

The number of Aboriginal and Torres Strait Islander applicants per financial year for five years compared to mainstream applicants (2019-2020 to 2023-2024).

Table 1: Total number of applications received by financial year, broken down by applicants who do and do not identify as Aboriginal and Torres Strait Islander.

Financial Year	Applications: Identify as Aboriginal and Torres Strait Islander	Applications: Do not identify as Aboriginal and Torres Strait Islander*
1 Jul 2019 – 30 Jun 2020	79	4,927
1 Jul 2020 – 30 Jun 2021	506	16,672
1 Jul 2021 – 30 Jun 2022	185	11,871
1 Jul 2022 – 30 Jun 2023	160	5,976
1 Jul 2023 – 17 Jun 2024 (date of report)**	55	5,648

*This includes applications who selected 'Choose not to specify'

** From 20 December 2023, the department no longer asks applicants if they identify as Aboriginal and Torres Strait Islander, as individuals are asked to provide this information when they commence with the department.

#Please note, the department has undergone Machinery of Government (MoG) changes over the past five financial years, outlined below:

- The Department of Education existed between 29 May 2019 to 1 February 2020.
- The Department of Education, Skills and Employment existed from 1 February 2020 to 1 July 2022.
- The Department of Education, Skills and Employment became the Department of Education on 1 July 2022.

The number of Aboriginal and Torres Strait Islander applicants merit listed per financial year for five years compared to mainstream applicants merit listed (2019-2020 to 2023-2024).

The department's recruitment system does not contain this information, as merit list figures continually change. This is due to candidates regularly being removed from the merit list, either from being offered a position or from withdrawing their application.

The number of Aboriginal and Torres Strait Islander applicants offered a position per financial year for five years compared to mainstream applicants offered a position (2019-2020 to 2023-2024).

The department does not hold this information, as offers made to candidates are not recorded in the department's recruitment system.

However, the department does capture diversity information of its workforce, which is available on the APS Employee Database, available here: [APS Employment database - APSED | Australian Public Service Commission \(apsc.gov.au\)](https://apsc.gov.au)

The number of complaints about bullying, harassment, discrimination, or unfair treatment by Aboriginal and Torres Strait Islander employees per financial year for five years (2019-2020 to 2023-2024).

The department does not specifically collect this data, however we are aware of one harassment complaint in March 2022.

The turnover rate of Aboriginal and Torres Strait Islander people compared to other employees encompassing both voluntary and involuntary separations per financial year for five years (2019-2020 to 2023-2024).

Table 2: # The end of financial year (FY) separation rate of employees with First Nations heritage compared with the separation rate for all employees in the department across five financial years.

Separation rate as at	Separation rate for employees that identify as having First Nations heritage within the department's HR records	Separation rate for all employees in the department
30 Jun 2020 (FY 2019-20)	23.2%	13.8%
30 Jun 2021 (FY 2020-21)	19.6%	15.7%
30 Jun 2022 (FY 2021-22)	25.2%	19.2%
30 Jun 2023 (FY 2022-23)	38.5%	24.3%

9 Jun 2024 (Partial period for FY 2023-24)	23.5 %	17.8%
---	--------	-------

As a separate note there has been an increase in First Nations staff representation within the department this year compared to representation during the FY 2022-23. The department's commitment to increasing its First Nations staff representation is reflected in the initiatives, programs and plans documented in the attachments to this response.

Plans, reports, policies, presentations, initiatives, or programs that the department has drafted, developed, or implemented to improve Aboriginal employment in this financial year (2023-24).

The attached documents represent the plans, reports, policies, initiatives and programs the department has in place to improve First Nations employment this financial year. They also include procurement documents that improve First Nations employment outside of the department through engagement with suppliers.

The documents provided relate specifically to the department improving employment for First Nations people only, and do not encompass our inclusion initiatives. In addition to the department's work, it also participates in whole-of-Government programs and initiatives, such as the Indigenous Apprenticeship Program and the Indigenous Development and Employment Program to increase First Nations employment.



Australian Government
Department of Education

Department of Education Enterprise Agreement 2024-27





With the exception of the Commonwealth Coat of Arms, the Department's logo, any material protected by a trade mark and where otherwise noted all material presented in this document is provided under a [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/) (<https://creativecommons.org/licenses/by/4.0/>) licence.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the [CC BY 4.0 International](https://creativecommons.org/licenses/by/4.0/legalcode) (<https://creativecommons.org/licenses/by/4.0/legalcode>)

The document must be attributed as the (Department of Education Enterprise Agreement 2024-2027).

Formal acceptance of the Department of Education Enterprise Agreement 2024-2027 and signatories

The Department of Education Enterprise Agreement is made and approved under Section 172 of the *Fair Work Act 2009 (Cth)*.

Employer

Signed for and on behalf of the Commonwealth of Australia



Meg Brighton
Acting Secretary
Department of Education
50 Marcus Clarke Street Canberra ACT 2601

22 December 2023

Bargaining Representative

Signed for and on behalf of the Community and Public Sector Union



Beth Vincent-Pietsch
Deputy Secretary
Community and Public Sector Union
4/224 Bunda St Canberra ACT 2601

22 December 2023

Contents

Department of Education Enterprise Agreement 2024-27	1
Section 1 - Technical matters.....	7
Title	7
Parties to the agreement	7
Operation of the agreement.....	8
Delegations	8
NES precedence	8
Closed comprehensive agreement	8
Individual flexibility arrangements	9
Definitions.....	11
Section 2: Remuneration	14
Salary Increase	14
Payment of salary	14
Salary on reduction.....	16
Incremental advancement.....	16
Incremental advancement and Higher Duties	17
Salary packaging.....	17
Superannuation	17
Method for calculating super salary	18
Payment during unpaid parental leave.....	18
Overpayments.....	18
Supported wage system.....	19
Specialists.....	19
Government Lawyer Broadband.....	19
Information Technology (IT) Specialist Designation	21
Section 3: Allowances	23
Higher duties.....	23
Health allowance	24
School holiday care allowance.....	24
Department Liaison Officer (DLO) allowance	25
Cadet books and equipment.....	25
Workplace responsibility allowances.....	26
Community language allowance.....	27
Section 4: Classifications and Broadbands.....	28

Classifications.....	28
Training Broadband.....	28
Cadets	28
Education graduates	29
Trainee APS (Administrative).....	29
Ongoing movement within a broadband.....	29
Work Level Standards	30
Section 5: Working hours and arrangements	31
Job security	31
Casual (irregular and intermittent) employment	31
Non-ongoing employment.....	32
Working hours.....	32
Flex for APS 1-6 classifications.....	34
EL TOIL.....	35
Overtime and restriction.....	35
Emergency duty	37
Shift work.....	38
Flexible working arrangements.....	40
Christmas Closedown.....	45
Public holidays	45
Section 6: Leave	47
Portability of leave	47
Cancellation of leave or recall to duty from leave.....	48
Re-crediting of leave	48
Annual leave.....	49
Purchased leave	50
Personal/carer's leave	51
Long service leave	53
Miscellaneous leave.....	53
Leave without pay.....	54
Workers' compensation.....	54
Cultural, ceremonial and NAIDOC leave	54
Parental leave	55
Compassionate leave.....	58
Bereavement leave	59
Emergency response leave	59

Jury duty.....	60
Volunteer leave.....	60
Defence reservist leave.....	60
Defence service sick leave	61
Leave to attend proceedings	62
Unauthorised absences.....	63
Section 7: Employee support and workplace culture	64
Blood donation.....	64
Vaccinations.....	64
Employee Assistance Program.....	64
Respect at work	64
Family and domestic violence support	65
Integrity in the APS	67
First Nations cultural competency training.....	67
Diversity Principles.....	68
Lactation and breastfeeding support.....	68
Disaster support.....	69
Section 8: Performance and development	70
Performance agreements	70
Managing underperformance.....	71
Study assistance.....	72
Learning and development	72
Professional qualifications, memberships, and accreditations	73
Workloads	73
Section 9: Travel and location-based conditions	74
Travel	74
Usual location of work.....	76
Relocation assistance.....	76
Disturbance allowance.....	77
Remote localities.....	77
Section 10: Consultation, representation and dispute resolution.....	79
Consultation.....	79
Representation	81
Major change	81
Change to regular roster or ordinary hours of work.....	82
Department consultative committee	83

APS consultative committee	84
Dispute resolution.....	84
Leave of absence to attend proceedings	86
Delegates' rights	86
Section 11: Separation and retention	88
Resignation (separation).....	88
Redeployment, retraining, redundancy.....	88
Section 12: Other APS-wide matters	95
Recruitment and mobility	95
Attachment A – Base salaries.....	96
Attachment B – Supported Wage System	101

Section 1 - Technical matters

Title

1. This agreement will be known as the Department of Education Enterprise Agreement 2024-2027.

Parties to the agreement

2. The agreement covers:
 - 2.1. the Secretary, for and on behalf of the Commonwealth of Australia as the employer;
 - 2.2. all employees in the department employed under the *Public Service Act 1999 (PS Act)* other than:
 - 2.2.1. Senior Executive Service employees or equivalent;
 - 2.3. subject to notice being given in accordance with section 183 of the *Fair Work Act 2009 (FW Act)*, and the following employee organisation/s which were a bargaining representative for this agreement:
 - 2.3.1. Community and Public Sector Union (CPSU).



Operation of the agreement

3. This agreement will commence operation seven days after approval by the Fair Work Commission.
4. This agreement will nominally expire on **28 February 2027**.

Delegations

5. The Secretary may delegate to or authorise any person to perform any or all of the Secretary's powers or functions under this agreement, including the power of delegation, and may do so subject to conditions.

NES precedence

6. The terms of this agreement are intended to apply in a manner that does not derogate from the National Employment Standards (NES). The NES will continue to apply to the extent that any term of this agreement is detrimental to an employee of the department in any respect when compared with the NES.

Closed comprehensive agreement

7. This agreement states the terms and conditions of employment of employees covered by this agreement, other than terms and conditions applying under relevant Commonwealth laws.
8. This agreement will be supported by policies and guidelines, as implemented and varied from time to time.
9. Policies and guidelines are not incorporated into and do not form part of this agreement. To the extent that there is any inconsistency between policies and guidelines and the terms of this agreement, the terms of this agreement will prevail.



Individual flexibility arrangements

10. The department and an employee covered by this agreement may agree to make an individual flexibility arrangement to vary the effect of terms of the agreement if:

10.1. the agreement deals with one or more of the following matters:

10.1.1. arrangements about when work is performed;

10.1.2. overtime rates;

10.1.3. penalty rates;

10.1.4. allowances;

10.1.5. remuneration;

10.1.6. leave and leave loading; and

10.2. the arrangement meets the genuine needs of the department and employee in relation to one or more of the mentioned in clause 11; and

10.3. the arrangement is genuinely agreed to by the department and employee.

11. The Department must ensure that the terms of the individual flexibility arrangement:

11.1. are about permitted matters under section 172 of the FW Act;

11.2. are not unlawful terms under section 194 of the FW Act; and

11.3. result in the employee being better off overall than the employee would be if no arrangement was made.

12. The department must ensure that the individual flexibility arrangement:

12.1. is in writing;

12.2. includes the name of the department and employee;

12.3. is signed by the department and employee and if the employee is under 18 years of age, signed by a parent or guardian of the employee; and

12.4. includes details of:

12.4.1. the terms of the enterprise agreement that will be varied by the arrangement;

12.4.2. how the arrangement will vary the effect of the terms;



12.4.3. how the employee will be better off overall in relation to the terms and conditions of their employment as a result of the arrangement; and

12.4.4. states the day on which the arrangement commences.

13. The department must give the employee a copy of the individual flexibility arrangement within 14 days after it is agreed to.

14. The department or employee may terminate the individual flexibility arrangement:

14.1. by giving no more than 28 days written notice to the other party to the arrangement; or

14.2. if the department and employee agree in writing – at any time.

15. The department and employee are to review the individual flexibility arrangement at least every 12 months.



Definitions

16. The following definitions apply to this agreement:

APS agency means an agency whose employees are employed under the PS Act, including an agency as defined in section 7 of PS Act whose employees are employed under that Act.

APS consultative committee means the committee established by the APS Commissioner to consider matters pertaining to the (APS) employment relationship and of interest to the APS as a whole.

Agency Head means the Secretary of Department of Education, or Secretary's delegate.

Agreement means the Department of Education Enterprise Agreement 2024-2027.

APS means the Australian Public Service.

Australian Defence Force Cadets means the Australian Navy Cadets, Australian Army Cadets, or the Australian Air Force Cadets.

Bandwidth means the span of hours during which an employee can perform ordinary hours.

Broadband refers to the allocation of more than one approved classification by the Secretary to a group of duties involving work value applying to more than one classification under sub-rule 9(4) of the *Public Service Classification Rules 2000*. A broadband encompasses the full range of work value of the classifications contained within it.

Casual employee (irregular and intermittent employee) means an employee engaged under section 22(2)(c) of the PS Act who:

- a. is a casual employee as defined by the FW Act; and
- b. works on an irregular and intermittent basis.

Classification or classification level means the approved classifications as set out in rule 5 of the Public Service Classification Rules 2000.

Child means a biological child, adopted child, foster child, step child, or ward.

De facto partner means a person who, regardless of gender, is living in a common household with the employee in a bona fide, domestic, interdependent partnership, although not legally married to the employee.

Delegate means someone to whom a power or function has been delegated.

Department means the Department of Education.

Dependant means the employee's spouse or de facto partner, a child, parent or aged relative of the employee or the employee's spouse or de facto partner, who ordinarily lives with the employee and who is substantially dependent on the employee. Dependant also includes a child of the employee



who does not ordinarily live with the employee but for whom the employee provides substantial financial support.

Employee means an employee of the Commonwealth engaged under section 22(2) of the PS Act who is covered by this agreement (whether full time, part time or casual, ongoing or non-ongoing).

Employee representative means a person (whether an employee or not) elected or chosen by an employee, or elected or chosen by a group of employees in a workplace, to represent the individual and/or collective views of those employees in relation to a matter under this agreement.

Excess employee means an employee where the Secretary has determined:

- a. the employee is part of a class of employees that is larger in size than is necessary for the efficient and economical working of the department or;
- b. the services of an employee cannot be effectively used because of technological or other changes in the work methods of the department, or structural or other changes in the nature, extent or organisation of functions of the department or;
- c. the duties usually performed by the employee are to be performed in a different locality, the employee is not willing to perform the duties at the other locality and the Secretary has determined that these provisions will apply to that employee.

Family means:

- a. a biological, adoptive or fostered relative (including but not limited to a child, parent, grandparent, grandchild, or sibling of the employee);
- b. a person related by marriage (including but not limited to a spouse, former spouse, de facto partner or former de facto partner of the employee);
- c. a member of the employee's household;
- d. a person who has a strong affinity with the employee; or
- e. a person with whom the employee has a relationship of traditional kinship where there is a relationship or obligation, under customs and traditions of the community or group to which the employee belongs.

Family and domestic violence has the same meaning as in section 106B(2) of the FW Act.

Full time employee means an employee whose ordinary hours are 37 hours and 30 minutes per week in accordance with this agreement.

FW Act means the *Fair Work Act 2009* as amended from time to time.

Manager means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may include a person referred to as a supervisor.

ML Act means the *Maternity Leave (Commonwealth Employees) Act 1973* as amended from time to time and any successor legislation.

Non-ongoing employee means an employee engaged under section 22(2)(b) of the PS Act for a specified term or for the duration of a specified task, and consistent with the FW Act.

NES means the National Employment Standards at Part 2-2 of the FW Act.



Ongoing employee means an employee engaged under section 22(2)(a) of the PS Act.

Ordinary hours, duty or work means an employee's usual hours worked in accordance with this agreement and does not include additional hours.

Parliamentary service means employment under the *Parliamentary Service Act 1999*.

Partner means a spouse, de facto partner, former spouse or former de facto partner.

Part-time employee means an employee employed to work less than an average of 37 hours and 30 minutes per week in accordance with this agreement.

Primary caregiver for the purposes of the parental leave clause means a pregnant employee with an entitlement under the ML Act, or an employee other than a casual employee who has primary care responsibility for a child who is born to them or who is adopted or in long-term foster care as per the clauses on adoption and long-term foster care in this agreement.

PS Act means the *Public Service Act 1999* as amended from time to time.

Relevant employee means an affected employee.

Secondary caregiver for the purposes of the parental leave clause means an employee, other than a pregnant employee or casual employee, who has secondary care responsibility for a child who is born to them, or for a child who is adopted or in long-term foster care as per the clauses on adoption and long-term foster care in this agreement.

Settlement period means the four week period beginning on a pay Thursday for the purposes of determining flex debit/credit carryover.



Section 2: Remuneration

Salary Increase

17. Salary rates will be as set out in **Attachment A – Base salaries** to this agreement.
18. The base salary rates in **Attachment A** include the following increases:
- 18.1. **4.0 per cent** from the first full pay period on or after 1 March 2024 (the 14 March 2024);
 - 18.2. **3.8 per cent** from the first full pay period on or after 1 March 2025 (the 13 March 2025); and
 - 18.3. **3.4 per cent** from the first full pay period on or after 1 March 2026 (the 12 March 2026).
19. In recognition of a common alignment date of the first full pay period on or after 1 March each year, the payments in **Attachment A – Base salaries** were calculated based on base salary rates as at 31 August 2023.

Payment of salary

20. Employees will be paid fortnightly in arrears by electronic funds transfer into a financial institution account of the employee's choice, based on their annual salary using the following formula:

$$\text{Fortnightly salary} = \frac{\text{Annual salary} \times 12}{313}$$

Note: This formula is designed to achieve a consistent fortnightly pay rate without significant variability year-to-year. It reflects that the calendar year is not neatly divisible into 26 fortnightly periods. There are 313 fortnightly pay cycles within a 12 year period.



Salary setting (including salary on promotion and commencement)

Salary on engagement, promotion, or movement

21. Where an employee is engaged, moves to, or is promoted in the department, the employee's salary will be paid at the minimum of the salary range of the relevant classification, unless the Secretary determines a higher salary within the relevant salary range under these salary setting clauses.
22. The Secretary may determine the payment of salary at a higher value within the relevant salary range of the relevant classification and the date of effect at any time.
23. In determining a salary under these salary setting clauses, the Secretary will have regard to a range of factors (as relevant) including the employee's experience, qualifications and skills.
24. An APS employee moving to the department at the same classification level, whose salary immediately prior to transfer is below the maximum salary in the department for that APS classification, will have their salary rates set within the salary range for that classification at a rate closest to, but no lower than the existing salary.
25. Where an APS employee moves to the department at level from another APS agency, and their salary is above the maximum of the salary range for their classification, the Secretary will maintain the employee's salary at that level, until it is absorbed into the salary range for that classification.
26. An employee, who immediately before a movement within the broadband or promotion, is in receipt of higher duties above the minimum of the salary range due to receiving incremental advancement at the higher classification, will be paid at the higher classification salary rate from the date of movement or promotion.
27. Where an employee commences ongoing employment in the department immediately following a period of non-ongoing employment in the department for a specified term or task, the Secretary will determine the payment of the employee's salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a non-ongoing employee in the department.
28. Where an employee commences ongoing employment in the department immediately following a period of casual employment in the department, the Secretary will determine the payment of salary within the relevant salary range of the relevant classification which recognises the employee's prior service as a casual employee in the department.
29. Where the Secretary determines that an employee's salary has been incorrectly set, the Secretary may determine the correct salary and the date of effect.



Salary on reduction

- 30.** Where an ongoing employee requests or agrees in writing to perform work at a lower classification level for a specified period, salary will be determined by the Secretary at a rate applicable to the lower level for the period specified. The rate will normally be set to the maximum of the salary range of the lower classification.
- 31.** Where an employee permanently reduces to a lower classification level, by consent or direction from the Secretary, the Secretary will determine salary within the lower classification level having regards to the experience, qualifications and skills of the employee. The rate will normally be set to the maximum of the salary range of the lower classification.

Incremental advancement

- 32.** On 15 July each year, an employee (excluding casual employees and employees within the Training Broadband), who are not already on the maximum salary, will be eligible for incremental advancement to the next increment in their classification if the employee:
 - 32.1.** has performed duties in the department at that classification level or higher for an accumulative period of not less than three months during the annual performance management cycle; and
 - 32.2.** has received ratings of 'Meets Expectations' for both business deliverables and observable work behaviours as part of the annual end cycle performance management appraisal ending 30 June each year.
- 33.** Eligible service for incremental advancement will include:
 - 33.1.** periods of paid leave and unpaid parental leave;
 - 33.2.** periods of unpaid leave that count as service; and
 - 33.3.** service while employed on a non-ongoing basis.
- 34.** During a period of unpaid parental leave employees will be eligible to advance a maximum of one increment, regardless of the length of unpaid parental leave.
- 35.** Incremental advancement provisions for Government Lawyers are outlined at clause 64.



Incremental advancement and Higher Duties

- 36.** On 15 July, an employee (excluding casual employees and employees within the Training Broadband), who is not already on the maximum salary at both their substantive and higher classification levels, will be eligible for incremental advancement to the next increment in their classification if the employee:
- 36.1.** has performed duties in the department at that classification or higher for a period of at least three continuous months or a period of not less than three accumulative months, during the annual performance management cycle; and
 - 36.2.** has received ratings of 'Meets Expectations' for both business deliverables and observable work behaviours at the higher duties classification as part of the annual end cycle performance management appraisal ending 30 June that year.
- 37.** Where there is a break in higher duties during the performance cycle the employee is still eligible for incremental advancement at both classifications.

Salary packaging

- 38.** Employees may access salary packaging and may package up to 100% of salary.
- 39.** Where an employee elects to access salary packaging, the employee's salary for the purposes of superannuation, severance and termination payments, and any other purposes, will be determined as if the salary packaging arrangement had not occurred.
- 40.** Salary packaging is offered on the basis that it incurs no cost to the employee or the department and complies with all relevant legislation.

Superannuation

- 41.** The department will make compulsory employer contributions as required by the applicable legislation and fund requirements.
- 42.** Employer superannuation contributions will be paid on behalf of employees during periods of paid leave that count as service.
- 43.** The department will make employer superannuation contributions to any eligible superannuation fund, provided that it accepts payment by fortnightly electronic funds transfer (EFT) using a file generated by the department's payroll system.



Method for calculating super salary

- 44.** The department will provide an employer contribution of 15.4 per cent of the employee's Fortnightly Contribution Salary (FCS) for employees in the Public Sector Superannuation Accumulation Plan (PSSap) and Ordinary Time Earnings (OTE) for employees in other accumulation funds.
- 45.** Employer contributions will be made for all employees covered by this agreement.
- 46.** Employer contributions will not be reduced by any other contributions made through salary sacrifice arrangements.

Payment during unpaid parental leave

- 47.** Employer contributions will be paid on periods of unpaid parental leave in accordance with the requirements of the PSSap fund where the employee is a member of the PSSap, and up to a maximum of 52 weeks where the employee is a member of an accumulation fund other than PSSap.

Overpayments

- 48.** An overpayment occurs if the Secretary (or the department) provides an employee with an amount of money to which the employee was not entitled (including but not limited to salary, entitlements, allowances, travel payment and/or other amount payable under this agreement).
- 49.** Where the Secretary considers that an overpayment has occurred, the Secretary will provide the employee with notice in writing. The notice will provide details of the overpayment.
- 50.** If an employee disagrees that there has been an overpayment including the amount of the overpayment, they will advise the Secretary in writing within 28 calendar days of receiving the notice. In this event, no further action will be taken until the employee's response has been reviewed.
- 51.** If after considering the employee's response (if any), the Secretary confirms that an overpayment has occurred, the overpayment will be treated as a debt to the Commonwealth that must be repaid to the department in full by the employee.
- 52.** The Secretary and the employee will discuss a suitable recovery arrangement. A recovery arrangement will take into account the nature and amount of the debt, the employee's circumstances and any potential hardship to the employee. The arrangement will be documented in writing.
- 53.** The department and employee may agree to make deduction from final monies where there is an outstanding payment upon cessation of employment.
- 54.** Interest will not be charged on overpayments.



55. Nothing in clauses 48 to 54 prevents:

- 55.1. the department from pursuing recovery of the debt in accordance with an Accountable Authority Instruction issued under the *Public Governance, Performance and Accountability Act 2013*;
- 55.2. the department from pursuing recovery of the debt through other available legal avenues; and
- 55.3. the employee or the department from seeking approval to waive the debt under the *Public Governance, Performance and Accountability Act 2013*.

Supported wage system

56. An employee can get a percentage of the relevant pay rate for their classification in line with their assessed capacity to do the work if they:

- 56.1. have a disability;
- 56.2. meet the criteria for a Disability Support Pension; and
- 56.3. are unable to perform duties to the capacity required.

Specific conditions relating to the supported wage system are detailed in **Attachment B – Supported Wage System**.

Specialists

Government Lawyer Broadband

57. For a person to be employed as a Government Lawyer, they must be:

- 57.1. required to provide legal services in a dedicated legal practice area; and
- 57.2. substantially classified at the APS 3 to Executive Level 2 classification.

