or more years of service or is over 45 years of age; or
 - (b) 30 weeks for other Staff.
- 66.2 If a Staff member is entitled to a redundancy payment under the NES, the retention period at clauses 61.1(a) and 61.1(b) above, is taken to include an employee's entitlement under the NES.

Retention period commencement

- 66.3 The retention period will commence on the earlier of the following:
- (a) the day the Staff member is advised in writing by the CEO that the Staff member is an excess Staff member; or
 - (b) one month after the day on which the CEO invites the Staff member to elect to be voluntarily retrenched.

Redeployment attempts

- 66.4 During a retention period the CEO will continue to provide appropriate training and take all reasonable steps to find alternative employment for the excess Staff member, including consideration of options such as redeployment and reduction of classification.

Extension of retention period due to illness

- 66.5 The retention period as provided for in the Determination will be extended by periods of leave for personal illness or injury, where supported by satisfactory medical evidence.

Travel expenses incurred

- 66.6 The excess Staff member may request assistance in meeting reasonable travel and incidental expenses incurred in seeking alternative employment where these expenses are not met by a prospective employer.

Retirement during retention period

- 66.7 Where the CEO believes there is insufficient productive work available for an excess Staff member during the retention period, the CEO may, with the agreement of the Staff member, terminate the Staff member's employment under section 29 of the PS Act, and pay a lump sum comprising:
- (a) the balance of the retention period (as shortened for the NES) under clauses 66.1 and 66.2 and this payment will be taken to include the payment in lieu of notice of termination of employment, plus;
 - (b) the Staff member's NES entitlement to redundancy pay.

Must receive offer of voluntary retrenchment

- 66.8 An excess Staff member will not be retrenched involuntarily where the Staff member:
- (a) has not been invited to elect to be voluntarily retrenched; or
 - (b) has elected to be voluntarily retrenched but the CEO has refused to approve it.

Notice period

- 66.9 An excess Staff member will be given four weeks notice (or five weeks notice for a Staff member over 45 years of age with at least five years of continuous service) where it is proposed that the Staff member will be involuntarily terminated under section 29 of the PS Act.

Reduction in classification

- 66.10 During a retention period, the CEO:
- (a) will continue to take reasonable steps to find alternative employment for the excess Staff member; and/or
 - (b) may, with four weeks notice, reduce the excess Staff member's classification as a means of securing alternative employment for the excess Staff member.

Income maintenance as a result of reduction in classification

- 66.11 Where an excess Staff member is reduced in classification before the end of the appropriate retention period, the Staff member will continue to be paid at the Staff member's previous level for the balance of the retention period with the exception of reductions in line with section 15 of the PS Act.

PART J – PEOPLE MANAGEMENT

67. General

- 67.1 All Staff are required to maintain knowledge of the employment framework provided in the Determination. Further information on general performance expectations and effective people management is available in various ACSQHC employment Guidelines, the APS Commission's Integrated Leadership System (ILS) and the ACSQHC Work Level Standards.

Fitness for duty

- 67.2 The process for managing health related employment issues is set out in the ACSQHC's Fitness for Continued Duty Guideline.

Loss of essential qualifications

- 67.3 Where a Staff member loses an essential qualification, the Staff member's ongoing employment will be discussed between the Staff member and the CEO.

Work Level Standards

- 67.4 All Managers should take into account the objectives and principles of the ACSQHC's Work Level Standards, in:
- (a) creating new, or reviewing existing positions;
 - (b) determining required performance standards and development needs of Staff;
 - (c) allocating tasks.

68. Performance management

- 68.1 The PDS is the ACSQHC's key performance management and development system for Staff. The ACSQHC's performance management expectations for a Staff member are set out in the ACSQHC's PDS, the ILS and the ACSQHC's Work Level Standards.
- 68.2 Specific performance requirements will be outlined in a Staff member's PDS agreement. The PDS provides the basis for individual salary advancement, based on a four-point scale, through salary ranges for the Staff member's current classification.
- 68.3 The principles of the PDS include joint responsibility, agreement, fairness, equity, consistency and 'no surprises'.

