



**NDIS Quality  
and Safeguards  
Commission**

## **Fact Sheet - Key changes for the proposed NDIS Quality and Safeguards Commission Enterprise Agreement 2024-2027**

This document provides an explanation of the key changes between the *NDIS Quality and Safeguards Commission Agreement 2019 – 2022* (2019 EA) and the proposed *NDIS Quality and Safeguards Commission Agreement 2024 – 2027* (2024 EA).

Where a term or condition or entitlement is not set out in this document, it is because the term/condition/entitlement under the 2024 EA remains largely the same as that under the 2019 EA.

The 2024 EA will cover non-SES employees of the Commission. The 2024 EA will commence operation 7 days after it is approved by the Fair Work Commission and will nominally expire on 28 February 2027.

# Part 1: Scope of the Agreement

Employment condition

National Employment Standards

Explanation of key changes from 2019 EA

The 2024 EA provides that the terms of the 2024 EA are intended to apply in a way that does not derogate from the National Employment Standards (**NES**) in the *Fair Work Act 2009 (FW Act)* and that the NES will continue to apply to the extent a term is detrimental when compared with the NES.

The 2019 EA includes a similar but less detailed clause.

2024 EA clause

1.9

2019 EA clause

1.6

Employment condition

Individual flexibility arrangements

Explanation of key changes from 2019 EA

The 2024 EA provides for flexibility arrangements to be reviewed at least every 12 months. The 2019 EA did not include any review mechanism.

2024 EA clause

1.10 – 1.15

2019 EA clause

3.8 – 3.12

## Part 2: Performance and capability

### Employment condition

#### Performance Management Framework

#### Explanation of key changes from 2019 EA

The 2024 EA includes a list of factors which the Commission recognise as facilitating employees to perform better and more consistently. The 2019 EA does not include a clause to this effect.

The 2024 EA provides a list of principles for performance management which are different to the principles of performance management in the 2019 EA. The principles in the 2024 EA are: Setting expectations for performance and behaviour; Development; Ongoing monitoring and feedback; Managing Performance; and Fairness. A number of the principles in the 2024 EA are more detailed.

The 2024 EA provides that the Commission's performance cycle for all employees will run from 1 August to 31 July in the following year, except for the 2023/2024 performance cycle, which will run from 1 July 2023 to 31 July 2024. The 2019 EA provided for a performance cycle from 1 July each year to 30 June in the following year.

The 2024 EA also provides:

- a principle that a managing performance process will occur where an employee is not at the expected standard:
- for a formal performance assessment process of at least 4 weeks where an employee is under performing and continues to fall below the standard expected despite a managing performance process. Employees have the right to respond to a notice of a formal performance assessment and bring a support person to performance discussions. If an employee's performance remains unsatisfactory following the formal assessment process, the Commissioner may reduce their classification, reassign the employee to other duties or terminate their employment. Employees have a right to respond to any such proposal before a final decision is made. The 2019 EA does not provide for a formal performance assessment process.

#### 2024 EA clause

2.1 – 2.13

2019 EA clause

2.1 – 2.4

Employment condition

Workloads

Explanation of key changes from 2019 EA

The 2024 EA introduces a new clause which provides:

- the Commission recognises the importance of employees balancing their work and personal life (noting that it may be necessary at times for The 2024 EA introduces a new clause which provides:
- the Commission recognises the importance of employees balancing their work and personal life (noting that it may be necessary at times for some extra hours to be worked by an employee, but this should be the exception rather than the rule)
- the Commission will consider the need for employees to strike a balance between their work and personal life in determining workloads for an employee or group of employees; and
- where an employee or group of employees raise that they have experienced significant workload pressures over a prolonged period of time, the Commission and employee/s together must review the employees' workloads and priorities, and determine appropriate strategies to manage the impact on the employee or group of employees.

2024 EA clause

2.14 – 2.16

2019 EA clause

N/A

## Employment condition

### Study assistance

#### Explanation of key changes from 2019 EA

The 2024 EA increases the maximum amount of reimbursement available for fees from \$1,500 per semester and a maximum of \$3,000 per annum, to a maximum of \$6,000 per annum where study is for more than one semester (and no set limit per semester). The 2024 EA also provides for these amounts to be indexed on 13 March 2025 and 12 March 2026 while the 2019 EA does not provide for indexation.

#### 2024 EA clause

2.17 – 2.18

#### 2019 EA clause

2.5

## Employment condition

### Support for professionals

#### Explanation of key changes from 2019 EA

The 2024 EA increases the maximum amount per year that the Commission will reimburse an employee for annual membership fees of associations essential to enable an employee to undertake their duties from \$750 to \$850.

It also increases the maximum amount per year the Commission will reimburse an employee for annual membership of other professional associations relevant to the work of the Commission from \$42 to \$48.

The 2024 EA provides a mechanism for these amounts to be indexed on 13 March 2025 and 12 March 2026 while the 2019 EA does not provided for indexation.