58. The eligibility requirements for entry on the Government Lawyer broadband are:

- 58.1. a degree in Laws from an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the classification; and
- 58.2. admission as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; and



- 58.3.** if the Delegate of the Legal Area in which the employee works determines it appropriate, possession of a current restricted practising certificate issued by the ACT Law Society, or the obtaining of such a certificate within three months of commencing employment with the department.

Transfer to or from the Government Lawyer Broadband

- 59.** Where an employee commences in, or is promoted to the Government Lawyer broadband, salary will be determined within the relevant classification level having regard to the experience, qualifications and skills of the employee and their likely corporate contribution.
- 60.** Where the transfer to the Government Lawyer Broadband is approved, the employee will move from their current classification to the equivalent classification in the Government Lawyer Broadband.
- 61.** Where the employee's salary is above the maximum salary rate of the relevant classification within the broadband, the employee will retain their current salary until such time as their salary falls within the salary range of the relevant classification within the broadband.
- 62.** An employee who transfers at level or is promoted to a higher classification and is no longer required to provide legal services, will have their salary set in accordance with the salaries for the relevant classification in **Attachment A** of this Agreement. The rate will normally be the top of the range where the transfer is at level.
- 63.** Salary maintenance at the Government Lawyer Broadband salary will not be provided on transfer out of the Government Lawyer Broadband.

Government Lawyer advancement provisions

- 64.** An employee may be eligible for advancement through the APS 3–EL 1 Government Lawyer broadband if the Secretary has determined that sufficient work is available at the relevant classification and the employee has:
- 64.1.** been admitted as a legal practitioner, however described, of the High Court or Supreme Court of an Australian State or Territory; and
 - 64.2.** demonstrated skills and capability at the higher classification; and
 - 64.3.** met probation requirements; and
 - 64.4.** is eligible for incremental advancement as set out in clause 35; and
 - 64.5.** received a performance rating of 'Meets Expectations' in the most recent performance cycle.



65. Where an employee is advanced to the Senior Government Lawyer level, an employee will only be advanced to the first salary point in the Senior Government lawyer scale and must remain at that level for at least 12 months before being eligible for further advancement within the Senior Government Lawyer scale.

Accelerated advancement

66. Subject to Secretary approval, if eligible for advancement in accordance with clause 64 and clause 65, an employee on the Government Lawyer broadband may be advanced two pay points within the broadband. The decision to advance an employee more than one point in the broadband will take into account performance outcomes.
67. Salaries for the Government Lawyer Broadband are detailed in **Attachment A**.

Information Technology (IT) Specialist Designation

68. The IT specialist Designation will be available in limited circumstances where it is determined there is a requirement for particular highly specialised skills and expertise in the department's IT areas that are required to support the delivery of important or critical business applications, projects or services.
69. The eligibility requirements for movement to the IT Specialist Designation are:
- 69.1. a degree in ICT from an Australian tertiary institution, or a comparable qualification, which is appropriate to the duties of the classification; and
 - 69.2. qualifications in an associated discipline; and
 - 69.3. highly specialised IT skills and expertise required to support the delivery of important or critical business applications, projects or services as determined by the Secretary; and
 - 69.4. a level of IT specialist expertise held by the individual relevant to the department's requirements.

Movement to or from the IT Specialist Designation

70. Executive Level 1 employees who work in an IT area of the department and meet the eligibility requirements for entry to the Designation may apply to the Secretary to move to the Designation. Where movement to the Designation is approved, the employee will move at the Executive Level 1 classification to the IT Specialist Designation. Existing employees of the department will need to be able to demonstrate that they have met performance expectations for both key business deliverables and observable work behaviours.

Salary determination

71. Where an employee commences in, or is promoted to a role identified as an IT Specialist role, salary will be determined within the relevant classification level set out in **Attachment A**, having regard to the experience, qualifications and skills of the employee and their likely corporate contribution.



- 72.** The employee's salary on movement to the Designation will be the equivalent of their current salary, or if there is no equivalent salary, to the salary closest to, but not lower than their current salary. Where the employee's salary is above the maximum salary rate of the Designation, the employee will retain their current salary until such time as their salary falls within the salary range of the Designation.
- 73.** An employee who transfers at level or is promoted to a higher classification to a position outside the Designation will have their salary set in accordance with the salaries for the relevant classification in **Attachment A** of this Agreement. The rate will normally be the top of the range where the transfer is at level. Salary maintenance at the IT Specialist Designation salary will not be provided on transfer out of the IT Specialist Designation role.
- 74.** Salary for the IT Specialist Designation is detailed in **Attachment A**.



Section 3: Allowances

Higher duties

- 75.** Where a role is expected to be filled for two or more working weeks (whether or not that expectation is realised), higher duties allowance will be paid to any temporary occupants of the role acting at a classification higher than their substantive classification level.
- 76.** Higher duties allowance will continue to be paid as if the employees was still at work if an employee is on paid leave or observes a public holiday during the period of two or more working weeks.
- 77.** Higher duties allowance will be equal to the difference between the employees' current salary and the salary that would be payable if they were promoted to the higher classification, or as otherwise determined by the Secretary.
- 78.** Where an employee is found to be eligible for incremental advancement at their acting level, they will receive an appropriate increase in the rate of higher duties allowance. The employee's salary level will be retained for all future periods of acting regardless of elapsed time.
- 79.** Where an employee is assigned only part of the higher duties, the Secretary will determine the amount of allowance payable.
- 80.** Higher duties allowance will be payable while an employee is acting at a higher classification as part of a job sharing arrangement where the duration of the arrangement is at least two working weeks.
- 81.** The Secretary may shorten the qualifying period for higher duties allowance on a case-by-case basis.
- 82.** An employee may decline a manager's invitation to perform duties temporarily at a higher classification level.



Health allowance

- 83.** To assist 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:
- 83.1.** APS 1–3 employees will receive \$615.14
 - 83.2.** APS 4–Executive Level 2 employees will receive \$246.06
- 84.** The Health allowance will increase in 2024, 2025 and 2026, and the amount of increase will be calculated using the annual increase in the All Groups (Australia) Consumer Price Index (CPI) to the June quarter as published by the Australian Bureau of Statistics (ABS). The increase will be effective from the publication date by the ABS.
- 85.** Employees who have commenced a period of LWOP (other than parental leave without pay) for a period of six months or more on or before 1 September each year will not be entitled to receive the health related allowance for that year.

School holiday care allowance

- 86.** Co-contribution payments or financial assistance provided by state, territory, or Australian Government should be observed, prior to submitting a reimbursement request for out-of-pocket costs.
- 87.** The department will contribute to the cost of school holiday care for primary school children of employees required to work. If more than one carer works for the department, the allowance will only be paid when they are both at work.
- 88.** On production of a receipt from an approved school holiday program provider, the department will reimburse up to a maximum of **\$22.15** per child per day, up to **\$221.50** per family per week.
- 89.** The rate of School holiday allowance will increase in 2024, 2025 and 2026, and the amount of increase will be calculated using the annual increase in the All Groups (Australia) Consumer Price Index (CPI) to the June quarter as published by the Australian Bureau of Statistics (ABS). The increase will be effective from the publication date by the ABS.



Department Liaison Officer (DLO) allowance

90. An employee who receives the annual DLO allowance is not entitled to claim for flex time or any overtime worked while performing the duties of DLO. The rate of DLO allowance is paid per annum.
91. The annual rate of DLO allowance will be increased on each year as follows:

Department Liaison Officer allowance rates

Rate from commencement of the agreement	Rate from 13 March 2025	Rate from 12 March 2026
\$22,270	\$23,116	\$23,902

Cadet books and equipment

92. A cadet employee is entitled to reimbursement for all compulsory fees paid during the year relating to the approved study paid for that year. A cadet will also be reimbursed for relevant books and equipment for that year.
93. Where a cadet employee is subject to a Whole of Government program, the department will reimburse any remaining costs for all compulsory fees paid during the year relating to the approved study, relevant books, and equipment.
94. Where requested by a cadet, the department will purchase relevant books and equipment required for the approved study paid for that year.

Workplace responsibility allowances

95. A workplace responsibility allowance will be paid where the department has appointed or elected an employee (including casual employees) to one of the following roles:

- 95.1. First Aid Officer;
- 95.2. Health and Safety Representative;
- 95.3. Emergency Warden;
- 95.4. Employee Support Officer (Harassment Contact Officer); and
- 95.5. Mental Health First Aid Officer.

96. An employee will not receive more than one workplace responsibility allowance unless approved by the Secretary due to operational requirements.

97. The minimum rate will be:

Rate from commencement of the agreement	Rate from 13 March 2025	Rate from 12 March 2026
\$30.51 per fortnight	\$31.67 per fortnight	\$32.75 per fortnight

98. As a salary-related allowance, this value will continue to be increased in line with headline wage increases. These increases are incorporated in the minimum rates in the table above.

99. Workplace responsibility allowance will be paid regardless of flexible work and part-time arrangements.

100. An employee's physical availability to undertake the role will be considered by the Secretary when appointing and reappointing employees to these roles. This is noting that not all workplace responsibility roles will necessarily require a physical presence in the workplace for the role to be successfully undertaken, such as Employee support Officer, Mental Health First Aid Officer and Health and Safety Representatives depending on work group arrangements.

Community language allowance

101. A community language allowance will be paid where the Secretary determines that an employee is regularly required to use their ability to communicate in Braille or a language other than English (including First Nations languages and AUSLAN) in the course of their work, and the employee meets the required level of competency set by the Secretary.
102. The allowance is paid in accordance with the employee's level of competency:

Community language allowance rates

Rate	Standard	Rate from commencement of the agreement	Rate from 13 March 2025	Rate from 12 March 2026
1	An employee who has adequate language skills, as determined by an individual or body approved by the Secretary, for simple communication.	\$1,435 per annum	\$1,490 per annum	\$1,541 per annum
2	An employee who is certified by the National Accreditation Authority for Translators and Interpreters (NAATI) as a Translator or Interpreter at any level; or is assessed to be at the equivalent level by an individual or body approved by the Secretary.	\$2,870 per annum	\$2,979 per annum	\$3,080 per annum

103. The allowance is calculated annually and paid fortnightly.
104. The full allowance is payable regardless of flexible work and part-time arrangements.
105. The allowance is payable during periods of paid leave.
106. The allowance counts as salary for superannuation purposes and for calculating retirement and redundancy entitlements.



Section 4: Classifications and Broadbands

Classifications

107. The department's classification structures and broadbands are detailed in **Attachment A**.

Training Broadband

108. The department's Training Broadband at **Attachment A** is used for those employees required to undertake a mandatory training or development program as a condition of advancement to the next classification within the broadband. Salary progression is subject to successful completion of that program.

109. The Secretary may assign other classifications to the department's Training Broadband relevant to the training and development program being undertaken by an employee or to ensure consistency with whole of government approaches.

Cadets

110. Employees engaged as a Cadet will undertake a course of study as determined by the Secretary. Cadets will be assigned a classification level within the department's Training Broadband.

111. On successful completion of their course of study and a final 12 week work placement, Cadets will advance to the APS Level 3 classification within Broadband 1 of the department's General Classifications.

112. A Cadet can also commence with the department through an external or Whole of Australian Government cadetship program as determined by the Secretary.

113. On successful completion of their course of study and cadetship program, Cadets will advance to the APS Level 3 classification within Broadband 1 of the department's General Classifications.



Education graduates

- 114.** Employees will enter the department at the APS 3 classification level within the Training Broadband, and assigned the title of Graduate. On successful completion of the Graduate Program, Graduates will be advanced to the APS Level 5 (Broadband 2) within the General Broadband.

Trainee APS (Administrative)

- 115.** Employees will enter the department at the APS 3 classification level within the Training Broadband and will be assigned the title of Trainee APS (Administrative) and undertake a course of study determined by the Secretary.
- 116.** On successful completion of their training requirements, the classification of Trainee APS (Administrative) will be not less than the APS 3 classification level, subject to work being available at the APS 3 level. Employees will then be assigned a classification within the General Classifications and Broadbands at **Attachment A**.

Ongoing movement within a broadband

- 117.** Permanent movement between classification levels within a broadband applies to ongoing employees only.
- 118.** Advancement to a higher APS classification level within a broadband is not automatic and can only occur when:
- 118.1.** there is work available at the higher level in accordance with the APS work level standards for that classification; and
 - 118.2.** the employee's performance is assessed as meeting the requirements for salary advancement for both key business deliverables and observable work behaviours; and
 - 118.3.** the employee demonstrates an ability to undertake the higher level work, and if appropriate has the necessary qualifications, skills and/or experience; or
 - 118.4.** an employee is successful in an open merit selection process consistent with the PS Act.
- 119.** Employees who successfully obtain advancement within or between broadbands will move to the base salary point of the next highest classification level, unless the Secretary determines a



higher salary point, having regard to the employee's experience, qualifications, skills and previous periods of higher duties.

- 120.** An employee who immediately before advancement within a broadband or promotion to a broadband is in receipt of higher duties, at the higher classification that is above the base salary due to the salary advancement provisions of the Agreement, will be paid at the higher salary rate from the date of advancement or promotion.

Work Level Standards

- 121.** The APS Work Level Standards continue to operate and describe the work at each of the classification levels in this agreement, consistent with the *Public Service Classification Rules 2000*, made in accordance with section 23 of the PS Act.



Section 5: Working hours and arrangements

Job security

Commitment to ongoing employment and rebuilding APS capacity

122. The APS is a career-based public service. In its engagement decisions, the department recognises that the usual basis for engagement is an ongoing APS employee.

Reporting

123. The department will report to the department consultative committee on an annual basis, or more frequently if agreed, on the number, duration, classification and location of ongoing, non-ongoing and casual employees engaged by the department.

Pathways to permanency

124. The department and the APS will comply with the casual conversion provision of the FW Act. In addition, the department recognises that a proactive approach, including regularly reviewing casual and non-ongoing arrangements, is both a fair and efficient approach to supporting ongoing employment as the usual form of employment.

Casual (irregular and intermittent) employment

125. A casual (irregular and intermittent) employee is defined in the definitions section.

126. A decision to expand the use of casual employees is subject to clause 474 of this agreement.

127. The department will regularly review the working arrangements of casuals to assess if they are genuinely performing irregular and intermittent duties, and report de-identified outcomes to the consultative committee.

128. Remuneration for casual employees shall be on an hourly basis. A casual employee shall receive a 25 per cent loading on the base hourly rate of their classification as set out in this agreement.

129. The casual loading is paid in lieu of payment for public holidays not worked, notice of termination of employment, redundancy benefits and all paid leave entitlements, other than leave required by legislation including long service leave in accordance with the *Long Service*



Leave (Commonwealth Employees) Act 1976 and leave for family and domestic violence support.

- 130.** A casual employee shall be engaged for a minimum of three hours per engagement or shall be paid for a minimum of 3 hours at the appropriate casual rate.
- 131.** A casual employee who is eligible for a Workplace Responsibility Allowance will be paid the full amount.

Non-ongoing employment

- 132.** A non-ongoing employee is defined in the definitions section.
- 133.** Non-ongoing employees will generally have the same terms and conditions of employment as ongoing employees under this agreement's terms, except:
 - 133.1.** personal/carer's leave accrual at clause 270; and
 - 133.2.** redundancy provisions at clause 525, subject to clause 134.
- 134.** If the non-ongoing employee's contract is not permitted by section 333E of the FW Act, then the redundancy provisions at clause 525 will apply.
- 135.** If the redundancy provisions apply to an employee under clause 525, the department must adhere to the consultation requirements at clause 474.

Working hours

- 136.** All employees are required to maintain a record of attendance.
- 137.** The ordinary hours for full time employees are 150 hours per settlement period, which equates to 7 hours and 30 minutes per day.
- 138.** The bandwidth is a 12 hour period from 7:00 am to 7:00 pm Monday to Friday, except on a public holiday.
- 139.** The start time of the 12 hour Bandwidth may be varied where an employee and the employee's manager agree in writing to other arrangements.
- 140.** Employees must take a meal break of at least 30 minutes after five continuous hours of work.



- 141.** The maximum number of agreed working hours to be worked in a day is 10 hours, unless also working overtime.
- 142.** Employees should not commence work on any day without having at least eight hours plus reasonable travelling time minimum break from the previous day's work, including any overtime worked, without specific approval from the Secretary.
- 143.** Where the Secretary requires an employee to resume or continue work without having had a minimum break, the employee will be paid at double the hourly rate for the hours worked, until they have had an eight hour break plus reasonable travelling time.
- 144.** Where all or some of the employee's minimum break occurs during ordinary hours, the employee will not lose pay for the absence.



Flex for APS 1-6 classifications

- 145.** Flex time is available to all APS level employees. All hours must be recorded on the departmental flex sheet.
- 146.** Employees accumulate flex time working within the Bandwidth.
- 147.** A flex credit is where an employee accumulates hours in excess of their ordinary hours with the agreement of their manager. An employee may only carry over a maximum of 37.5 hours flex credit into the next settlement period.
- 148.** In exceptional circumstances and where the manager has expressly agreed to the additional hours being worked, flex credits greater than 37.5 hours may be carried over one settlement period.
- 149.** In exceptional circumstances, the Secretary may:
- 149.1.** direct the excess flex leave to be taken so that the balance is below 37.5 hours; or
 - 149.2.** offer the employee the option to cash out flex time credits in excess of 37.5 hours at an ordinary time rate; or
 - 149.3.** convert the excess credits to annual leave on a one to one basis.
- 150.** A flex debit occurs when the employee works less time than their ordinary hours. An employee may only accrue a flex debit and carry over a maximum of 15 hours flex debit into the next settlement period with the agreement of their manager.
- 151.** Where an employee carries over a flex debit of up to 15 hours, the employee and their manager must agree on appropriate actions to reduce the flex debit. Options to reduce debits may include:
- 151.1.** agreeing on a work pattern that will reduce the debit over time;
 - 151.2.** retrospectively applying for annual leave to offset all or part of the debit; and/or
 - 151.3.** applying for miscellaneous leave without pay for all or part of the debit.
- 152.** Flex leave is where an employee works less than their ordinary hours on any given day and is not on any other form of leave. An employee may use up to the equivalent of five days flex credits in a settlement period. Flex leave requires prior approval by the employee's manager, and for periods of one day or more reasonable notice is required.
- 153.** Where there is insufficient work, a manager may require an employee not to work hours in addition to their ordinary hours.



- 154.** Where an employee's manager considers the employee's attendance is unsatisfactory or that the employee is misusing flex, the employee may be required to work ordinary hours for a period specified by the manager.

EL TOIL

- 155.** Executive level (EL) employees are sometimes required to work reasonable additional hours. Consistent with the NES, employees may refuse to work unreasonable additional hours.
- 156.** EL employees seeking to access time off in lieu (TOIL) are required to keep records of their working hours using a method determined by the department.
- 157.** A manager is to grant TOIL in recognition of reasonable additional hours worked. TOIL granted to employees can be taken as whole or part days.
- 158.** The working arrangements for an EL employee should be agreed through discussion between the manager and the EL employee. The discussion should include consideration of the work requirements that will safely get the job done and reasonably allow the employee to balance their work and personal life.
- 159.** An EL employee's working arrangements and actual hours worked should be discussed on at least a quarterly basis between the EL employee and their manager.
- 160.** The pattern of hours is to be flexible enough to accommodate short term peaks and troughs in workload, and include expected reasonable additional hours. The agreed pattern of hours is to be recorded.
- 161.** Requests from EL employees to access flexible time off which are consistent with their agreed working arrangements are to be supported, subject to operational requirements.

Overtime and restriction

Overtime

- 162.** Where operational requirements make it necessary, a manager may direct an employee to work outside and in excess of their ordinary hours on any day.
- 163.** A manager must give reasonable notice about the requirement to work overtime and be mindful of the personal responsibilities of the employee.
- 164.** An APS level employee directed to perform work outside and in excess of their ordinary hours on a given day will be paid overtime, or where agreed, time off in lieu of overtime payment at the applicable overtime rates.



- 165.** Where a period of overtime is not continuous with ordinary time work, the base period of overtime payment for such work will be calculated as if the employee had worked for four hours. When determining whether a period is continuous with ordinary time work, meal breaks should not be regarded as breaking continuity.

Overtime payments approved by an employee's manager will be calculated as follows:

- 166. Monday to Saturday:** one and a half times the hourly rate for the first three hours each day and double the hourly rate thereafter.
- 167. Sunday:** double the hourly rate.
- 168. Public Holiday:** two and a half times the hourly rate (except for duty on a public holiday within agreed ordinary time work, which will be paid at one and a half times the hourly rate in addition to normal salary payment for the day).
- 169.** Time off in lieu of overtime payment may be approved by an employee's manager under certain circumstances. Where time off in lieu of payment has been agreed and the employee has not been granted time off within four weeks or another agreed period due to operational requirements, payment of the original entitlement or the residual entitlement where the full entitlement was not granted will be made.
- 170.** Executive Level employees will only be eligible to receive overtime payments with the approval of the Secretary.

Overtime meal allowance

- 171.** Where an employee who is eligible for overtime payment is directed to work overtime for at least three hours outside their ordinary hours, their manager will approve a flat rate overtime meal allowance of \$26. Where an employee works a further five hours overtime on a Saturday, Sunday or public holiday, they will receive an additional overtime meal allowance of \$26.

Restriction allowance

- 172.** Where an employee is required to remain contactable, available and able to perform extra duty outside their agreed ordinary hours (i.e., be restricted), they will be paid a restriction allowance, subject to approval by the Secretary.
- 173.** Restricted employees will receive a restriction allowance at the rate of nine per cent of their ordinary hourly rate for each hour they are restricted outside the bandwidth, subject to:
- 173.1.** the employee remaining contactable, fit and available to perform extra duty; and
 - 173.2.** the employee not being in receipt of any other payment for the period for which restriction allowance would otherwise be payable, except as provided for in the following clause.



- 174.** Restriction allowance is payable whether or not the restricted employee is required to perform duty outside the agreed ordinary hours. Where a restricted employee entitled to overtime payment is required to perform duty, overtime will be payable and subject to:
- 174.1.** a one hour base rate of payment when work is performed without the necessity to travel to the workplace; or
 - 174.2.** a three hour base rate of payment, including travel time, if work is required to be performed at the workplace.
- 175.** If an employee is required to perform subsequent periods of duty within the one hour minimum payment period, only the initial one hour minimum is payable. Where an employee is required to undertake a second period of duty that commences after the one hour minimum payment period has lapsed for the first period of duty, a second one hour minimum payment period commences and a further one hour minimum is payable.
- 176.** Restriction allowance will continue to be paid for periods of overtime worked while restricted.
- 177.** Where a group of employees are restricted on a regular basis, the manager will ensure that restriction over weekends and public holidays is rostered equitably.

Emergency duty

- 178.** Emergency duty will attract a base payment of two hours (which includes reasonable travel time) at double the hourly rate, which will be payable for all emergency duty without prior notice. Executive Level employees will only be eligible to receive emergency duty payments in exceptional circumstances with the approval of the Secretary.



Shift work

179. Where the department intends to propose shiftwork arrangements for a group of employees, the department must consult with affected employees, work areas, and the union in accordance with clause 474.
180. Shift workers are those employees whose rostered ordinary hours fall outside the period 7:00 am–7:00 pm Monday to Friday and/or include Saturdays, Sundays or public holidays for an ongoing or fixed period.
181. Shift workers will receive the following rate:

Rostered time of work	Rate
Work performed on a shift, any part of which falls between 7:00 pm and 7:00 am.	115% of ordinary hourly rate
Work performed continuously for a period exceeding 4 weeks on a shift falling wholly between 7:00 pm and 7:00 am	130% of ordinary hourly rate
Work performed anytime on a Saturday	150% of ordinary hourly rate
Work performed anytime on a Sunday	200% of ordinary hourly rate
Work performed anytime on a public holiday	250% of ordinary hourly rate

Rates for working Saturdays, Sundays or public holidays

182. Penalty rates for shift work performed on a Saturday, Sunday or public holiday will be payable for any time worked after midnight on those days, including where the shift commenced the day before.

Overtime

183. Shift workers directed to work overtime are entitled to the overtime payments calculated as follows:

For overtime worked	Overtime rate
Monday to Saturday – first three hours	150% of ordinary hourly rate
Monday to Saturday – after three hours	200% of ordinary hourly rate
Sunday – all day	200% of ordinary hourly rate
Public holidays or additional holiday – all day	250% of ordinary hourly rate



Crib time

- 184.** Where an employee working a shift pattern is required to be on standby during meal breaks, they will be paid crib time of single time for the period they are required to be on standby.

Operation of shifts

- 185.** Managers will allocate shifts equitably among employees undertaking shift work, with shift rosters specifying the standard hours of work for each shift.
- 186.** A shift worker can be moved from one shift team to another by agreement at any time or with seven days' notice. If seven days' notice has not been given, except where this is not possible due to the illness or unanticipated absence of another employee, overtime will apply as per the overtime provisions of this Agreement for work outside the employee's previously rostered hours of duty until the employee has received seven days' notice of the shift change.
- 187.** Shift workers can exchange shifts or rostered days off by mutual agreement and with the approval of the relevant manager provided that the arrangement does not give rise to an employee working overtime.

