



Australian Government
Department of Immigration
and Border Protection



22 November 2016

Senator Gavin Marshall
Chair
Senate Education and Employment References Committee
Parliament House
PO Box 6100
Canberra ACT 2600

Dear Senator,

I write to you in your capacity as Chair of the Senate Education and Employment References Committee's inquiry into the impact of the Government's Workplace Bargaining Policy and approach to Commonwealth public sector bargaining (the Committee).

During the public hearings of 11 November 2016 and 15 November 2016 representatives of the Community and Public Sector Union (CPSU) appeared before the Committee and provided evidence in relation to bargaining within the Department of Immigration and Border Protection. On behalf of the Department, I would like to take this opportunity to provide further information at **Attachment A** in response to the evidence provided where I believe it would assist the committee.

Should you have any questions about this matter please do not hesitate to contact David Leonard, Assistant Secretary Enterprise Agreement Taskforce, Corporate Group by telephone or email

Yours sincerely

Murah Venugopal
First Assistant Secretary, People
Corporate Group

Attachment A: Proof Committee Hansard

Education and Employment References Committee_2016_11_11_4579	Department of Immigration and Border Protection messaging to all staff
<p>Page 54, paragraph 2</p> <p>Ms Flood: '...that department is telling their employees: 'We are going to make arbitration stretch for over a year and punish you further and make this as long and difficult as we can.'</p>	<p>The Department has not made statements to the effect alleged by Ms Flood.</p> <p>The Department has sought to provide employees with a factual understanding of arbitration, noting that the arbitration process will be conducted by the Fair Work Commission (FWC) and as of yet there is not a full understanding of the complexity or range of matters in dispute.</p> <p>I have included, for your reference, some communications the Department has provided to employees regarding the arbitration process.</p> <p>All staff message, Murali Venugopal, First Assistant Secretary, People Division. 31 October 2016:</p> <p>'...By voting no to this offer, the Fair Work Commission arbitration process will apply.</p> <ul style="list-style-type: none">• Arbitration may be a lengthy process and provides no guarantees regarding better pay or conditions.• Arbitration means significant uncertainty about your pay and conditions.• The decision of the Fair Work Commission is final and binding—you will not get to vote on it. <p>The Enterprise Agreement page on the Department's intranet provides the following statement on the arbitration process:</p> <p>How long does/can arbitration take?</p> <p>The length of arbitration will depend on the number and complexity of the matters in dispute. Shorter arbitrations, where the parties have agreed on most matters have been resolved in a few months. Arbitrations where there are complex issues, or a large number of matters in dispute, have taken between 6 to 18 months to resolve.</p>

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CHAIR: I was particularly interested because there is a bit of a perception amongst the political classes that public servants are very well paid and have fantastic conditions. We have heard evidence about people in different areas. I just want to get a picture from you guys, who have high levels of responsibility and capability, of where that might sit. Again, it is not an enormous amount of money.

Mr Evans: The base salary of an average border force officer at an airport, a seaport or a mail facility is around \$61,900 a year. That was as at 1 July 2013, which was the last time their pay was adjusted by a pay rise. Depending upon where you work and when you work, there are allowances and loadings on top of that.

Senator McKENZIE: What would be the average of those?

Mr Evans: Probably Mr Suijendorp is best placed to answer that.

Mr Suijendorp: It would vary from workplace to workplace, depending on the roster and their days of attendance. It could be a base 15 per cent if someone works shiftwork Monday to Friday.

Senator McKENZIE: You get to 10 per cent if you are on a shift?

Mr Suijendorp: If you are on a shift.

Ms Powell: Sorry to interrupt—only in certain hours.

The Department's current enterprise agreement provides a range of entitlements for shift workers, including those working in operational areas. These include:

- Shift penalty payments
- Overtime payments
- Allowances that remunerate individuals based on the type of work undertaken or the location at which it is performed.

In respect of shift penalty payments, the Department provides the following penalty payments dependent upon the hours worked:

Shift	Penalty rate (Ordinary duty)	Overtime rate
Monday to Friday	15 per cent where any part of the rostered shift falls between 6.00pm and 6.30am 30 per cent where rostered on shifts worked continuously for more than four weeks that fall wholly within the hours of 6.00pm and 8.00am	150 per cent (time and one half) for the first three hours 200 per cent (double time)
Saturday	50 per cent	200 per cent (double time)
Sunday	100 per cent	200 per cent (double time)
Public Holiday	150 per cent	250 per cent (double time and one half)

In relation to the specific questions asked by Senator McKenzie about earnings within 24/7 operational environments such as airports, the Department advises that, at the four major international airports, the average remuneration outcomes for the 2015/16 financial year for full-time, APS3 Border Force Officers (the level that recruits graduate to following successful completion of Border Force Officer Recruit

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Mr Suijendorp: You need to start—

Ms Powell: It has to be out of certain hours.