2024 EA clause

2.19 – 2.21

2019 EA clause

2.6 – 2.7

Employment condition

Learning and development

Explanation of key changes from 2019 EA

The 2024 EA introduces new clauses which provide that:

- learning and development opportunities are supported across the Commission at all levels;
- employees will have access to appropriate learning and development opportunities as determined by the Commission during work time to develop the skills and knowledge needed to perform their duties, complete mandatory training necessary to their role and address identified development needs; and
- employees will be provided with work time to develop their skills and knowledge in accordance with their Commission or APS career aspirations as identified in their performance agreement.

2024 EA clause

2.22 – 2.24

2019 EA clause

N/A

## Part 3: Remuneration

### Employment condition

#### Salary increases

##### Explanation of key changes from 2019 EA

- 2024 EA provides increases to the salary rates in the Agreement of 11.2% over 3 years with the following breakdown:
  - 4% from the first full pay period after 1 March 2024 (14 March 2024)
  - 3.8% from the first full pay period after 1 March 2025 (13 March 2025); and
  - 3.4% from the first full pay period after 1 March 2026 (12 March 2026).

Employees who, at the commencement of the 2024 EA, are in receipt of a salary above the maximum pay point of the band following the salary increases, will be entitled to one-off payments in lieu of salary increases a manner similar to that provided by the 2019 EA.

##### 2024 EA clause

3.1 – 3.4

##### 2019 EA clause

3.1 – 3.6

### Employment condition

#### Payment of salary

##### Explanation of key changes from 2019 EA

The 2024 EA introduces a new clause which sets out how fortnightly pay is calculated. This calculation reflects how the Commission calculates fortnightly salary.

2024 EA clause

3.7

2019 EA clause

N/A

Employment condition

Salary setting

Explanation of key changes from 2019 EA

The 2024 EA provides a greater list of considerations that the Commissioner will have regard to in setting salary above the minimum pay point in the salary range on engagement, movement, or promotion (including an employee's previous non-ongoing and casual employment with the Commission). The 2024 EA also provides for the Commissioner to correct the salary of an employee whose salary was incorrectly set (which the 2019 EA did not contemplate).

The 2024 EA also provides that the Commissioner may determine the payment of salary at a higher value within the salary range of a classification at any time. This is not expressly recognised in the 2019 EA

2024 EA clause

3.8– 3.15

2019 EA clause

3.19 – 3.20



## Employment condition

### Overpayments

#### Explanation of key changes from 2019 EA

The 2024 EA contains more detailed provisions relating to the recovery of overpayments, including:

- a process by which the Commissioner will notify the employee of an overpayment and provide an employee with an opportunity to respond before confirming an overpayment; and
- the making of recovery arrangements between the Commissioner and the employee.

The 2024 EA makes clear that these arrangements do not prevent the Commission from pursuing recovery through other means or prevent either party from seeking a waiver of a debt under the *Public Governance, Performance and Accountability Act 2013 (Cth)* (**PGPA Act**).

The 2019 EA only states that debts that an employee owed to the Commission would be recovered in accordance with the Commissioner's instructions and section 324 of the FW Act.

#### 2024 EA clause

3.16 – 3.23

#### 2019 EA clause

3.13

## Employment condition

### Salary advancement (on-going and non-ongoing employees)

#### Explanation of key changes from 2019 EA

The 2024 EA aligns the conditions for salary advancement for ongoing and non-ongoing employees.

The minimum period of service to be eligible for salary advancement under the 2024 EA has been reduced to 6 months of aggregate service during the performance cycle for ongoing employees and non-ongoing employees. The 2019 EA requires 6 months' continuous service for ongoing employees and a 12 months' service for non-ongoing employees.

Unlike the 2019 EA, the 2024 EA provides that periods of paid leave, unpaid leave that counts as service and paid and unpaid parental leave count towards an employee's service for advancement purposes (although an employee on unpaid parental leave can only receive advancement by one pay point during unpaid parental leave).

#### 2024 EA clause

3.24 and 3.26 – 3.28

#### 2019 EA clause

3.14 and 3.18

#### Employment condition

Salary advancement (temporary assignment of duties to a higher classification (TPA))

#### Explanation of key changes from 2019 EA

The minimum period of service to be eligible for salary advancement when an employee is acting in a higher classification has been reduced under the 2024 EA.

An employee will be eligible to receive advancement at their temporary higher classification if they have 6 months of aggregate service at that level during the performance cycle (and they are assessed as having performed at a satisfactory level or higher at that classification).

Under the 2019 EA, an employee is eligible for advancement at the temporary higher classification if they have performed duties at the higher classification:

- for a continuous period of 12 months; or
- for 12 months within a 24 month period.

Under the 2024 EA, an employee who receives advancement at a temporary higher classification will retain that higher level for all periods of acting, regardless of elapsed time.

Under the 2019 EA, this advancement is not retained if an employee has not performed higher duties within 24 months.

2024 EA clause

3.25 and 3.26

2019 EA clause

3.15 – 3.18

Employment condition

Higher duties allowance (Temporary re-assignment to a higher classification)

Explanation of key changes from 2019 EA

The 2024 EA provides that where a role needs to be filled for 2 or more working weeks, higher duties allowance will be paid to any employee occupying the role at a classification higher than their substantive classification.

The 2019 EA requires an employee to be performing higher duties for a minimum period of two weeks to receive higher duties allowance, unless the Commissioner determines a shorter period. The 2024 EA retains the ability for the Commissioner to determine a shorter period.

