

s.22

**From:** LLOYD, John  
**Sent:** Wednesday, 25 February 2015 8:35 AM  
**To:** jroskam@ipa.org.au  
**Subject:** FW: Transcript from Penny Wong's Doorstop this morning [SEC=UNCLASSIFIED]

UNCLASSIFIED

John

In Para 2 of Penny Wong's interview she takes a swipe at 2 of the IPA's former directors. This is very unfair.

I would like to catch up soon for a chat.

Regards

John Lloyd PSM | Commissioner

Australian Public Service Commission  
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**From:** PAGE, Clare  
**Sent:** Tuesday, 24 February 2015 11:54 AM  
**To:** LLOYD, John  
**Cc:** FOSTER, Stephanie  
**Subject:** FW: Transcript from Penny Wong's Doorstop this morning [SEC=UNCLASSIFIED]

John – transcript from this morning – let me know if there's anything you'd like prepared, thanks Clare

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**From:** WILLIAMS, Nicole  
**Sent:** Tuesday, 24 February 2015 10:09 AM  
**To:** PAGE, Clare  
**Cc:** Briefs-APSC  
**Subject:** Transcript from Penny Wong's Doorstop this morning [SEC=UNCLASSIFIED]

<http://www.pennywong.com.au/transcripts/doorstop-canberra-5/>

## Transcript



# SENATOR THE HON PENNY WONG LEADER OF THE OPPOSITION IN THE SENATE SHADOW MINISTER FOR TRADE AND INVESTMENT LABOR SENATOR FOR SOUTH AUSTRALIA TRANSCRIPT



## DOORSTOP – CANBERRA

TOPICS: [ABBOTT MINISTRY](#), [AUSTRALIAN PUBLIC SERVICE COMMISSIONER](#), [POLLS](#)

### E&OE - PROOF ONLY

**WONG:** Today, more revelations in the media about the division at the heart of this Government. Seven Ministers, no less than seven Ministers, in Tony Abbott's Government have indicated to the media privately that they are willing to walk away from him. It's an extraordinary indication of the dysfunction at the heart of this Government, and a vote of no confidence in the Prime Minister by his most senior colleagues. This Government is a divided Government. This Government is too interested in fighting each other, this Government is so interested in its internal fight it's not able to look out for ordinary Australians. It's a Government that is factionalised and paralysed, so factionalised and paralysed it just can't govern. Dysfunction at the heart of the Government, those are the stories again, and of course on top of the Ministers saying this we see an explosive email from the [Liberal Party's] federal Treasurer attacking the dysfunction in the Prime Minister's Office and in the federal secretariat, more division, more paralysis and who doesn't get a look in here? Ordinary Australians because this Government is so busy fighting each other it can't look out for them.

I would like also to comment on some evidence that was given late last night in the Finance and Public Administration estimates about the appointment of the Public Service Commissioner. Now the Public Service Commissioner is a statutory appointment, it's a very important appointment, the person who is supposed to look out for the public service, to shepherd the public service, a statutory, apolitical appointment. Well the revelations last night were that Senator Abetz had engaged in another of Tony Abbott's habits and that is a captain's pick. It seems there is a lot of captain's pick going on inside this Government. There was no ad, no interview, no formal short list, he just picked up the phone to John Lloyd and asked him if he wanted the job, asked him if he was interested. Remember this is a statutory appointment, it pays around \$650,000 a year and remember also Mr Lloyd isn't any ordinary appointment. He is a former member of the H.R. Nicholls Society, he is a former director of the IPA and he is quite upfront about the fact he is a former member of the Liberal Party. No proper process, just Eric Abetz picking up the phone and asking him if he was interested. It's the same as the sort of captain's pick we also saw from George Brandis who did the same thing with Tim Wilson, just rang him up and asked if he was interested in the job. Between them, these two jobs are about \$1 million a year. This is jobs for the boys, Coalition-style. Happy to take questions.

**JOURNALIST:** Despite the Government's difficulties, Newspoll suggests that voters still think Tony Abbott is better at handling the economy than Bill Shorten. Why is that?

**WONG:** Well I can say this to you: I don't need a Newspoll to tell me that the majority of Australians don't trust Tony Abbott, I don't need a Newspoll to tell me that the majority of Australians don't support this Government's Budget or the unfairness in it, and I don't need a Newspoll to tell me just how on the nose this Government is.

**JOURNALIST:** Do people have a right to be disappointed, disenfranchised with federal politics. You are critical about the factionalism and division in the Government at the moment, but this follows four, five, six years of the same when you were in government.



**WONG:** Firstly on the Labor Party, I think you have seen since the election, we've learnt from what occurred in terms of previous issues and we are very united behind Bill. As you also know the Labor Party went through a process of changing its rules to ensure members had a greater say. And we are focussed on doing what is right for Australians, listening to Australians about their concerns and looking forward to the future. What have we got in this Government? We've got a Government that is focussed on fighting. They are focussed on fighting each other. This is a Government completely paralysed by its own internal division. So paralysed it's unable to look out for ordinary Australians.

**JOURNALIST:** Are you concerned at all ... about the fact that you are trailing so far behind, not just on the economy on national security as well?

**WONG:** Hang on, let's just remember what the polls actually show. It shows that the majority of Australians would support the Labor Party, it shows the majority of Australians don't trust Tony Abbott, and it shows the majority of Australians would prefer Bill Shorten as Prime Minister.

**JOURNALIST:** But those issues are key, national security and the economy.

**WONG:** I'm only telling you what I see in the polls, but what is more important is what I hear when I speak to Australians. Australians understand that this Prime Minister didn't tell the truth before the election, Australians can see the division at the heart of this Government, and Australians know they're not the focus of this Government. Ordinary Australians are not the focus of this Government, the focus of this Government is its internal division.

**JOURNALIST:** Is it time for Labor to start releasing in detail some of its economic policies, its approach to the Budget?

**WONG:** Well I remember Mr Abbott making sure he didn't tell anybody anything about what he would do except things, promises which he turned out to break. We won't be like that and we've made clear we will be releasing policies ahead of the election and Australians will know very clearly the sort of government they would elect if they saw fit to support the Labor Party.

**JOURNALIST:** There seems to be a pretty clear campaign to get rid of Peta Credlin. What do you make of that?

**WONG:** That campaign is being driven by the Liberal Party, let's be clear, the Liberal and National Parties. The campaign is entirely driven by members of the Government benches, so that's really their campaign. What I would say is ultimately the buck stops with Tony Abbott and the Liberal Party. And the Government's problems are not about who the salesperson is, the Government's problems aren't about who the Chief of Staff is, the Government's problems are that its values are at odds with the values of ordinary Australians. The Government's problem is it has introduced a Budget which breaks promises and which hurts ordinary Australians.

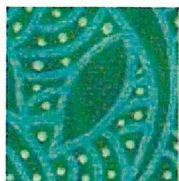
*Nickey*

**Nicole Williams | Ministerial and Parliamentary Support**

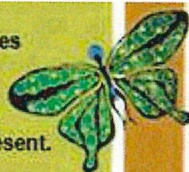
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The Australian Public Service Commission acknowledges the Traditional Custodians of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present.





s.22

**From:** LLOYD,John  
**Sent:** Monday, 13 April 2015 5:59 PM  
**To:** jroskam@ipa.org.au  
**Subject:** Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]  
**Attachments:** Examples of generous arrangements in Cth enterprise agreements.docx

**UNCLASSIFIED**

Dear John

As discussed I attach a document that highlights some of the more generous agreement provisions applying to APS employees.