Leave

- 188.** Shift workers will accrue an additional half day of paid annual leave for each Sunday or public holiday worked, up to a maximum of five days for each calendar year in addition to penalty rates.
- 189.** If the employee is rostered off on a public holiday, they will if practicable, within one month of that public holiday, be granted a day's paid leave in lieu of that holiday. Where it is impractical to grant a day's leave in lieu, the employee will be paid one day's pay at ordinary time.
- 190.** Where a shift worker takes annual leave, they will be paid shift penalty payments in respect of any duty which the shift worker would have performed had they not been on approved annual leave.
- 191.** Where a shift worker takes a period of leave other than annual leave, shift penalties are not payable for the period of the absence.

Introduction of 12 hour shifts

- 192.** The Secretary and affected employees may consider the introduction of 12 hour shifts. Where this occurs, affected employees, and where they so choose, their representatives, will be consulted, regarding:
- 192.1.** suitable roster arrangements, including meal breaks and a forward rotation of shifts;
 - 192.2.** any trial and review processes considered appropriate.
- 193.** Roster arrangements for 12 hour shifts will not involve more than three consecutive night shifts for any employee.



194. 12 hour shifts may be implemented with the agreement of a majority of affected employees.

195. If 12 hour shifts are introduced, any hours worked as overtime will be paid at double time.

Flexible working arrangements

196. The department, employees and their union recognise:

- 196.1.** the importance of an appropriate balance between employees' personal and working lives, and the role flexible working arrangements can play in helping to achieve this balance;
- 196.2.** access to flexible work can support strategies to improve diversity in employment and leadership in the APS;
- 196.3.** access to flexible work supports APS capability, and can assist in attracting and retaining the employees needed to deliver for the Australian community, including employees located at a wider range of locations;
- 196.4.** that flexibility applies to all roles in the department, and different types of flexible working arrangements may be suitable for different types of roles or circumstances; and
- 196.5.** requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests.

197. The department is committed to engaging with employees and their union to build a culture that supports flexible working arrangements across the department at all levels. This may include developing and implementing strategies through department's consultative committee.

198. Flexible working arrangements include, but are not limited to, changes in hours of work, changes in patterns of work and changes in location of work.

Requesting formal flexible working arrangements

199. The following provisions do not diminish an employee's entitlement under the NES.

200. An employee may make a request for a formal flexible working arrangement.

201. The request must:

- 201.1.** be in writing;



- 201.2.** set out details of the change sought (including the type of arrangement sought and the proposed period the arrangement will operate for); and
 - 201.3.** set out the reasons for the change, noting the reasons for the change may relate to the circumstances set out at section 65(1A) of the FW Act.
- 202.** The Secretary must provide a written response to a request within 21 days of receiving the request.
- 203.** The response must:
- 203.1.** state that the Secretary approves the request and provide the relevant detail in clause 204; or
 - 203.2.** if following discussion between the department and the employee, the department and the employee agree to a change to the employee’s working arrangements that differs from that set out in the request – set out the agreed change; or
 - 203.3.** state that the Secretary refuses the request and include the following matters:
 - 203.3.1.** details of the reasons for the refusal; and
 - 203.3.2.** set out the department’s particular business grounds for refusing the request, explain how those grounds apply to the request; and
 - 203.3.3.** either:
 - 203.3.3.1.** set out the changes (other than the requested change) in the employee’s working arrangements that would accommodate, to any extent, the employee’s circumstances outlined in the request and that the department would be willing to make; or
 - 203.3.3.2.** state that there are no such changes; and
 - 203.3.4.** state that a decision to refuse the request, or failure to provide a written response within 21 days is subject to the dispute resolution procedures of the enterprise agreement, and if the employee is an eligible employee under the FW Act, the dispute resolution procedures outlined in section 65B and 65C of the FW Act.
- 204.** Where the Secretary approves the request this will form an arrangement between the department and the employee. Each arrangement must be in writing and set out:
- 204.1.** any security and work health and safety requirements;
 - 204.2.** a review date (subject to clause 208); and
 - 204.3.** the cost of establishment (if any).



- 205.** The Secretary may refuse to approve the request only if:
- 205.1.** the department has discussed the request with the employee; and
 - 205.2.** the department has genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for refusal); and
 - 205.3.** the department and the employee have not reached such an agreement; and
 - 205.4.** the department has had regard to the consequences of the refusal for the employee; and
 - 205.5.** the refusal is on reasonable business grounds.
- 206.** Reasonable business grounds include, but are not limited to:
- 206.1.** the new working arrangements requested would be too costly for the department;
 - 206.2.** there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested;
 - 206.3.** it would be impractical to change the working arrangements of other employees, or to recruit new employees, to accommodate the new working arrangements requested;
 - 206.4.** the new working arrangements requested would be likely to result in a significant loss in efficiency or productivity;
 - 206.5.** the new working arrangements requested would be likely to have a significant negative impact on customer service; and
 - 206.6.** it would not be possible to accommodate the working arrangements without significant changes to security requirements, or where work health and safety risks cannot be mitigated.
- 207.** For First Nations employees, the department must consider connection to country and cultural obligation in responding to requests for altering the location of work.
- 208.** Approved flexible working arrangements will be reviewed by the department and the employee after 12 months, or a shorter period, if agreed by the employee. This is to ensure the effectiveness of the arrangement.



Varying, pausing or terminating flexible working arrangements

- 209.** An employee may request to vary an approved flexible working arrangement in accordance with clause 201. An employee may request to pause or terminate an approved flexible working arrangement.
- 210.** The Secretary may vary, pause or terminate an approved flexible working arrangement on reasonable business grounds, subject to clause 212.
- 211.** The department must provide reasonable notice if varying, pausing or terminating a flexible working arrangement without the agreement of the employee, having regard to the circumstances of the employee. Exceptions to this requirement are urgent and critical operational circumstances or an employee's demonstrated and repeated failure to comply with the agreed arrangements.
- 212.** Prior to varying, pausing or terminating the arrangement under clause 210, the department must have:
- 212.1.** discussed with the employee their intention to vary, pause or terminate the arrangement with the employee;
 - 212.2.** genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for alteration);
 - 212.3.** had regard to the consequences of the variation, pause or termination for the employee;
 - 212.4.** ensured the variation, pause or termination is on reasonable business grounds; and
 - 212.5.** informed the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out in clause 203.3.

Working from home

- 213.** The department will not impose caps on groups of employees on the time that may be approved to work from home or remotely, with each request to be considered on its merits.
- 214.** The department may provide equipment necessary for, or reimbursement, for all or part of the costs associated with establishing a working at home arrangement.
- 215.** An employee working at home is covered by the same employment conditions as an employee working at an office site under this agreement.
- 216.** The department will provide employees with guidance on working from home safely.
- 217.** Employees will not be required by the department to work from home unless it is lawful and reasonable to do so. This may include where circumstances prevent attendance at an office



during a pandemic or natural disaster. In these situations, the department will consider the circumstances of the employees and options to achieve work outcomes safely.

Ad-hoc arrangements

- 218.** Employees may request ad-hoc flexible working arrangements. Ad-hoc arrangements are generally one-off or short term arrangements for circumstances that are not ongoing.
- 219.** Employees should, where practicable, make the request in writing and provide as much notice as possible.
- 220.** Requests for ad-hoc arrangements are not subject to the request and approval processes detailed in clauses 199 to 208.
- 221.** The department should consider ad-hoc requests on a case-by-case basis, with a bias to approving ad-hoc requests, having regard to the employee's circumstances and reasonable business grounds.
- 222.** Where a regular pattern of requests for ad-hoc arrangements from an employee emerges, the department should consider whether it is appropriate to seek to formalise the arrangement with the employee.

Altering span of hours

- 223.** An employee may request to work an alternative regular span of hours (bandwidth hours). If approved by the Secretary, hours worked on this basis will be treated as regular working hours and will not attract overtime payments. The department will not request or require that any employee alter their regular span of hours (bandwidth hours) under these provisions.

Part-time work

- 224.** Employees engaged on a full-time basis will not be compelled to convert to part-time employment.
- 225.** Employees engaged on a part-time basis will not be compelled to convert to full-time employment.
- 226.** An employee may request access to part time employment at any time, in accordance with the flexible working arrangements provisions of this Agreement. Managers will make every attempt to accommodate the request having regard to both operational requirements of the department and the personal needs of the employee.
- 227.** Employees who work part time can agree to work outside their agreed ordinary hours and pattern of work. In such instances, part time employees will be entitled to access flex time provisions, and EL employees are entitled to access time off in lieu (TOIL), subject to the EL TOIL provisions in clauses 155 to 161. Where work is directed outside an APS employee's agreed ordinary hours, overtime rates are applicable.
- 228.** Remuneration and other benefits for part time employees will be calculated on a pro rata basis according to hours worked, with the exception of reimbursement benefits and expense-



related allowances and allowances as stated in this Agreement, which will be paid at the same amount as full time employees.

Christmas Closedown

- 229.** All departmental workplaces will be closed from 12:30 pm on the last working day before Christmas Day and reopen the first working day following the first day of January. This period will be known as the Christmas Closedown.
- 230.** Employees are not required to attend for duty during the Christmas Closedown, unless otherwise directed by the Secretary, and will be paid in accordance with their ordinary hours of work. Where an employee is absent on leave, payment for the Christmas Closedown will be in accordance with the entitlement for that form of leave (e.g., if on long service leave at half pay, payment is on half pay). There will be no deduction from annual or personal leave credits for the Christmas Closedown.
- 231.** Where an employee who is eligible for overtime and restriction provisions is directed to attend work or be available for work during the Christmas Closedown, the overtime rate applicable to Sunday overtime will apply for the days designated as Christmas Closedown.

Public holidays

- 232.** Employees are entitled to the following holidays each year as observed at their normal work location in accordance with the FW Act:
- 232.1.** 1 January (New Year's Day);
 - 232.2.** 26 January (Australia Day);
 - 232.3.** Good Friday and the following Monday;
 - 232.4.** 25 April (Anzac Day);
 - 232.5.** the King's birthday holiday (on the day on which it is celebrated in a State or Territory or a region of a State or Territory);
 - 232.6.** 25 December (Christmas Day);
 - 232.7.** 26 December (Boxing Day); and
 - 232.8.** any other day, or part day, declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory, or a region of the State or Territory, as a public holiday, other than a day or part day, or a kind of day



or part day, that is excluded by the Fair Work Regulations 2009 from counting as a public holiday.

- 233.** If a public holiday falls on a Saturday or Sunday, and if under a State or Territory law, a day or part day is substituted for one of the public holidays listed above, then the substituted day or part day is the public holiday.
- 234.** The Secretary and an employee may agree on the substitution of a day or part day that would otherwise be a public holiday, having regard to operational requirements.
- 235.** The Secretary and an employee may agree to substitute a cultural or religious day of significance to the employee for any day that is a prescribed holiday. If the employee cannot work on the prescribed holiday, the employee will be required to work make-up time at times to be agreed. This substitution does not impact or reduce an employee's entitlement to First Nations ceremonial leave, NAIDOC leave or cultural leave.
- 236.** Where an employee substitutes a public holiday for another day, they will not be paid penalty rates for working their normal hours on the public holiday.
- 237.** Where a public holiday falls during a period when an employee is absent on leave (other than annual leave, paid personal/carer's leave or defence service sick leave) there is no entitlement to receive payment as a public holiday. Payment for that day will be in accordance with the entitlement for that form of leave (e.g., if on long service leave on half pay, payment is at half pay.)
- 238.** If under a law of a State or Territory every Sunday is declared or prescribed by or under that law to be a public holiday, there is no entitlement to receive payment as a public holiday if the employee would have worked, or does perform work, on that day. In these circumstances, payment will only be made at the public holiday rate if the employee performs work on that day, and the Sunday would otherwise be a public holiday under clauses 232.1 to 232.8.
- 239.** An employee, who is absent on a day or part day that is a public holiday in their normal work location, is entitled to be paid for the part or full day absence as if that day or part day was not a public holiday, except where that person would not normally have worked on that day.
- 240.** Where a full time employee, including but not limited to employees on compressed hours, has a regular planned day off which would fall on a public holiday, the Secretary may allow the employee to change their planned day off so that it does not fall on a public holiday. If it is not possible to change their planned day off, the employee will be credited an equivalent amount of time to their regular hours for the day in flex credits or EL TOIL in recognition of their planned day off.



Section 6: Leave

For more information, refer to the Leave policy.

Portability of leave

- 241.** Where an employee moves into the department from another APS agency where they were an ongoing employee, the employee's unused accrued annual leave and personal/carer's leave will be transferred, provided there is no break in continuity of service.
- 242.** Where an employee is engaged in the department immediately following a period of ongoing employment in the Parliamentary Service or the ACT Government Service, the employee's unused accrued annual leave and personal/carer's leave will be recognised unless the employee received payment in lieu of those entitlements on cessation of employment.
- 243.** Where an employee is engaged as an ongoing employee in the department, and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in the department or another), at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on separation) and personal/carer's leave will be recognised.
- 244.** Where an employee is engaged as a non-ongoing APS employee, and immediately prior to the engagement the person was employed as a non-ongoing APS employee (whether in the department or another APS Agency) at the employee's request, any unused accrued annual leave (excluding accrued leave paid out on termination of employment) and personal/carer's leave will be recognised.
- 245.** Where a person is engaged as an ongoing employee in the department, and immediately prior to the engagement the person was employed by a Commonwealth Government entity (other than in the Parliamentary Services which are covered in clause 242, the Secretary will offer to recognise any unused accrued personal/carer's leave at the employee's request.
- 246.** Where an employee is engaged as an ongoing employee in the department, and immediately prior to the engagement the person was employed by a State or Territory Government, the Secretary may recognise any unused accrued personal/carer's leave, provided there is not a break in continuity of service.
- 247.** For the purposes of this provision, an employee with a break in service of less than two months is considered to have continuity of service.



Cancellation of leave or recall to duty from leave

248. Where an employee's leave is cancelled by their manager, or they are recalled to work from leave, reasonable travel costs, travelling time, incidental costs and any other unavoidable costs arising from the recall to duty will be reimbursed where they are not recoverable under insurance or from another source. All unused leave will be re-credited.

Re-crediting of leave

249. When an employee is on:

- 249.1.** annual leave;
- 249.2.** purchased leave;
- 249.3.** defence reservist leave;
- 249.4.** First Nations ceremonial leave;
- 249.5.** NAIDOC leave;
- 249.6.** cultural leave; or
- 249.7.** long service leave; and

250. becomes eligible for, under legislation or this agreement:

- 250.1.** personal/carer's leave; or
- 250.2.** compassionate or bereavement leave; or
- 250.3.** jury duty; or
- 250.4.** emergency services leave; or
- 250.5.** leave to attend to family and domestic violence circumstances; or
- 250.6.** parental leave, premature birth leave, stillbirth leave or pregnancy loss leave;

251. the affected period of leave will be re-credited.

252. When an employee is on personal/carer's leave and becomes eligible for parental leave, premature birth leave, stillbirth leave or pregnancy loss leave, the affected period of leave will be re-credited.



- 253.** Re-crediting is subject to appropriate evidence of eligibility for the substituted leave.

Annual leave

- 254.** A full time employee is entitled to 20 working days paid annual leave for each completed year of service, accruing daily.
- 255.** A part time employee's annual leave entitlement will accrue on a pro rata basis.
- 256.** Annual leave credits may be taken at any time with the approval of the manager. Any unused annual leave accumulates. Annual leave counts as service for all purposes.
- 257.** An employee may be granted annual leave at half pay. Where an employee takes annual leave at half pay, the employee cannot access purchased leave in the same calendar year.
- 258.** Employees may request in writing to cash out annual leave so long as the remaining accrued entitlement to annual leave does not fall below 20 days (pro rata for equivalent part time employees). The employee will be paid the full amount that would have been paid to the employee had the employee taken the leave that is cashed out.
- 259.** The Secretary will not approve requests to cash out leave in accordance with this clause unless the employee:
- 259.1.** has taken at least 10 days annual leave at the same time;
 - 259.2.** has taken a block of 10 days annual leave (pro rata equivalent for part time employees) in the preceding 12 months; or
 - 259.3.** has taken a block of 14 days long service leave (pro rata equivalent for part time employees) in the preceding 12 months.
- 260.** Employees who have accrued an annual leave credit of 40 days (or equivalent of two years) or more may be directed by their manager to take at least 10 days annual leave within 12 weeks of the direction. The manager may agree to extend the period to take leave to six months where extended leave has been pre-approved and arranged.
- 261.** Where an employee who has a 40 day credit (or equivalent of two years) applies for leave the manager must grant a period of leave to enable the employee to reduce their leave credits below 40 days (or equivalent of two years).
- 262.** Subject to medical verification of pregnancy, the requirement to reduce annual leave credits below 40 days (or equivalent of two years credit) will not apply during the term of the pregnancy and the paid parental leave.



- 263.** Periods of long service leave cannot be broken with annual leave, unless provided for by other legislation.
- 264.** Employees will receive payment in lieu of any untaken annual leave upon separation from the APS.

Purchased leave

- 265.** Employees may purchase up to eight weeks additional annual leave once per 12 month period by paying for the leave progressively over the course of the relevant period, subject to the approval of the Secretary.
- 266.** Purchased leave is intended for use in a planned manner. When considering requests managers will take into account operational requirements and the reasons for the employee's request.
- 267.** Where an employee has purchased leave approved, they cannot take annual leave at half pay in the same calendar year.
- 268.** Unless otherwise agreed, purchased leave not taken during the nominated 12 month period will automatically be reimbursed as salary.
- 269.** Purchased leave counts as service for all purposes including superannuation.



Personal/carer's leave

Accrual

- 270.** Ongoing employees will be credited 18 days personal/carer's leave upon the employee's commencement with the APS.
- 271.** In subsequent years, employees are entitled to 18 days personal carers/leave accrued daily and credited monthly.
- 272.** Ongoing and non-ongoing full time employees are entitled to 18 paid days personal leave every 12 months, accrued daily.
- 273.** A part time employee's personal leave entitlement will accrue on a pro rata basis.
- 274.** Non-ongoing employees will be credited personal/carer's leave upon the employee's commencement with the department. This will be 18 days leave pro-rated based on the employee's initial contract period, and is capped at 18 days. After the initial contract period or 12 months, whichever is shorter, or where the employee has an existing entitlement to personal/carer's leave, leave will accrue daily, credited monthly.
- 275.** A casual employee may be absent without pay when not fit for work due to personal illness or injury. A casual employee may access 2 days unpaid carer's leave per occasion, consistent with the NES.
- 276.** Employees who transfer to the department from another APS agency will have their accruals adjusted to align with accrual on a daily basis of 18 days paid cumulative personal leave every 12 months.

Use of personal/carer's leave

- 277.** Personal leave provides employees access to paid leave to be used when they are absent:
 - 277.1.** due to personal illness or injury;
 - 277.2.** to attend appointments with a registered health practitioner;
 - 277.3.** to manage a chronic condition; and or
 - 277.4.** to provide care or support for a member of the employee's family who is ill or injured;
 - 277.5.** to provide care or support for a member (including a household member) or a person they have caring responsibilities for, because:
 - 277.5.1.** of a personal injury or illness affecting the other person; or
 - 277.5.2.** of an unexpected emergency affecting the other person.



- 278.** A manager may approve personal leave without pay only where paid personal leave credits are exhausted.
- 279.** Employees may be granted personal leave at half pay instead of full pay where extraordinary circumstances exist, as determined by the Secretary.
- 280.** Personal leave is cumulative but will not be paid out on separation.
- 281.** Where an employee has exhausted their paid personal leave entitlements they are entitled to take two days unpaid leave for each occasion where a member of their family or household requires care because of illness, injury or unexpected emergency. The employee must provide medical or appropriate documentary evidence to their manager in support of their leave application.

Carers

- 282.** A person that an employee has caring responsibilities for may include a person who needs care because they:
 - 282.1.** have a medical condition, including when they are in hospital;
 - 282.2.** have a mental illness;
 - 282.3.** have a disability;
 - 282.4.** are frail or aged; or
 - 282.5.** are a child, not limited to a child of the employee.

Provision of certificates or other evidence

- 283.** Acceptable evidence includes:
 - 283.1.** a certificate from a registered health practitioner;
 - 283.2.** a statutory declaration; or
 - 283.3.** another form of evidence approved by the Secretary
- 284.** A certificate from a registered health practitioner may be used as evidence of a chronic health condition for up to 12 months for both personal and carer's leave.
- 285.** Evidence may be requested after three consecutive days of personal leave is taken or more than 12 days in total is taken in a calendar year.
- 286.** Where an employee does not provide acceptable evidence, any personal leave will be without pay and treated as unauthorised absence.



Long service leave

- 287.** An employee is eligible for long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.
- 288.** The minimum period for which long service leave will be granted is 7 calendar days (whether taken at full or half pay). Long service leave cannot be broken with other periods of leave, except as otherwise provided by legislation or provided for in the re-crediting of leave clause at 251 of this agreement.

Miscellaneous leave

- 289.** Miscellaneous leave provides flexibility to managers and employees. Miscellaneous leave may be granted for circumstances not provided for elsewhere in this Agreement, either with or without pay, for a purpose that the Secretary considers to be in the interests of the department and having regard to operational, legislative or government requirements.
- 290.** Paid miscellaneous leave may be granted to an employee participating in, or representing their country at significant international events. Employees are required to disclose if their official duties at such events are paid or unpaid.
- 291.** Miscellaneous leave with pay will count as service for all purposes. Miscellaneous leave without pay may or may not count as service.
- 292.** Miscellaneous leave may be provided to ongoing and non-ongoing employees (including casual employees).
- 293.** The leave granted may be for the period requested or for another period, and to count as service or not to count as service. Where miscellaneous leave is refused the manager will advise the employee (if requested) in writing of the reason for the decision to refuse leave.
- 294.** Employees will be granted miscellaneous leave without pay where, due to an increase in their working hours, they have not accrued the equivalent of four weeks annual leave based on their current working hours. The maximum amount of leave provided will be the difference between the amount of leave accrued over the year and 20 days at their current working hours. This will count as service for all purposes except long service leave, unless the Secretary determines otherwise.



Leave without pay

- 295.** Where an employee takes 30 or more days leave without pay (including an accumulated period) in total in a calendar year, any future leave without pay in the remaining period will not count as service for annual and personal leave purposes.

Workers' compensation

- 296.** An employee on workers' compensation leave under the *Safety, Rehabilitation and Compensation Act 1988*, whose compensation is calculated on the basis of actual hours worked, will have their annual and personal leave accrual calculated in the same way.

Cultural, ceremonial and NAIDOC leave

NAIDOC leave

- 297.** Employees may access up to one day of paid leave per calendar year, to participate in NAIDOC week activities.
- 298.** NAIDOC leave can be taken in part days.

First Nations ceremonial leave

- 299.** First Nations employees may access up to six days of paid leave and 14 days of unpaid leave over two calendar years to participate in significant activities associated with their culture or to fulfil ceremonial obligations.
- 300.** The Secretary may approve additional leave for cultural or ceremonial purposes as miscellaneous leave, with or without pay.
- 301.** First Nations ceremonial Leave can be taken as part days.
- 302.** First Nations ceremonial leave is in addition to compassionate and bereavement leave.

Cultural leave

- 303.** The Secretary may grant up to three days of paid leave per calendar year for the purpose of attending significant religious or cultural obligations associated with the employees' particular faith or culture.
- 304.** The Secretary may approve additional leave for cultural purposes as miscellaneous leave, with or without pay.
- 305.** Cultural leave can be taken as part days.



- 306.** For the avoidance of doubt, this leave does not cover cultural purposes or obligations which are eligible for paid leave under clause 299.

Parental leave

For detailed information, refer to the Maternity and Parental leave Policy.

- 307.** A primary caregiver, secondary caregiver and ML Act is defined in the definitions section.
- 308.** An employee who is a primary caregiver or secondary caregiver is entitled to parental leave up until 24 months from the date of the child's birth or placement (parental leave period). For the avoidance of doubt, this is inclusive of all legislated leave entitlements. The parental leave period does not extend non-ongoing employment where the employment period remaining is less than 24 months. An employee is only eligible for parental leave with pay as either a primary or secondary caregiver for the particular parental leave period, and cannot switch roles for the purpose of accessing additional paid leave.
- 309.** For the pregnant employee, the parental leave period starts on commencement of maternity leave as per ML Act requirements, and ceases 24 months from the date of birth. Medical certification requirements for the pregnant employee will be as required by the ML Act.
- 310.** Conditions in this agreement will continue to apply in circumstances where successor legislation to the ML Act does not provide parental leave conditions included in this agreement.

Payment during parental leave

- 311.** An employee is entitled to parental leave with pay as per clauses 313 and 314 below within the parental leave period. Any further parental leave during the parental leave period is without pay. Unused paid parental leave remaining at the end of the employee's parental leave period will lapse. An employee may choose to use their accrued paid leave entitlements in accordance with usage and eligibility requirements in this agreement during the parental leave period that would otherwise be without pay.
- 312.** Employees newly engaged or who have moved to the department from another APS agency are eligible for the paid parental leave in clauses 313 and 314 where such paid leave had not already been provided by another APS or Commonwealth employer in the 24 months since the child's date of birth or placement. If the paid leave used by the employee with the previous Commonwealth or APS employer is less than the limits specified in clauses 313 and 314, the balance is available to the employee.



