

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Additional Estimates 2013-2014**

**Agency - Fair Work Building & Construction**

**Department of Employment Question No. EM0456\_14**

**Senator Cameron provided in writing.**

**Question**

**FWBC - Correspondence in relation to staff member**

Please provide all correspondence, emails and any other relevant documents in the possession of FWBC in relation to the appointment or loan or transfer of an officer of the Victorian Department of Treasury and Finance for the purpose stated at the additional estimates hearing on 27 February 2014; the compilation of an operational database?

**Answer**

**Correspondence and terms of conditions of employment**

The Executive Director of Capability, Planning & Innovation met with the officer (a former BIT and ABCC employee) on 12 Dec 2013 to informally ascertain interest in a part-time, non-ongoing role. After consideration, the officer indicated interest in the role and arrangements were made to formalise an offer. The FWBC Director was advised of this on 23 Dec.

Attached is the Letter of Offer and Non-Ongoing contract for the officer in question.

Terms and conditions of employment are set out in the non-ongoing contract, specifically the officer is employed on a part time, non-ongoing basis for a 12 month period. The officer's other terms and conditions are covered under the Agency's Enterprise Agreement.

**Details of Employment**

The officer is employed on a non-ongoing basis under the Public Service Act 1999. They are employed as a Band 3.1 (EL 1.3) under the Agency's Enterprise Agreement. The officer works at FWBC on a part time basis, 3 days per week.



Australian Government

Fair Work Building  
& Construction

15 January 2014

[Redacted]

Dear [Redacted]

I am pleased to confirm your appointment with the Office of the Fair Work Building Industry Inspectorate. You will be employed as a part time Band 3.1 (EL 1.3) in the Planning & Performance team, based in the Melbourne office. As per your discussion with Glyn Gryer we will confirm your position title once you return from annual leave. Your AGS number is [Redacted] which will be used as your identification number during your employment with the Australian Public Service.

Your salary on commencement will be \$109,760 pro rata (EL 1.3) per annum. Your contract is for a period of 12 months and will end on 2 February 2015. Your conditions of employment are those contained in the *Office of the Australian Building and Construction Commissioner Enterprise Agreement 2011-2014*, a copy is attached for your reference.

A probation period of 6 months will apply to this non-ongoing engagement. Your probation period may be extended if you are absent from work for a significant part of the initial 6 months due to circumstances beyond your control (e.g. ill health, injury or accident, jury duty, etc.), and that absence prevents an adequate assessment of your performance from being made. An extension can prolong probation by a period up to the length of the absence, with the total probation period not exceeding 12 months. If during the probationary period your conduct or work performance is considered unsatisfactory, your employment may be terminated on the ground of failure to meet the probation condition.

You will need to either join the Agency's default superannuation scheme, Public Sector Scheme Accumulation Plan (PSSap) or submit a superannuation choice form for a complying superannuation fund. If you are eligible for superannuation choice and do not complete and submit a superannuation choice form your contributions will be sent to the PSSap. You are also required to complete a Tax Declaration Form which has been provided for your completion.

Part 2, Division 12, section 125 (1) of the Fair Work Act 2009 states: An employer must give each employee the Fair Work Information Statement before, or as soon as practicable after the employee starts employment. The Fair Work Information Statement is attached for your information.

You should also be aware that APS employees must uphold the APS Values and abide by the APS Code of Conduct (see enclosed bookmark for further information about the Values and the Code).

If you require any further information please do not hesitate to contact me on 03 8809 3043.

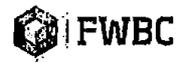
Yours sincerely

[Redacted Signature]

Assistant Director - Human Resources

ABN 68 009 725 088  
GPO Box 9927  
Melbourne VIC 3001

fwbo.gov.au  
Hotline 1800 003 338





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**Engagement contract for non-ongoing employees engaged for a specified term or specified task with the Office of the Fair Work Building Industry Inspectorate**

**To be completed by employee:**

Surname: [REDACTED]

Given Names: [REDACTED]

Address: [REDACTED]

Date of Birth: [REDACTED]

AGS Number: [REDACTED]

Are you an Australian Citizen?    Yes       No\*  

**\*Note: You must be an Australian Citizen to be eligible for engagement as an employee in the agency.**

Have you received a redundancy benefit from an APS agency or a non-APS Commonwealth employer within 12 months following the end of your employment? Yes       No  

Note: If you checked 'Yes', you may not be eligible for engagement as an APS employee at this time.

In accordance with Section 22(2) (b) of the *Public Service Act 1999* you are engaged as a non-ongoing employee of FWBC.