I am free to discuss this at any time.

I am also happy to provide a quote for the article if you wished.

It would be good to catch up. I would be available this Friday 17 April from 3.30 pm or the following Friday 24 April in the afternoon. I am scheduled to fly back from Canberra both days arriving in Melbourne early afternoon.

Regards

John Lloyd PSM | Commissioner

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**From:** KELLY,Clare  
**Sent:** Monday, 13 April 2015 5:08 PM  
**To:** LLOYD,John  
**Subject:** Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]

## EXAMPLES OF 'SOFT' ARRANGEMENTS IN COMMONWEALTH ENTERPRISE AGREEMENTS

### Overview

1. Over the past decade, APS employees have enjoyed wage increases substantially above CPI.
2. During this time, APS remuneration increases totalled 50.7 per cent, compared to CPI increases of 31.8 per cent. That is more than most other industries.
3. In addition to these generous wages, Commonwealth public sector agreements have accumulated other generous terms and conditions. These go beyond those provided by minimum safety nets, often well above community standards.

### **Superannuation**

4. Commonwealth superannuation arrangements deliver significant benefits over time compared to what employees would receive from the Superannuation Guarantee. The employer superannuation contribution under the Superannuation Guarantee is 9.5%. The Commonwealth's employer contribution to its accumulation fund is 15.4%. The following table highlights the significant benefit this represents to Commonwealth employees.

<b>Annual income</b>	<b>\$60,000</b>	<b>\$80,000</b>	<b>\$90,000</b>	<b>\$100,000</b>
9.5% contribution rate	\$5,700	\$7,600	\$8,550	\$9,500
15.4% contribution rate	\$9,240	\$12,320	\$13,860	\$15,400
<b>Additional Commonwealth benefit</b>	<b>\$3,540</b>	<b>\$4,720</b>	<b>\$5,310</b>	<b>\$5,900</b>
20-year benefit*	\$70,800	\$94,400	\$106,200	\$118,000

\* The '20 year benefit' calculation is the additional employer superannuation contribution to retirement capital over a 20 year period, excluding additional interest/fund earnings on those amounts.

### Leave entitlements

#### **Personal/Carer's Leave**

5. The National Employment Standard guarantees an employee 10 days paid personal/carer's leave per annum. Leave not used is accrued.
6. The bulk of APS employees receive 15 to 18 days per annum. Some agencies have more generous arrangements than this:
  - a. Department of Infrastructure: 25 days per annum
  - b. Attorney-General's Department: 22 days per annum
  - c. 13 APS Agencies (incl. 2 Departments): 20 days per annum

#### **Community Service Volunteer Leave**

7. Some agencies provide their employees up to 5 days' paid leave per annum (non-accruable) to conduct volunteer work with a community organisation, provided they do not accept payment from the organisation.



### **Miscellaneous Leave**

8. The CSIRO provides its employees with 4 days paid miscellaneous leave per annum, accruable to a cap of 15 days. Employees may request to take these days whenever they wish and managers are not allowed to refuse reasonable requests to access this leave.
9. Several agencies provide one day of paid leave per annum (non-accruable) to employees for the purposes of moving house. i.e. employees are not expected to access their annual leave or flex leave.

### **Unusual allowances and other special payments**

10. Some agencies provide unusually generous entitlements for employees who travel as part of their official duties. For example:

#### **National Archives of Australia Enterprise Agreement**

[For domestic and international travel]

*Upon the presentation of receipts, an employee will be reimbursed for reasonable additional costs for alternate care purposes and pet accommodation costs incurred as a direct consequence of their travel on official duty.*

11. Approximately 40% of APS agreements provide allowances to promote 'health and well-being'. The majority of these allowances are less than \$300 per annum. Some examples of those which are greater:

#### **Workplace Gender Equity Agency**

*229. Effective 1 July 2012, employees shall be entitled to claim reimbursement for Health, Wellness and Fitness expenses to a maximum value of \$900 each financial year (July to June), including GST. The terms and conditions of this entitlement are specified in the EOWA Health, Wellness and Fitness Policy.*

#### **Departments of Employment and Education and Training**

*To assist in the promotion of good health, the department will provide each employee with a health related allowance to be paid as a lump sum on the first full pay period on or after 1 September each year as follows:*

- a. APS 1- 3 employees will receive \$500
- b. APS 4- EL 2 employees will receive \$200.

#### **ComSuper Agreement**

#### **54. SCHOOL HOLIDAY CARE**

*54.1 ComSuper will pay a school holiday care allowance to eligible employees for a maximum of two weeks per calendar year during the July/August school holidays and between Christmas and New Year.*

*54.2 School holiday care allowance is \$25 gross per day for each child of school age placed in approved child care while the parent is at work at Com Super. Where more than one parent works for ComSuper, they must both be at work at ComSuper on a day that a claim is made*

*and only one claim per day for each child will be paid. The maximum allowance that may be paid is \$250 per Week per employee or employee couple.*

*54.3 An employee who is on Personal Leave due to their own injury or illness may still be eligible for the allowance. A medical certificate will be required in support of a claim for the allowance.*

*54.4 School holiday care is care provided by a service which is approved by the Department of Families, Housing, Community Services and Indigenous Affairs to receive Child Care Benefit payments.*

*54.5 Employees employed on a short term non-ongoing basis will not have access to the allowance.*

### **Defence Enterprise Collective Agreement**

#### ***Relocation on retirement***

*H6.1 This provision is limited to those employees who retire, are retired, or who die shortly after accepting an inter-city relocation, which was as a result of an organisational element of Defence being relocated. In such circumstances, the Secretary may approve a request for reimbursement of reasonable removal and transport expenses associated with returning the employee and/or their spouse/partner/dependants to another locality. These provisions do not operate to provide all employees with a retirement/death benefit, and applications made in respect of otherwise eligible employees should be limited to:*

- a. compassionate grounds, such as employees who die within five years of their relocation, where surviving dependants would be left without the support of immediate family or close friends;*
- b. employees who retire within five years of a relocation, where such a provision was provided for in that relocation package; or*
- c. situations in which, within five years of relocation, suitable work is no longer available to the employee.*

### **Australian Customs and Border Protection Service Enterprise Agreement**

- Shoe and stocking allowance: \$125.83 per annum
- Clothing allowance: \$711 per annum
- Employees may be reimbursed additional costs up to a maximum of \$500 per annum in accordance with the "Domestic Care Support Scheme."

#### **Executive Level 1 officers:**

- Airline lounge membership if the employee is required to conduct any travel for official purposes (limited to one airline)
- Business class travel for any flights over 2 hours' duration.
- Entitlement to a minimum of four days' paid absence per year without deduction from leave credits.

#### **Executive Level 2 officers:**

- All receive an annual 'contact allowance' in recognition that they may be called outside of normal work hours.
- Can home garage of a Commonwealth vehicle (where one is available and operationally necessary).



- Entitlement to park at work where they elect not to home garage a Commonwealth vehicle.
- Business class travel for any flights over 2 hours' duration – OR – they may elect to take an economy class flight “downgrade” and receive a second economy class ticket so their spouse/partner can accompany them, provided any pricing gap is met by the employee.
- Airline lounge membership if the employee is required to conduct any travel for official purposes.
- Entitlement to a minimum of four days' paid absence per year without deduction from leave credits.

