

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

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**AGENCY/DEPARTMENT:** DEPARTMENT OF INDUSTRY AND SCIENCE

**TOPIC:** Provisions contained in the Enterprise Agreement

**REFERENCE:** Question on Notice (Hansard, 4 June 2015, page 29)

**QUESTION No.:** BI-36

**Ms Beauchamp:** Like I said, I don't know. What we were operating on was what we were told by staff through a staff survey back in July 2014. There were three things that they wanted us to address. There was the salary disparity for all officers. They did not want to reopen Christmas close-down. And they were pretty neutral about the removal of non-entitlement material from the agreement into policies.

**Senator KIM CARR:** What does that mean?

**Ms Beauchamp:** Things that were subject to policies and already subject to legislation. We were trying to strip out a lot of the things that did not belong in the enterprise agreement, that were not going to basic terms and conditions.

**Senator KIM CARR:** What things did not belong in the enterprise from your point of view?

**CHAIR:** Senator Carr, you are quite entitled to ask questions, but we are really drilling down now, and it is almost like we are negotiating an enterprise agreement here now.

**Senator KIM CARR:** I am not negotiating anything. I am asking a question—what things did you want to strip out of the agreement?

**Ms Graham:** An example would be the provision of long service leave where there is an act that already provides long service leave for employees. Where those things were replicated in the enterprise agreement, they were removed from the enterprise agreement because there was already legislation enshrining the entitlement.

**Senator KIM CARR:** What other things?

**Ms Graham:** I cannot remember all of them. Maternity leave would be another one, I think. I would need to check on some of the other ones. It was only where there was legislation already providing the entitlement.

**Senator KIM CARR:** Can you give me a list of things that you want to strip out of the agreement?

**Ms Graham:** We can take that on notice.

**ANSWER**

Use of the phrase 'stripping entitlements from the enterprise agreement' can be misleading. The department is currently negotiating a new enterprise agreement to replace the *One Innovation Enterprise Agreement 2011* (the current agreement). The department has on a number of occasions requested bargaining representatives to provide details of entitlements that are claimed to have been "stripped from the agreement" – none have been provided.

The proposed enterprise agreement must comply with the Australian Government Public Sector Workplace Bargaining Policy (the bargaining policy), which requires that enterprise agreements be streamlined, clear and easy to read and contain clauses that either:

- are required by legislation and support the effective operation of the instrument; or
- provide entitlements to employees; and

- do not impose restrictive work practices and other arrangements that confine the operations of the agency, or in the case of the APS, the Service as a whole, or curb the effective operation of legislation.

The proposed agreement has been drafted to:

- Only contain provisions that relate to actual entitlements delivered by the agreement and not repeat legislated entitlements – for example Review of Action entitlements provided by the Public Service Act, provisions from the Long Service Leave and Maternity Leave Acts.
- Move material that relates to the implementation/administration of entitlements and aspirational material supporting policies/guidelines (for example almost two pages of material relating to the Merit Advancement process in the national Measurement Institute – section S2.3 of Schedule 2 of the One Innovation Enterprise Agreement).
- Only contain provisions that relate to the employment relationship – ie. the purpose for which an employee is engaged (for example removal of the Principles relating to Workplace Delegates at Schedule 7 of the One Innovation Enterprise Agreement).

The proposed agreement has been assessed as compliant with the bargaining policy.

Any variation to entitlements under the current agreement will be as a result of negotiations and subject to obtaining majority support in a ballot of staff.