313. An employee who is a primary caregiver is entitled to parental leave with pay during the parental leave period to a maximum of 18 weeks as provided in Table 1 below.

Table 1: Primary caregivers - circumstances for paid parental leave

Paid leave entitlement under the ML Act	Additional parental leave with pay under this agreement for the primary caregiver
12 weeks' paid maternity leave, including any reduced paid maternity leave period due to ML Act qualifying period rules	Paid leave to bring the total period of paid parental leave to 18 weeks
No ML Act eligibility or coverage	18 weeks

314. An employee who is a secondary caregiver is entitled to parental leave with pay during the parental leave period as provided in Table 2 below.

Table 2: Secondary caregivers - circumstances for paid parental leave

Period which coincides with the parental leave period for the secondary caregiver	Parental Leave with pay under this agreement
Date of commencement of this agreement to 28 February 2025	8 weeks, or top up to 8 weeks where a lesser period of parental leave has already been provided
1 March 2025 to 28 February 2026	11 weeks, or top up to 11 weeks where a lesser period of parental leave has already been provided
1 March 2026 to 27 February 2027	14 weeks, or top up to 14 weeks where a lesser period of parental leave has already been provided
On and from 28 February 2027	18 weeks, or top up to 18 weeks where a lesser period of parental leave has already been provided

315. **Flexibility.** Parental Leave with pay, whether provided as maternity leave under the ML Act or under this agreement, can be accessed flexibly during the parental leave period and does not have to be taken in a single block. For the avoidance of doubt, parental leave can be used to replicate a part time work arrangement, and can be taken concurrently with another parent in relation to the same child.
316. **Rate of payment** during paid parental leave is the same as for an absence on personal/carer's leave and based on the employee's weekly hours at the time of the absence.
317. **Half-pay option.** The payment of any paid parental leave may be spread over a maximum period of 36 weeks at the rate of, no less than, half the normal rate of salary. All paid parental leave counts as service for all purposes, where permitted by legislation.



Adoption and long-term foster care

- 318.** An employee who is a primary caregiver or secondary caregiver is entitled to parental leave in accordance with this agreement for adoption or long-term foster care, provided that the child:
- 318.1.** is under 18 as at the day (or expected day) of placement;
 - 318.2.** has not lived continuously with the employee for a period of six months or more as at the day (or expected day) of placement; and
 - 318.3.** is not (otherwise than because of the adoption) a child of the employee or the employee's spouse or de facto partner.
- 319.** Documentary evidence of approval for adoption or enduring parental responsibilities under formal fostering arrangements must be submitted when applying for parental leave for adoption or long-term foster carer purposes.
- 320.** In exceptional circumstances, the Secretary may approve paid and/or unpaid foster care leave under these provisions for short term fostering arrangements or kinship care. This will only be considered where legal reasons or circumstances beyond the employee's control mean the arrangements cannot be considered long term fostering, however are likely to become long term or permanent.

Primary carer leave

- 321.** An ongoing employee who does not otherwise have an entitlement to parental leave and who becomes the primary caregiver for a newborn baby will be entitled to a period of six weeks paid leave.

Stillbirth

- 322.** Parents of a stillborn child remain eligible for parental leave, except for paid leave for the secondary caregiver which is two weeks.
- 322.1.** A stillborn child is a child:
 - 322.1.1.** who weighs at least 400 grams at delivery or whose period of gestation was 20 weeks or more; and
 - 322.1.2.** who has not breathed since delivery; and
 - 322.1.3.** whose heart has not beaten since delivery.

Pregnancy loss leave

- 323.** A pregnant employee who experiences, or an employee whose partner experiences, pregnancy loss is entitled to one weeks' paid leave. Pregnancy loss is a miscarriage or other loss of pregnancy that occurs between 12 and 20 weeks' gestation that is not a stillbirth.
- 324.** Pregnancy loss leave is in addition to entitlements to compassionate leave for miscarriage provided under the FW Act and this agreement.



Premature birth leave

- 325.** In circumstances of a live birth before 37 weeks' gestation a pregnant employee, or an employee whose partner has given birth prematurely, is entitled to paid premature birth leave from the date of the child's birth up to just before 37 weeks' gestation. Parental leave with pay is then available from what would have been 37 weeks' gestation in accordance with Parental leave in this agreement, noting the parental leave period commences on the child's date of birth.

Transitional provisions

- 326.** Employees eligible for paid leave under the ML Act are required under legislation to use their paid maternity leave first. In this circumstance, the employee may postpone their paid premature birth leave otherwise payable under clause 325 until after the legislated paid maternity leave is used.

Returning from any type of parental leave

- 327.** Employees returning to work after a period of parental leave will be assigned to the duties previously performed where available or to alternative duties where appropriate to the employee's skills and classification.
- 328.** An employee returning to duty from parental leave will be provided with access to part time employment, upon application, until the child reaches three years of age. Thereafter, an employee may request flexible working arrangements in accordance with the flexible working arrangements provisions of this Agreement.

Compassionate leave

- 329.** Employees will be eligible for three days paid compassionate leave on each occasion when:
- 329.1.** a member of their family, household or someone they have a close personal relationship with contracts, develops or sustains a life-threatening illness or injury; or
 - 329.2.** the employee or their partner has a miscarriage.
- 330.** An employee may be asked to provide evidence to support their absences on compassionate leave.
- 331.** Compassionate leave for an occasion may be taken as three consecutive days or in separate periods totalling three days. This can include part days.
- 332.** For casual employees, compassionate leave is unpaid.



Bereavement leave

- 333.** Employees will be eligible for three days paid bereavement leave on each occasion when:
- 333.1.** a member of their family, household or someone they had a close personal relationship with dies; or
 - 333.2.** a child is stillborn, where the child was a member of their family or household.
- 334.** An employee may be asked to provide evidence to support their absences on bereavement leave.
- 335.** Bereavement leave for an occasion may be taken as 3 consecutive days or in separate periods totalling three days. This can include part days.
- 336.** For casual employees, bereavement leave is unpaid.

Emergency response leave

- 337.** In line with section 108 of the FW Act, an employee who engages in an eligible community service activity can get emergency response leave to volunteer for emergency management duties for:
- 337.1.** the time engaged in the activity;
 - 337.2.** reasonable travelling time; and
 - 337.3.** reasonable recovery time.
- 338.** Full-time and part-time employees will be able to access 20 working days of paid emergency response leave per year if required. The Secretary may provide additional emergency response leave with pay.
- 339.** Paid leave may be refused where the employee's role is essential to the department's response to the emergency.
- 340.** An employee must provide evidence that the organisation requests their services. Employees can provide evidence before or as soon as practical after their emergency service activity.
- 341.** The Secretary may approve reasonable paid or unpaid leave for ceremonial duties and training.
- 342.** Emergency response leave, with or without pay, will count as service.



Jury duty

- 343.** Employees who are required by a court to attend either for jury selection, or to act as a juror, will be released from duty for the required period, without the need to apply for leave.
- 344.** Full and part-time employees will be released from duty on full rate of pay. Payment for casuals will be as per the relevant state legislation.
 - 344.1.** For the purposes of this clause, full rate of pay is to be as if the employee was at work.
- 345.** The employee is required to inform their manager before they are released from duty and provide evidence of the need to attend.
- 346.** If the employee receives a payment from the court for attendance (which are not expense related such as allowances and reimbursements), they must repay that amount to the department for the period of absence. This will be administered in accordance with the overpayment's provisions at clause 48.

Volunteer leave

- 347.** Employees may be granted up to two days paid leave each calendar year to volunteer with a registered community organisation. Employees covered by the Government Lawyer Broadband may request to use the leave to volunteer legal services.
- 348.** Paid leave will not be available to attend ceremonial functions unless the organisation certifies in writing that the employee is required to attend as part of their duties.

Defence reservist leave

- 349.** The Secretary will give an employee leave with or without pay to undertake:
 - 349.1.** Australian Defence Force (ADF) Reserve continuous full-time service (CFTS); and
 - 349.2.** Australian Defence Force Cadet obligations.
- 350.** An employee who is a Defence Reservist can take leave with pay for:
 - 350.1.** up to four weeks (20 days) in each financial year (pro-rata for part-time employees); and



- 350.2.** an extra two weeks (10 days) in the first year of ADF Reserve service (pro-rata for part-time employees).
- 351.** Leave can be built up and taken over 2 consecutive years. This includes the extra two weeks in the first year of service.
- 352.** An employee who is an Australian Defence Force Cadet officer or instructor can get paid leave up to 3 weeks in each financial year to perform their duties. Australian Defence Force Cadet means:
- 352.1.** Australian Navy Cadets;
- 352.2.** Australian Army Cadets; and
- 352.3.** Australian Air Force Cadets.
- 353.** In addition to the entitlement at clause 349, paid leave may be granted to an employee to attend an interview or medical examination in connection with the enlistment of the employee in a Reserve Force of the Defence Force.
- 354.** Paid defence reservist leave counts for service.
- 355.** Unpaid defence reservist leave counts as service for all purposes. This includes periods of CFTS.
- 356.** Unpaid leave taken counts as service, except for annual leave.
- 357.** Eligible employees may also apply for annual leave, long service leave, leave without pay, top-up pay or they may use flex time or make up time for the purpose of fulfilling ADF Reserve, CFTS or Cadet Force obligations.
- 358.** An employee will not need to pay their tax free ADF Reserve salary to their department for any reason.

Defence service sick leave

- 359.** An employee is eligible for defence service sick leave credits when the Department of Veterans' Affairs (DVA) has certified that an employee's medical condition is as a result of either:
- 359.1.** war-like service; or
- 359.2.** non-war like service.
- 360.** An eligible employee can get 2 types of credits:



- 360.1.** an initial credit of nine weeks (45 days) defence service sick leave will apply as of the later below option:
 - 360.1.1.** they start employment with the APS; or
 - 360.1.2.** DVA certifies the condition.
- 360.2.** an annual credit of three weeks (15 days) defence service sick leave.
- 361.** An employee can use their defence service sick leave when a recognised medical practitioner provides a certificate that says they were away due to their DVA certified medical condition.
- 362.** Unused annual credits can be built up to nine weeks.
- 363.** An employee cannot use annual credits until the initial credit is exhausted.
- 364.** Employees who re-join the APS following an earlier period of APS employment in which they had been credited with war service sick leave will be credited with:
 - 364.1.** any special credit that remained unused at the final day of the prior APS employment; and
 - 364.2.** any annual credit held on the final day of the prior APS employment.
- 365.** Defence service sick leave is paid and counts as service for all purposes.

Leave to attend proceedings

- 366.** An employee giving evidence before a Court, Tribunal or Royal Commission on behalf of the Commonwealth or a Commonwealth party in the course of their duties, will be considered on duty.
- 367.** An employee who is not covered under clause 366, and is required to give evidence to, appear before or attend to instruct a representative at a Court, Tribunal or Royal Commission in relation to their duties will be released from duty without loss of pay. This includes in proceedings relating to a dispute between the employee and the department.
- 368.** An employee may otherwise be granted paid miscellaneous leave by the Secretary if required to give evidence to a Court, Tribunal or Royal Commission for any other reason. Where approval for unpaid leave is given, the employee may elect to use accrued annual leave, flex leave or time off in lieu.
- 369.** The Secretary may refuse to release an employee from duty having regard to business requirements and whether the employee's attendance is necessary for the Court, Tribunal or Royal Commission hearing.



Unauthorised absences

- 370.** Where an employee is absent from duty without approval, all pay and other benefits provided under this Agreement cease to be available until the employee resumes duty, or is granted leave or ceases employment. Such absences will not count as service for any purpose. For further information on unauthorised absences, please refer to the Working Hours Policy.



Section 7: Employee support and workplace culture

Blood donation

- 371.** An employee can take reasonable time away from duty during their ordinary work hours to donate blood, plasma or platelets. It includes reasonable travel time and employers will consider employees on duty.
- 372.** The employee must inform their manager in advance of when they will be away from work with their manager before donating blood, plasma or platelets.

Vaccinations

- 373.** The department will offer annual influenza vaccinations at no cost to all employees.
- 374.** Where the department requires an employee performing a roles to be vaccinated for a particular condition, this vaccination will be offered at no expense to the employee.

Employee Assistance Program

- 375.** Employees and their family will have access to a confidential, professional counselling service to assist employees to manage personal and work issues. This service will be provided at no cost to employees by the department and will be accessible on paid time.

Respect at work

Principles

- 376.** The department values a safe, respectful and inclusive workplace free from physical and psychological harm, harassment, discrimination and bullying. The department recognises



that preventing sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace is a priority.

- 377.** The department recognises that approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace should be holistic and consistent with the Australian Human Rights Commission's guidance including the *Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment*.

Consultation

- 378.** The department will consult with employees and their unions in developing, reviewing and evaluating approaches to prevent sexual harassment, sex discrimination, sex-based harassment and victimisation in the workplace.

Family and domestic violence support

- 379.** Further information about leave and other support available to employees affected by family and domestic violence may be found in the Family and Domestic Violence policy.
- 380.** This entitlement exists in addition to an employee's existing leave entitlements and may be taken as consecutive days, single days or part days and will count as service for all purposes.
- 381.** The department will provide support for employees affected by family and domestic violence, depending on the employee's circumstances.
- 382.** The department recognises that a holistic approach should be taken to support the employee, appropriate for the employee's individual circumstances.
- 383.** Family and domestic violence support provisions, including paid leave, are available to all employees covered by this agreement.
- 384.** An employee experiencing family and domestic violence support is able to access paid miscellaneous leave. Reasons an employee experiencing family and domestic violence may access this leave include, but are not limited to:
- 384.1.** illness or injury affecting the employee resulting from family and domestic violence;
 - 384.2.** providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is ill or injured as a result of family and domestic violence;
 - 384.3.** providing care or support to a family member (including a household member) who is also experiencing family and domestic violence, and is ill or injured as a result of family and domestic violence;



- 384.4.** making arrangements for the employee's safety, or the safety of a close relative;
 - 384.5.** accessing alternative accommodation;
 - 384.6.** accessing police services;
 - 384.7.** attending court hearings;
 - 384.8.** attending counselling; and
 - 384.9.** attending appointments with medical, financial or legal professionals.
- 385.** Given the emergency context in which leave may need to be accessed, employees can proceed to take the leave and seek approval at a later date, as soon as practicable.
- 386.** These provisions do not reduce an employee's entitlement to family and domestic violence leave under the NES.
- 387.** Paid miscellaneous leave available under this clause is paid for ongoing and non-ongoing employees at their full rate as if they were at work.
- 388.** Paid leave for casual employees under this clause is paid at their full pay rate for the hours they were rostered to work in the period they took leave.
- 389.** Evidence may be requested to support the department in approving leave. In most cases, this will not be required. Where it is required, this will be discussed with the employee and a statutory declaration is the only form of evidence the department will require, unless the employee chooses to provide another form of evidence.
- 390.** An employee may also choose to provide other forms of evidence, including a medical certificate, or document issued by the Police Service, a Court, a Doctor, district Nurse, a Family Violence Support Service or Lawyer.
- 391.** The department will take all reasonable measures to treat information relating to family and domestic violence confidentially. The department will adopt a 'needs to know' approach regarding communication of an employee's experience of family and domestic violence, subject to steps the department may need to take to ensure the safety of the employee, other employees or persons, or mandatory reporting requirements.
- 392.** Where the department needs to disclose confidential information for purposes identified in clause 391, where it is possible the department will seek the employee's consent and take practical steps to minimise any associated safety risks for the employee and/or privacy breaches.
- 393.** The department will not store or include information on the employee's payslip in relation to the employee's experience of family and domestic violence; any leave accessed for the purposes of family and domestic violence; or support(s) provided by the employer, unless otherwise required by legislation.



- 394.** Other available support may include, but is not limited to, flexible working arrangements, additional access to EAP, changes to their span of hours or pattern of hours and/or shift patterns and/or location of work where reasonably practicable.
- 395.** The department will acknowledge and take into account an employee's experience of family and domestic violence if an employee's attendance or performance at work is affected.

Integrity in the APS

- 396.** The department understands that procedural fairness is essential in building and maintaining trust with APS employees, and that it requires fair and impartial processes for employees affected by APS-wide or department decisions.
- 397.** Employees are to give advice that is frank, honest, timely and based on the best available evidence. This includes scientific and engineering advice based on evidence-based facts guided by the best available science and data. Employees will not be disadvantaged or discriminated against because they have given advice in accordance with their expertise or professional qualifications and in accordance with the APS Code of Conduct in the PS Act.
- 398.** Employees can, during their ordinary work hours, take time to:
 - 398.1.** access an APS-wide ethics advisory service or another similar service provided by a professional association such as a law society or in the department; and
 - 398.2.** attend department mandated training about integrity.

First Nations cultural competency training

- 399.** The Secretary will take reasonable steps to ensure all substantive, ongoing EL2 employees employed at the commencement of this agreement or any new substantive, ongoing EL2 employees who commence within the first six months of this agreement will complete relevant First Nations cultural competency training within 12 months of the commencement of the agreement.
- 400.** Any new substantive, ongoing EL2 employee who commences after six months of the commencement of this agreement will be required to complete a relevant First Nations cultural competency training course within 6 months of their engagement or promotion.



Diversity Principles

- 401.** The department is committed to promoting and supporting workplace diversity and inclusion, creating an environment that values the contributions of people with different experiences and perspectives regardless of their race, gender identity, sexual orientation, intersex status, age, disability, language, or cultural and linguistically diverse backgrounds.
- 402.** The department is an inclusive organisation that values fairness, equity and diversity, consistent with APS values, Employment Principles and Code of Conduct.

Lactation and breastfeeding support

- 403.** Reasonable paid time during work hours will be provided for lactation breaks for breastfeeding, expressing milk and other associated activities.
- 404.** The department will provide access to appropriate facilities for the purpose of breastfeeding or expressing milk, subject to clause 405. In considering whether a space is appropriate, the department should consider whether:
 - 404.1.** there is access to refrigeration;
 - 404.2.** the space is lockable; and
 - 404.3.** there are facilities needed for expressing such as appropriate seating.
- 405.** Where it is not practicable for a department site to have a designated space, a flexible approach will be taken so that the employee can access the support required.
- 406.** The department will facilitate discussion between individual employees and their managers about accommodating the employee's lactation needs and practical arrangements to meet these needs.
- 407.** The manager and employee shall discuss any flexible working arrangements that may be needed to support lactation. This may include consideration of arrangements such as working from home and/or remote working or varying work hours on an ad hoc or regular basis. Wherever possible, requests by an employee will be accommodated, noting these needs may be changed over time.



Disaster support

- 408.** Where an official disaster or emergency is declared and this prevents an employee from reasonably attending work, or where it impacts their household or home, the Secretary will consider flexible working arrangements to assist the employee to perform their work.
- 409.** Where flexible working arrangements are not appropriate, the Secretary may grant paid miscellaneous leave to an employee with regard to the scale and nature of the emergency. This leave counts as service and may be approved retrospectively.
- 410.** In considering what period of leave is appropriate, the Secretary will take into account the safety of the employee, their family (including their household) and advice from local, State and Commonwealth authorities.



Section 8: Performance and development

Performance agreements

- 411.** Employees must participate in the department's performance management arrangements. The performance agreement cycle runs from July to June each year.
- 412.** All employees will be required to have a current performance agreement, except non-ongoing employees engaged for less than three months.
- 413.** The department is committed to performance agreements that:
 - 413.1.** Are positive and beneficial;
 - 413.2.** Are career focused with learning and development;
 - 413.3.** Ensure joint responsibility;
 - 413.4.** Ensure no surprises;
 - 413.5.** Ensure regular objective two-way feedback;
 - 413.6.** Are fair and equitable;
 - 413.7.** Have realistic and measurable performance measures;
 - 413.8.** Ensure procedural fairness and natural justice; and
 - 413.9.** Provide employee support.
- 414.** The purpose of the performance management arrangements is to:
 - 414.1.** develop a culture of high performance in the department;
 - 414.2.** align individual performance requirements with business outcomes;
 - 414.3.** ensure that employees have a clear understanding of their role, and the performance standards expected of them; and
 - 414.4.** identify and plan for learning and development needs.



- 415.** The performance management arrangements shall be administered in a way that considers the individual/personal circumstances of the employee.
- 416.** The Performance Management Policy determines the principles and procedures, including the responsibilities, rights and obligations of managers and employees throughout the performance cycle.
- 417.** The Department's Consultative Committee will review the Performance Management Policy and make recommendations for improvements over the life of the Agreement.

Managing underperformance

- 418.** The Underperformance Procedures provide guidance for managing the underperformance of an employee in the department. These procedures have been developed under the principles of procedural fairness, natural justice and provide rights to representation.
- 419.** The objectives of the Underperformance Procedures are to:
 - 419.1.** provide a structured and supportive approach to provide an opportunity for employees whose performance has been assessed as 'does not meet expectations' to improve their performance; and
 - 419.2.** ensure that the principles of procedural fairness are applied to the processes and decisions involved in managing underperformance.
- 420.** Underperformance is when a manager makes an assessment that an employee's performance does not meet expectations.
- 421.** Where underperformance is identified, the department will work with affected employees and their managers to attain and sustain the standards required.
- 422.** Employees and Managers have the right to have a support person at any stage of the performance management or underperformance process.
- 423.** A support person can include, but is not limited to:
 - 423.1.** union representative;
 - 423.2.** employee support officer (ESO);
 - 423.3.** family member;
 - 423.4.** friend; or
 - 423.5.** colleague.



- 424.** The Department's Consultative Committee will review the Underperformance Procedures and make recommendations for improvements over the life of the Agreement.

Study assistance

- 425.** An employee undertaking formal study may be eligible to apply for study assistance, which may include reimbursement of costs up to **\$4,000** per year and/or a maximum of up to 8 hours per week, or up to 16 hours per week for Aboriginal and Torres Strait Islander employees, that can be used weekly, accumulated, and used as a leave bank or both.

Learning and development

- 426.** The department is committed to fostering a culture of continuous learning and development to ensure employees have the skills, knowledge, and capabilities relevant to their current role.
- 427.** Employees and their managers will discuss and agree to a learning and development plan for the employee's current work and career development goals, with agreed work time to participate in relevant programs and opportunities.
- 428.** Participation in learning and development programs will be in paid time, and as far as reasonably practicable, workloads will be adjusted to accommodate those activities.
- 429.** Employees in scheduled environments will have input into their schedule to ensure learning and development is allocated regularly and in blocks of time that allow for effective learning which is appropriate to the learning needs of the employee.
- 430.** The department will ensure that employees are provided additional and appropriate learning and development where there is a significant change to employees' roles or work areas.
- 431.** Where employees are moved into a role or work area which requires particular skills or qualifications, those employees will be assisted with on-the-job training and learning and development programs to ensure sufficient support to obtain the relevant skills, qualifications, and performance.

Learning and development for employees with management responsibilities

- 432.** Employees whose roles include managing others will undertake role specific training to assist them with their role to support employee health and wellbeing, performance, and enterprise agreement related matters.



- 433.** Employees whose roles including managing remote employees or teams will receive role specific training.

Professional qualifications, memberships, and accreditations

- 434.** The department will pay professional association membership costs and accreditation or registration fees for employees undertaking duties or responsibilities that require professional skills. The department will pay any associated continuing professional development and training costs or other fees required for the maintenance of membership of the relevant professional association, accreditation, or registration.
- 435.** The department may pay for professional association membership costs and/or accreditation or registration fees where such membership is considered to provide a significant benefit to the department.
- 436.** All activities undertaken by employees for the purpose of membership of the relevant professional association, accreditation or registration (including continued professional development) will be during paid work time.

Workloads

- 437.** The department recognises the importance of employees balancing their work and personal life. While it is acknowledged that at times it may be necessary for some extra hours being worked by some employees, this should be regarded as the exception rather than the rule.
- 438.** When determining workloads for an employee or group of employees, the department will consider the need for employees to strike a balance between their work and personal life.
- 439.** Where an employee or group of employees raise that they have experienced significant workload pressures over a prolonged period of time, the department 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.



Section 9: Travel and location-based conditions

For further information, refer to the Travel Policy.

Travel

- 440.** While travelling on departmental business, all employees are entitled to a reasonable standard of accommodation (consistent with departmental accommodation rates), meals and transport without personal expense. Travel must be organised to ensure maximum value to the Commonwealth with no personal expense, monetary gain or other type of benefit to the employee.
- 441.** In determining travel requirements, a manager will, wherever possible, take into account, and make allowance for, people's circumstances, including family responsibilities, safety, security and other relevant factors.
- 442.** The rate of meal allowance and commercial accommodation allowance will be paid at a rate set by the Australian Taxation Office.
- 443.** Where the Secretary decides that the accommodation rate is insufficient in specific circumstances, a higher rate may be approved.
- 444.** Employees whose travel includes an overnight stay may withdraw up to \$50 for incidentals and meals, from an Automatic Teller Machine without the requirement to provide receipts of expenditure. Any cash withdrawal will reduce the daily rates available for meals and/or incidental costs by the amount withdrawn.
- 445.** Payment arrangements and the level of entitlement for travel expenses will be reviewed after 21 days away from home (in the one location) and paid on the basis of reasonable actual expenses or an alternative package of assistance approved by the Secretary. A trip home will not be regarded as a break for the purposes of determining reviewed travel allowance.
- 446.** Employees who travel on official business undertaken between the 7:00 am to 7:00 pm bandwidth will be recorded as flex time/EL TOIL. The start and finish times of the 12 hour bandwidth may be adjusted in recognition of travel time with the approval of the Secretary.
- 447.** Reasonable time off in lieu will be recognised and granted where employees are directed to travel outside the bandwidth.
- 448.** Travel time will not be paid as overtime.



