

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2006-2007 ADDITIONAL ESTIMATES HEARING

Outcome: All
Output Group: All

DEST Question No. E875_07

Senator Carr provided in writing.

Question:

DEST Certified Agreement and University Enterprise Agreements

Can you confirm that the following comments appear on p.185 of your latest Annual Report:

"The department's workplace relations framework is underpinned by a Certified Agreement and Australian Workplace Agreements (AWAs). This framework supports the department's vision, business philosophy and commitment to an engaged and capable workforce.

"... The Caring for our People – Creating Our Future, DEST Certified Agreement 2006-2009 was certified on 23 February 2006. Its focus is on supporting the department to build and sustain the capability required now and into the future as well as its commitment to caring for department staff. The agreement provides for a contemporary package of terms and conditions that makes the department an employer of choice."

1. Does this Agreement include clauses on any of the following:
 - a. Annual leave;
 - b. Sick leave;
 - c. Long service leave;
 - d. Maternity leave;
 - e. Other forms of leave (please specify);
 - f. Salary packaging;
 - g. Redundancy;
 - h. Performance management processes;
 - i. Probation processes; and
 - j. Workplace bullying?
2. Please specify any other conditions or provisions included in the current DEST Certified Agreement that are equivalent or similar to any other provisions or conditions that the DEST Higher Education Division's Workplace Productivity Unit suggested should be removed from the draft Enterprise Agreement of any university or other Commonwealth funded higher education provider.
3. Please explain why each of all of these provisions is included in the DEST Certified Agreement.
4. Why did DEST suggest that each of them be removed from draft university Enterprise Agreements?

Answer:

DEST Certified Agreement and University Enterprise Agreements

1. a. Yes

- b. Yes (Personal Leave)
 - c. No. Employees are entitled to Long Service Leave as provided for in the *Long Service Leave (Commonwealth Employees) Act 1976*.
 - d. Yes. Employees are entitled to Maternity Leave as provided for in the *Maternity Leave (Commonwealth Employees) Act 1973*. The DEST Certified Agreement provides for this leave to be taken at half pay. Employees are also entitled to a further two weeks paid Maternal Leave, which can also be taken at half pay.
 - e. Paternity Leave, Primary Carer Leave, Adoption Leave, War Service Sick Leave, Miscellaneous Leave, Ceremonial Leave, Career Interval Leave.
 - f. No. DEST has a Salary Packaging Policy which enables employees to enter into salary packaging arrangements.
 - g. Yes.
 - h. Yes. The DEST Certified Agreement provides the framework for DEST's Performance Management System. DEST's performance management processes are contained in separate policy documents.
 - i. No.
 - j. No.
2. The advice on draft workplace agreements given to higher education providers by the Workplace Productivity Unit in the DEST Higher Education Group related to provisions that might be simplified by removing process and procedural aspects to policies and/or guidelines, in keeping with the Higher Education Workplace Relations Requirements (HEWRRs). Similarly, the DEST Certified Agreement is a principle-based document with procedural aspects being contained in departmental guidelines or policy documents in line with the Government's 'Policy Parameters for Agreement Making in the Australian Public Service (Policy Parameters)'.
3. The provisions contained in the DEST Certified Agreement were as a result of negotiations between DEST and employee representatives and are consistent with the Policy Parameters. The approach taken in drafting the agreement was to use a simple approach that avoided detail and prescription that is better handled in guidelines and policies.
4. The Higher Education Workplace Relations Requirements (HEWRR 3) stipulate that workplace agreements must be simple, flexible and principle-based documents that avoid excessive detail and prescription. Draft workplace agreements were submitted to DEST by higher education providers for preliminary assessment prior to the HEWRR's compliance deadline of 31 August 2006. As part of the assessment process, in those instances where it was considered that parts of the draft agreements were excessively detailed or prescriptive, DEST routinely provided advice suggesting that a number of provisions "be reviewed and consideration be given to removing the procedural aspects to policies and/or guidelines". Examples of excessive detail and prescription were then listed. DEST did not advise that these provisions themselves should be removed.