Joint responsibility

- 68.4 The Staff member and the Staff member's Manager are jointly responsible for developing a PDS agreement. Feedback regarding a Staff member's performance is part of ongoing activities, including the opportunity for informal upwards feedback. Managers will apply a 'no surprises' principle to keep a Staff member regularly informed of the Staff member's performance throughout the PDS cycle.

Four week improvement period

- 68.5 A Staff member will be provided a minimum of four weeks, prior to the end of cycle assessment, to improve the Staff member's performance where it is below the performance standards.

Formal assessment points

- 68.6 Two formal PDS assessment will occur with:
- (a) one at the mid cycle in February, and
 - (b) one at the end of the cycle in July.
- 68.7 Further information on the PDS is available in the ACSQHC's PDS Guidelines.

69. Managing underperformance

Performance standards

- 69.1 The performance standard assessed through the PDS is the second from the top rating on the four-point PDS rating scale.
- 69.2 The ACSQHC is committed to clearly defining work performance standards with a Staff member. Staff will receive regular and specific feedback on the Staff member's performance and will be provided with appropriate support from the Staff member's Manager in meeting expected performance standards.

Principles

- 69.3 In addressing underperformance the PDS framework is designed to:
- (a) be timely and effective;
 - (b) restore performance of the Staff member to the required standard;
 - (c) have regard to the individual circumstances of the Staff member, including any health issues;
 - (d) have regard to natural justice and procedural fairness;
 - (e) include learning and development as the focus for improving performance
 - (f) have active performance management as an integral part of the workplace culture;
 - (g) require performance measures and standards to be clearly defined.

Application of the framework

- 69.4 The framework does not apply to:
- (a) a Staff member during a period of probation;
 - (b) a non-ongoing Staff member; or
 - (c) a Staff member being case managed due to a suspected breach of the code of conduct, identified medical condition/injury or loss of essential qualifications.
- 69.5 Further information on the framework for managing cases of underperformance is available in the ACSQHC's Managing Underperformance Guideline.

70. Skills and knowledge development

Learning and development

- 70.1 The CEO recognises the importance of a comprehensive learning and development framework for all Staff and Managers that:
- (a) develops and supports professional and technical expertise;
 - (b) articulates organisational priorities and the range of learning and development mechanisms consistently available to support the development of Staff to meet the priority capabilities, skills and knowledge identified in their PDS individual development plans and for the Staff member's level and work area;
 - (c) recognises the role of relevant external studies, and provides support for approved tertiary studies through the ACSQHC's Studybank scheme; and
 - (d) develops the skills and capabilities of Managers to deliver business outcomes.
- 70.2 Staff and Managers should use this framework in their PDS discussions to set goals and agree on Individual Development Plans.

71. Continuing professional development

Professional appointments with mandatory qualifications

- 71.1 The ACSQHC recognises that a number of professional employment streams including, but not limited to medical, require continuing professional development to maintain their qualifications, practicing certificates and relevant skills. The ACSQHC will:
- (a) provide access to training; or
 - (b) on application meet the reasonable costs of continuing professional development;
- for a Staff member in a professional stream for which the ACSQHC requires the Staff member to hold mandatory qualifications.
- 71.2 Where a Staff member has received a Professional Development Allowance (PDA), that PDA must be used entirely before an application under clause 71.1(b) is made.

72. Workplace diversity

- 72.1 The ACSQHC is an inclusive organisation that values fairness, equity and diversity consistent with the APS Values and Code of Conduct.
- 72.2 The ACSQHC respects and values the diversity of its workforce, provides support and education to prevent and eliminate harassment and bullying, and discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction, and social origin, in accordance with our obligations under section 351 of the Fair Work Act 2009.
- 72.3 The Determination and the ACSQHC's workplace diversity and anti-harassment initiatives support and comply with the ACSQHC's obligations under Commonwealth anti-discrimination legislation and principles of reasonable adjustment.

- 72.4 The ACSQHC will make reasonable endeavours over the life of the Determination to make adaptive technologies and flexible working arrangements available to Staff identifying with a disability.