### Clauses that restrict operational decision-making

12. In addition to generous terms and conditions, many public sector agreements contain provisions that make it difficult for agencies to respond to changing government and community priorities.
13. An enterprise agreement requires a department that intends to change work patterns to do so with the agreement of the employee. The department was unable to change shift rosters for 12 months, even when the work those employees were employed to do was no longer available.
14. The Department of Human Services agreement provides extraordinarily lengthy provisions on negotiation of working hours. The provisions also dictate in detail how the consultation will occur in respect of changing working hours and other conditions. See **Attachment A**.
15. The Australian Taxation Office Enterprise Agreement limits the ability of the ATO even to move its employees to a new office within the same city. This is included in the agreement even though section 25 of the *Public Service Act 1999* allows Agency Heads the unilateral power to determine the location at which an APS employee will perform their duties.

*112.2 To the fullest extent practicable the movement of employees will be on a voluntary basis.*

*112.3 Hardship factors will be considered in selecting employees to move. Where the ATO finds that the relocation would cause hardship for an employee, the ATO, as far as reasonably practicable, will seek alternatives to relocation.*

...

*For moves between suburbs (including their immediate surrounds) or between the CBD and a suburb, employees will be given at least one month's notice of the need for them to move unless the employees and the delegate agree to a shorter or longer period.*

*112.5 If significant relocation costs are likely to be incurred, the employee will be entitled to one-off payment upon taking up duty in the new building;*

*a) for employees at or below the APS 3 level - \$1047 (and \$1068 from 21 June 2012, \$1079 from 3 January 2013, and \$1101 from 20 June 2013),*

*b) for employees at or above the APS 4 level \$696 (and \$710 from 21 June 2012, \$717 from 3 January 2013, and \$731 from 20 June 2013).*

...

*112.6 Managers may allow employees up to 3 days leave where this is necessary to arrange personal matters associated with the move.*



16. Some enterprise agreements dictate the times at which meetings can be scheduled. An example is the IP Australia agreement:

*To assist employees to balance their work and family responsibilities, as a general principle meetings will be scheduled to start no earlier than 9.30 am and finish by 5.00 pm.*

*To assist IP Australia employees meet their personal responsibilities all meetings are to be scheduled to meet the needs of the participants. Wherever possible meetings will not commence before 9:00am and will conclude by 5:00pm, unless otherwise agreed.*

17. Some APS enterprise agreements contain arrangements that purport to restrict the use of non-ongoing employment. For example:

*Screen Australia may engage employees as fixed term employees where:*

- a) the specific job performed by the employee is not required to be performed on an ongoing basis, and is associated with fixed term programs and projects;*
- b) the skills and experience required are either:
 
  - a. for specified periods of time; or*
  - b. for specified tasks; or**
- c) industry sourced skills and experiences are required and there is an assumption that employees will return to that industry.*

#### **Clauses that use a lot of words to say nothing of substance**

18. Many APS enterprise agreements are not well-drafted. However, some have been drafted in such a way as to make it difficult for employees or managers to understand what, if any, entitlements they provide. For example, from the Defence Enterprise Agreement:

*A2.1 To allow flexibility in decision-making, this Agreement provides a principles-based decision making framework. The following principles underpin all provisions in this Agreement:*

- a. assisting employees to balance their work and private commitments;*
- b. providing a safe, secure and fair environment;*
- c. making the most efficient use of resources and supporting sustainable environmental management;*
- d. respecting and valuing diversity;*
- e. preventing discrimination;*
- f. ensuring freedom of association; and*
- g. behaving honestly.*

*A2.2 Procedural fairness is to be observed in all employment decisions, so that:*

- a. employees are given an opportunity to be heard and promptly advised of the decision;*
- b. those hearing an employee are unbiased;*
- c. any decision regarding the employee is based on sufficient evidence to support the decision; and*
- d. confidentiality and privacy is observed except where it would be inappropriate to do so.*

*A2.3 While principles-based decision-making provides flexibility, it still requires the application of the Defence values and APS Values in the decision-making process. The APS Values, set out in section 10(1) of the PS Act, have evolved to reflect the greater flexibility, efficiency and business practices required by today's organisation. They not only shape an ethical and productive workplace culture – they also define our legal commitment to both the government and the people we serve. The APS Values recognise this can only be achieved*



*through trust, rather than increased procedure. Employees must, in turn, recognise that this level of trust comes with increased responsibility, and that any breach of the APS Values, or of the APS Code of Conduct, may result in serious penalty, or even dismissal, for those responsible.*

*Defence values – PLICIT*

*A2.4 Defence has a framework of values that reflects the long traditions and distinctive identities of the three Services and the APS. They underpin our corporate culture and contribute to achieving organisational goals. The Defence values – Professionalism, Loyalty, Integrity, Courage, Innovation and Teamwork (PLICIT) – have been formulated as a unifying factor across all facets of Defence. The Defence values work alongside the APS Values and the values of each of the single Services. They form the basis of the behaviours expected of all our people and leaders (both APS and ADF) in Defence.*

**Guaranteed facilities for union delegates**

19. Most APS agreements contain prescriptive arrangements which guarantee union delegates access to use workplace facilities, infrastructure, technology and resources for the purposes of carrying out their role with their union. The common arrangement included in many EAs is at **Attachment B**.

**Department of Human Services agreement****A1 NEGOTIATION OF WORKING HOURS**

- A1.1 An employee and their direct supervisor will together design and reach agreement on the employee's working hours, genuinely negotiating where necessary. These working hours may take the form of a pattern of ordinary hours of duty or a regular hours agreement.
- A1.2 In designing or negotiating a pattern of ordinary hours or regular hours agreement, the direct supervisor will make all reasonable efforts to accommodate an employee's requests.
- A1.3 A regular hours agreement may be requested by an employee and, if approved, will apply for a specified period of 12 months unless a shorter period is requested by the employee.
- A1.4 An employee who requests a regular hours agreement will be advised in writing of the outcome of their request. Agreements will be jointly reviewed at the end of the period.

***Processes***

- A1.5 In designing or negotiating a pattern of ordinary hours or regular hours agreement, the direct supervisor and employee will take into account a balance of:
- (a) the employee's needs and preferences; and
  - (b) the capacity and needs of a team, workplace, or business line to meet its internal or external service delivery requirements.
- A1.6 A regular hours agreement will include start and finish times and lunch times.
- A1.7 Where requested by the employee, a regular hours agreement will be designed to include one or more planned day(s) off in a settlement period.
- A1.8 Where a direct supervisor cannot accommodate an employee's request in respect of a pattern of ordinary hours or a regular hours agreement, the direct supervisor will:
- (a) discuss the reasons for the decision with the employee; and
  - (b) provide written reasons for the decision, if requested by the employee.
- A1.9 Where an employee and their direct supervisor cannot reach agreement on a pattern of ordinary hours or a regular hours agreement, the employee will continue to work in accordance with their existing pattern of ordinary hours or regular hours agreement until the end of the current settlement period.
- A1.10 At the end of the current settlement period, if agreement cannot be reached, the employee may choose:
- (a) to work in accordance with a default regular hours option; or
  - (b) to continue their existing pattern of ordinary hours or regular hours agreement for a further settlement period, after which time the employee will work in accordance with a default regular hours option.
- A1.11 Default regular hours (for a full time employee) will apply in accordance with the options listed below that the Secretary determines best suits the work area:
- (a) 8.30am to 5.00pm with 60 minute lunch break.
  - (b) commencement 15 minutes before the opening time of the workplace or 7.45am (whichever is the later), with a lunch break of 30, 45 or 60 minutes; or



- (c) finish 15 minutes after close of a customer contact period or 5.15pm (whichever is the earlier), with a lunch break of 30, 45 or 60 minutes.