- 449.** Where it is anticipated that eight or more business trips will be required to be undertaken in a 12 month period, airline lounge membership is available for that period.
- 450.** Where an employee chooses to stay in non-commercial accommodation, employees may access up to **\$67.67** per night to meet expenses associated with staying in non-commercial accommodation.
- 451.** Where an employee is required to travel for official business purposes for a period of ten hours or more, but no overnight stay is required, a part day travel allowance of **\$49.21** will be payable to employees.
- 452.** Where the Secretary authorises an employee to use their private vehicle for official business purposes, the employee will be entitled to a Motor vehicle allowance at a rate determined by the Australian Taxation Office and capped at the cost of the lowest practical fare of the day of travel.
- 453.** Assistance may be authorised by the Secretary in situations where, while an employee is travelling on official business:
- 453.1.** an employee becomes critically or dangerously ill and the employee's partner or a family member travels to visit the employee; or
 - 453.2.** a member of the employee's family or the employee's partner's family dies or becomes critically or dangerously ill and the employee travels to visit the critically or dangerously ill family member.
- 454.** The assistance may comprise:
- 454.1.** reimbursement to the employee for the cost of an economy return airfare in respect of travel within Australia; and
 - 454.2.** where the use of a motor vehicle is approved, or is the most appropriate form of travel, motor vehicle allowance consistent with provisions in this Agreement.
- 455.** When an employee with family caring responsibilities is required to travel away from home for official purposes, the department will provide reimbursement on production of receipts for the full cost of 'additional commercial care' (over normal caring arrangements).
- 456.** Where commercial care is not available, the Secretary has the discretion to approve the cost of the care provided by other arrangements. This reimbursement will be up to **\$73.82** per night subject to provision of satisfactory evidence.



Usual location of work

- 457.** An employee's standard place of work will be the designated office location identified in the employee's letter of offer or other engagement documentation. If no designated office location was specified on engagement, the Secretary may specify a designated office location by advising the employee in writing.
- 458.** The department and employee may agree to vary the employee's designated office location on a temporary or permanent basis.

Relocation assistance

- 459.** Where an existing employee is required to relocate at the request of the department, the employee will be provided with financial relocation assistance. Employees who relocate on a temporary basis to take up higher duties are entitled to reimbursement of reasonable expenses if they relocate for a period of 13 weeks or more.
- 460.** Where an employee is required to relocate on engagement with the department, the employee will be provided with financial relocation assistance.
- 461.** Reasonable expenses associated with the relocation include:
- 461.1.** the cost of transport of the employee, dependants and partner by the most economical means;
 - 461.2.** removal expenses, namely the reimbursement of reasonable incurred costs of the removal of furniture and household effects of the employee, dependants and partner;
 - 461.3.** the reimbursement of the cost of the insurance premium based on a reasonable replacement value; and
 - 461.4.** the reasonably incurred expenses in kennelling and transport of pets, up to the amount specified in the APS Award.
- 462.** Where an employee of the department permanently moves from one geographic locality to another, the employee may request a relocation assistance package for reimbursement of reasonable expenses.
- 463.** Additional relocation assistance may be considered by the Secretary.



Disturbance allowance

- 464.** Where the household effects of an existing employee, to whom the relocation provisions apply, have been removed at departmental expense from the employee's former locality to the new locality, the employee is entitled to be paid a one-off disturbance allowance of **\$810** for an employee who relocates alone or **\$1,500** for an employee who relocates with a partner or dependant.
- 465.** Where an employee has received disturbance allowance at the new locality and subsequently relocates within the new locality, no further disturbance allowance is payable.

Remote localities

For further information, refer to the Remote Localities Assistance Policy.

- 466.** Where an employee is engaged or relocated to a remote locality, assistance will be provided.
- 467.** Four categories have been determined for payment of RLA, depending on the level of remoteness. For further information, employees should consult the Remote Localities Assistance Policy.
- 468.** Remote localities assistance (RLA) is to recognise the climatic condition and lack of access to services in remote localities due to the geographical location.
- 469.** Four categories have been determined for payment of RLA, depending on the level of remoteness.

The annual amounts payable for the categories are:

	Category 1	Category 2	Category 3	Category 4
With dependents	\$5,974	\$11,950	\$16,729	\$20,911
Without dependents	\$4,182	\$8,365	\$11,710	\$14,638

- 470.** Remote localities assistance for those employees, who, on commencement of this Agreement, are in receipt of payments under the *Department of Education and Training Enterprise Agreement 2016-2019*, will have these payments grandfathered over the life of this Agreement.

	Darwin	Townsville
With dependants	\$12,000.00	\$4,200.00
Without dependants	\$7,200.00	\$3,000.00

Payment of RLA

- 471.** Employees eligible for RLA will receive payment of the allowance as follows:
- 471.1.** 40% of the relevant amount paid fortnightly (pro rata for part time employees) from the date of commencement of service at the location; and
 - 471.2.** An annual payment of 60% of the relevant amount following completion of 12 months continuous service and after each completed 12 months service thereafter (pro rata basis for employees ceasing work at that location).
- 472.** Accumulated periods of miscellaneous leave without pay not to count as service that exceed 30 calendar days or more will defer the annual 60% payment where the accumulated period of miscellaneous leave without pay exceeds 30 calendar days, the entire period will affect the annual payment.
- 473.** The amount of RLA will be regarded as salary for taxation purposes.

Section 10: Consultation, representation and dispute resolution

Consultation

Principles

- 474.** Genuine and effective consultation with employees and the relevant union(s), taking into account the diverse needs of employees, fosters a positive and inclusive workplace, enabling the views of employees to be considered.
- 475.** The department recognises:
- 475.1.** the importance of inclusive and respectful consultative arrangements;
 - 475.2.** employees and the relevant union(s) should have a genuine opportunity to influence decisions;
 - 475.3.** the nature and extent of consultation will vary depending on the proposed change and the likely impact on employees. Consultation on department policies may occur over at least two weeks, whereas a major change is likely to require a more extensive consultation process;
 - 475.4.** consultation with employees and relevant unions(s) on workplace matters that significantly affect or materially impact them is sound management practice; and
 - 475.5.** the benefits of employee and union involvement and the right of employees to be represented by their union.
- 476.** Genuine and effective consultation involves:
- 476.1.** providing employees and the relevant union(s) with a genuine opportunity to influence the decision prior to a decision being made;
 - 476.2.** providing all relevant information to employees and the relevant union(s) in a timely manner to support consideration of the issues;



- 476.3.** considering feedback from employees and the relevant union(s) in the decision-making process; and
- 476.4.** advising employees and the relevant union(s) of the outcome of the process, including how their feedback was considered in the decision-making process.

When consultation is required

477. Consultation is required in relation to:

- 477.1.** changes to work practices which materially alter how an employee carries out their work;
 - 477.2.** changes to or the introduction of policies or guidelines relevant to workplace matters (unless the changes are minor or procedural);
 - 477.3.** major change that is likely to have a significant effect on employees;
 - 477.4.** implementation of decisions that significantly affect employees;
 - 477.5.** changes to employees' regular roster or ordinary hours of work (subject to any other relevant provisions in this agreement); and
 - 477.6.** other workplace matters that are likely to significantly or materially impact employees.
- 478.** The department, employees and the relevant union(s) recognise that consultation prior to a decision may not be practicable where a decision is made by Government or is required due to matters beyond the reasonable control of the department. In these circumstances, consultation regarding the implementation of the decision will occur as early as is reasonably practicable.

Provisions for consultation on major change and introduction of a change to regular roster or ordinary hours of work of employees.

479. This clause applies if the department:

- 479.1.** proposes to introduce a major change to production, program, organisation, structure or technology in relation to its enterprise that is likely to have a significant effect on the employees; or
- 479.2.** proposes to introduce a change to the regular roster or ordinary hours of work of employees.



Representation

- 480.** Employees may appoint a representative for the purposes of the procedures in this clause. A representative for the purpose of this clause may be a union representative.
- 481.** The department must recognise the representative if:
- 481.1.** a relevant employee appoints, or relevant employees appoint, a representative for the purposes of consultation; and
 - 481.2.** the employee or employees advise the employer of the identity of the representative.

Major change

- 482.** In this clause, a major change is likely to have a significant effect on employees if it results in, for example:
- 482.1.** the termination of the employment of employees;
 - 482.2.** major change to the composition, operation or size of the employer's workforce or to the skills required of employees;
 - 482.3.** the elimination or diminution of job opportunities (including opportunities for promotion or tenure);
 - 482.4.** the alteration of hours of work;
 - 482.5.** the need to retrain employees;
 - 482.6.** the need to relocate employees to another workplace; or
 - 482.7.** the restructuring of jobs.
- 483.** The following additional consultation requirements in clause 484 to 490 apply to a proposal to introduce a major change referred to in clause 477.3.
- 484.** Consultation with employees and the relevant union(s) and/or recognised representatives will occur prior to a decision being made, subject to clause 478.
- 485.** Where practicable, a department change manager or a primary point of contact will be appointed and their details provided to employees and the relevant union(s) and/or their recognised representatives.



- 486.** The department must notify employees and relevant union(s) and/or recognised representatives of the proposal to introduce the major change as soon as practicable.
- 487.** As soon as practicable after proposing the change, or notifying of the change in circumstances described at clause 478, the department must:
- 487.1.** discuss with affected employees and relevant union(s) and/or other recognised representatives:
 - 487.1.1.** the proposed change;
 - 487.1.2.** the effect the proposed change is likely to have on the employees;
 - 487.1.3.** proposed measures to avert or mitigate the adverse effect of the proposed change on the employees; and
 - 487.2.** for the purposes of the discussion – provide, in writing, to employees and the relevant union(s) and/or other recognised representatives:
 - 487.2.1.** all relevant information about the proposed change, including the nature of the change proposed;
 - 487.2.2.** information about the expected effects of the proposed change on the employees; and
 - 487.2.3.** any other matters likely to affect the employees.
- 488.** The department must give prompt and genuine consideration to matters raised about the major change by employees and the relevant union(s) and/or other recognised representatives.
- 489.** However, the department is not required to disclose confidential or commercially sensitive information to employees and the relevant union(s) and/or other recognised representatives.
- 490.** If a term in this agreement provides for a major change to production, program, organisation, structure or technology in relation to the enterprise of the department, the requirements set out in clauses 484 to 488 are taken not to apply.

Change to regular roster or ordinary hours of work

- 491.** The following additional consultation requirements in clause 493 to 495 apply to a proposal to introduce a change referred to in clause 477.5.



- 492.** The department must notify affected employees and the relevant union(s) and/or other recognised representatives of the proposed change.
- 493.** As soon as practicable after proposing to introduce the change, the department must:
- 493.1.** discuss with employees and the relevant union(s) and/or other recognised representatives:
 - 493.1.1.** the proposed introduction of the change; and
 - 493.2.** for the purposes of the discussion – provide to the employees and relevant union(s) and/or other recognised representatives:
 - 493.2.1.** all relevant information about the proposed change, including the nature of the proposed change; and
 - 493.2.2.** information about what the employer reasonably believes will be the effects of the proposed change on the employees; and
 - 493.2.3.** information about any other matters that the employer reasonably believes are likely to affect the employees; and
 - 493.3.** invite employees and the relevant union(s) and/or other recognised representatives to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities). However, the department is not required to disclose confidential or commercially sensitive information to the relevant employees and the relevant union(s) and/or other recognised representatives.
- 494.** The department must give prompt and genuine consideration to matters raised about the proposed change by the employees and the relevant union(s) and/or other recognised representatives.

Interaction with emergency management activities.

- 495.** Nothing in this term restricts or limits the ability of a designated emergency management body to undertake activities provided at section 195A(1) of the FW Act.

Department consultative committee

- 496.** The department will establish and maintain a consultative committee for the duration of the Agreement. The committee will be the key mechanism for general staff consultation between the department, employees and employee representatives.
- 497.** The Consultative Committee will consist of management representatives, employee representatives and Union representatives (may be a union official).



- 498. The Department may add representatives to the committee from time to time. At any one time the number of management representatives will not outnumber the number of employee representatives.
- 499. The Consultative Committee may form subcommittees and working parties.
- 500. Further information about the roles and composition of the Consultative Committee will be detailed in the Consultative Committee Terms of Reference.

APS consultative committee

- 501. The Secretary will support the operation of the APS consultative committee to the extent possible. This includes providing information requested by the Australian Public Service Commission to support the operation of the APS consultative committee, subject to legislative requirements.

Dispute resolution

- 502. If a dispute relates to:
 - 502.1. a matter arising under the agreement; or
 - 502.2. the National Employment Standards;

This term sets out procedures to settle the dispute.

- 503. An employee or union who is covered by this agreement may initiate and/or be a party to a dispute under this term.
- 504. An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this term. Representatives will be recognised and dealt with in good faith.
- 505. Parties to the dispute must attempt to resolve the dispute at the workplace level, by discussion between the employee or employees and relevant managers. Parties to the dispute will notify higher level managers to assist in the resolution of the dispute. Parties will give genuine consideration to proposals to resolve the dispute.
- 506. If a dispute about a matter arising under this agreement is unable to be resolved at the workplace level, and all appropriate steps under clause 505 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.
- 507. The Fair Work Commission may deal with the dispute in 2 stages:



- 507.1.** the Fair Work Commission will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and
- 507.2.** if the Fair Work Commission is unable to resolve the dispute at the first stage, the Fair Work Commission may then:
 - 507.2.1.** arbitrate the dispute; and
 - 507.2.2.** make a determination that is binding on the parties.

Note: If the Fair Work Commission arbitrates the dispute, it may also use the powers that are available to it under the Act. A decision that the Fair Work Commission makes when arbitrating a dispute is a decision for the purpose of Div 3 of Part 5.1 of the Act. Therefore, an appeal may be made against the decision.

- 508.** While the parties are attempting to resolve the dispute using the procedures in this term:
 - 508.1.** an employee must continue to perform their work as they would normally in accordance with established custom and practice at the department that existed immediately prior to the dispute arising unless they have a reasonable concern about an imminent risk to their health or safety; and
 - 508.2.** subject to 508.1, an employee must comply with a direction given by the employer to perform other available work at the same workplace, or at another workplace, unless:
 - 508.2.1.** the work is not safe; or
 - 508.2.2.** applicable work health and safety legislation would not permit the work to be performed; or
 - 508.2.3.** the work is not appropriate for the employee to perform; or
 - 508.2.4.** there are other reasonable grounds for the employee to refuse to comply with the direction.
- 509.** The parties to the dispute agree to be bound by a decision made by the Fair Work Commission in accordance with this term.
- 510.** Any disputes arising under the *Department of Education and Training Enterprise Agreement 2016-2019* before the commencement of this agreement, that remain unresolved at the date of commencement of this agreement, will be progressed under the dispute resolution procedures in this agreement.



Leave of absence to attend proceedings

- 511.** Where the provisions of 502 to 506 have been complied with, and to assist in the resolution of the matter, the employee, and/or the union delegate or other employee representative referred to in clause 503, or employee required to provide evidence, will be granted paid time to attend dispute resolution processes and proceedings in the Fair Work Commission arising from referral of the matter in clause 506.

Delegates' rights

- 512.** Union delegates play an important and legitimate role in the workplace. This includes representing their members and supporting employee access to union officials, and providing employee views to the department.
- 513.** The role of union delegates is to be respected and supported.
- 514.** The department and union delegates will work together respectfully and collaboratively.

Supporting the role of union delegates.

- 515.** The department respects the role of union delegates to:
- 515.1.** provide information, consult with and seek feedback from employees in the workplace on workplace matters;
 - 515.2.** consult with other delegates and union officials, and get advice and assistance from union officials;
 - 515.3.** represent the interests of members to the employer and industrial tribunals; and
 - 515.4.** represent members at relevant union forums, consultative committees or bargaining.
- 516.** The department and union delegates recognise that undertaking the role of a union delegate is not the primary purpose of an employee's engagement, and must work with and not unreasonably impact their regular duties. Honorary officials may request additional time and facilities from time to time.
- 517.** Union delegates will be provided with reasonable paid time during their normal working hours to perform their union delegate role. The paid time provided should not result in disruption to critical services or operational requirements.
- 518.** To support the role of union delegates, the department will, subject to legislative and operational requirements, including privacy and security requirements:



- 518.1.** provide union delegates with reasonable access to department facilities and resources, including for paid or unpaid meetings between employees and their unions and to communicate with union officials;
 - 518.2.** advise union delegates and other union officials of the department facilities and resources available for their use, which may include telephone, photocopying, internet, and email;
 - 518.3.** allow reasonable official union communication appropriate to the department from union delegates with employees, including through email, intranet pages and notice boards. This may include providing a link to a union website for employees to access union information. Any assistance in facilitating email communications does not include the department vetoing reasonable communications;
 - 518.4.** provide access to new employees as part of induction; and
 - 518.5.** provide reasonable access to union delegates to attend appropriate paid time training in workplace relations matters, during normal working hours.
- 519.** Where APS employees are elected as officials of a trade union or professional association, they are not required to seek permission from the workplace or department before speaking publicly in that capacity, subject to the APS Code of Conduct and legislative requirements.



Section 11: Separation and retention

Resignation (separation)

- 520.** An employee may resign from their employment by giving the Secretary at least 14 calendar days' notice.
- 521.** At the instigation of the Secretary, the resignation may take effect at an earlier date within the notice period. In such cases, the employee will receive paid compensation in lieu of the notice period which is not worked.
- 522.** The Secretary has the discretion to agree to a shorter period of notice or waive the requirement to give notice.

Payment on death of an employee

- 523.** When an employee dies, or the Secretary has directed that an employee is presumed to have died on a particular date, subject to any legal requirements, the Secretary must authorise payments to the partner, dependants or legal representative of the former employee, the amount to which the former employee would have been entitled had they ceased employment through resignation or retirement, or where legislation provides specifically for amounts calculated based on the death of the employee, those amounts. If payment has not been made within a year of the former employee's death, it should be made to their legal representative.

Redeployment, retraining, redundancy

Management of excess employees

- 524.** The following provisions apply to all employees covered by this Agreement, excluding an employee serving a probationary period and a non-ongoing employee.
- 525.** The department will, as far as possible, avoid involuntary redundancies. Reasonable steps will be taken to facilitate redeployment opportunities at level across the department and the APS for excess or potentially excess employees.



- 526.** An offer of voluntary redundancy to an employee who is not fit for and not at work may be made to an employee who is excess in accordance with the paragraph below only where the Secretary, having regard to the Commonwealth's liability, decides it is appropriate.

Discussion and consideration period

- 527.** Where an excess employee situation is identified, the Secretary will:
- 527.1.** advise the employee(s) directly affected of the situation, the reasons and scope and invite the employee(s) to nominate a representative;
 - 527.2.** discuss the voluntary redundancy and reassignment processes with affected employees;
 - 527.3.** hold discussions with the employee(s) and their nominated representatives; and
 - 527.4.** offer the affected employee(s) voluntary redundancy.
- 528.** The employee(s) will have two months in which to consider the offer of voluntary redundancy. An employee who has received an offer of voluntary redundancy must advise the Secretary, in writing, before the end of the discussion and consideration period whether they wish to be considered for re-assignment or voluntary redundancy.
- 529.** Employees will become excess one month after being made an offer of voluntary redundancy, unless during this time their employment has been terminated, they have been redeployed or the Secretary decides they are no longer in an excess situation.
- 530.** If the employee does not respond, the employee will be taken to have a preference to be considered for reassignment, and their retention period will commence in accordance with clause 550.

Voluntary redundancy offer

- 531.** The offer must state when the Secretary proposes to issue the termination notice if the offer is accepted.
- 532.** The offer should include the following information to assist the employee in their considerations:
- 532.1.** amount payable as redundancy pay, pay in lieu of notice and accrued annual and long service leave credits;
 - 532.2.** superannuation entitlements upon voluntary redundancy;
 - 532.3.** superannuation options;
 - 532.4.** taxation rules applicable to the various payments; and



532.5. the availability of financial assistance, on a reimbursement basis, towards obtaining independent financial advice up to the value of **\$1,200**.

533. Should the employee request and receive an earlier termination date that falls within the discussion and consideration period, the employee will be entitled to receive payment for the unexpired portion of the discussion and consideration period.

Career transition assistance

534. At the time the employee is offered a voluntary redundancy or as soon as possible thereafter but no later than two weeks after the voluntary redundancy offer, potentially excess employee(s) will be offered career transition assistance which will include:

534.1. advice on the re-assignment and redundancy process;

534.2. a point of contact for individual queries;

534.3. assistance with identifying re-assignment opportunities; and/or

534.4. training/redeployment assistance.

535. Employees may also access the department's Employee Assistance Program for free personal counselling.

Voluntary redundancy process

536. If an employee accepts an offer of voluntary redundancy, and the Secretary agrees to the redundancy, the Secretary will issue a 'notice of termination' under section 29 of the PS Act.

537. The period of notice will be four weeks, or five weeks for an employee over 45 years of age with at least five years of continuous, current APS service at the time of the offer. Where an employee elects to terminate their employment before the expiration of the notice period, payment in lieu of the unexpired portion of the notice period will be made.

538. Notice of termination will not be given before the end of the discussion and consideration period without the agreement of the employee.

539. Only one offer of voluntary redundancy will be made to an employee.

540. Job exchanges will be available until the end of the discussion and consideration periods. A job exchange is where a departmental employee who has been offered voluntary redundancy but does not want one, swaps jobs with an employee from within the Department or from another APS agency who is not excess but who wants voluntary redundancy. Job exchanges are subject to the Secretary's approval on a case by case basis.

541. An employee will not be made involuntarily redundant if the employee has not been offered a voluntary redundancy, or has requested, but not received an offer of voluntary redundancy.



Severance pay

- 542.** An employee who accepts voluntary redundancy and whose employment is terminated under section 29 of the PS Act on the grounds that they are excess to requirements will be entitled to the following severance pay, subject to any minimum amount the employee is entitled to under the NES:
- 542.1.** two weeks of salary for each completed continuous year of service; and
 - 542.2.** a pro rata payment for completed continuous months of service since the last completed year of service.
- 543.** The minimum amount of severance pay is an amount equal to four weeks' salary and the maximum amount payable is an amount equal to 48 weeks' salary.
- 544.** Severance pay is calculated on a pro rata basis for any period of service when the employee worked part time, subject to any minimum amount the employee is entitled to under the NES.
- 545.** For an excess employee, salary includes:
- 545.1.** the employee's substantive salary on the date of termination;
 - 545.2.** temporary performance loading where the employee has received the loading for a continuous period of at least 12 months immediately preceding the date on which the employee is given a formal offer of a voluntary redundancy; and
 - 545.3.** allowances in the nature of salary which are paid during periods of annual leave and on a regular basis, excluding allowances which are a reimbursement for expenses incurred, or a payment for disabilities associated with the performance of duty.

Service for severance pay purposes

- 546.** Service for severance pay purposes means:
- 546.1.** service in the department;
 - 546.2.** Government service as defined in section 10 of *the Long Service Leave (Commonwealth Employees) Act 1976*;
 - 546.3.** service with a Commonwealth body (other than service with a Joint Commonwealth-State body corporate in which the Commonwealth does not have a controlling interest) which is recognised for long service leave purposes;
 - 546.4.** service with the Australian Defence Forces;
 - 546.5.** APS service immediately preceding deemed resignation under repealed section 49 of the *Public Service Act 1922*, if the service has not previously been recognised for severance pay purposes;



546.6. service in another organisation where an employee was transferred from that organisation with a transfer of function; or an employee engaged by that organisation on work within a function is appointed as a result of the transfer of that function to the APS and such service is recognised for long service leave purposes.

547. For earlier periods of service to count, there must be no breaks between the periods of service, except where:

547.1. the break in service is less than one month and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer; or

547.2. the earlier period of service was with the APS and ceased because the employee was deemed to have resigned from the APS under the repealed section 49 of the *Public Service Act 1922*.

Service not to count for severance pay purposes

548. Periods of service that will not count as service for redundancy pay purposes are previous periods of service that ceased by way of:

548.1. termination under section 29 of the PS Act;

548.2. prior to the commencement of the PS Act, by way of redundancy; forfeiture of office, retirement on the grounds of invalidity, inefficiency or loss of qualifications; dismissal or termination of probationary appointment for reasons of unsatisfactory service;

548.3. voluntary retirement at or above the minimum retiring age applicable to the employee; or

548.4. payment of a redundancy benefit or a similar payment or an employer-financed retirement benefit.

549. Absences from duty which do not count as service for long service leave purposes will not count for severance pay purposes.

Retention period

550. Should an employee not accept the formal offer of voluntary redundancy, the employee will commence their retention period one month after the offer of voluntary redundancy. The notice period will be concurrent with the retention period.