Aboriginal and Torres Strait Islander staff

- 72.5 The ACSQHC will continue to develop and implement strategies to provide a sensitive and supportive working environment for Aboriginal and Torres Strait Islander Staff that includes culturally responsive professional training, support and career development opportunities. The ACSQHC is committed to ensuring that our workplace is culturally safe and supportive for all.
- 72.6 The ACSQHC is committed to recruiting, retaining and developing Aboriginal and Torres Strait Islander people and to increasing the cultural awareness of non-Aboriginal and Torres Strait Islander Staff.
- 72.7 Consistent with the Government's commitment through COAG to increase Aboriginal and Torres Strait Islander employment to 2.7% by 2015, the ACSQHC will make all reasonable endeavours during the life of the Determination with this goal in mind.

Supporting mature age staff

- 72.8 The CEO values the extensive skills, expertise and corporate knowledge held by mature age Staff.

Financial assistance

- 72.9 To assist with retirement planning, Staff aged 54 years and over who are approaching or genuinely considering retirement, may access financial assistance in the form of a one off reimbursement payment up to a total maximum of \$500 (inclusive of GST) to obtain financial advice from a registered financial advisor.
- 72.10 Until the ACSQHC Mature Age Staff Policy is finalised, the DoHA guideline will provide the ACSQHC with direction.

PART K – CONSULTATION AND DISPUTE RESOLUTION

73. Staff/workplace participation

Staff member representation

- 73.1 Staff have the right to be represented by their Union in the workplace.
- 73.2 The parties acknowledge that a relationship at work includes ongoing interaction and discussions between the Staff member and their Manager. Where either the Staff member or their Manager feel there are significant issues of concern about the Staff member's employment the Staff member can elect to have:
- (a) a support person to provide personal support to the Staff member and will not act as the Staff member's advocate; and/or
 - (b) a representative who may advocate on behalf of the Staff member.

Staff Participation

- 73.3 The CEO will support Staff participation and the participation of their representatives in consultation processes with ACSQHC. The scope of the consultation and the terms of reference of any committee established will be agreed in consultation with Staff and their representatives.
- 73.4 The CEO will consult with affected Staff and any consultation body established at the earliest possible time on issues relating to the implementation and operation of issues affecting the employment conditions of Staff, including major change.
- 73.5 The CEO will provide relevant information to the Staff or their representatives in a timely manner.

Broader consultation

- 73.6 The CEO will continue to engage in broader consultation with Staff and/or their representatives as and when required.

Consultation on major change

- 73.7 Where a definite decision is made to introduce major changes in program, organisation, structure or technology that are likely to have significant effects on Staff, the CEO will notify the Staff who are likely to be affected by the proposed changes and their representatives, if any.
- 73.8 Significant effects include:
- (a) terminations of employment;
 - (b) major changes in the composition, operation or size of the ACSQHC's workforce or in the skills required;
 - (c) the elimination or diminution of job opportunities, promotion opportunities or job tenure;
 - (d) significant alteration in hours of work;
 - (e) the need to retrain employees;
 - (f) the need to relocate employees to another workplace;
 - (g) the major restructuring of jobs.

- 73.9 The CEO must discuss with the Staff affected and their representatives the introduction of the changes referred to in clause 73.8, the effects the changes are likely to have on Staff and measures to avert or mitigate the adverse effects of such changes on Staff and must give prompt consideration to matters raised by the Staff and/or representatives in relation to the changes.
- 73.10 The discussions must commence as early as practicable after a definite decision has been made to make the changes referred to in clause 72.8.
- 73.11 For the purposes of such discussion, the Staff concerned and their representatives, if any, are to be provided in writing relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on Staff and any other matters likely to affect Staff. The CEO is not required to disclose confidential or commercially sensitive information to the Staff.

Workplace delegates

- 73.12 The ACSQHC recognises, respects and will facilitate the roles undertaken by union workplace delegates and other elected union representatives at the workplace level.
- 73.13 Further information about facilities available for union workplace delegates and other elected union representatives is set in Attachment C of the Determination and should be read in conjunction with the ACSQHC's Union Negotiation, Communication and Access to Workplace Protocols.