The 2024 EA also provides higher duties allowance is payable where an employee is acting in higher duties as part of a job share arrangement for at least two working weeks.

This is not set out in the 2019 EA.

2024 EA clause

3.29 – 3.34

2019 EA clause

3.21 – 3.24

## Part 4 – Allowances and reimbursements

Employment condition

Workplace responsibility allowance

Explanation of key changes from 2019 EA

The 2024 EA:

- includes a fortnightly allowance for employees appointed/elected to the role of First Aid Officer, Emergency Warden, Health and Safety Representative, Mental Health First Aid Officer and/or Harassment Contact Officer. The 2019 EA provided an allowance for each of these roles except the Mental Health First Aid Officer role
- makes clear that the full amount of the fortnightly allowance is payable irrespective of flexible working, part-time or casual employment arrangements (provided a casual employee works during a fortnight). The 2019 EA provides the allowance is pro-rated for part-time employees; and
- contains an increased rate of allowance.

The 2024 EA provides that an employee's physical availability to undertake the role will be considered by the Commissioner when appointing and reappointing an employee to a workplace responsibility role, which was not provided for by the 2019 EA.

Unlike the 2019 EA, the 2024 EA does not provide that the allowance ceases to be payable during periods of leave greater than 4 weeks.

2024 EA clause

4.1 – 4.5

2019 EA clause

4.1 – 4.3

Employment condition

Community language allowance

Explanation of key changes from 2019 EA

The 2024 EA provides for a community language allowance to be paid where the Commissioner determines an employee is "regularly required to use their ability to communicate in Braille or a language other than English (including First Nations languages) in the course of their work" (and where the employee meets the required level of competency).

The 2024 EA also clarifies:

- the full allowance is payable regardless of flexible work and part-time arrangements; and
- the allowance counts as salary for superannuation purposes and for calculating retirement and redundancy entitlements.

2024 EA clause

4.6 – 4.11

2019 EA clause

4.4

## Part 5: HOURS OF WORK AND WORKING ARRANGEMENTS

Employment condition

Work level standards

Explanation of key changes from 2019 EA

The 2024 EA includes a clause which makes clear that the APS Work Level Standards continue to operate and describe work at each classification level.

This is not expressly set out in the 2019 EA.

2024 EA clause

5.1

2019 EA clause

N/A

Employment condition

Job security

Explanation of key changes from 2019 EA

The 2024 EA includes new clauses which:

- recognise the APS is a career-based public service and that in its engagement decisions, the usual basis for engagement is as an ongoing employee;
- require the Commission to report to the Workplace Consultative Forum on an annual basis on a breakdown of employee classification, location and engagement type; and

- provide that the Commission will comply with the casual conversion provisions of the FW Act and recognises a proactive approach, including regular review of casual and non-ongoing arrangements, is a fair and efficient approach to supporting ongoing engagement as the usual basis of employment.

2024 EA clause

5.3 – 5.5

2019 EA clause

N/A

Employment condition

Non-ongoing employment

Explanation of key changes from 2019 EA

The 2024 EA contains new clauses which:

- recognises that non-ongoing employees have the same terms and conditions under the agreement as ongoing employees, with the exception of personal/carer's leave and redundancy
- recognises the consequence of a non-ongoing employment contract not being permitted by the FW Act.

2024 EA clause

5.6 – 5.9

2019 EA clause

N/A

## Employment condition

### Casual (irregular or intermittent) employment

#### Explanation of key changes from 2019 EA

The casual loading will increase from 20% (under the 2019 EA) to 25% under the 2024 EA.

The 2024 EA also includes new provisions with respect to casual employees which provide:

- for a minimum engagement of 3 hours (or payment for a minimum of 3 hours);
- that a decision to expand the use of casual employees will be subject to consultation in accordance with the consultation obligations in the agreement;
- the Commission will regularly review the working arrangements of casual employees to assess if they are genuinely performing irregular or intermittent duties, and report de-identified outcomes to the Workplace Consultative Forum.

#### 2024 EA clause

5.10 – 5.16

#### 2019 EA clause

3.33

## Employment condition

### Definition of shift worker

#### Explanation of key changes from 2019 EA

The 2024 EA clarifies the definition of shift worker to make clear that it is an employee rostered to perform "ordinary hours" outside the bandwidth for an ongoing or fixed period. The 2019 EA provided only that a shift worker was an employee rostered to perform "duty" outside the bandwidth.



2024 EA clause

### 13.1 – Definitions

2019 EA clause

### 12.1 – Definitions

Employment condition

Recording Hours Worked and Hours of Work

Explanation of key changes from 2019 EA

These clauses are substantively the same under the 2024 EA as the 2019 EA.

The clause of the 2019 EA which dealt with the setting of ordinary hours on a day for salary calculations has been removed, as an employee's ordinary hours on a day will depend on their working arrangements.

2024 EA clause

2019 EA clause

Employment condition

Flexitime

Explanation of key changes from 2019 EA

The flexitime clause in the 2024 EA do not deal with requests by employees to work outside the bandwidth, which is dealt with in the flexitime clause in the 2019 EA. The ability to work ordinary hours outside the bandwidth is now dealt with in the flexible working arrangement clauses of the 2024 EA.