551. The purpose of the retention period is to enable excess employees to be reassigned within the APS or to find other suitable employment. Consistent with this, during the retention period:

551.1. the department will continue to provide and resource reasonable career transition services and support, and take all reasonable steps to move an excess employee to a



suitable vacancy, to another APS agency or to pursue placements outside the APS consistent with this Agreement; and

551.2. employees will take all reasonable steps to secure permanent re-assignment or placement.

552. The retention period is:

552.1. 13 months where an employee has 20 or more years of continuous, current service with the APS or is over 45 years of age; or

552.2. seven months for other employees.

553. If an employee is entitled to a redundancy payment under the NES, their retention period is reduced by the employee's redundancy pay entitlement under the NES on termination, calculated as at the expiration of the retention period (as adjusted by this clause).

Redeployment

554. The following provisions will apply to employees during their retention period:

554.1. The employee can access up to **\$1,200** for payment for outplacement services or training opportunities that would be expected to enhance the employment prospects of employees.

554.2. Excess employees of the department will be considered first and in isolation from, and not in competition with, other applicants who are not excess for an advertised vacancy to which the employee seeks transfer but only at or below the employee's level. In placing excess employees, consideration will be given to the employee's current skills and experience or the employee's ability to acquire the relevant skills for the advertised vacancy in a short period of time.

554.3. Suitable trial placements in other organisations, including private sector organisations, will be funded for up to three months where there is an identifiable opportunity for permanent placement and no job swap arrangement is involved. An individual employee may undertake more than one trial placement.

554.4. The employee will be entitled to reasonable paid leave for the purpose of attending employment interviews and may request assistance in meeting reasonable travel costs and incidental expenses incurred by the employee in seeking alternative employment, where these are not met by the prospective employer.

554.5. The employee may, after being given four weeks of notice, be reduced in classification as a means of securing alternative employment. If reduction occurs after the offer of voluntary redundancy and before the end of the retention period the employee will receive payments to maintain the employee's salary level for the balance of the retention period.



Extension of the retention period

555. Retention periods will only be extended by periods of approved leave due to the employee's illness or injury (supported by medical evidence) taken during the retention period. The period will not be extended on these grounds beyond an additional eight weeks.

Involuntary redundancy

556. If an excess employee is unsuccessful in obtaining permanent reassignment at the end of the retention period, the employee's employment will be terminated under section 29 of the PS Act. An employee may be entitled to a redundancy payment under the NES.

557. Where an excess employee's employment is to be terminated the employee will be given four weeks' notice of termination (or five weeks for an employee over 45 years of age with at least five years of continuous, current APS service). This period of notice will be served, as far as practicable, concurrently with the retention period.



Section 12: Other APS-wide matters

Recruitment and mobility

- 558.** The department's recruitment and selection arrangements reflect the APS employment principles and merit based decision making.
- 559.** Where a vacancy is to be filled for a period of three continuous months or longer, an internal merit selection process must be used to fill the vacancy.
- 560.** Where a position has remained substantively vacant for up to 12 months, the position must be advertised on the APS Jobs Gazette.
- 561.** The department's Consultative Committee will review recruitment and workforce management policies and processes and make recommendations for improvements over the life of the Agreement.



Attachment A – Base salaries

General Classifications and Broadbands					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
EL2	EL 2.4	\$163,848	\$170,402	\$176,877	\$182,891
	EL 2.3	\$153,420	\$159,557	\$165,620	\$171,251
	EL 2.2	\$144,748	\$150,538	\$156,258	\$161,571
	EL 2.1	\$136,498	\$141,958	\$147,352	\$152,362
Hard Barrier - advancement subject to a merit process					
EL1	EL 1.4	\$128,200	\$133,328	\$138,394	\$143,099
	EL 1.3	\$121,755	\$126,625	\$131,437	\$135,906
	EL 1.2	\$118,781	\$123,532	\$128,226	\$132,586
	EL 1.1	\$115,996	\$120,636	\$125,220	\$129,477
Hard Barrier - advancement subject to a merit process					
APS6	APS 6.3	\$103,731	\$107,880	\$111,979	\$115,786
	APS 6.2	\$97,401	\$101,297	\$105,146	\$108,721
	APS 6.1	\$94,332	\$98,105	\$101,833	\$105,295
Soft Barrier - work value/work availability					
APS5	APS 5.3	\$89,706	\$93,294	\$96,839	\$100,132
	APS 5.2	\$85,695	\$89,123	\$92,510	\$95,655
	APS 5.1	\$83,908	\$87,264	\$90,580	\$93,660
Soft Barrier - work value/work availability					
APS4	APS 4.3	\$81,274	\$84,525	\$87,737	\$90,720
	APS 4.2	\$78,115	\$81,240	\$84,327	\$87,194
	APS 4.1	\$75,996	\$79,036	\$82,039	\$84,828



Hard Barrier - advancement subject to a merit process					
APS3	APS 3.2	\$72,767	\$75,678	\$78,554	\$81,225
	APS 3.1	\$69,863	\$72,658	\$75,419	\$77,983
General Classifications and Broadbands continued.					
Soft Barrier - work value/work availability					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
APS2	APS 2.3	\$66,664	\$69,331	\$71,966	\$74,413
	APS 2.2	\$65,434	\$68,051	\$70,637	\$73,039
	APS 2.1	\$62,558	\$65,060	\$67,532	\$69,828
Soft Barrier - work value/work availability					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
APS1	APS 1.2	\$58,237	\$60,566	\$62,868	\$65,006
	APS 1.1	\$53,262	\$55,392	\$57,497	\$59,452



Training Broadband					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
APS4	APS 4.3	\$81,274	\$84,525	\$87,737	\$90,720
	APS 4.2	\$78,115	\$81,240	\$84,327	\$87,194
	APS 4.1	\$75,996	\$79,036	\$82,039	\$84,828
Soft Barrier - work value/work availability					
APS3	APS 3.2	\$72,767	\$75,678	\$78,554	\$81,225
	APS 3.1	\$69,863	\$72,658	\$75,419	\$77,983
Soft Barrier - work value/work availability					
APS2	APS 2.3	\$66,664	\$69,331	\$71,966	\$74,413
	APS 2.2	\$65,434	\$68,051	\$70,637	\$73,039
	APS 2.1	\$62,558	\$65,060	\$67,532	\$69,828
Soft Barrier - work value/work availability					
APS1	APS 1.2	\$58,237	\$60,566	\$62,868	\$65,006
	APS 1.1	\$53,262	\$55,392	\$57,497	\$59,452



Government Lawyer Broadband					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
EL2 Principal Government Lawyer	Principal Government Lawyer EL 2.2	\$167,945	\$174,663	\$181,300	\$187,464
	Principal Government Lawyer EL 2.1	\$155,163	\$161,370	\$167,502	\$173,197
Hard Barrier - advancement subject to a merit process					
EL1 Senior Government Lawyer	Senior Government Lawyer EL 1.3	\$142,094	\$147,778	\$153,394	\$158,609
	Senior Government Lawyer EL 1.2	\$121,753	\$126,623	\$131,435	\$135,904
	Senior Government Lawyer EL 1.1	\$115,996	\$120,636	\$125,220	\$129,477
Soft Barrier - work value/work availability					
APS6 Government Lawyer	Government Lawyer APS 6.6	\$103,731	\$107,880	\$111,979	\$115,786
	Government Lawyer APS 6.5	\$97,401	\$101,297	\$105,146	\$108,721
	Government Lawyer APS 6.4	\$94,332	\$98,105	\$101,833	\$105,295
Soft barrier – work value/work availability					
APS5 Government Lawyer	Government Lawyer APS 5.3	\$85,695	\$89,123	\$92,510	\$95,655
Soft barrier – work value/work availability					
APS4 Government Lawyer	Government Lawyer APS 4.2	\$78,115	\$81,240	\$84,327	\$87,194



Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
Soft barrier – work value/work availability					
APS3 Government Lawyer	Government Lawyer APS 3.1	\$72,767	\$75,678	\$78,554	\$81,225

Information Technology (IT) Specialist Designation					
Classification	Salary Pay Point	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026
EL1	IT Specialist EL1.2	\$141,019	\$146,660	\$152,233	\$157,409
Information Technology Specialist	IT Specialist EL1.1	\$134,610	\$139,994	\$145,314	\$150,255



Attachment B – Supported Wage System

1. This schedule defines the condition which will apply which will apply to employees because of the effects of a disability are eligible for a supported wage under the terms of this agreement.

Definitions

2. In this schedule:

Approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system;

Assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system;

Disability Support Pension means the commonwealth Government pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991 (Cth)*, as amended from time to time, or any successor to that scheme;

Relevant minimum wage means the minimum wage prescribed in this agreement for the class of work for which an employee is engaged;

Supported Wage System (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full agreement wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the JobAccess website (www.jobaccess.gov.au); and

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate.

Eligibility criteria

3. Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class for which the employee is engaged under this agreement, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.
4. The schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this agreement relating to the rehabilitation of employees who are injured in the course of their employment.



Supported wage rates

5. Employees to whom this clause applies shall be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Applicable percentage of relevant minimum wage paid to applicable employees

Assessed capacity	Percentage of agreement rate
10 per cent	10 per cent
20 per cent	20 per cent
30 per cent	30 per cent
40 per cent	40 per cent
50 per cent	50 per cent
60 per cent	60 per cent
70 per cent	70 per cent
80 per cent	80 per cent
90 per cent	90 per cent

6. Provided that the minimum amount payable to an employees to whom the SWS applies is not less than the amount prescribed in the National Minimum Wage Order. Note: The minimum amount payable is reviewed every year in July.
7. Where an employee's assessed capacity is 10 per cent, they must receive a high degree of assistance and support.

Assessment of capacity

8. For the purposes of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and the employee, and if the employee so desires, a union which the employee is eligible to join.
9. Assessment made under this schedule must be documented in a SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

Lodgement of SWS wage assessment agreement

10. All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.



11. All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the agreement is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

Review of assessment

12. The assessment of the applicable percentage should be subject to annual review or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the support wage system.

Other terms and conditions of employment

13. Where an assessment has been made, the applicable percentage will apply to the relevant wage rate only. Employees covered by the provisions of the schedule will be entitled to the same terms and conditions of employment as all other workers covered by this agreement paid on a pro rata basis.

Workplace adjustment

14. An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve redesign of job duties, working time arrangements and work organisation in consultation with other workers in the area.

Trial period

15. In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a Trial Period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
16. During that Trial Period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
17. The minimum amount payable to the employee during the Trial Period must be no less than the current weekly rate, as determined by the Fair Work Commission.
18. Work trials should include induction or training as appropriate to the job being trialled.
19. Where the employer and employee wish to establish a continuing employment relationship following the completion of the Trial Period, a further contract of employment will be entered into based on the outcome of assessment under clause 8 and 9 in this attachment.





Australian Government
Department of Education

Indigenous Procurement Strategy



Contents

Indigenous Procurement Strategy	1
1. Document details	3
2. Document history.....	3
3. Document scope	3
4. Purpose	4
5. Roles and responsibilities.....	4
6. Our commitment.....	5
7. Monitoring our commitment	6
8. Indigenous Procurement Policy statement.....	7
9. Reporting requirement to the National Indigenous Australian Authority.....	12
Appendix A – Quick Guide: Applying the IPP to your procurement	15
Appendix B: Applying the IPP to your procurement flowchart.....	20

Disclaimer: The Department of Education acknowledges diversity and respectfully uses both the terms 'Indigenous' and 'Aboriginal and Torres Strait Islander peoples' interchangeably throughout this document.

1. Document details

Document name	Indigenous Procurement Strategy		
Document status	Final	Last updated	February 2024
Point of contact	Director, Procurement and Grants and Non-ICT Contractor Team		
Approval Authority	Deputy Secretary, Corporate and Enabling Services	Date of Approval	4 March 2024

Note: This is a controlled document in its electronic form only.

2. Document history

Version	Date	Author	Summary of Changes	Status	Authorised By
1.0	February 2024	Procurement and Grants and Non-ICT Contractor Team	Updated to reflect July 2022 MoG changes, Reconciliation Commitment Statement 2023-2024 and Reconciliation Action Plan 2023-2025	Approved	Marcus Markovic

3. Document scope

This Strategy supports the [Commonwealth Indigenous Procurement Policy \(IPP\)](#) and the department's [Reconciliation Commitment Statement 2023-2024](#) and [Reconciliation Action Plan 2023-2025](#). The IPP is a Procurement Connected Policy under the Commonwealth Procurement Rules (CPRs). The policy is administered by the National Indigenous Australians Agency (NIAA). The NIAA can be contacted at IndigenousProcurement@niaa.gov.au.

This document applies to **all staff**, including all Senior Executive Service (SES) officers who are responsible for ensuring the department achieves its actions and targets under this Strategy.

This Strategy should be read in conjunction with the department's [Reconciliation Commitment Statement 2023-2024](#), [Reconciliation Action Plan 2023-2025](#) and resources available on the [Indigenous Procurement Policy](#) and [Procurement intranet](#) sites.

4. Purpose

- The Department of Education's Indigenous Procurement Strategy commits the department to increasing our engagement with Indigenous owned businesses.
- This Strategy aims to ensure that the department complies with all aspects of the Commonwealth Indigenous Procurement Policy (IPP) by outlining the key components of the policy, including articulating additional policy, guidance and actions at the departmental level.

5. Roles and responsibilities

The following roles and responsibilities apply to this Strategy.

Role	Responsibility
Secretary	<ul style="list-style-type: none"> • Engages with portfolio entities to support the IPP to achieve portfolio targets.
Deputy Secretary, Corporate and Enabling Services	<ul style="list-style-type: none"> • Owns and authorises the Indigenous Procurement Strategy.
All Deputy Secretaries All Division Managers	<ul style="list-style-type: none"> • Monitor IPP commitments and progress on purchasing activity within own Group/Division.
Indigenous Business is Everyone's Business Committee	<ul style="list-style-type: none"> • Endorses the Indigenous Procurement Strategy • Provides advice and support for this Strategy and the IPP • Monitors actions to support implementation of Reconciliation Commitment Statement 2023-2024 Action items and Reconciliation Action Plan 2023-2025.
Chief Financial Officer	<ul style="list-style-type: none"> • Accountable for compliance and reporting on the IPP • Ensures processes, technology and systems support the IPP.
Financial and Resource Management Branch	<ul style="list-style-type: none"> • Promulgates this Strategy and promotes the IPP in the department • Responsible for reporting, including to the National Indigenous Australians Agency (NIAA) • Ensures this Strategy is reviewed and up to date.
SES and delegates	<ul style="list-style-type: none"> • Ensures that all staff are aware of and compliant with the IPP • Are fully informed of whether Indigenous suppliers have been considered, approached and/or recommended to be engaged.
All employees	<ul style="list-style-type: none"> • Aware and responsive to the Strategy and comply with the IPP when procuring goods and services • Successfully complete the IPP Learnhub training prior to undertaking procurement activity valued at \$10,000 or more. • Create and maintain accurate records of procurement activities including the search results from Supply Nation's Indigenous Business Direct.
Procurement and Grant and Non-ICT Contractor Team	<ul style="list-style-type: none"> • Provides procurement policy advice, practice and templates • Provides IPP reporting data • Monitors compliance with the mandatory set aside requirements of the IPP • Manages the membership with Supply Nation and promotes and represents the department at Supply Nation organised events • Initiates system enhancements with Service Delivery Office to meet regulatory compliance of the IPP.
Service Delivery Office	<ul style="list-style-type: none"> • Manages IT systems and delivers required changes.

6. Our commitment

- The [Department of Education Reconciliation Commitment Statement 2023-2024](#) includes *Priority Action 3 - Creating opportunities for First Nations peoples* by focussing on engaging with First Nations owned business by meeting and/or exceeding the annual Indigenous Procurement Policy target.
- The [Department of Education Reconciliation Action Plan 2023-2025](#) includes Actions and *Deliverable 10 – Increase First Nations supplier diversity to support improved economic and social outcomes*.
- We will collaborate with the National Indigenous Australians Agency (NIAA) and the Department of Finance regarding the improvement of Indigenous procurement data and information, and enhance our collaboration with Supply Nation to improve the engagement of Indigenous suppliers in procurements, while ensuring value for money and other Commonwealth Procurement Rules (CPR) requirements are met.
- We will collaborate with the department's Indigenous Business is Everyone's Business (IBEB) Committee to champion the philosophy that Indigenous business is everyone's business across all aspects of our work.

Reconciliation Commitment Statement 2023-2024: Creating opportunities for First Nations peoples

Action	Leader / Champion	Action Owner / Responsibility	Timeline
We will focus on engaging with First Nations owned business by meeting and/or exceeding the annual Indigenous Procurement Policy target.	Chief Financial Officer	Financial and Resource Management Branch	Ongoing
We will focus on engaging with First Nations owned business by encouraging all procuring officials to complete the Indigenous Procurement Policy online learning course.	Chief Financial Officer	Financial and Resource Management Branch	Ongoing

Reconciliation Action Plan 2023-2025: Increase First Nations supplier diversity to support improved economic and social outcomes

Action	Leader / Champion	Action Owner / Responsibility	Timeline
Maintain commercial relationships through meeting the annual Indigenous procurement portfolio targets set by the National Indigenous Australians Agency (NIAA) Indigenous Procurement Policy.	Director – Procurement and Grants	Financial and Resource Management Branch	June 2024 and June 2025
Review and update procurement practices to remove barriers to procuring goods and services from First Nations businesses	Director – Procurement and Grants	Financial and Resource Management Branch	June 2024 and June 2025

Action	Leader / Champion	Action Owner / Responsibility	Timeline
Enhance collaboration with Supply Nation and maintain corporate membership	Director – Procurement and Grants	Financial and Resource Management Branch	October 2023 and October 2024
Develop targeted internal communications to promote the benefits of engaging First Nations businesses	Director – Procurement and Grants	Financial and Resource Management Branch	March 2024 and March 2025
Ensure employees who undertake procurement complete the essential training on the Commonwealth Indigenous Procurement Policy and continue to promote this training across the department	Director – Procurement and Grants	Financial and Resource Management Branch	June 2024 and June 2025

7. Monitoring our commitment

The following reporting and compliance activity are undertaken to support this Strategy:

Report	Content	Responsibility	Audience	Frequency
Monthly Finance Report – IPP Performance Report and Dashboard	New IPP contracts, shopping carts completed under \$10,000 GST inclusive and credit card data, YTD compared to IPP target; breakdown by Group.	Chief Financial Officer	Executive Board	Monthly
Mandatory Minimum Requirements (MMR) contracts Compliance Statement	Six-monthly MMR contracts compliance statement for the COO Committee.	Deputy Secretary, Corporate and Enabling Services	COO Committee	Six-monthly
MMR Reporting Status	Discussion with the NIAA at our quarterly meetings - our MMR reporting status and strategies to improve.	Procurement and Grant and Non-ICT Contractor Team	Contract Managers	Quarterly
IPP Learnhub	Number and names of all staff who have undertaken procurement activity and whether they completed or did not	Procurement and Grant and Non-ICT Contractor Team	Branch Managers Executive Officers	Quarterly

Report	Content	Responsibility	Audience	Frequency
	complete the IPP Learnhub module.			
Access to Indigenous Suppliers	Feedback from business areas and liaison with Department of Finance and NIAA.	Procurement and Grant and Non-ICT Contractor Team	Contract Managers	Quarterly

8. Indigenous Procurement Policy statement

- For the purposes of the Commonwealth IPP, an Indigenous enterprise is a business that is 50 per cent or more owned by Indigenous Australians.’
- [Supply Nation](#) and the [Office of the Registrar for Indigenous Corporations \(ORIC\)](#) maintains lists of Indigenous enterprises that meet this definition.
- The Commonwealth IPP was introduced on 1 July 2015. The primary purpose of the policy is to stimulate Indigenous entrepreneurship and business development by providing Indigenous Australians with more opportunities to participate in the economy.
- The IPP has three key components:
 - Annual targets for the volume and value of contracts to be awarded to Indigenous enterprises by the Commonwealth and each Portfolio.
 - A *Mandatory Set Aside (MSA)* to provide Indigenous enterprises the opportunity to demonstrate value for money before a general approach to market. The MSA applies to all procurements to be delivered in remote Australia and for all other procurements wholly delivered in Australia with an estimated value from \$80,000 to \$200,000 (GST inclusive)
 - Indigenous employment or supplier targets to be mandated in high value contracts wholly delivered in Australia valued at \$7.5 million or more in specified industry categories, known as the *mandatory minimum requirements (MMR)*. This includes a mandate that tender evaluations for procurements subject to the MMR’s must consider a tenderer’s past performance against MMR targets contained in relevant Commonwealth contracts.

Annual Target for purchasing from Indigenous enterprises

- The Commonwealth has two targets for purchasing from Indigenous enterprises – a volume and value target.
- The portfolio volume target for the financial year is calculated based on three per cent of the expected number of eligible procurements. This target applies to all portfolio entities that are required to comply with the CPRs. In addition to the department, the following entities in the Education Portfolio must comply with the CPRs and the IPP:
 - Australian Research Council (ARC)
 - Tertiary Education and Quality Standards Agency (TEQSA).
- The portfolio value based target for the financial year is calculated based on the relevant target as applied to the expected value of eligible procurements.
- The following types of contracts (any value) are included in IPP reporting:
 - direct contracts with an Indigenous enterprise
 - subcontracts with Indigenous enterprise, where the subcontract directly relates to the goods and services being contracted by the department

- direct contracts with an incorporated joint venture, where the joint venture is at least 50 per cent Indigenous owned.
- The Education portfolio's procurement targets under the Commonwealth IPP are shown in the table below. We aim to exceed both the volume and value targets each financial year.

Financial year	Percentage of contracts	Target number of contracts	Actual number	Actual value
2021-22*	1.5%	53 contracts	582 contracts	\$59,730,984
2022-23	1.75%	9 contracts	39 contracts	\$10,712,728
2023-24	2%	21 contracts	TBA	TBA
2024-25	2.25%	TBA	TBA	TBA
*Data is for the former Department of Education, Skills and Employment				

Mandatory set-aside (MSA) for certain Commonwealth contracts

- The IPP gives Indigenous small and medium enterprises (SMEs) the chance to demonstrate value for money first, before the procuring officer makes a general approach to the market.
- The mandatory set-aside means the department must offer work to Indigenous businesses first, where a suitable Indigenous business is identified that can provide the good or service on a value for money basis.
- The mandatory set-aside applies to:
 - all new domestic procurements where the estimated value of the procurement is from \$80,000 to \$200,000 (GST inclusive)
 - all remote procurements regardless of value (excluding credit card purchases under \$10,000).
- The procuring officer must actively search for an Indigenous SME first and document the outcomes of that search. The procuring officer may need to approach multiple Indigenous SMEs to evaluate value for money and/or compare the quote with other market knowledge i.e., estimated cost and delivery time for example. The procuring officer must not approach the general market until after exhausting all opportunities to secure an Indigenous SME.
- The mandatory set-aside cannot be applied to purchases from mandated whole of government services contract (such as stationery and office supplies, telecommunications and air travel).
- Other exemptions under the CPRs include procurements relating to national interests (2.6), and limited tenders (10.3) and [Appendix A exemptions](#).

Mandatory minimum requirements (MMR) for Indigenous participation

- High value contracts in certain industry sectors must contain minimum requirements for Indigenous participation, including employment and sub-contracting. The minimum requirements help ensure that Indigenous Australians gain skills and economic benefit from some of the larger pieces of work that the Commonwealth outsources.
- The mandatory minimum requirements for Indigenous participation apply to all new contracts delivered in Australia that are valued at \$7.5 million (GST inclusive) or more, where more than half the value of the contract is being spent in one or more of the following industry categories:



- The industry categories with Mandatory Minimum Requirements are based on the United Nations Standard Products and Service Code (UNSPSC). The UNSPSC classifies all products and services and each of the industry sectors identified above corresponds to a UNSPSC. A detailed list of goods and services that fall within each of the identified sectors is available [here](#). Mandatory minimum requirements for Indigenous participation is mandatory for all subcategories under each category.

- The Non-Remote and Remote Contract Level mandatory minimum requirement targets are detailed below:

	EMPLOYMENT	SUPPLIER	COMBINED
Non – remote contract-level target	4 per cent Indigenous employment (on average) of the full time equivalent Australian-based workforce deployed on the contracted project (by the end of the contract term).	4 per cent of the value of the goods and services provided under the contract must be awarded to Indigenous enterprises (by the end of the contract term).	The Employment and Supplier target total 4 per cent (by the end of the contract term). For example: a 1 per cent Indigenous employment outcome and a 3 per cent Indigenous supplier-use outcome delivers a combined outcome of 4 per cent.
Remote contract-level target	Greater than 4 per cent Indigenous employment (on average) of the full time equivalent Australian-based workforce deployed on the contracted project (by the end of the contract term). Setting the target should have regard to the local Indigenous employment market, the nature of the goods and services to be delivered, availability of support services and any other relevant government targets.	Greater than 4 per cent of the value of the goods and services provided under the contract must be awarded to Indigenous enterprises (by the end of the contract term). Setting the target should have regard to the local Indigenous business sector, the nature of goods and services to be delivered, availability of support services and any other relevant government targets.	Greater than 4 per cent The Employment and Supplier target in total is greater than 4 per cent (by the end of the contract term). Setting the target should have regard to the local Indigenous business sector and employment market, the nature of goods and services to be delivered, availability of support services and any other relevant government targets.