*Variations on negotiated hours*

- A1.1 Employees will have at least four weeks notice for a change in arrangements unless the employee agrees to a lesser timeframe.
- A1.2 An employee may request changes to their pattern of ordinary hours or regular hours agreement at any stage.
- A1.3 The regular hours agreement may be varied, by agreement, between the Secretary and the employee.
- A1.4 The employee and their supervisor will meet and discuss the regular hours arrangements a month before the end date of the current regular hours agreement to enable discussion on continuing the regular hours agreement for a further 12 months or to negotiate new regular hours arrangements.

## A2 ROSTERS

- A2.1 Rostering of some employees is essential to the department's primary function of quality service delivery. The department seeks to balance flexibility and certainty for employees and business areas, to assist in the design of quality jobs, a better work/life balance and a healthy and safe work environment.
- A2.2 The department will, in consultation with employees and their representatives, develop and agree a policy for rostering. This policy will include mechanisms to balance flexibility and certainty for employees including adequate breaks.

*Principles*

- A2.3 Rosters are designed through a process of genuine negotiation between an employee and their team leader/manager, taking into account the agreed pattern of hours.
- A2.4 Rosters will provide employees with adequate time to prepare for the day and pack up at the end of the day, meet and plan, undertake necessary reading, participate in training and other development activities, prepare for the introduction of changes, and include adequate breaks.
- A2.5 Employees and managers are encouraged to apply local, flexible work practices where possible to meet employee's short term or ad hoc work/life balance needs. Managers will make all reasonable efforts to accommodate those requests.

*Application*

- A2.6 This clause **Error! Reference source not found.** will apply to:
- (a) workplaces or business lines (or parts thereof) that, on commencement of this Agreement, operate on a rostered basis; and
  - (b) other workplaces or business lines where the Secretary determines, in consultation with affected employees and their representatives (under clause A4) will operate on a rostered basis.
- A2.7 All rostered environments as described in **Error! Reference source not found.** will, at a minimum, include provision of:
- (a) planned leave including flex time or planned days off;
  - (b) start and finish times;
  - (c) timing and duration of lunch and tea breaks;

- (d) preparation and pack up time totalling 15 minutes in a single day;
  - (e) a 5 minute break after each 60 minute continuous period of screen/telephony-based work where they are rostered to continue to perform that work for at least a further 15 minutes. The five minute screen-based equipment break will be used to perform other work related activities including appropriate health and well-being activities. This time may form part of a tea break.
- A2.8 The manner in which these are reflected in rosters will depend upon the rostering tool(s) used in each business area.
- A2.9 In locations where cash counting occurs, preparation and pack up time will be increased to 15 minutes preparation time and 15 minutes pack up time.
- A2.10 Where rosters are generated according to national business parameters, those rosters may also include scheduled activities and duration of those activities including:
- (a) face to face customer service;
  - (b) telephone and telephone support activities;
  - (c) follow-up and processing activities
  - (d) training (national and local);
  - (e) learning and development (in blocks of at least 30 minutes);
  - (f) team and one-to-one meetings; and/or
  - (g) other approved roles (such as HCO or HSR duties).

#### *Processes*

- A2.11 Rosters will apply for four week periods and may be negotiated up to 12 weeks in advance.
- A2.12 There are three phases in the development of rosters
- (a) identification of an employee's working hours preferences including agreed pattern of hours arrangements;
  - (b) development of draft rosters, and initial negotiation. During the initial negotiation phase, employees may genuinely negotiate changes with their supervisor; and
  - (c) distribution of final rosters and adjustments to final rosters subject to **Error! Reference source not found., Error! Reference source not found. and Error! Reference source not found..**
- A2.13 An employee may request changes to their roster (including scheduled activities outlined in subclause **Error! Reference source not found.**) at any stage.
- A2.14 Employees are encouraged to manage their own ad hoc changes to their roster by swapping with other employees. Agreement by the manager will not be unreasonably refused. Swaps of scheduled activities should not reduce overall task variety for employees during the roster period.
- A2.15 Where the department needs to change rosters due to operational requirements that were unforeseen prior to finalising the roster, the need for changes will be discussed with affected employees at the earliest opportunity. Genuine negotiation of rosters will explore options to meet the operational requirements and give employees reasonable notice of changes to working hours.
- A2.16 Subject to subclause **Error! Reference source not found.**, where changes to start or finish times are not agreed between an employee and their supervisor, and where notice of changes of at least 14 calendar days cannot be provided, the employee will be entitled to overtime



payments for hours that are worked before their previously agreed start time, or after their previously agreed finish time.

- A2.17 In the event that the department, or a workplace or business line within the department, needs to make variations to rostering or scheduling practices, the Secretary will consult with potentially affected employees and their representatives prior to implementing changes to those practices.

### A3 HOURS OF SERVICE DELIVERY

- A3.1 The Secretary may determine hours of service delivery that will apply across the department, or in areas of the department.
- A3.2 The department may vary the hours of service delivery to meet customer demand.
- A3.3 If the department needs to vary hours of service delivery or establish new or varied customer service arrangements, and this variation will impact on the hours of duty worked by employees, the Secretary will communicate the business need and consult with potentially affected employees and their representatives, prior to implementing a change in service delivery hours, in accordance with clause A4 of this Agreement. In conducting consultation, the Secretary will consult on matters including, but not limited to:
- (a) staffing levels, and impacts on service levels;
  - (b) security and occupational health and safety;
  - (c) hours of duty, including rosters, regular hours arrangements and patterns of ordinary hours;
  - (d) child care availability, proximity, suitability and costs;
  - (e) availability, safety and proximity of public transport and parking; and
  - (f) other options to assist existing staff manage changed hours, including recruitment of staff to work changed hours.
- A3.4 Where the Secretary establishes new or varied service delivery hours, the Secretary will not:
- (a) design an employee's pattern of attendance to include hours outside the bandwidth;
  - (b) compel an employee to work on public holidays; or
  - (c) place an employee in a 12-hour shift arrangement;
- without the employee's consent.
- A3.1 The department will not roster staff to perform external customer contact duties, other than normal 24 hour / 7 day services, on the Saturday after Good Friday or any Saturdays that fall within the department's reduced activity period set out in clause **Error! Reference source not found..**

### A4 CONSULTATION

- A4.1 The department respects the principles of freedom of association and recognises that it is every employee's right to freely decide whether or not to join and be represented by a union in workplace matters.
- A4.2 Consultation means providing employees and their representatives with a bona fide opportunity to influence a decision-maker prior to a decision being made (where possible), and prior to the implementation of changes.

A4.3 The Secretary will consult with potentially affected employees and their representatives in accordance with this clause A4:

- (a) on the introduction of major changes (or proposed major changes) referred to in subclauses A4.4 and A4.5; and
- (b) on other workplace changes that will have an effect on employees referred to in subclause A4.6.