**To be completed by supervisor/manager:**

Group/State: Victoria

Section/Team: Planning & Performance

Position Number: 19901

Classification: Band 3.1(EL 1.3)

Indicative salary p.a. \$109,750 pro rata

To be approved by the appropriate Delegate.

If the employee is being re-engaged after completing a previous contract or contracts of employment with FWBC, when was the employee first engaged by FWBC? n/a

Are you engaging this person for a specified term? Yes  No

Are you engaging this person for the duration of a specified task? Yes  No

Commencement date: 3/02/2014 Full-time:

Separation date: 2/02/2015 Part-time:  Hours per week: 22.5

Length of Probation period: (if left blank, engagement on probation is the default)  
Standard 6 months  or shorter period at the discretion of the Delegate (specify)

Tasks/duties to be performed: To be confirmed

**Reason for employment opportunity:**

Temporary increase in workload Yes  No

Temporary demand for specific skills (where any ongoing APS employees in the agency with those skills have been considered for the opportunity) Yes  No

Replacement of ongoing employee who is on authorised leave Yes  No

Replacement of ongoing employee temporarily assigned other duties Yes  No

Replacement of ongoing employee temporarily moving to another Agency Yes  No

Replacement of an ongoing employee pending engagement of another ongoing employee Yes  No

To undertake duties for the Agency pending engagement of an ongoing employee to undertake those duties Yes  No

Where a person has been offered, in writing, engagement as an ongoing employee but prefers to be engaged for a specified term Yes  No

Supervisor/Manager: [REDACTED]

Telephone: [REDACTED]

**Notice to employee – conditions of engagement under subsection 22(6) of the *Public Service Act 1999***

Your terms and conditions of employment will be covered in the *Office of the Australian Building and Construction Commissioner Enterprise Agreement 2011-2014*.

It is a requirement that you are an Australian Citizen to be engaged at FWBC.

It is a condition of engagement that you may be required to undergo a health clearance and a character clearance. This is initiated via a Police Records check and a Health Assessment Checklist. Where you are required to handle security classified material as part of your duties, you will be required to obtain a baseline security clearance.

You will be required to undergo a probationary period commencing from the first day of your employment with the agency for further information refer to the Probationary Guide.

As a non-ongoing employee, there may be circumstances where the FWBC is able to offer you further employment beyond the period contracted. Any extension of your employment or subsequent rehiring is subject to the provisions of the *Public Service Act 1999*.

If you decide to resign prior to the expiration of this contract, you should give at least one week's notice unless you make other arrangements with your manager.

#### ***Superannuation Arrangements***

As an employer, the FWBC is required to pay employer superannuation contributions. The *Public Sector Scheme Accumulation Plan (PSSap)* is the FWBC 'default' superannuation fund. In the event you are eligible for superannuation choice and do not complete and submit a superannuation choice form, FWBC will send you contributions to the PSSap. Please note that FWBC will also send your contributions to this fund until such time as payroll is able to make contributions to your chosen fund.

For further information on superannuation, contact HR on (03) 8509 3043, or call the Comsuper Contact Centre on 13 23 66.

You should sign this engagement contract in the presence of a responsible employee of this agency and retain a copy of the contract for your information.

#### ***Termination Provisions***

As a non-ongoing employee you may have your employment terminated by the Director or his or her delegate on one or more of the following grounds:

- failure to satisfy probationary requirements in respect of work performance and conduct
- failure to satisfy relevant employment checks
- failure to provide evidence of citizenship or qualifications mandatory to the employment
- failure to perform satisfactorily after the probationary period
- a breach of the code of conduct (*Public Service Act 1999*)
- work is no longer required due to:
  - work being completed ahead of the term of the contract;
  - duties/tasks are no longer available;
  - a decision being made that those duties or tasks are no longer required to be performed; or
- a breach under the common law of employment.

If your employment is terminated before the expiry of the specified term of this contract, except where it is terminated as a result of your serious misconduct, you will be entitled to a notice period or payment in lieu of notice as set out below.

**Notice Period**

If you have been employed by the agency for not more than 1 year 1 week

If you have been employed by the agency for more than one year but not more than three years 2 weeks

You must sign this engagement contract in the presence of a responsible employee of this agency and retain a copy of the contract for your information.

**Declaration**

I confirm that:

- I have been given a copy of and understand the requirements set out in the APS Values and APS Code of Conduct prescribed in the *Public Service Act 1999*; and
- I understand and accept the conditions of my engagement.

Full name of non-ongoing employee: [Redacted]

Signature of non-ongoing employee: [Redacted] Date 15 / 1 / 14

Name of witness: [Redacted]

Signature of witness: [Redacted] Date 15 / 1 / 14

Name of Delegate [ ]

Signature of Delegate ..... Date / /