	EMPLOYMENT	SUPPLIER	COMBINED
Organisation-level target	3 per cent Indigenous employment (on average) of the full time equivalent Australian- based workforce of the supplier (by the end of the contract term).	3 per cent of the value of the supplier's Australian supply chain must be awarded to Indigenous enterprises (by the end of the contract term).	Employment and Supplier total in value to 3 per cent (by the end of the contract term). For example: a 2 per cent Indigenous employment outcome and a 1 per cent Indigenous supplier- use outcome delivers a combined outcome of 3 per cent.

- The contractor may elect to meet the mandatory minimum requirements directly or through subcontracts.
- The mandatory minimum requirements do not apply to contracts that are subject to paragraph 2.6 of the Commonwealth Procurement Rules.
- For more information on the application of mandatory minimum requirements refer to the [Commonwealth IPP](#) or contact Procurement Services at procurement@education.gov.au.

9. Reporting requirement to the National Indigenous Australian Authority

	NIAA reporting obligations	Portfolio reporting obligations (some of these obligations may be devolved to individual Commonwealth entities within the portfolio) – completed by the Department of Education Procurement Team	Contractor reporting obligations
Commonwealth targets	<p>Annual publication of portfolio results against their IPP targets.</p> <p>This will include:</p> <ul style="list-style-type: none"> - Volume of contracts - Value of contracts 	<p>Portfolios are responsible for uploading onto the Indigenous Procurement Policy Reporting System (IPPRS):</p> <ul style="list-style-type: none"> - AusTender contracts awarded to enterprises not registered on Supply Nation or ORIC; and - All other procurement contracts or purchases not reportable on AusTender. - All subcontracts not reported by suppliers via the IPPRS. <p>Reports must be uploaded at least bi-annually.</p> <p>The IPPRS extracts AusTender contract data and counts contracts awarded to enterprises registered on Supply Nation and/or ORIC against portfolios targets daily.</p>	<p>Portfolios may require suppliers to report on non-MMR Indigenous supplier use.</p>

	NIAA reporting obligations	Portfolio reporting obligations (some of these obligations may be devolved to individual Commonwealth entities within the portfolio) – completed by the Department of Education Procurement Team	Contractor reporting obligations
Mandatory set-aside	<p>Six monthly publication of on the NIAA website of total number of contracts:</p> <ul style="list-style-type: none"> • reported on AusTender in the previous period valued from \$80,000 to \$200,000 • awarded to Indigenous enterprises. <p>Numbers of Commonwealth remote procurements conducted and awarded to Indigenous SMEs.</p>	<p>Portfolios are to report to NIAA procurements that have occurred in remote Australia at least every six months via the IPPRS.</p> <p>NIAA extracts contract data from AusTender, Supply Nation and ORIC for MSA reporting against the value based MSA.</p>	Nil.

	NIAA reporting obligations	Portfolio reporting obligations (some of these obligations may be devolved to individual Commonwealth entities within the portfolio) – completed by the Department of Education Procurement Team	Contractor reporting obligations
<p>Mandatory minimum requirements for Indigenous participation (MMR)</p>	<p>Six monthly publication on NIAA website of MMR contract details:</p> <ul style="list-style-type: none"> • Suppliers’ names • Contract value/term • Types of goods/services being purchased. <p>(data sourced from AusTender and IPPRS).</p>	<p>Portfolios are responsible for entering into the IPPRS:</p> <ul style="list-style-type: none"> • Targets • Reporting start date • Suppliers’ contract details • Acknowledgement that the contract manager has reviewed the quarterly performance report • Comments against the final performance report. <p><i>Some of this reporting is devolved to the individual contract manager.</i></p>	<p>Suppliers report quarterly via the IPPRS: (for employment targets)</p> <ul style="list-style-type: none"> • FTE total workforce • FTE Indigenous workforce <p>(for supply chain target)</p> <ul style="list-style-type: none"> • Australian Business Name and name of enterprise • Value of contract/purchase • Date of contract/purchase • Description of good/service purchased • Whether the contract/purchase was awarded by the Supplier or by a subcontractor within their supply chain (direct or indirect contract/purchase).

Appendix A – Quick Guide: Applying the IPP to your procurement

Procurement type	Applying the IPP	IPP record keeping requirements	Entering your procurement in HUB
<p>Where the goods or services will be delivered in a remote area</p>	<p>You must search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis.</p>	<p>You must document:</p> <ul style="list-style-type: none"> • that it is a remote procurement • your search for Indigenous enterprises and its outcome. <p>All procurement activities must be appropriately documented in HP Content Manager and in HUB.</p>	<p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>
<p>Purchases under \$10,000</p> <ul style="list-style-type: none"> • Procuring officers should consider whether an Indigenous enterprise could deliver the required good or service. • Purchases from Indigenous suppliers should be flagged as such in the HUB Procurement Shopping Cart. • Purchases from Indigenous suppliers using a credit card are captured in HUB reports. 			
<p>Purchases on a departmental credit card (less than \$10,000)</p>	<p>You should search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis.</p>	<p>Not applicable.</p>	<p>Not applicable. The purchase approval in HUB does not collect information on whether the vendor is an Indigenous business.</p> <p>The Procurement and Grant and Non-ICT Contractor Team captures this data through HUB reports.</p>
<p>Valued at less than \$10,000</p>	<p>You should search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis.</p>	<p>All procurement activities must be appropriately documented in HP Content Manager and in HUB.</p>	<p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>

Procurement type	Applying the IPP	IPP record keeping requirements	Entering your procurement in HUB
<p>Procurements over \$10,000 and under \$80,000</p> <ul style="list-style-type: none"> Procuring officers should consider whether an Indigenous enterprise could deliver the required good or service. Procuring officers should document whether or not an Indigenous business was considered in the Procurement Plan and when entering the resulting purchase details in the Shopping Cart. 			
<p>Valued at \$10,000 to less than \$80,000</p>	<p>You should search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis.</p> <p>If using a panel arrangement, you should consider providing Indigenous supplier/s with an opportunity to quote either before or concurrently with panel providers. Check whether the panel has any Indigenous suppliers listed. Remember that Indigenous suppliers do not need to be on the panel to be provided with the opportunity to quote.</p> <p>Remember that sub-contracts and joint ventures with Indigenous enterprises also count towards our IPP targets.</p>	<p>You must document your search for Indigenous enterprises and the outcome.</p> <p>All procurement activities must be appropriately documented in HP Content Manager and in HUB. Procurements valued at \$10,000 and above should have a procurement plan.</p>	<p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must answer the question: "Did you search for an Indigenous business on Supply Nation and what was the outcome?"</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>
<p>Procurements over \$80,000 and under \$200,000</p> <p>Procuring officers must consider whether an Indigenous enterprise could deliver the required good or service on a value for money basis consistent with the IPP mandatory set-aside.</p> <ul style="list-style-type: none"> If you find an Indigenous supplier that is able to provide the goods and/or services, you must undertake a procurement process to evaluate whether they represent value for money. If their proposal does not represent value for money, then you are able to undertake your procurement process via another procurement arrangement. These processes cannot be run concurrently. Procuring officers must document the search on Supply Nation and the outcome in the Procurement Plan and when entering the resulting contract in HUB. The procuring officer may also consider Indigenous businesses not listed on Supply Nation. 			

Procurement type	Applying the IPP	IPP record keeping requirements	Entering your procurement in HUB
<p>Valued at \$80,000 to \$200,000</p>	<p>You must search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis. Value for money in not only to limited to capability v's price or cheapest price wins.</p> <p>You must provide the Indigenous supplier/s with an opportunity to quote before approaching other providers, including providers on a panel.</p> <p>If planning to use a panel arrangement, you must search for and identify whether an Indigenous supplier can deliver the goods and services first.</p> <p>You may use Exemption 16 in Appendix A of the Commonwealth Procurement Rules to procure goods and services directly from small and medium enterprises (SMEs) that are at least 50 per cent Indigenous owned regardless of the value of the procurement.</p> <p>You must seek advice from Procurement and Grant Services Team if seeking to claim an exemption from the mandatory set-aside under the IPP.</p> <p>For advice contact procurement@education.gov.au</p>	<p>You must document your Supply Nation search and the outcome.</p> <p>All procurement activities must be appropriately documented in HP Content Manager and in HUB. Procurements valued at \$10,000 and should have a procurement plan.</p>	<p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must answer the question: "Did you search for an Indigenous business on Supply Nation and what was the outcome?"</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>

Procurement type	Applying the IPP	IPP record keeping requirements	Entering your procurement in HUB
<p>Procurements over \$200,000</p> <ul style="list-style-type: none"> Procuring officers should consider whether an Indigenous enterprise could deliver the required good or service. Refer also to Indigenous Procurement Policy intranet page. 			
<p>Over \$200,000</p>	<p>You should search Supply Nation or ORIC to identify whether an Indigenous enterprise could deliver the required good or service on a value for money basis.</p> <p>You may use Exemption 16 in Appendix A of the Commonwealth Procurement Rules to procure goods and services directly from small and medium enterprises (SMEs) that are at least 50 per cent Indigenous owned regardless of the value of the procurement.</p> <p>Remember that Indigenous enterprises may be engaged directly, through sub-contracts or through joint ventures.</p> <p>For advice contact procurement@education.gov.au</p>	<p>You should document whether or not you searched Supply Nation and the outcome.</p> <p>All procurement activities must be appropriately documented in HP Content Manager and in HUB. Procurements valued at \$10,000 and should have a procurement plan.</p>	<p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must answer the question: "Did you search for an Indigenous business on Supply Nation and what was the outcome?"</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>

Procurement type	Applying the IPP	IPP record keeping requirements	Entering your procurement in HUB
Over \$7.5 million	<p>Minimum Indigenous participation requirements apply to procurements in certain industry sectors. Tenderers may need to submit an Indigenous Participation Plan.</p> <p>You must seek advice from Procurement and Grants Services Team at procurement@education.gov.au</p> <p>The fields of industry can be found on the NIAA Indigenous Procurement Policy page.</p> <p>You must include minimum mandatory requirements (MMR) for Indigenous participation in all contracts over \$7.5 million in these sectors.</p>	<p>All procurement activities must be appropriately documented in HP Content Manager and in HUB.</p> <p>Additional reporting requirements apply to contracts subject to minimum Indigenous participation requirements, including six monthly reporting on whether the contractor is compliant with the agreed Indigenous Participation Plan.</p> <p>Contact procurement@education.gov.au for more information.</p>	<p>You must answer the question “Were tenderers required to submit an Indigenous Participation Plan?”</p> <p>If an Indigenous business is engaged then this must be recorded in HUB (tick YES).</p> <p>You must answer the question: “Did you search for an Indigenous business on Supply Nation and what was the outcome?”</p> <p>You must enter an accurate HP Content Manager file number in HUB where all documentation is saved.</p>

Note - The procurement is more than \$80,000 and no Indigenous SME is identified on Supply Nation

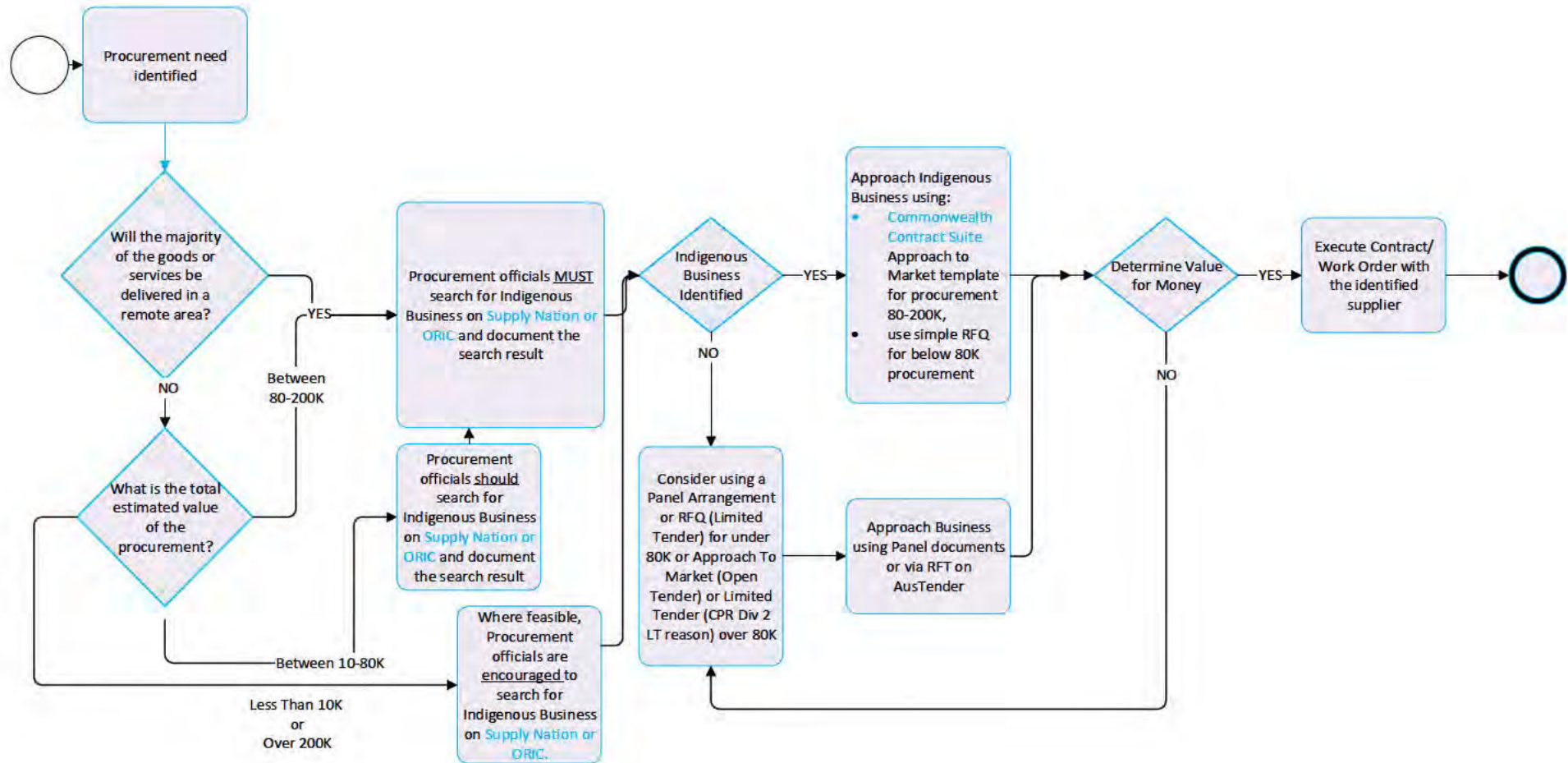
If, based on the search of Supply Nation’s database or ORIC’s register, no suitable Indigenous SME is identified, the procuring officer may follow the entity’s ordinary procurement practices to award the contract.

Indigenous SME is identified, and it is not listed with Supply Nation or ORIC

An entity may use Exemption 16 to contract with an Indigenous SME, regardless of whether the enterprise is registered with Supply Nation or ORIC. In these instances, the procuring officer must satisfy themselves that the enterprise is at least 50 per cent Indigenous owned, by requesting:

- A statutory declaration, declaring that the enterprise is 50% or more Indigenous owned
- Certificates or letters of Indigeneity of the Indigenous owners (this is not a document that every Indigenous Australian holds) provided by a recognised Indigenous organisation such as a land council.
- Checking whether the enterprise is listed with an Indigenous Chamber of Commerce or another business list.

Appendix B: Applying the IPP to your procurement flowchart



Indigenous Business is Everyone's Business Framework

The Department of Education support the Government's priority to improve the wellbeing and opportunities of Aboriginal and Torres Strait Islander peoples through our external business and internal operations. We develop and deliver education policies and programmes by working with First Nations peoples, respecting their cultures and building our own cultural capability. Our First Nations employees are supported to reach their potential and we recognise their unique skills and experiences are vital in the department's priorities. Each of us works to strengthen our understanding and appreciation of First Nations' cultures, history and diversity.

We are committed to the philosophy 'Indigenous business is everyone's business' and improving outcomes for Aboriginal and Torres Strait Islander peoples and communities. The framework is intended to guide our employees and work areas, as well as outline to our stakeholders, how we embed this philosophy into everything we do.

The Right People

Our Objective

To attract and retain the right people in the right jobs.

Our key principles

- The department is committed to remaining an employer of choice for Aboriginal and Torres Strait Islander peoples across all business areas.
- All recruitment processes are inclusive and accessible.
- All recruitment processes reflect that everyone has a role in Indigenous Business is Everyone's Business.
- The department is committed to utilising a wide range of strategies.

How we achieve

- Adhesion to the APS Recruitment Guidelines.
- Implementation of the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy.
- Implementation of the of Education and Training Recruitment Policy.
- We apply a range of innovative strategies to people into the organisation.

How we measure success

- The level of representation of employees who self-identify as being of Aboriginal and/or Torres Strait Islander descent meets or exceeds the targets set out in our Reconciliation Action Plan (3.5% by 2015, 4.0% by 2016 and 4.5% by 2017).
- Ongoing use of Special Measure and Identified Positions.
- Number of applications from Aboriginal and Torres Strait Islander peoples.
- Positive results and continual improvement in the department's APS Employee Census results in relation to recruitment, retention and engagement.

The Right Capabilities

Our Objective

To have a culturally capable workforce where all employees are supported to do their work in a respectful, inclusive and culturally sensitive manner.

Our key principles

- Cultural learning forms part of the department's commitment to lifelong learning for our people.
- All job roles require a level of cultural capability.
- All employees are aware of their capabilities and understand the cultural capability requirements of their role.
- All employees are supported to further their own cultural learnings.

How we achieve

- Implementation of the Commonwealth Aboriginal and Torres Strait Islander Employment Strategy.
- Implementation of the Aboriginal and Torres Strait Islander Cultural Capability: A Framework for Commonwealth Agencies.
- Productive use of the People Capability Framework to inform individual learning activities.
- Employees are provided with the opportunities and tools to develop their cultural capability.
- Development and implementation of the Department of Education Aboriginal and Torres Strait Islander Recruitment, Retention and Career Development Plan

How we measure success

- All employees have a cultural learning element in their individual development plans.
- Level of employee participation in cultural learning opportunities supported by the department.
- Positive results and continual improvement in the department's APS Employee Census results in relation to capability, capacity, workplace culture and diversity.

The Right Policies and Programmes

Our Objective

To achieve positive education and training outcomes for Aboriginal and Torres Strait Islander peoples and communities.

Our key principles

- We value the perspectives of Aboriginal and Torres Strait Islander peoples when developing, implementing and evaluating policies and programmes.
- Policies and programmes are designed to align to the needs, aspirations and priorities of Aboriginal and Torres Strait Islander peoples.
- We recognise that ongoing collaboration assists in the achievement of positive outcomes.
- We value the contributions of Aboriginal and Torres Strait Islander peoples.

How we achieve

- Our commitments are embedded in our Corporate Plan and all business plans.
- Indigenous business is a core consideration of all our senior governance committees.
- We work collaboratively with relevant agencies and Aboriginal and Torres Strait Islander stakeholders and utilise their expert knowledge and experiences.
- We provide national leadership for all education and training policies and programmes including those specific to Aboriginal and Torres Strait Islander peoples.
- We provide opportunities for Aboriginal and Torres Strait Islander peoples to engage in our business.
- The impacts on Aboriginal and Torres Strait Islander peoples are identified and included in policy business cases.

How we measure success

- Contribute to achieving the Council of Australian Government Closing the Gap targets.
- The Portfolio's Indigenous procurement activity meets or exceeds its targets.
- Mandated business and performance plan templates include explicit and tangible actions.
- Policy and programme reviews and evaluations include the impacts on Aboriginal and Torres Strait Islander peoples and communities.



Australian Government
Department of Education

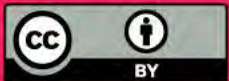


OUR DIFFERENCES MAKE US STRONGER
INCLUSION AND
DIVERSITY STRATEGY

2024–25

Our differences make us stronger

Copyright



With the exception of the Commonwealth Coat of Arms, the Department's logo, any material protected by a trade mark and where otherwise noted all material presented in this document is provided under a **Creative Commons Attribution 4.0 International** (<https://creativecommons.org/licenses/by/4.0/>) licence.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the **CC BY 4.0 International** (<https://creativecommons.org/licenses/by/4.0/legalcode>).

The document must be attributed as the Department of Education Inclusion and Diversity Strategy 2024–25.



Contents

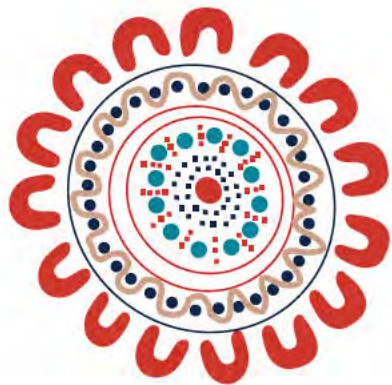
Acknowledgement of Country	3
Message from the Secretary	4
Vision	6
Purpose	6
Our Commitment	6
What is Diversity and Inclusion?	7
Our People	7
Supporting Inclusion and Diversity	8
Our Diversity Champions	8
Our Employee Networks	8
Inclusion and Diversity Team, People Branch	8
Celebrating Inclusion and Diversity	8
Legislative Requirements	10
Supporting Documents	10
Our Diversity Memberships	10
Our Strong Foundations	11
Our Focus Areas	13
Focus area 1 – A diverse workforce	13
Focus area 2 – Positive employee experience	13
Focus area 3 – Good governance	13
Our Strategy in Action	14
What our employees can do	14
What our leaders can do	14
Measuring Success	14
Inclusion and Diversity Action Plan	16
1: A diverse workforce	16
2: Positive employee experience	17
3: Good governance	18





Acknowledgement of Country

The Department of Education acknowledges the Traditional Owners and Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past and present.



Message from the Secretary



Colleagues,

I am pleased to present the Department of Education's Inclusion and Diversity Strategy 2024–25.

This Strategy reflects our unwavering commitment to fostering an inclusive, safe and diverse workplace and aligns with our Inclusion and Diversity Action Plan, and Reconciliation Action Plan.

Our goal is to enhance representation and nurture and embed our core values deeply into our inclusive workplace culture to ensure that everyone can bring their whole selves to work and feel respected, valued and safe.

At our department, empowering and supporting Australians is at the heart of everything we do. This is reflected internally, by providing avenues for personal and professional development—in capability, mobility, flexibility, or a diverse array of work opportunities available to all employees.

Our focus areas are not mere objectives; they are the heartbeat of our department, inspiring us to fulfil our purpose with integrity through action. We want our department to reflect the community we serve and recognise the richness that diverse identities and perspectives bring.

We want to offer an employee experience that empowers all of us to be proud of who we are and the work we do together to benefit the Australian people.

Our senior Diversity Champions, Employee Networks, and the dedicated HR Strategy and Inclusion team are committed to guiding the implementation of the meaningful deliverables outlined in the Action Plan. Together, we will weave the threads of progress and inclusivity.

Tony Cook PSM
Secretary

20-26 March 2023

HARMONY WEEK

YOU, ME WE BELONG AT EDUCATION



Inclusion and diversity supports people of CALD to not only be seen, but actively included in key decisions affecting them. – Fred

Vision

The Department of Education is a place where employees feel included, safe, valued, have mutual respect for one another and have access to opportunities that support full participation at work. We demonstrate integrity by fostering and strengthening our inclusive workplace, ensuring diversity is at the heart of our core values and work culture.

Purpose – why inclusion and diversity is important to us

The department's purpose is to create a better future for all Australians through education. We add value by:

- ▶ providing robust, evidence-based policy advice to our Ministers
- ▶ delivering policies and programs on behalf of the government for the Australian people
- ▶ supporting Australians to achieve their full potential through education

To achieve this we must have a diverse range of perspectives and skills to support Australia's future prosperity through our work to improve the lives of all Australians through education.

The way we do business is just as important as the business itself. An inclusive, safe and respectful culture promotes attraction and retention of our diverse workforce and a positive experience at work, where everyone can contribute to their full potential.

Our Commitment

We value and respect difference. Being a diverse and inclusive organisation provides a shared sense of connection, cohesion and belonging, with equal opportunity for everyone to contribute, participate and achieve their full potential.