***Major Change***

A4.4 Where a decision is made to introduce major changes in program, organisation, structure or technology that are likely to have a significant effect on employees, the Secretary must notify the employees who are likely to be affected by the proposed changes, and their representatives.

A4.5 Significant effects include (but are not limited to):

- (a) termination of employment;
- (b) major changes in composition, operation or size of the department's workforce or in the skills required;
- (c) the elimination or diminution of job opportunities, promotion opportunities or job tenure;
- (d) alteration in hours of work;
- (e) the need to retrain employees;
- (f) the need to relocate employees to another workplace; and
- (g) the restructuring of jobs.

***Other workplace changes***

A4.6 Where a workplace change that is likely to have an effect on employees (but is not a major change) is proposed, the Secretary will notify potentially affected employees and their representatives.

***Timing of consultation***

A4.7 Where a decision is made by Government, or is made outside the department, consultation with employees prior to making the decision may not be practicable. In such cases, consultation under this clause A4 regarding the implementation of the decision will occur as early as is reasonably practicable.

A4.8 In other cases, consultation with employees under this clause A4 will occur as early as possible prior to making a decision.

***Process***

A4.9 The Secretary must consult with the employees affected and their representatives, by:

- (a) discussing the introduction of the major change or other workplace change;
- (b) discussing the effects the change is likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees;
- (c) seeking the feedback and input of affected employees and their representatives, about the changes or proposed changes; and
- (d) giving prompt consideration to feedback or input raised by the employees and their representatives, in relation to the changes or proposed changes.



- A4.10 Depending on the issue for consultation and the relevant workplace or workplaces, consultation may be general or specific, and may take the form of discussions, surveys, working groups, project teams, consultation meetings, other co-design approaches and/or the opportunity to make verbal or written comments.
- A4.11 Local managers will consult with their employees and their representatives on local workplace changes. Consultative arrangements may be formal or informal (for example, standing agenda items for team meetings, committees in larger workplaces, or informal meetings with local managers in smaller worksites). Issues raised at the local level may be referred to a more senior manager.
- A4.12 For the purpose of the discussions under subclause A4.9 and A4.10, the employees concerned and their representatives are to be provided in writing all relevant information about the changes or proposed changes, including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees.
- A4.13 The Secretary is not required to disclose confidential or commercially sensitive information to the employees or their representatives.
- A4.14 The Secretary will advise employees and their representatives about how their feedback or input was considered in the decision-making and/or implementation process, as relevant. This advice will be provided in writing, if requested.

#### *Committees*

- A4.15 The department will establish consultative committees to consult with unions about workplace changes at the service zone level or national level.
- A4.16 Service Zone Committees (including a National Office Committee), consisting of three management representatives and three union representatives, will meet at least three times per year and will deal with proposed changes within the Service Zone and implementation of Government decisions as they apply to the Service Zone. The Service Zone Committee may escalate relevant issues to the National Consultative Committee (NCC) or a subcommittee of the NCC.
- A4.17 The NCC will consist of four management and four union representatives, will meet quarterly, and will deal with proposed changes within the department, and implementation of Government decisions as they apply to the department. The NCC may establish subcommittees on an as needs basis to deal with issues that require specific attention.

### **Principles relating to workplace delegates – Majority of APS Agreements**

*The role of union workplace delegates and other elected union representatives is to be respected and facilitated.*

*Agencies and union workplace delegates must deal with each other in good faith.*

*In discharging their representative roles at the workplace level, the rights of union workplace delegates include but are not limited to:*

- *The right to be treated fairly and to perform their role as workplace delegates without any discrimination in their employment;*
- *Recognition by the agency that endorsed workplace delegates speak on behalf of their members in the workplace;*
- *The right to participate in collective bargaining on behalf of those whom they represent, as per the Fair Work Act*
- *The right to reasonable paid time to provide information to and seek feedback from employees in the workplace on workplace relations matters at the agency during normal working hours;*
- *The right to email employees in their workplace to provide information and seek feedback, subject to individual employees exercising a right to 'opt out';*
- *Undertaking their role and having union representation on an agency's workplace relations consultative committee;*
- *Reasonable access to agency facilities (including telephone, facsimile, photocopying, internet and email facilities, meeting rooms, lunch rooms, tea rooms and other areas where employees meet) for the purpose of carrying out work as a delegate and consulting with members and other interested employees and the union, subject to agency policies and protocols;*
- *The right to address new employees about union membership at the time they enter employment;*
- *The right to consultation, and access to relevant information about the workplace and the agency; and*
- *The right to reasonable paid time to represent the interests of members to the employer and industrial tribunals.*

*In discharging any roles that may involve undertaking union business, the rights of union workplace delegates include but are not limited to:*

- *Reasonable paid time during normal working hours to consult with other delegates and union officials in the workplace, and receive advice and assistance from union staff and officials in the workplace;*
- *Reasonable access to appropriate training in workplace relations matters including training provided by a union;*
- *Reasonable paid time off to represent union members in the agency at relevant union forums.*

*In exercising their rights, workplace delegates and unions will consider operational issues, departmental policies and guidelines and the likely affect on the efficient operation of the agency and the provision of services by the Commonwealth.*

*For the avoidance of doubt, elected union representatives include APS employees elected to represent union members in representative forums, including, for example, CPSU Section Secretaries, Governing Councillors and Section Councillors, and APESMA Government Division Committee members.*



s.22

**Subject:** 4:00 John Roskam

**Start:** Fri 24/04/2015 4:00 PM  
**End:** Fri 24/04/2015 4:30 PM

**Recurrence:** (none)

**Organizer:** LLOYD,John



RE: Examples of  
generous arran...

s.22

**From:** WAUGH,Linda  
**Sent:** Tuesday, 24 July 2018 13:39  
**To:** LLOYD,John  
**Subject:** RE: s.22

UNCLASSIFIED

John,

Yes we received a similar inquiry s.22

Regards

Linda

**From:** LLOYD,John  
**Sent:** Tuesday, 24 July 2018 12:06 PM  
**To:** WAUGH,Linda <Linda.Waugh@apsc.gov.au>  
**Subject:** FW: s.22

UNCLASSIFIED

Linda

The email below s.22

s.47F

I will respond to s.22

Regards

**John Lloyd PSM | Commissioner**

**Australian Public Service Commission**  
 Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600  
 GPO Box 3176 CANBERRA ACT 2601  
**P:** +612 6202 3501 | **W:** [www.apsc.gov.au](http://www.apsc.gov.au)

**From:** APSC - Media Enquiries  
**Sent:** Tuesday, 24 July 2018 11:51 AM  
**To:** PERKINS,Emma <Emma.Perkins@apsc.gov.au>; CONNORS,Aoife <Aoife.Connors@apsc.gov.au>; PAGE,Clare <Clare.Page@apsc.gov.au>; TAIT,Donna <Donna.Tait@apsc.gov.au>; BOX,Katie <Katie.Box@apsc.gov.au>  
**Subject:** FW: s.22

**From:** s.22  
**Sent:** Tuesday, 24 July 2018 11:51:06 AM (UTC+10:00) Canberra, Melbourne, Sydney  
**To:** APSC - Media Enquiries  
**Subject:** s.22