74. Fair treatment and review of actions

- 74.1 Staff may access both informal and formal processes to resolve a matter in the workplace. These processes complement the dispute resolution procedures in the Determination and review of action provisions in the PS Act.
- 74.2 Further information is available in the ACSQHC's Fair Treatment and Review of Actions Policy.

75. Dispute Resolution Procedures

Application of Dispute Resolution Procedures

- 75.1 The Dispute Resolution Procedures (DRP) will apply to disputes under the Determination, the NES or disputes in relation to OH&S matters.

Resolution at the workplace level

- 75.2 Wherever possible, disputes will be promptly resolved at the workplace level. Where this is not possible, the dispute may be referred to more senior levels of management, for attempt at resolution with the Staff member, and their representatives. A Staff member's choice of representation will be respected by the ACSQHC.

Work to continue

- 75.3 Work will continue as normal while the DRP are applied and a Staff member must comply with a direction given by the CEO to perform other available work at the same workplace, or at another workplace, unless:
- (a) the work is not safe; or

- (b) applicable occupational health and safety legislation would not permit the work to be performed; or
- (c) the work is not within the capacity or skills sets of the Staff member to perform.

Representation during dispute

- 75.4 Throughout the DRP outlined in this section, a Staff member or group of Staff may be represented by a person or persons of their choice in relation to that dispute. A Staff member's or group of Staff' choice to be represented will be respected by the ACSQHC.

Referral to mediation

- 75.5 The parties to the dispute may agree to refer a matter in dispute to an independent mediator. A Staff member or group of Staff cannot be compelled to agree to mediation and may refer any matter in dispute to Fair Work Australia (FWA).
- 75.6 Reasonable costs incurred for mediation services will be borne by the ACSQHC.

Referral to Fair Work Australia

- 75.7 If a dispute in relation to a matter arising under the Determination is unable to be resolved and all agreed steps for resolving it have been taken, the dispute may be referred by either party to FWA, or such other party as may be agreed by the parties for resolution by conciliation in the first instance and, where the matter in dispute remains unresolved, arbitration.
- 75.8 If arbitration is necessary FWA may exercise the procedural powers in relation to hearings, witnesses, evidence and submissions which in the opinion of FWA are necessary to make the arbitration effective.
- 75.9 FWA may deal with the dispute in two stages:
- (a) FWA will attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and
 - (b) if FWA is unable to resolve the dispute at the first stage, FWA may then:
 - i. arbitrate the dispute; and
 - ii. make a determination that is binding on the parties.
- 75.10 FWA may dismiss or refrain from further hearing a matter or part of a matter which in the view of FWA is vexatious, or where either or both parties to the dispute have not made genuine attempts to resolve the matter at the workplace level through appropriate notifications, identification of issues and reasonable discussions.
- 75.11 Any decision or direction FWA makes in relation to the dispute, including procedural directions, shall be accepted by all affected persons, and as a result of arbitration shall be accepted by the parties as settlement of the dispute and will be complied with, subject to either party exercising a right of appeal against the decision to a Full Bench.

Attachment A – Salary table

APS levels salary structure

Classification	On commencement	1 July 2012
Executive Level 2 (EL2)	\$126,712	\$130,514
	\$120,630	\$124,249
	\$116,732	\$120,234
	\$107,026	\$110,236
Executive Level 1 (EL1)	\$102,309	\$105,378
	\$98,260	\$101,208
	\$93,608	\$96,416
	\$89,704	\$92,395
APS 6	\$82,352	\$84,823
	\$80,548	\$82,965
	\$76,538	\$78,834
	\$72,997	\$75,187
APS 5±	\$69,841	\$72,635
	\$67,970	\$69,329
	\$66,170	\$67,494
APS 4	\$64,281	\$66,210
	\$62,511	\$64,387
	\$60,838	\$62,663
APS 3	\$59,519	\$61,305
	\$56,819	\$58,523
	\$55,218	\$56,874
	\$53,697	\$55,308
APS 2	\$50,706	\$52,227
	\$49,297	\$50,775
	\$47,860	\$49,296
	\$46,466	\$47,860
APS 1 (adult)	\$44,650	\$45,990
	\$42,573	\$43,850
	\$41,163	\$42,398
	\$39,758	\$40,951
(at 20 years)	\$36,180	\$37,265
(at 19 years)	\$32,205	\$33,171
(at 18 years)	\$27,831	\$28,666
(under 18 years)	\$23,855	\$24,571