The 2024 EA clarifies that flexitime is not available to casual employees or shiftworkers.

2024 EA clause

5.27 – 5.34 and 5.97

2019 EA clause

5.12 – 5.19

Employment condition

EL TOIL

Explanation of key changes from 2019 EA

The 2024 EA provides that a manager is to grant TOIL to an EL employee in recognition of additional hours worked, whereas the 2019 EA provides that the Commissioner may grant access to TOIL.

provides that the Commissioner may grant access to TOIL.

The 2024 EA does not state expressly that EL TOIL is not on an hour for hour basis, however consistent with the 2019 EA, EL TOIL is not intended to be an "hour for hour" arrangement.

The 2024 EA also provides for more structured discussion between employees and managers in regard to workloads, and notes that EL working arrangements and actual hours should be discussed on at least a quarterly basis.

The 2019 EA provides that a maximum amount of 37.5 hours of EL TOIL may be carried over from month to month. The 2024 EA does not include this limit.

2024 EA clause

5.35 – 5.41

2019 EA clause

5.20 – 5.23

Employment condition

Part-time work

Explanation of key changes from 2019 EA

The 2024 EA make clear that:

- employees engaged on a part-time basis will not be compelled to convert to full time; and
- the agreed hours of a part-time employee will be set out in a part-time work agreement.

The 2024 EA also extends the right to access part-time employment for a period of three years after parental leave to both primary and secondary caregivers (the 2019 EA provided this right to only primary caregivers).

2024 EA clause

5.43 – 5.48

2019 EA clause

5.24 – 5.26

Employment condition

### Shift work

Explanation of key changes from 2019 EA

The 2024 EA clarifies that casual employees are also entitled to shift work penalties and casual loading.

2024 EA clause

5.49 – 5.54

2019 EA clause

5.28 – 5.32

Employment condition

### Overtime

Explanation of key changes from 2019 EA

The 2024 EA clarifies that overtime is only to be worked where an employee is required to work hours in addition to their ordinary hours. It also provides that casual employees are entitled to overtime if they are required to work outside the bandwidth or in excess of 37.5 hours in a week but that the casual loading is not paid for overtime.

2024 EA clause

5.55 – 5.61

2019 EA clause

5.34 – 5.41

## Employment condition

### Restriction duty

#### Explanation of key changes from 2019 EA

The 2024 EA increases the rate of restriction allowance from \$45 to \$46.80 on weekdays and from \$55 to \$57.20 on Saturdays, Sundays, public holidays and days falling within the closedown periods. The allowance rates will be index on 13 March 2025.

#### 2024 EA clause

5.64 – 5.67

#### 2019 EA clause

5.44 – 5.47

## Employment condition

### Flexible working arrangements

#### Explanation of key changes from 2019 EA

- The 2024 EA introduces detailed flexible working arrangement provisions which:
- recognise the benefits of flexible working arrangements and set out how requests for flexible working arrangements are to be approached;
- provide a right for all employees to make requests for flexible working arrangements
- set out a process by which requests flexible working arrangements are to be made, considered responded to and documented;
- set out how a flexible working arrangement may be varied, paused or terminated
- deal with working from home requests;
- differentiate ad-hoc requests for flexibility from the need to make formal flexible working arrangements; and
- recognise that an employee may request to work an alternate span of hours, but if this arrangement is granted, they will not be entitled to overtime or shift penalties for their ordinary hours.

The 2019 EA does not contain these provisions It only includes a discretion for the Commissioner to agree to employees working from home on a long term or casual basis.

2024 EA clause

5.70 – 5.97

2019 EA clause

5.27

Employment condition

Public holidays

Explanation of key changes from 2019 EA

The 2024 EA contains more detailed provisions regarding the substitution of a public holiday, and provides:

- that the Commissioner and an employee may agree to substitute a cultural or religious day of significance for the employee for any prescribed holiday;
- if an employee cannot work on the prescribed holiday, they will be required to work make-up time
- if an employee substitutes a public holiday for another day, they will not be paid penalty rates for their normal hours on the public holiday.

The 2024 EA also provides that where a full-time employee (including employees working compressed hours) has a regular planned day off on a public holiday, the Commissioner may allow the employee to change their planned day off so that it does not fall on the public holiday (or if this is not possible, the employee will be credited with flex credits or EL TOIL in recognition of their planned day off).

2024 EA clause

5.98 – 5.106

2019 EA clause

5.50 – 5.55

## Part 6: Leave

Employment condition

Notification of absence

Explanation of key changes from 2019 EA

The 2024 EA allows employees to provide notification of an intended absence by phone call or using an alternative method of notification agreed with their manager. The 2019 EA required notification to be way of phone call only.

2024 EA clause

6.1

2019 EA clause

6.1

Employment condition

Portability of leave

Explanation of key changes from 2019 EA

Under the 2024 EA, the portability of leave clause has been expanded to provide that:

- where an employee is engaged as an ongoing employee, and was engaged by another non-APS Commonwealth employer immediately prior to their engagement with the Commission, the Commissioner will recognise any unused accrued PCL at the employee's request.
- where an employee is engaged as non-ongoing APS employee, and was engaged as a non-ongoing APS employee immediately prior to their engagement with the Commission, the Commissioner will recognise any unused accrued annual leave and PCL at the employee's request; and
- where an employee is engaged as an ongoing employee, and was engaged by a State or Territory government employer immediately prior to their engagement with the Commission, the Commissioner may recognise any unused accrued PCL at the employee's request.