Hi again Emma,

s.22



s.22

**From:** LLOYD, John  
**Sent:** Tuesday, 24 July 2018 12:06  
**To:** WAUGH, Linda  
**Subject:** FW: s.22

## UNCLASSIFIED

Linda

The email below s.22

s.47F

I will respond to s.22

Regards

**John Lloyd PSM | Commissioner**

Australian Public Service Commission  
 Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600  
 GPO Box 3176 CANBERRA ACT 2601  
**P:** +612 6202 3501 | **W:** [www.apsc.gov.au](http://www.apsc.gov.au)

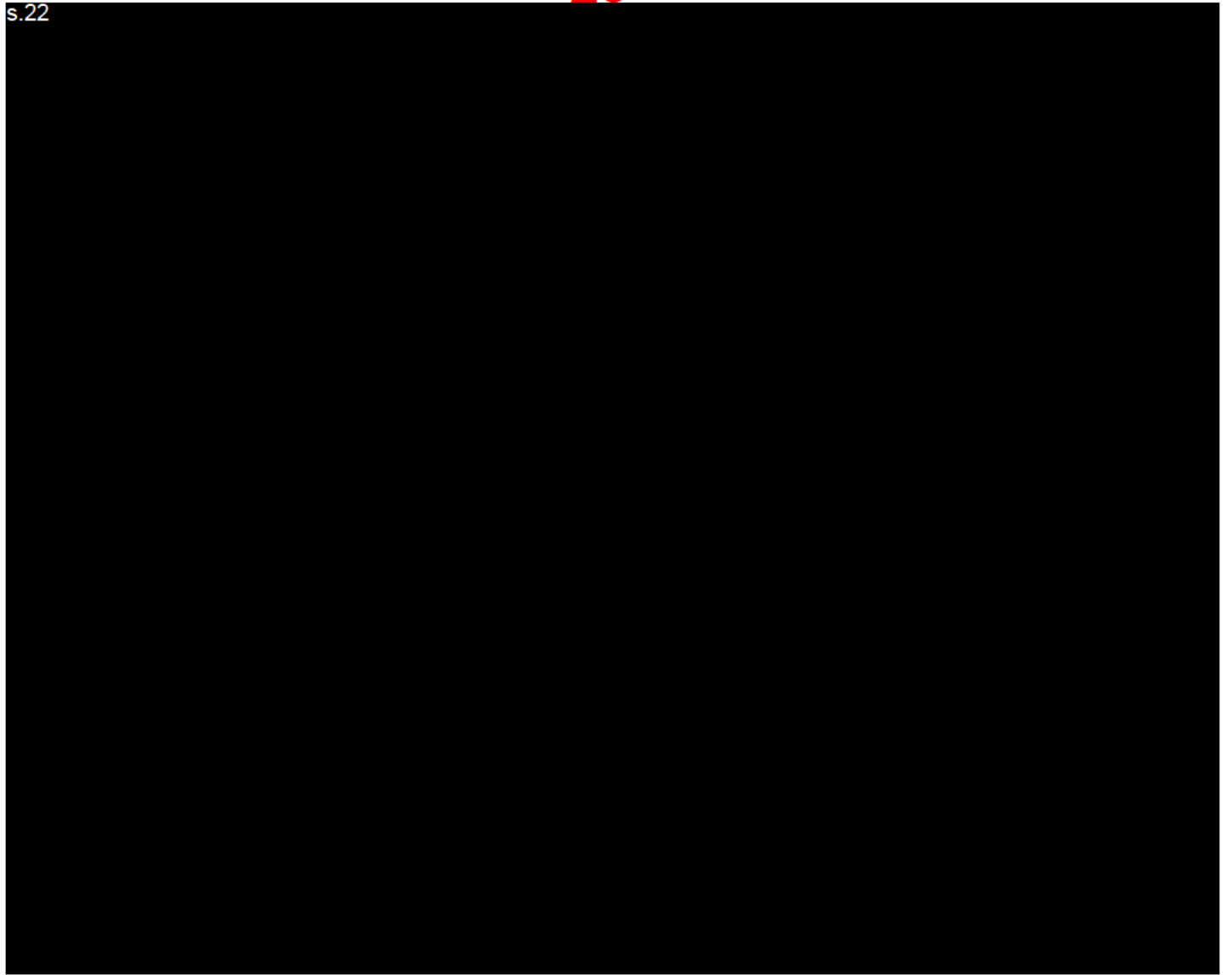
**From:** APSC - Media Enquiries  
**Sent:** Tuesday, 24 July 2018 11:51 AM  
**To:** PERKINS, Emma <[Emma.Perkins@apsc.gov.au](mailto:Emma.Perkins@apsc.gov.au)>; CONNORS, Aoife <[Aoife.Connors@apsc.gov.au](mailto:Aoife.Connors@apsc.gov.au)>; PAGE, Clare <[Clare.Page@apsc.gov.au](mailto:Clare.Page@apsc.gov.au)>; TAIT, Donna <[Donna.Tait@apsc.gov.au](mailto:Donna.Tait@apsc.gov.au)>; BOX, Katie <[Katie.Box@apsc.gov.au](mailto:Katie.Box@apsc.gov.au)>  
**Subject:** FW: s.22

**From:** s.22  
**Sent:** Tuesday, 24 July 2018 11:51:06 AM (UTC+10:00) Canberra, Melbourne, Sydney  
**To:** APSC - Media Enquiries  
**Subject:** s.22

Hi again Emma,

s.22





s.22

**From:** John Roskam <jroskam@ipa.org.au>  
**Sent:** Friday, 27 May 2016 17:18  
**To:** LLOYD,John  
**Subject:** RE: More fan mail from you favourite union [SEC=UNCLASSIFIED]

Hi John  
 I'm not - s.22  
 kind regards John

**John Roskam**  
**Executive Director**

**Institute of Public Affairs**

Mobile s.47F Phone s.47F Fax s.47F Email [jroskam@ipa.org.au](mailto:jroskam@ipa.org.au)  
 Web [www.ipa.org.au](http://www.ipa.org.au) | Address Level 2, 410 Collins Street, Melbourne 3000

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**From:** LLOYD,John [mailto:John.Lloyd@apsc.gov.au]  
**Sent:** Friday, 27 May 2016 5:10 PM  
**To:** John Roskam  
**Subject:** FW: More fan mail from you favourite union [SEC=UNCLASSIFIED]

John

The CPSU statement below refers to me as "an IPA pin-up boy."

I hope you are not too upset about possibly losing the mantle.

John Lloyd

**From:** PAGE,Clare <Clare.Page@apsc.gov.au>  
**Date:** 27 May 2016 at 3:26:09 PM AEST  
**To:** WILEY-SMITH,Mary <Mary.Wiley-Smith@apsc.gov.au>, FISHER,Karin <Karin.Fisher@apsc.gov.au>, PERKINS,Emma <Emma.Perkins@apsc.gov.au>, LLOYD,John <John.Lloyd@apsc.gov.au>  
**Cc:** POOLE,Lucy <Lucy.Poole@apsc.gov.au>, SPACCAVENTO,Marco <Marco.Spaccavento@Apsc.gov.au>  
**Subject:** FW: More fan mail from you favourite union

All

s.22 has just sent this through.