Attachment B – Recognition of allowances for particular purposes

Allowance	Counts as salary for superannuation purposes (CSS and PSSdb only. Members of other superannuation funds refer to clause 34)	Counts towards salary for calculation of additional duty salary	Payable during long service leave	Payable during recreation leave	Reduced pro rata during period of half pay leave (if payable during leave)	Included in income maintenance for excess Staff	Included in salary for calculation of retrenchment severance payments	Included in salary for payment in lieu of notice of termination of employment	Payment in lieu of long service leave	Payment in lieu of recreation leave
Higher duties allowance	@	✓	*	*	✓	*	*	*	#	^
Workplace Responsibility Allowance	✓	X	X	X	X	X	X	✓	X	X
Restriction Allowance	@	X	X	X	X	*	X	*	X	X
Disruption Allowance	X	X	X	X	X	X	X	✓	X	X
Community Language Allowance	✓	X	*	*	✓	✓	✓	✓	X	X

KEY

#	Yes, if in receipt of allowance for a continuous period of greater than 12 months
✓	Yes
^	Yes, if in receipt of allowance on last day of service
X	No
@	Yes, subject to a qualifying period in accordance with the Superannuation (CSS/PSS) Salary Regulations 1978, unless indicated otherwise in the Determination
*	Yes, subject to certain conditions

Attachment C – Principles relating to workplace delegates

1. The role of union workplace delegates and other elected union representatives is to be respected and facilitated.
2. The ACSQHC and union workplace delegates must deal with each other in good faith.
3. In discharging their representative roles at the workplace level, the rights of union workplace delegates include but are not limited to:
 - a) the right to be treated fairly and to perform their role as workplace delegates without any discrimination in their employment;
 - b) recognition by the ACSQHC that endorsed workplace delegates speak on behalf of their members in the workplace;
 - c) the right to participate in collective bargaining on behalf of those whom they represent, as per the Fair Work Act 2009;
 - d) the right to reasonable paid time to provide information to and seek feedback from Staff in the workplace on workplace relations matters at the ACSQHC during normal working hours;
 - e) the right to email Staff in their workplace to provide information and seek feedback, subject to individual Staff exercising a right to 'opt out';
 - f) undertaking their role and having union representation on an ACSQHC's workplace relations consultative committee;
 - g) reasonable access to ACSQHC facilities (including telephone, facsimile, photocopying, internet and email facilities, meeting rooms, lunch rooms, tea rooms and other areas where Staff meet) for the purpose of carrying out work as a delegate and consulting with members and other interested Staff and the union, subject to ACSQHC policies and protocols;
 - h) the right to address new Staff about union membership at the time they enter employment;
 - i) the right to consultation, and access to relevant information about the workplace and the ACSQHC; and
 - j) the right to reasonable paid time to represent the interests of members to the employer and industrial tribunals.
4. In discharging any roles that may involve undertaking union business, the rights of union workplace delegates include but are not limited to:
 - a) reasonable paid time during normal working hours to consult with other delegates and union officials in the workplace, and receive advice and assistance from union Staff and officials in the workplace;
 - b) reasonable access to appropriate training in workplace relations matters including training provided by a union;
 - c) reasonable paid time off to represent union members in the ACSQHC at relevant union forums.
5. In exercising their rights, workplace delegates and unions will consider operational issues, the ACSQHC's policies and guidelines and the likely affect on the efficient operation of the ACSQHC and the provision of services by the Commonwealth.
6. For the avoidance of doubt, elected union representatives include APS Staff elected to represent union members in representative forums, including, for example, CPSU Section Secretaries, Governing Councillors and Section Councillors, and ANF Branch members.