Senator McKENZIE: Got you.

Mr Suijendorp: And then there is a 24/7 airport environment, like Perth Airport, where you take in weekends and things like that as well.

Senator McKENZIE: What would the loading be on that?

Mr Suijendorp: It varies from day to day. I think the average loading for a 24/7 roster is about 28 per cent.

Training) were as follows:

Airport	Actual remuneration for 2015/16 FY	
	Average Remuneration Outcome	Highest Remuneration Outcome
Brisbane Airport	\$93,239	\$118,691
Melbourne Airport	\$91,415	\$131,481
Perth Airport	\$89,089	\$124,565
Sydney Airport	\$95,419	\$172,332

These earning figures reflect a combination of base salary, shift penalties, allowances and overtime but exclude employer superannuation contributions.

The average roster within these operational environments is approximately 32%, excluding loadings that apply for public holidays worked.

The Department provides a range of conditions for employees deployed to remote localities. These can include:

- An allowance to compensate for the remoteness of the location
- Additional annual leave
- An allowance or reimbursement for airfares to allow respite from the location
- Provision of Commonwealth housing or subsidisation of private rental costs in the location.

Employees transferred to remote location are not required to pay commercial rates for accommodation but are instead either provided with Commonwealth housing or, if no Commonwealth housing is available or appropriate, subsidisation of their private rental accommodation.

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Ms Powell: Also, now we have an older workforce, we have a lot more officers that have families and children so there needs to be some sort of enhancement for them to want to come to a remote area. The current policy also states no more than three years in one place so younger families are reluctant to move. There needs to be a little bit of reasoning to go there such as financial and educational support. A part of the previous agreement was a reasonable package in

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accommodation allowances. Thursday Island, at this point, is charging something like \$1,500 a week rent. No-one can afford to go there. It is three kilometres away from Papua New Guinea. It is our closest border to the rest of the world yet trying to get officers to go there is extremely difficult. With this change in policy, nobody wants to go. They go, 'I am not going to go up there; I cannot afford that.' There has been a reasonable expectation of some rental assistance but not to what it used to be. People say, 'If I am going to go up there with my family with no prospect for my wife or partner or husband to get employment then there has to be something to encourage me to go there—a reasonable accommodation allowance, remote area leave fares, a little bit of district allowance to account for the fact that the cost of living is 30 per cent higher.' Education is very poor. There is no high school there of any good standard. Anyone with children always looks for a good school for their children. I am just giving the Thursday Island example. I know Weipa is similar. Gove is even more similar on things like that. These are the allowances that I and the steering committee fought extremely hard for in the year 2000, to try and get people to remote areas and it worked. Page 37, paragraph 7

CHAIR: But they are all going?

Ms Powell: We still have difficulty. You will always find that people do not always want to go to the middle of nowhere but with these sorts of conditions, more people want to go so we are attracting more people. We are actually getting staff that wish to go. I know of three

In these circumstances employees are expected to pay an amount from their salary as a rental contribution towards the accommodation.

For the majority of employees, including those on Thursday Island, the contribution towards housing will be between \$131 to \$282 per week, dependent on the employees' annual salary and whether they are accompanied by dependants.

Former ACBPS employees have had separate rates of rental contributions preserved from the former Customs and Border Protection Enterprise Agreement which provided for rental contributions of between \$0 and \$75 per week.

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officers offhand who have been offered transfers to district offices since July last year and they have been told, 'By the way the conditions of service in the previous allowance do not apply anymore.' They say, 'I am sorry but I am not going to go.' So we are now running short staffed in district offices because we cannot encourage the officers there. The officers currently there are working more hours, getting high stress levels. I am seeing higher levels of leave being taken as people say, 'I just need a day off.' Things like that are occurring purely because of the loss of conditions. The biggest argument from me and my work areas in North Queensland is purely that that is what we are asking for—those conditions. The difficulty with this bargaining policy is it is denying us those conditions.