I assume the CPSU have gone directly to s.22 in response to the article this morning s.22

s.22

s.47F



-----Original Message-----

**From:** s.22

**Sent:** Friday, May 27, 2016 03:20 PM AUS Eastern Standard Time

**To:** PAGE, Clare

**Subject:** More fan mail from you favourite union

The CPSU says:

Just following up on this yarn. <http://www.canberratimes.com.au/national/public-service/public-servants-defence-force-warned-over-facebook-electioneering-20160526-gp4emf.html>

We've got a bit of a response on that APSC advice, which is significantly different to the guidance we've given our members. <http://www.cpsu.org.au/news/federal-election-2016-your-rights-and-responsibilities>

Any chance of getting a few lines added to your yarn, or a turn-around on it?

CPSU National Secretary Nadine Flood said: "This warning from the APSC is politically motivated over-reach. It's also breathtaking hypocrisy from John Lloyd, an IPA pin-up boy who's absolutely been a political player in pursuing the Turnbull Government's attacks on workplace rights, public services and the people who provide them."

"This over-the-top social media warning from the APSC simply highlights the fact that tens of thousands of APS workers are angry about their shabby treatment by the Turnbull Government, and are using their own evenings and weekends to participate in campaigning."

"The essential public services that our members in the APS provide are absolutely above politics, which is why these workers are so keen for the attacks on services, jobs and workplace rights over the past three years to end."

--

s.22

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<http://www.mailguard.com.au>



s.22

---

**From:** LLOYD,John  
**Sent:** Monday, 13 April 2015 21:33  
**To:** John Roskam  
**Cc:** KELLY,Clare  
**Subject:** RE: Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

John

Friday 24 at 4.00 is great for me. It is in the calendar.

**John Lloyd PSM | Commissioner**

Australian Public Service Commission  
 Level 6, Aviation House, 16 Furzer Street, PHILLIP ACT 2606  
**P:** +612 6202 3501 | **M:** s.47F | **W:** [www.apsc.gov.au](http://www.apsc.gov.au)

---

**From:** John Roskam [mailto:jroskam@ipa.org.au]  
**Sent:** Monday, 13 April 2015 9:20 PM  
**To:** LLOYD,John  
**Subject:** RE: Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]

Hi John  
 Thank you for this - that is very handy. Unfortunately I can't do this Friday but anytime in the afternoon on Friday 24 would be good. s.47F  
 regards John

---

**From:** LLOYD,John [John.Lloyd@apsc.gov.au]  
**Sent:** Monday, 13 April 2015 5:59 PM  
**To:** John Roskam  
**Subject:** Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear John

As discussed I attach a document that highlights some of the more generous agreement provisions applying to APS employees.

I am free to discuss this at any time.

I am also happy to provide a quote for the article if you wished.

It would be good to catch up. I would be available this Friday 17 April from 3.30 pm or the following Friday 24 April in the afternoon. I am scheduled to fly back from Canberra both days arriving in Melbourne early afternoon.

Regards

**John Lloyd PSM | Commissioner**  
 Australian Public Service Commission  
 Level 6, Aviation House, 16 Furzer Street, PHILLIP ACT 2606  
**P:** +612 6202 3501 | **M:** s.47F | **W:** [www.apsc.gov.au](http://www.apsc.gov.au)

---

**From:** KELLY,Clare

**Sent:** Monday, 13 April 2015 5:08 PM

**To:** LLOYD,John

**Subject:** Examples of generous arrangements in Commonwealth enterprise agreements [SEC=UNCLASSIFIED]

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s.22

**From:** s.47E  
**Sent:** Wednesday, 7 January 2015 15:24  
**To:** LLOYD,John  
**Subject:** RE: Security Clearance [DLM=Sensitive:Personal] [DLM=For-Official-Use-Only]

For-Official-Use-Only

s.47E, s.47F

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**From:** LLOYD,John [mailto:John.Lloyd@apsc.gov.au]  
**Sent:** Wednesday, 7 January 2015 15:22  
**To:** s.47E  
**Subject:** RE: Security Clearance [DLM=Sensitive:Personal]

**Sensitive: Personal**

s.47E, s.47F

**John Lloyd PSM | Commissioner**

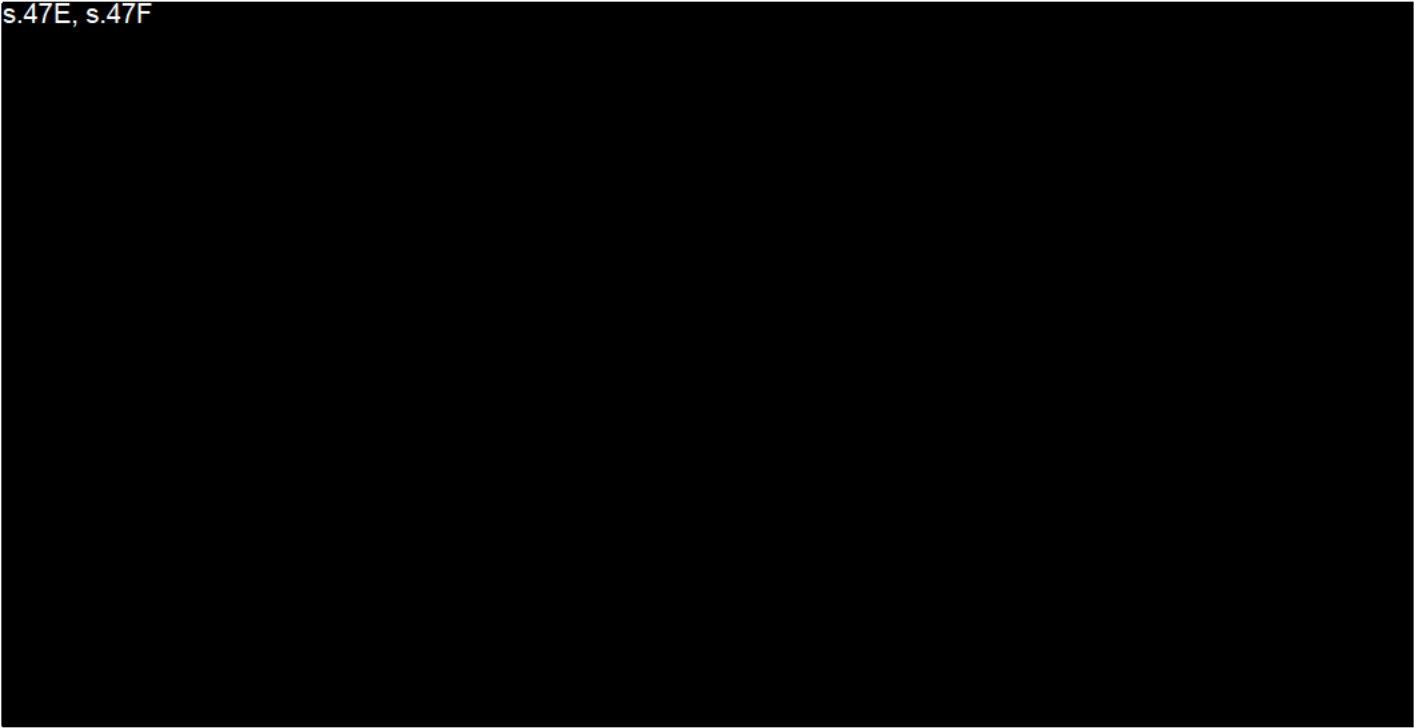
Australian Public Service Commission  
Level 6, Aviation House, 16 Furzer Street, PHILLIP ACT 2606  
**P:** +612 6202 3501 | **M:** s.47F | **W:** [www.apsc.gov.au](http://www.apsc.gov.au)