The 2024 EA also provides that where there is a break in service of less than 2 months, an employee will be considered to have continuity of service.

[2024 EA clause](#)

6.2 – 6.8

[2019 EA clause](#)

6.2 – 6.5

[Employment condition](#)

[Annual leave](#)

[Explanation of key changes from 2019 EA](#)

The 2024 EA introduces an ability for employees to cash out annual leave in particular circumstances and expressly records that employees will receive payment in lieu of untaken annual leave upon separation from the APS.

[2024 EA clause](#)

6.16 – 6.24

[2019 EA clause](#)

6.13 – 6.18



## Employment condition

### Personal/carer's leave

#### Explanation of key changes from 2019 EA

The 2024 EA continues to provide that ongoing and non-ongoing employees will accrue 18 days personal/carer's leave (PCL) each year (pro-rata for part-time employees), but changes the arrangements for upfront crediting of PCL.

Under the 2024 EA:

- an ongoing employee who is new to the APS will be credited 18 days PCL upon commencement. Transitional arrangements are included for an employee who received an upfront credit of leave under the 2019 EA and is still in their first year of service;
- a non-ongoing employee will receive a credit of up to 18 days PCL upon commencement, which will be pro-rated based on the term of their contract period if it is less than 12 months, unless they have an existing PCL balance recognised from prior service; and
- an employee will not accrue PCL with respect to the period for which they have received an upfront credit.

Under the 2019 EA, ongoing employees are credited with 10 days PCL on engagement and then accrue 8 days PCL in their first year of service.

Thereafter, ongoing employees accrue 18 days for each year of service. Non-ongoing employees do not receive any upfront credit of PCL but accrue 18 days PCL per year of service.

The 2024 EA also:

- provides for casual employees to be absent without pay when not fit for work due to personal illness/injury and access 2 days' unpaid care's leave per occasion;
- expands upon the circumstances in which PCL may be used to include the management of chronic conditions, and sets out examples of when a person will have caring responsibilities;
- provides that a certificate from a registered health practitioner may be used as evidence of a chronic condition for up to 12 months for PCL.

2024 EA clause

6.25

2019 EA clause

6.19– 6.30

Employment condition

Re-crediting of leave

Explanation of key changes from 2019 EA

The 2024 EA provides a wider range of circumstances in which an employee may be re-credited with particular types of leave if they become eligible for other forms of leave under legislation or the 2024 EA.

2024 EA clause

6.38 – 6.40

2019 EA clause

6.28 and 6.31

## Employment condition

### Compassionate leave / Bereavement leave

#### Explanation of key changes from 2019 EA

The 2024 EA separately provides for three days of compassionate leave, and three days of bereavement leave, per occasion. It also makes clear that this leave is available in the case of miscarriage or a stillborn child.

The 2019 EA deals with these leave types together as "compassionate leave".

The 2024 EA provides that these types of leave may be taken as 3 consecutive days or in separate periods totalling 3 days, including part-days.

#### 2024 EA clause

6.41 – 6.50

#### 2019 EA clause

6.29 – 6.32

## Employment condition

### Long service leave

#### Explanation of key changes from 2019 EA

The 2024 EA provides that the minimum period for which long service leave can be taken is 7 calendar days (whether at full or half pay).

The 2019 EA provides that the minimum period is 7 calendar days at full pay, or 14 days at half pay.

2024 EA clause

6.51 – 6.52

2019 EA clause

6.33 – 6.34

Employment condition

Parental leave

Explanation of key changes from 2019 EA

The 2024 EA provides:

up to 18 weeks paid parental leave for an employee who is the primary caregiver of a child born to them, or a child who is in adopted or in long term foster care; and

8 weeks paid parental leave for secondary caregivers of a child born to them, or adopted or in long-term foster care. The entitlement to paid leave for secondary caregivers will progressively increase over the life of the 2024 EA to 18 weeks.

There is no minimum service requirement for these paid parental leave entitlements.

These entitlements are more beneficial than the 2019 EA, which provides the following entitlements for eligible employees (being employees with 12 months' service):

14 weeks paid maternity leave (inclusive of entitlement under the *Maternity Leave (Commonwealth Employees) Act 1973 (Cth) (ML Act)*)/ adoption/ foster/permanent care leave for eligible employees; and

4 weeks paid supporting partner leave.

The 2024 EA also introduces:

paid parental leave for parents who have lost a child through stillbirth (although a secondary caregiver of a stillborn child is only entitled to 2 weeks of paid leave)

one-week paid leave for a pregnant employee who experiences, or an employee whose spouse/partner experiences, pregnancy loss between 12 and 20 weeks gestation; and

paid premature birth leave from the date of the birth to what would have been 37 weeks gestation.

