

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 18-22 November 2013

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: MoG changes – pay and conditions

Senator: Senator the Hon Joe Ludwig

Question reference number: 59

Type of Question: Written

Date set by the committee for the return of answer: 17 January 2014

Number of pages: 2

Question:

- 1) What code of conduct, policies, procedures or workplace practices are these employees bound by – the rules of the Department of Families, Housing, Community Services and Indigenous Affairs, or the Department of Prime Minister and Cabinet?
- 2) Other than pay and conditions, are there any other ways that these employees are treated differently within the Department of Prime Minister and Cabinet?
- 3) Are they required to abide by IT policies of Department of PM&C? Are they required to abide by OH&S policies of Department of PM&C?
- 4) The enterprise bargaining agreement for the Department of PM&C mandates the standard hours of work to be 38 hours a week. The Department of Families, Housing, Community Services and Indigenous Affairs mandates a standard work week to be 37.5 hours a week. For the employees covered by Minister Abetz' determination, what hours are those employees required to work? What is the standard week for those employees?
- 5) Under the Department of Prime Minister and Cabinet enterprise bargaining agreement SES employees are required to take a 30 min break after every five hours of work. No such provision applies to the enterprise bargaining agreement for the Department of Families, Housing, Community Services and Indigenous Affairs. Are these employees required to take this break, or do they miss out again because of Minister Abetz' ruling?

Answer:

- 1) PM&C's policies, procedures and workplace practices will apply to all employees unless the employees previous agency policies, procedures or workplace practices are required to give effect to an entitlement maintained under the subsection 24(3) determination.

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- 2) Employees transferring to PM&C may remain on existing IT infrastructure in order to ensure business continuity as part of a transitional arrangement.
- 3) a) Yes b) Yes
- 4) Employees affected by the Machinery of Government arrangements work the standard hours as set out in the terms and conditions of the enterprise agreement in their originating agency. Employees transferring from the former Department of Families, Housing, Community Services and Indigenous Affairs work a standard week of 37.5 hours.
- 5) The enterprise agreements in PM&C and the former Department of Families, Housing, Community Services and Indigenous Affairs do not set terms and conditions for SES employees. SES employees' terms and conditions of employment are set by individual determinations under subsection 24(1) of the *Public Service Act 1999*. PM&C has due consideration for the health and wellbeing of all employees. Relevantly, to ensure positive health and wellbeing, a minimum 30 minute break for every 5 hours worked is considered a reasonable, minimum entitlement for all employees within the Department regardless of originating agency, and employees at all levels are expected to manage their breaks.