

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry and Science Portfolio
Budget Estimates Hearing 2015-16
3 and 4 June 2015

AGENCY/DEPARTMENT: NOPSEMA

TOPIC: Exemption from APS Workplace Bargaining Policy

REFERENCE: Question on Notice (Hansard, 3 June 2015, page 102)

QUESTION No.: BI-21

Senator KETTER: Is NOPSEMA subject to the Australian Government Public Sector Workplace Bargaining Policy?

Mr Smith: To the extent that we have regard to it in terms of the common-law contracts, yes.

Senator KETTER: Do you believe your current arrangements are having an impact on morale?

Senator Ronaldson: Which current—

Senator KETTER: Your common-law contract arrangements.

Senator Ronaldson: It was having a bad impact on morale with people on enterprise agreements, and now you are saying it is having—you cannot have it both ways.

Senator KETTER: It depends what is in the contract, these contracts of employment.

Senator Ronaldson: With these questions, if the question is, 'Has it been put to you that there is a staff and morale issue in the agency?' I think that is one question. But the pursuit of the assumption, 'You have a staff and morale issue and you'd better explain what it is,' as opposed to the question, 'Have you been advised of a morale issue within the staff?' becomes a bit self-serving, I think, depending on how it is put.

Senator KETTER: Have there been any attempts to initiate enterprise bargaining within NOPSEMA?

Mr Smith: No. Our staff seem satisfied with common-law contracts as the way to sort out their remuneration.

Senator KETTER: Do you have an exemption from the APS workplace bargaining framework?

Mr Smith: I am not entirely sure of the background to the common-law contract, so can I take that one on notice.

Senator KETTER: Okay. Just in following up on that, if that is the case, could you advise when the exemption was applied for, what date it was provided and who provides the exemption. Thank you.

ANSWER

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has an exemption from section 1.1 of the *Australian Government Public Sector Workplace Bargaining Policy* (Bargaining Policy) which requires that terms and conditions of employment for non-Senior Executive Service employees be set out in an enterprise agreement.

NOPSEMA applied for an exemption from section 1.1 of the Bargaining Policy on 9 May 2014 and the exemption was provided on 11 June 2014. The exemption was provided by a joint decision by the Minister for Employment and the Minister for Industry and Science.

Terms and conditions for NOPSEMA staff are set out in individual common-law contract arrangements. These arrangements provide flexibility to negotiate terms and conditions in the competitive oil and gas industry to enable NOPSEMA to recruit senior and experienced staff from a highly remunerated pool of industry specialists. It is imperative that NOPSEMA remains competitive to deliver its regulatory functions and meet government and industry requirements.

Terms and conditions, including annual salary adjustments, are comparatively benchmarked in the marketplace – against the offshore oil and gas industry for NOPSEMA regulatory staff, and against the Australian Public Service for other staff, and are subject to the Bargaining Policy.