2024 EA clause

6.53 – 6.73

2019 EA clause

6.35 – 6.53

Employment condition

Defence reservist leave

Explanation of key changes from 2019 EA

In addition to the entitlements contained in the 2019 EA, the 2024 EA provides for up to 3 weeks each financial year for an ADF Cadet officer or instructor to perform their duties, and also that paid leave may be granted to an employee to attend an interview or medical examination in connection with enlistment in the Reserve Force of the Defence Force.

The 2024 EA provides that unpaid leave for six months or less (including for continuous full-time service (**CTFS**) counts as service for all purposes, and unpaid leave over 6 months counts as service except for annual leave.

The position under the 2019 EA is that defence reservist leave counts as service, except for unpaid leave to undertake continuous full-time service, which counts for service for all purposes except annual leave.

2024 EA clause

6.75 – 6.84

2019 EA clause

6.55 – 6.59

Employment condition

Miscellaneous leave

Explanation of key changes from 2019 EA

The 2024 EA limits the circumstances in which a casual employee may be granted miscellaneous leave to family and domestic violence purposes and where set out in a Government directive.

2024 EA clause

6.85 – 6.86

2019 EA clause

6.60

## Employment condition

### Jury duty

#### Explanation of key changes from 2019 EA

The 2024 EA contains a separate clause for jury duty, which provides that employees who are required to attend for jury duty will be released from duty without the need to apply for leave. If an employee receives an amount from the Court for attendance, they must repay that amount to the Commission in accordance with the overpayments clause.

The 2019 EA provides that paid leave will be provided for jury service.

#### 2024 EA clause

6.87 – 6.90

#### 2019 EA clause

6.61

## Employment condition

### Leave to attend proceedings

#### Explanation of key changes from 2019 EA

The 2024 EA provides that an employee will be on duty if they give evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth or in the course of their duties.

If an employee is otherwise required to give evidence, appear or instruct a representative at a Court, Tribunal or Royal Commission in relation to their duties, they will be released from duties without loss of pay (including in a dispute between an employee and the Commission).

An employee may otherwise be granted miscellaneous leave if required to give evidence in a Court, Tribunal or Royal Commission.

The Commissioner may refuse to release an employee having regard to business requirements and the necessity of their attendance.

The 2019 EA does not contain these entitlements.

2024 EA clause

6.91 – 6.94

2019 EA clause

N/A

Employment condition

Emergency response leave

Explanation of key changes from 2019 EA

The 2024 EA provides for paid emergency response leave for employees to undertake eligible community service activity in line with section 108 of the FW Act.

The 2019 EA provides for paid leave for community service activities including emergency management activities as defined in the FW Act.

The clause in the 2024 EA also includes that paid leave may be refused where the employee's role is essential to the Commission's response to the emergency.

2024 EA clause

6.95 – 6.99

2019 EA clause

6.61



## Employment condition

### Cultural, ceremonial and NAIDOC leave

#### Explanation of key changes from 2019 EA

The 2024 EA provides that:

- First Nations employees may access one day of paid leave per calendar year to participate in NAIDOC week activities
- First Nations employees may access up to 6 days of paid leave over 2 calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations;
- employees may be granted up to 3 days of paid leave per calendar year for the purpose of attending significant religious or cultural obligations associated with the employee's particular faith or culture; and
- additional leave for cultural or ceremonial purposes may be granted as miscellaneous leave, with or without pay.

The 2019 EA only provides for three days of paid cultural/ceremonial leave for Aboriginal and/or Torres Strait Islander employees.

#### 2024 EA clause

6.100 – 6.109

#### 2019 EA clause

6.62

## Employment condition

### Sabbatical leave

## Explanation of key changes from 2019 EA

The 2024 EA makes clear that sabbatical leave counts as service for all purposes. The 2019 EA does not contain this detail.

### 2024 EA clause

6.121

### 2019 EA clause

6.73

## Employment condition

### Defence service sick leave

## Explanation of key changes from 2019 EA

The 2024 EA provides that an employee is eligible for defence service sick leave credits when the Department of Veteran's Affairs has certified that an employee's medical condition is as a result of either warlike or non-warlike service.

This criterion differs to the 2019 EA, which provides that the Commissioner will grant defence service sick leave to employees who are unfit for duty because of: a war-caused or defence-caused condition that has been determined under the *Veterans' Entitlements Act 1986* ; and/or a service injury or service disease under the *Military Rehabilitation Act*; and/or a defence-related injury or defence-related disease under the *Safety, Rehabilitation and Compensation (Defence-related claims) Act 1988*.

### 2024 EA clause

6.122 – 6.128

### 2019 EA clause

6.74 – 6.81

## Part 7 – Travel and location-based conditions

### Employment condition

#### Travel allowance

##### Explanation of key changes from 2019 EA

The 2019 EA increases the amount of allowance payable where an employee elects to stay in non-commercial accommodation from \$50 to \$52 per night.

##### 2024 EA clause

7.3

##### 2019 EA clause

7.3

### Employment condition

#### Relocation assistance

##### Explanation of key changes from 2019 EA

The 2024 EA provides that where an existing employee is required to relocate at the request of the Commission, the employee will be provided with relocation assistance. The clause also provides that an employee will be provided with relocation assistance where they are required to relocate on engagement. The clause sets out reasonable expenses associated with relocation and does not include a limit on the amount of assistance.