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**From:** s.47E  
**Sent:** Wednesday, 7 January 2015 3:17 PM  
**To:** LLOYD,John  
**Subject:** RE: Security Clearance [DLM=Sensitive:Personal] [DLM=For-Official-Use-Only]

For-Official-Use-Only

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**From:** LLOYD, John [<mailto:John.Lloyd@apsc.gov.au>]

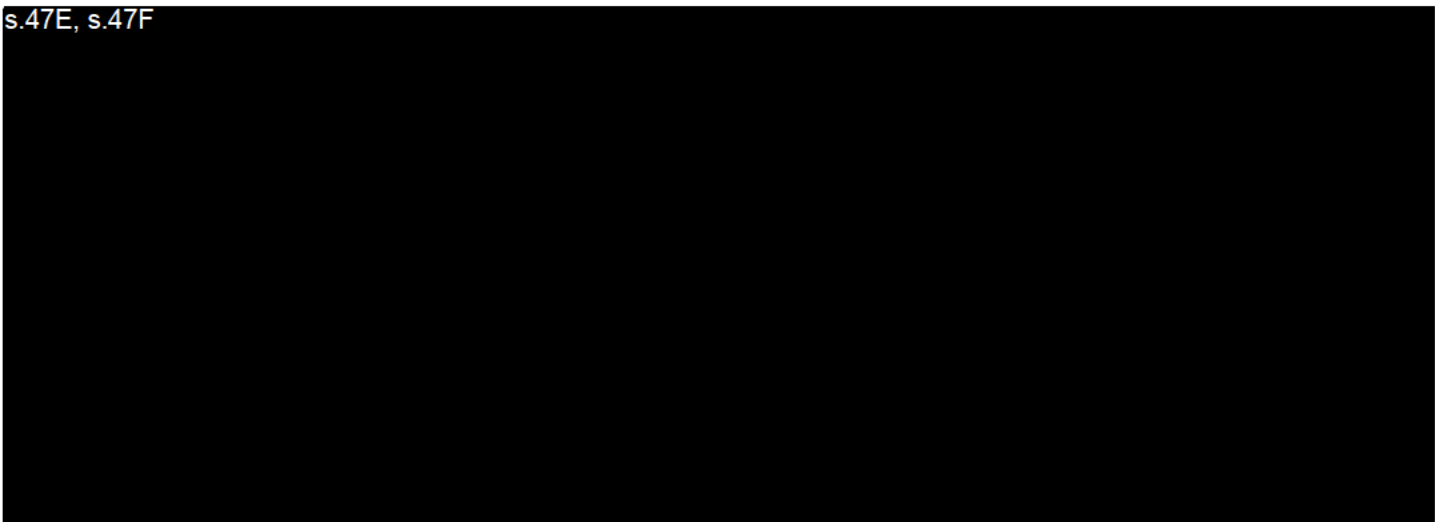
**Sent:** Wednesday, 7 January 2015 14:48

**To:** s.47E

**Subject:** RE: Security Clearance [DLM=Sensitive:Personal]

**Sensitive: Personal**

s.47E, s.47F



Regards

**John Lloyd PSM I Commissioner**

Australian Public Service Commission

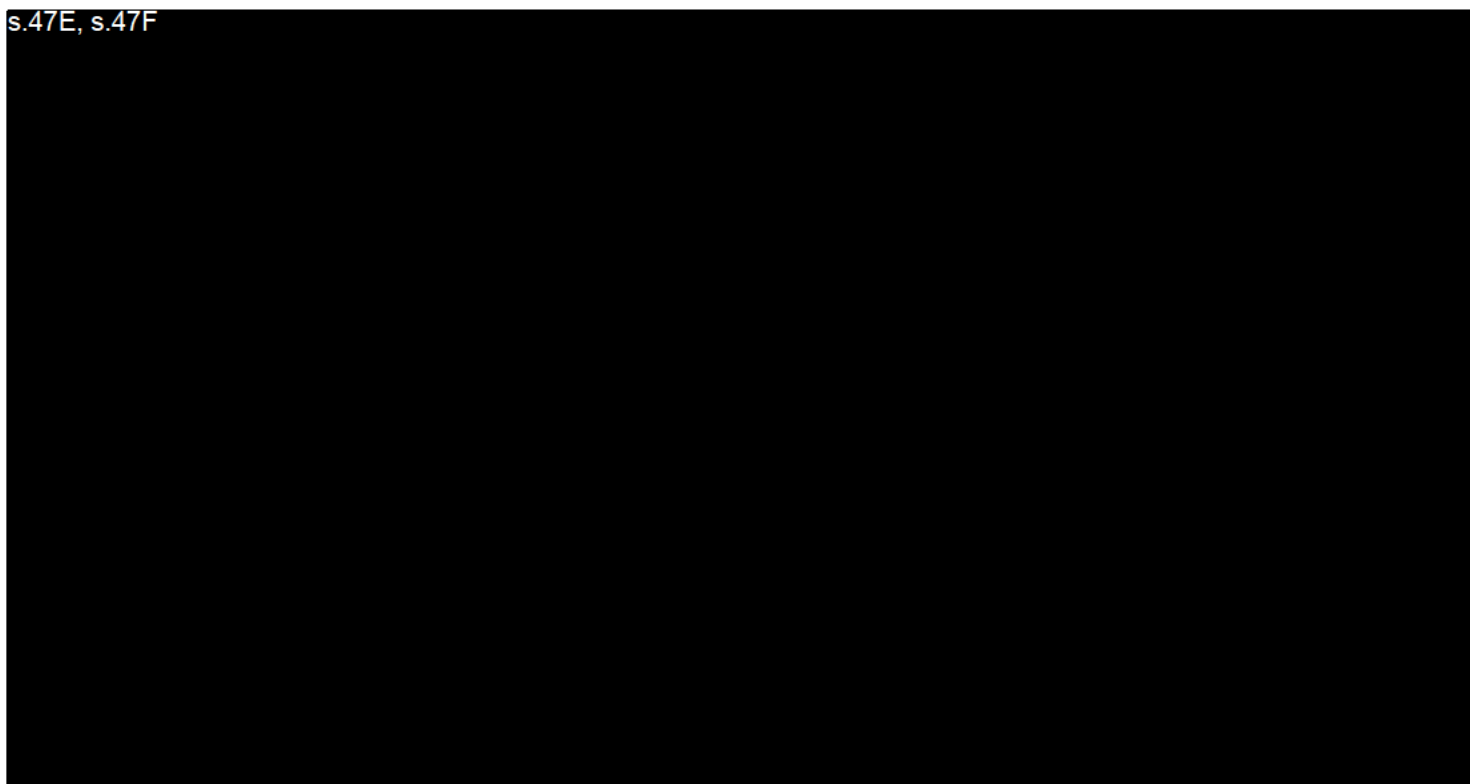


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**From:** s.47E  
**Sent:** Tuesday, 6 January 2015 4:30 PM  
**To:** LLOYD, John  
**Subject:** Security Clearance [DLM=Sensitive:Personal]

Sensitive:Personal

s.47E, s.47F



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