This is different to the 2019 EA, which provides the Commissioner with a discretion to reimburse employees (or pay third parties directly) on term transfer or compulsory transfer up to \$40,000 for reasonable expenses associated with relocation.

Unlike the 2019 EA, the 2024 EA provides that an employee is entitled to removal expenses if they relocate to take up higher duties for a period of 13 weeks or more.

The provisions relating to employee initiated moves in the 2024 EA are largely the same as the 2019 EA, but remove reference to the specific circumstances of an employee initiated move.

2024 EA clause

7.10 – 7.17

2019 EA clause

4.7 – 4.12

## Part 8 – Remote locality assistance

Employment condition

Remote locality assistance

Explanation of key changes from 2019 EA

The 2024 EA increases the amount of remote locality allowance as set out in **Table 1** below.

2024 EA clause

8.9

2019 EA clause

8.9

Table 1 Remote Locality Assistance Allowances Comparison  
Grade

1

2019 EA: With dependants/without dependants

**\$4,004/\$3,030**

2024 EA: With dependants/without dependants

**\$4,164/\$3,151**

Grade

2

2019 EA: With dependants/without dependants

**\$7,575/\$6,492**

2024 EA: With dependants/without dependants

**\$7,878/\$6,752**

Grade

3

2019 EA: With dependants/without dependants

**\$11,687/\$7,900**

2024 EA: With dependants/without dependants

**\$12,154/\$8,216**

Grade

4

2019 EA: With dependants/without dependants

\$15,474/\$10,605

2024 EA: With dependants/without dependants

\$16,093/\$11,029

## Part 9: Resignation, Retirement, Redeployment, Redundancy and Reduction

Employment condition

Resignation

Explanation of key changes from 2019 EA

The 2024 EA provides that an employee may resign from their employment by giving the Commissioner at least 14 days' notice. The 2019 EA currently provides that where practical, an employee should give at least two weeks' notice in writing.

The 2024 EA also provides that:

- at the instigation of the Commissioner, the resignation may take effect at an earlier date within the notice period and the employee will receive compensation in lieu of the notice period which is not worked; and
- the Commissioner has the discretion to agree to a shorter period of notice or to waive the requirement to give notice.

2024 EA clause

8.10 – 8.12

2019 EA clause

9.1

Employment condition

Payment on death of an employee

Explanation of key changes from 2019 EA

The 2024 EA includes further detail about payment on death of an employee, including that:

- where legislation provides specifically for amounts calculated based on the death of an employee, the payment made will be that amount; and
- if payment has not been made within a year of a former employee's death, it should be made to their legal representative.

2024 EA clause

8.54

2019 EA clause

3.38

## Part 10: Consultation

Employment condition

Consultation

Explanation of key changes from 2019 EA

The 2024 EA introduces a recognition of the benefits of consultation and the nature of consultation to be undertaken and principles as to what genuine and effective consultation involves.

The 2024 EA includes a requirement to consult beyond major changes that are likely to have a significant effect on employees and changes to an employee's regular roster or ordinary hours of work (which is what is provided for by the 2019 EA). The 2024 EA provides that consultation is also required in relation to:

- changes to work practices which materially alter how an employee carries out their work;
- changes to the introduction of policies or guidelines relevant to workplace matters (unless the changes are minor or procedural);
- implementation of decisions that significantly affect employees; and
- other workplace matters that are likely to significantly or materially impact employees.

The obligation to consult with respect to major change in the 2024 EA relates to consulting on proposals to introduce major change, rather than consulting once a definite decision to introduce a major change has been made (unless consulting prior to a decision being made is not practicable where a decision is made by Government or is required due to matters beyond the reasonable control of the Commission).

The 2024 EA maintains the obligations to consult on proposed changes to regular rosters and ordinary hours.

[2024 EA clause](#)

10.1 – 10.22

[2019 EA clause](#)

10.1 – 10.16

[Employment condition](#)

[Workplace Consultative Forum](#)

[Explanation of key changes from 2019 EA](#)

The 2024 EA amends the Workplace Consultative Committee clause from the 2019 EA to specify that it will operate subject to an agreed terms of reference and structure for the term of the agreement, and that representation on the Committee will be in accordance with the terms of reference.



2024 EA clause

10.23 – 10.27

2019 EA clause

10.17 – 10.20

Employment condition

APS Consultative Forum

Explanation of key changes from 2019 EA

The 2024 EA introduces a clause which provides that the Commissioner will support the operation of the APS Consultative Committee to the extent possible.

2024 EA clause

10.28

2019 EA clause

N/A

Employment condition

Delegate's rights

Explanation of key changes from 2019 EA

The 2024 EA introduces clauses recognising the role of union delegates and how the Commission will support the role of union delegates. The 2019 EA provides that the role of employee representatives (including union delegates) is to be respected and facilitated.

2024 EA clause

10.29 – 10.36

2019 EA clause

10.21

## **Part 11: Employee support and workplace culture**

Employment condition

**Blood donation**

Explanation of key changes from 2019 EA

The 2024 EA introduces an entitlement for employees to take reasonable time away from duty to donate blood, provided that they inform their manager in advance. This is not dealt with in the 2019 EA.

2024 EA clause

11.1 – 11.2

2019 EA clause

N/A

Employment condition

**Vaccinations**

## Explanation of key changes from 2019 EA

The 2024 EA provides that the Commission will offer:

- annual influenza vaccinations for all employees at no cost; and
- other vaccinations required for specific Commission roles at no expense to the employee.

This is not dealt with in the 2019 EA.

2024 EA clause

11.3 – 11.4

2019 EA clause

N/A

## Employment condition

Employee Assistance Program

## Explanation of key changes from 2019 EA

The 2024 EA introduces a term which provides that the Commission will provide employees, their partners, dependents/ children with access to a confidential, professional counselling service to assist employees to manage personal and work issues, at no cost to employees and accessible on paid time.

2024 EA clause

11.5

2019 EA clause

N/A

## Employment condition

### Respect at work

#### Explanation of key changes from 2019 EA

The 2024 EA introduces principles recognising:

- the value of respect at work and the priority placed on preventing sexual harassment, sex-discrimination, sex-based harassment and victimisation; and
- the approaches to be taken toward prevention.

The 2024 EA also provides that the Commission will consult with employees and unions regarding its approach to prevention.

#### 2024 EA clause

11.6 – 11.8

#### 2019 EA clause

N/A

## Employment condition

### Family and domestic violence support

#### Explanation of key changes from 2019 EA

The 2024 EA contains detailed provisions regarding support for employees affected by family and domestic violence, including the provision of paid miscellaneous leave for all employees experiencing family and domestic violence leave (in addition to an employee's existing leave entitlements). This entitlement does not reduce an employee's entitlement to family and domestic violence leave under the NES. The 2024 EA lists the types of other supports that may be available including flexible working arrangements, additional access to EAP and alteration of hours and location of work.

This differs from the 2019 EA, which provides that the Commission is committed to supporting employees affected by domestic and family violence and will provide leave and support for employees. The 2019 EA refers to further information being contained in the Family and Domestic Violence Policy and the only express entitlement with respect to family and domestic violence support is the ability for miscellaneous leave (which may be with or without pay) to be granted for employees affected by family and domestic violence.

The 2024 EA also deals with how information relating to family and domestic violence will be dealt with confidentially. The 2019 EA does not deal with this matter.

[2024 EA clause](#)

6.85, 6.86 and 11.9 – 11.25

[2019 EA clause](#)

1.7 and 6.60

[Employment condition](#)

[Integrity in the APS](#)

[Explanation of key changes from 2019 EA](#)

The 2024 EA introduces:

- a recognition of the importance of procedural fairness
- a recognition that employees are to give frank, honest, timely advice based on the best available evidence; and
- an ability for employees to access ethics advisory services and mandated integrity training during ordinary work hours.

2024 EA clause

11.26 – 11.28

2019 EA clause

N/A

Employment condition

First Nations cultural competency training

Explanation of key changes from 2019 EA

The 2024 EA introduces a requirement for:

- the Commissioner to take all reasonable steps to ensure that all ongoing EL2 employees at the commencement of the agreement, and those who start within six months of commencement, complete relevant First Nations cultural competency training within 12 months of the 2024 EA commencing; and
- any new substantive EL2 employees who starts 6 months after the commencement of the 2024 EA to complete relevant First Nations cultural competency training within 6 months of their engagement or promotion.

2024 EA clause

11.29 – 11.30

2019 EA clause

N/A

Employment condition

Lactation and breastfeeding support

Explanation of key changes from 2019 EA

The 2024 EA introduces:

- an entitlement to reasonable paid time during work hours for lactation/breastfeeding and associated activities; and
- an obligation on the Commission to provide access to appropriate facilities for lactation/breastfeeding purposes (or otherwise flexible approaches so that the employee can access support required).

2024 EA clause

11.31 – 11.36

2019 EA clause

N/A

Employment condition

Disaster support

Explanation of key changes from 2019 EA

The 2024 EA introduces provisions which provide that if an official emergency or natural disaster is declared which prevents an employee from doing their work, the employee may be supported through:

- flexible working arrangements; or
- paid miscellaneous leave.

2024 EA clause

11.37 – 11.39

2019 EA clause

N/A

## **Part 12: Dispute Resolution Procedure**

Employment condition

Dispute resolution

Explanation of key changes from 2019 EA

The 2024 EA provides that:

- an employee or union covered by the agreement may initiate or be a party to a dispute;
- a representative appointed by an employee who is a party to a dispute will be recognised and dealt with in good faith;
- when the parties are attempting to resolve the dispute at the workplace level, the parties will notify higher level managers to assist in the resolution of the dispute and that parties will give genuine consideration to proposals to resolve the dispute; and
- where the dispute resolution provisions have been complied with, an employee/union delegate/employee representative or an employee required to provide evidence, will be provided paid time to attend dispute resolution processes and proceedings in the Fair Work Commission arising from a referral of a dispute to the Commission.

The 2024 EA also includes a term which states that disputes formally notified under Part 11 of the 2019 EA before the commencement of the 2024 EA that remained unresolved at the date of commencement of the 2024 EA will be progressed under the 2024 EA dispute resolution procedure.



2024 EA clause

**12.1 – 12.10**

2019 EA clause

**11.1 – 11.7**