We are committed to:

- ▶ fostering a safe, respectful and inclusive culture where employees have a sense of belonging, meaningful contribution and purpose, and a positive experience at work
- ▶ building a workforce that represents, understands and best serves the Australian community
- ▶ ensuring our people embody acceptance and respectful relationships without prejudice so we can all work in a safe and inclusive workplace
- ▶ recognising that people's identities and experiences are multi layered
- ▶ providing all employees with equal access to employment opportunities, ensuring that they are treated with fairness and respect and are not subject to discrimination or harassment in the workplace
- ▶ providing flexible workplace practices for all employees to achieve a balance between work and family responsibilities
- ▶ recognising and supporting the future inter-generational workforce

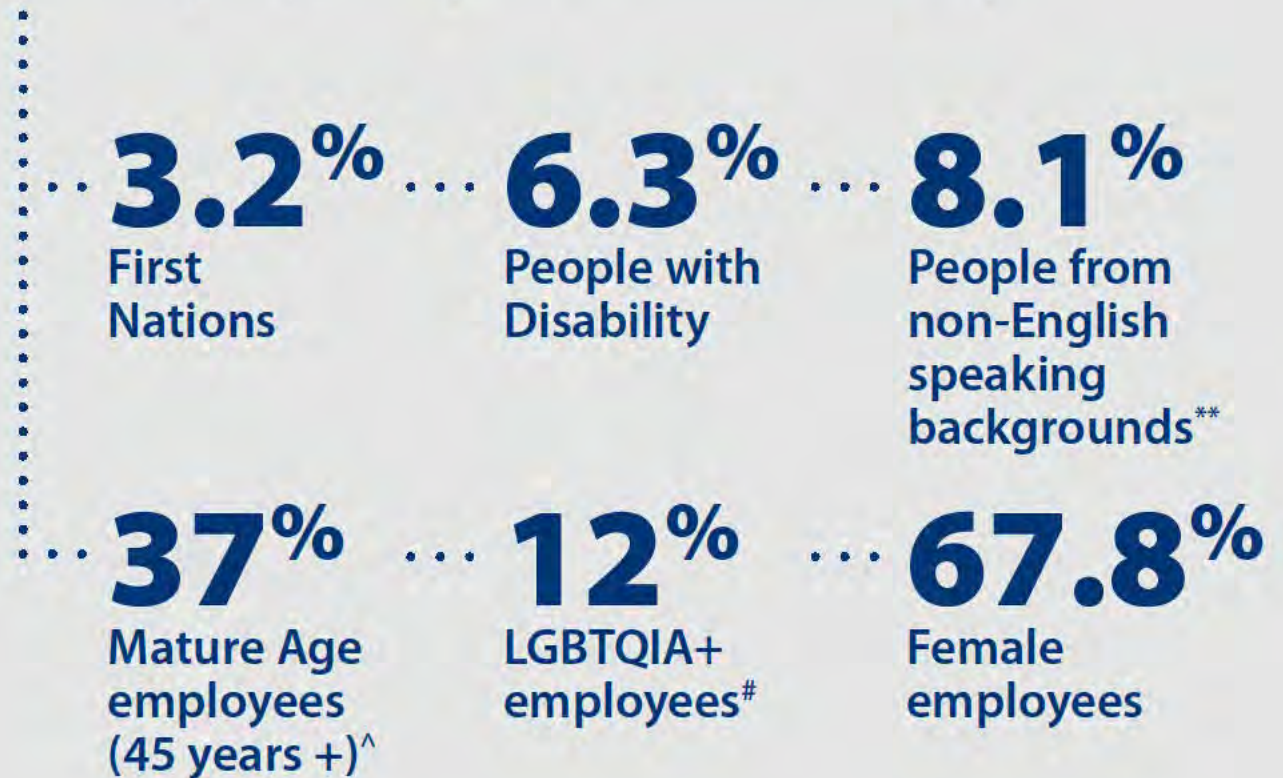


What is Diversity and Inclusion?

Diversity is the range of human differences, personal and social characteristics that make us unique and shape our view of the world, including but not limited to our backgrounds, life experiences, thoughts and beliefs. Diversity is also about recognising, respecting and valuing differences based on (but not limited to) race, colour, ethnicity, gender and gender identity, age, disability, sexual orientation, relationship/family status and caring responsibilities.

Inclusion is getting the right mix of diverse people in an organisation to work together to improve performance and wellbeing. It is achieved when a diversity of people feel they are respected, connected, contributing and progressing at work.¹

Our People (Percentage of staff at 31 December 2023*)



* Based on employees who choose to self-identify in the HR system

** Calculated using NESB 1 definition provided by the APSC. NESB 1 refers to people born overseas who arrived in Australia after the age of five and whose first language is not English.

^ The Australian Bureau of Statistics defines mature age workers as 45+.

Based on employees who responded to the 2023 APS Employee Census.

¹ Diversity & Inclusion Explained | Diversity Council Australia (dca.org.au)

Supporting Inclusion and Diversity

Our Diversity Champions

The department's diversity champions provide visible leadership, sponsorship and commitment to inclusion and diversity. They play an important role in supporting our people who identify with diversity groups through raising awareness, and promoting initiatives that support our people to develop and adopt inclusive practices to support their colleagues who identify with diversity groups.

Listening to your voice

Our Employee Network members shared with us what inclusion and diversity means to them. You can find their insights and perspectives throughout this strategy.

Our Employee Networks

The department's employee networks are integral in driving and promoting diversity and inclusion initiatives. They provide peer support and connection for employees who identify with specific diversity groups and allies. They work with People Branch to drive inclusive workplace conversations, training, initiatives, and events. Our networks are:

- ▶ Ability and Carers
- ▶ Aboriginal and Torres Strait Islander Employee Network
- ▶ Culturally and Linguistically Diverse (CALD)
- ▶ Gender Equity (GEN)
- ▶ Pride

Inclusion and Diversity Team, People Branch

The Inclusion and Diversity team drive the implementation of this Strategy, support the Diversity Champions and Employees Networks, and facilitate reporting and compliance activities.

Celebrating Inclusion and Diversity

The department supports inclusion and diversity by promoting and celebrating a number of days of significance. These days are coordinated corporately in collaboration with our employee networks. Please refer to the Inclusion and Diversity Intranet page for the calendar of events.





Inclusion and diversity means recognising and celebrating our differences by creating a workplace that values, connects, and empowers us. – **Sunita**

Legislative Requirements

As an employer, and program and service provider, the Department is bound by several Commonwealth laws. Some of those that relate to the Strategy are:

- a) *Public Service Act 1999*
- b) *Australian Human Rights Commission Act 1986*
- c) *Age Discrimination Act 2004*
- d) *Sex Discrimination Act 1984*
- e) *Racial Discrimination Act 1975*
- f) *Disability Discrimination Act 1992*
- g) *Workplace Gender Equality Act 2012*
- h) *Carer Recognition Act 2010*
- i) *Fair Work Act 2009*

Supporting Documents

This Strategy is supported by the department's **Reconciliation Action Plan 2023–2025** and is informed by **Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020–2024**, the **APS Disability Employment Strategy 2020–25**, and the **APS Gender Equality Strategy 2021–26**.

Our Diversity Memberships

- ▶ Australian Network on Disability
- ▶ Diversity Council of Australia
- ▶ JobAccess
- ▶ Pride in Diversity

Our Diversity Memberships



Our Strong Foundations

This Strategy seeks to build on the department's already strong ongoing initiatives, frameworks and programs to strengthen our commitment to workplace inclusion and diversity now and into the future.

Inclusion and diversity in action at our department looks like:

- ▶ Progress against our Reconciliation Action Plan
- ▶ A dedicated Indigenous Liaison Officer
- ▶ A dedicated Disability Contact Officer
- ▶ Accredited Breastfeeding Friendly workplace
- ▶ Participation in whole of government entry-level programs and career pathways programs
- ▶ Participation in the Jawun secondment program and Pat Turner Scholarship
- ▶ Annual diversity calendar to recognise and celebrate dates of national significance, including NAIDOC week and National Reconciliation Week
- ▶ Use of Affirmative measures recruitment and Employment Program
- ▶ Workplace adjustments
- ▶ Range of training options such as First Nations Cultural Awareness, Disability Awareness, Mental Health First Aid and Ally Awareness training.
- ▶ Dedicated management and leadership programs with access to professional coaching services
- ▶ Generous study assistance
- ▶ A range of inclusive and contemporary employment entitlements such as flexible work, cultural leave, parental leave, support for employee's affected by domestic and family violence, support for breastfeeding in the workplace, support for gender affirmation and transitioning employees.
- ▶ Employee Networks are consulted on relevant policy development through the department's Consultative Committee.
- ▶ A range of **wellbeing supports** including Employee Support Officers and Employee Assistance Program, providing free counselling and support to employees and their families.

'In 2023, 83% of the department's APS employee census respondents, said that the department supports and actively promotes an inclusive workplace culture.'



Inclusion and diversity means acceptance by all for who you are as a person and not where you originated from. – **Trini**

Australian Government
Department of Education

WEAR IT
PURPLE

QUEER & A:

EDUCATING THROUGH QUEER STORIES

Australian Government
Department of Education

education.gov.au



Inclusion and diversity means empowering people by respecting and embracing what makes them different! – **Simone**

Our Focus Areas

The department has three focus areas for progressing inclusion and diversity in our workplace that support our Inclusion and Diversity Action plan.

1

Focus area 1 **A diverse workforce**

Our workforce is representative of the Australian community we serve. We are a workplace that values the unique skills, experiences and perspectives of every employee.

2

Focus area 2 **Positive employee experience**

Our people foster collaboration and connection, and value and recognise diversity. We are a workplace that is accessible, safe, respectful and inclusive. We provide opportunities to grow awareness, and understanding of inclusion and diversity, including cultural capability and integrity.

3

Focus area 3 **Good governance**

Our workplace actively participates in the implementation of Commonwealth diversity strategies and programs to embed inclusive work practices. We ensure our reporting mechanisms reflect any commitments to report progress on priority actions.

Our Strategy in Action

What our employees can do

- ▶ Actively seek and consider a diverse range of perspectives to inform day-to-day work
- ▶ Actively practice inclusive behaviours and report, or constructively challenge, non-inclusive behaviour
- ▶ Join an employee network and participate in inclusion and diversity initiatives and events
- ▶ Be curious and commit to learning about cultural differences and participate in learning opportunities to develop your awareness and understanding
- ▶ Update your diversity details in HUB to enable a better understanding of our workforce and tailor services and support
- ▶ Share stories and experiences to contribute to inclusion and diversity in Education

'In 2023, 85% of the department's APS Employee Census respondents said they receive the respect that deserve from their colleagues at work'

What our leaders can do

- ▶ Cultivate an safe environment where employees can share ideas and speak up when they have differing views
- ▶ Set a positive example for your team by demonstrating inclusive behaviours
- ▶ Encourage and support your team members to actively contribute to inclusion activities and initiatives, by participating in events, employee networks and training opportunities
- ▶ Actively pursue opportunities to drive the department's inclusion and diversity agenda and build our reputation as an inclusive employer
- ▶ Take appropriate action to address behaviours not in line with APS Values and Code of Conduct
- ▶ Ensure diverse perspectives are applied in all that we do, including policy advice, development and delivery

'In 2023, 87% of the department's APS Employee Census respondents said that their supervisors actively ensure that everyone can be included in workplace activities'

Measuring Success

The Strategy will be reviewed on an annual basis to monitor progress on actions to ensure ongoing relevance and alignment to the department's strategic goals. It will be managed and monitored by People Branch in consultation with the diversity champions and the diversity employee networks. Progress reports will be provided to the People, Culture and Integrity Committee (PCIC) twice a year. PCIC will oversee the Strategy, providing direction and reviewing progress against commitments.

To measure our progress, information will be gathered from the following evidence-based insights:

- ▶ Employee representation data
- ▶ Training participation, affirmative measures recruitment and reasonable adjustments data
- ▶ Annual APS Employee census data – with attention to employee sentiment on inclusion, wellbeing, flexibility, mobility and leadership
- ▶ Annual Gender pay-gap analysis
- ▶ Progress against the Inclusion and diversity action plan and the Reconciliation Action plan.

Our external reporting activities include: Annual Report, State of the Service Report, APS Employment Database, Reconciliation Australia and APS Census Action Plans.





International Day of
People with Disability

Guest speaker
Dylan Alcott

Strength. Respect. Integrity in action. United through our uniqueness.
To me, it means having a sense of belonging and connection. – **Stacey**

Inclusion and Diversity Action Plan

Building on our strong ongoing foundations, we will continue to prioritise inclusion and diversity through the Inclusion and Diversity Action Plan. Actions will be undertaken in consultation with the relevant stakeholders including Employee Network and Diversity Champions.

1: A diverse workforce

Our workforce is representative of the Australian community we serve. We are a workplace that values the unique skills, experiences and perspectives of every employee.

Action	Delivery	Owner
1.1 Ensure recruitment experience is accessible for all candidates, through improved panel guidance	2024 – design and deliver 2025 – embed and review	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion & Diversity ▶ Indigenous Liaison Officer ▶ Disability Contact Officer
1.2 Review approach to assessment of need during on-boarding, to ensure reasonable adjustments are understood and provided	2024 – design and deliver 2025 – embed and review	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion and Diversity and Health and Performance.
1.3 Encourage the use of affirmative measure recruitment, leveraging best practice knowledge from across the APS to attract diverse candidates	2024 – embed 2025 – embed and review	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion & Diversity ▶ Indigenous Liaison Officer ▶ Disability Contact Officer ▶ Business areas
1.4 Participate in programs and pathways to attract employees from diverse backgrounds, including the Indigenous Apprenticeship Program and the Stepping Into Program	2024 – deliver and embed 2025 – deliver and embed	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion & Diversity ▶ Indigenous Liaison Officer ▶ Disability Contact Officer



2: Positive employee experience

Our people foster collaboration and connection, and value and recognise diversity. We are a workplace that is accessible, safe, respectful and inclusive. We provide opportunities to grow awareness, and understanding of inclusion and diversity, including cultural capability and integrity.

Action	Delivery	Owner
2.1 Refresh induction to include information about our commitment to inclusion and diversity, supports, networks and champions	2024 – design and deliver 2025 – embed and review	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion & Diversity
2.2 Development of Employee Network allyship resources to foster a culture of support and advocacy	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ Communication Branch: Corporate Communication ▶ People Branch: Inclusion and Diversity ▶ Employee Network Chairs ▶ Diversity Champions
2.3 Facilitate the refresh and relaunch of the Employee Networks to increase awareness and membership	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ Communication Branch: Corporate Communication ▶ People Branch: Inclusion and Diversity ▶ Employee Network Chairs ▶ Diversity Champions
2.4 Develop a communication campaign focused on showcasing our Indigenous Liaison Officer and Disability Contact Officer roles	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ Communication Branch: Corporate Communication ▶ People Branch: Inclusion and Diversity
2.5 Refresh and promote the department’s Aboriginal and Torres Strait Islander Cultural Protocols Guide	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ People Branch: Inclusion and Diversity ▶ Communication Branch: Corporate Communication ▶ Indigenous Liaison Officer

Action	Delivery	Owner
2.6 Support the professional development of diverse employees and stay current with best practice strategies to promote cultural safety and integrity. This includes membership with peak diversity organisations, for example, Pride in Diversity and the Australian Network on Disability and attendance at meetings and events within budget requirements	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ People Branch: Inclusion and Diversity ▶ Diversity Champions ▶ Employee Networks
2.7 Champions and Employee Network Chairs connect with industry experts in inclusion and/or diversity to uplift their capability and participate in APS wide bodies and networks	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ People Branch: Inclusion and Diversity ▶ Communication Branch: Corporate Communication ▶ Diversity Champions ▶ Employee Networks
2.8 Diversity Champions and Employee Network Chairs meet regularly throughout the year to agree on priorities, leverage intersectionality and celebrate success	2024 – design and deliver 2025 – deliver and embed	

3: Good governance

Our workplace actively participates in the implementation of Commonwealth diversity strategies and programs to embed inclusive work practices. We ensure our reporting mechanisms reflect any commitments to report progress on priority actions.

Action	Delivery	Owner
3.1 Promote the benefits of sharing and updating personal details, including diversity status, in the HR system.	2024 – design and deliver 2025 – embed	<ul style="list-style-type: none"> ▶ People Branch: Recruitment, Inclusion & Diversity ▶ Indigenous Liaison Officer ▶ Disability Contact Officer
3.2 Support exit processes that ensure a safe environment for employees to disclose reasons for leaving	2024 – embed 2025 – embed and review	▶ People Branch: Recruitment, Inclusion and Diversity and Health and Performance.
3.3 Regular monitoring and reporting of our diversity profile to relevant stakeholders	2024 – deliver 2025 – deliver	





For me, inclusion and diversity means cultural safety. I can walk in two worlds and still belong! – **David**

True inclusion and diversity means building a culture of true understanding and acceptance, not one of mere tolerance but one that celebrates all that makes us unique.
– **Mackenzie**



**Our differences
make us stronger**







Australian Government
Department of Education

Panel Information Guide

For externally advertised recruitment activities



Phase 1: Preparing your Recruitment Activity

It is recommended that the following steps are actioned leading up to, and during, advertising of your vacancy. By the time your advertisement closes, the panel should have completed all steps outlined in Phase 1 and be ready to dive straight into Phase 2 of the recruitment process.

s 22

Consider whether you want to advertise the position as [Affirmative Measures – Disability](#) or [Affirmative Measures – Indigenous](#). This means the vacancy is open only to people with disability, or to people who identify as Aboriginal and/or Torres Strait Islander. The Recruitment team can provide more information on these initiatives.

s 22

Pages 156 - 163 redacted under s 22



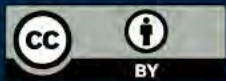
Australian Government
Department of Education

Reconciliation **ACTION PLAN**

August 2023–25



Copyright



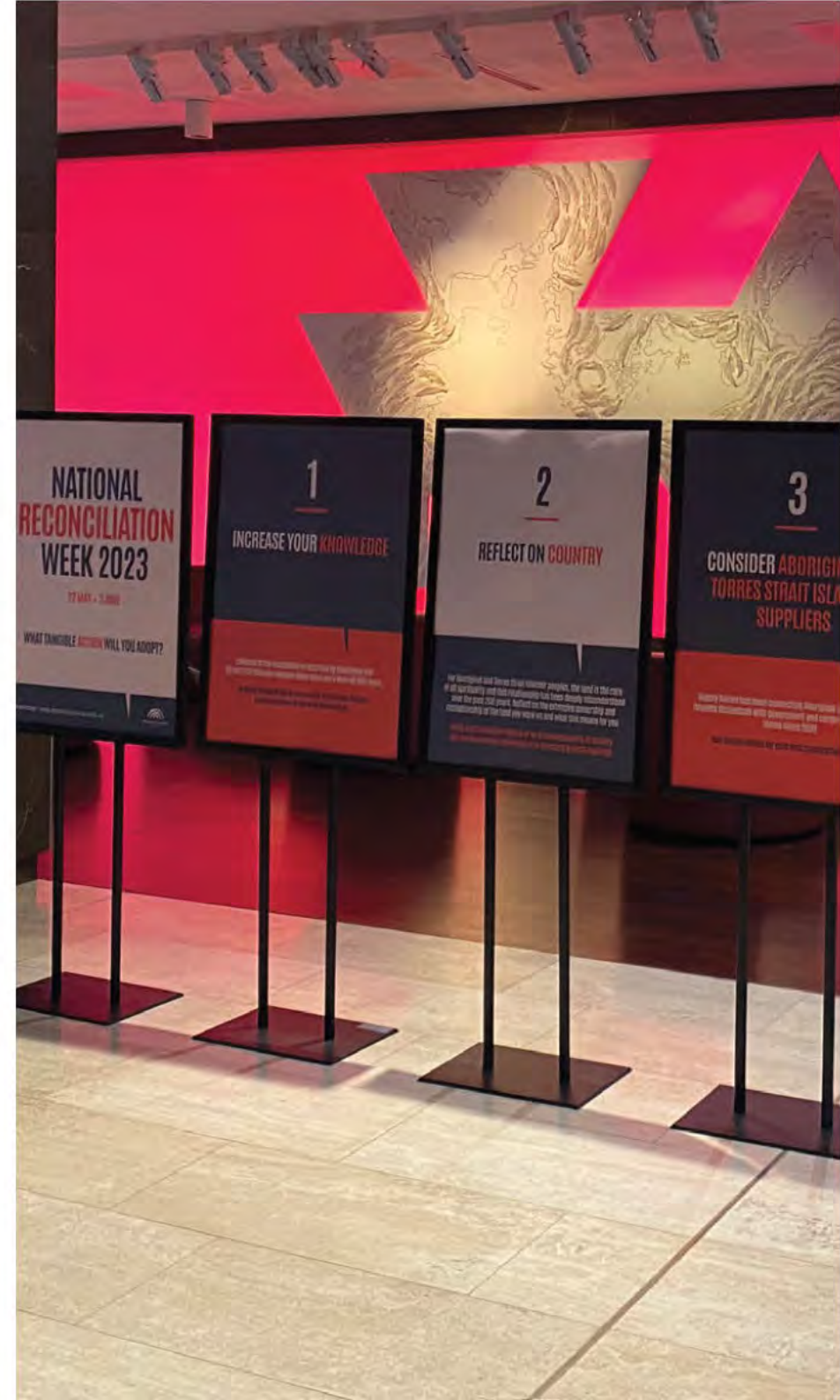
With the exception of the Commonwealth Coat of Arms, the Department's logo, any material protected by a trade mark and where otherwise noted all material presented in this document is provided under a [Creative Commons Attribution 4.0 International \(https://creativecommons.org/licenses/by/4.0/\)](https://creativecommons.org/licenses/by/4.0/) licence.

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code for the [CC BY 4.0 International \(https://creativecommons.org/licenses/by/4.0/legalcode\)](https://creativecommons.org/licenses/by/4.0/legalcode).

The document must be attributed as the Department of Education Reconciliation Action Plan August 2023–25.

Contents

Acknowledgement of Country	3
<i>Guwanyi wingara yirabana: Artwork Story</i>	4
Our vision for Reconciliation	7
Message from the Secretary	8
Message from First Nations Champions	10
Message from the Reconciliation Australia CEO	11
Our business	14
Our commitment to Closing the Gap	15
Our RAP	18
Our RAP Journey	20
IBEB Committee	25
Actions	28
Relationships	28
Respect	32
Opportunities	36
Governance	40
Contact details	44





Acknowledgement of Country

The Department of Education acknowledges the Traditional Owners and Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past and present.

Page 2
NGUNNAWAL, Oakey Hill Nature Reserve, ACT
Photo by: Caitlyn Lymbery, HERI Group

Page 3
MIRIWOONG, Kelly's Knob Lookout Kununurra, WA
Photo by: Rick Jackson, ECU Group



Guwanyí wingara yirabana: Artwork Story

Guwanyí wingara yirabana is an original Aboriginal artwork that captures our story, amplified through the process of collective creation.

Guwanyí wingara yirabana means ‘tell and listen, think and journey’ in Dharug/Darug language. It reflects the department’s purpose – to create a better future for all Australians through education as it depicts education’s reach and ability to enable people to fulfil their potential at every life stage.

Central to the artwork is the depiction of a multi-layered **learning journey** that ebbs and flows through life but is always supported and valued. It reflects our collective resolve to create a better future for all Australians through education.

The symbolism of **yarning circles** – yidigi – feature across the learning journey as safe places, where everyone is respectful and equally heard. A place where people listen,

engage, connect, and understand. The people we support – children, teachers, families, and stakeholders – are at the centre of these circles, showing the benefits of education flowing through to communities.

The **ripples** from the centre and flowing through to communities illustrate the positive impact of education getting bigger and bigger as life goes on.

The **boomerangs** and **contour lines**, always together, depict an aerial view of Country to remind us of reciprocity – what we put out, we get back – and that the highs and lows that will be overcome if we persist.

Guwanyí wingara yirabana also encapsulates the presence and influence of our **Aboriginal and Torres Strait Islander Network** – their connection to Country, support for mob, and their perspectives and lived experiences that radiate out to inform our work and cultural capability as a foundation for Reconciliation.

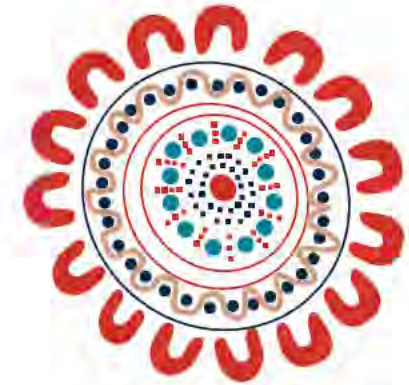
The marks on the canvas were made by many hands in a powerful gesture showcasing reconciliation in action, and a willingness to work together as a united team to make lasting change through education, connection, and culture.

The artwork was commissioned by the Department of Education and created by Trevor Eastwood from Dalmarri with department staff during 2023 NAIDOC Week celebrations. Trevor is a descendant of the Ngamba people on the Barwon River, part of Kamiloroi Country.









Our vision for Reconciliation

Our vision is for a reconciled Australia where Aboriginal and Torres Strait Islander peoples, cultures and heritages are valued and respected, and our shared history is recognised and accepted as a foundation for unity, equality, and enduring positive change.

As the Department of Education, we recognise the integral role of education in reconciliation – to inform and foster pride in Aboriginal and Torres Strait Islander histories, cultures, and contributions and build deep and respectful relationships that contribute to unity and equality for all Aboriginal and Torres Strait Islander peoples and communities.

By delivering on our purpose – to create opportunities through access to quality education – from early childhood to school and further education, we see the potential of education to help all Australians achieve their potential and contribute to a society that respects diversity, including the richness of Aboriginal and Torres Strait Islander cultures across Australia.

Education is equally fundamental to engaging our people in our reconciliation journey. We are making progress, and our Innovate RAP reflects our growing maturity and sophistication as we seek to do more to fully embed reconciliation into our culture and society – where Aboriginal and Torres Strait Islander peoples have the same opportunities as other Australians.

Our Innovate RAP is formed around the four pillars of reconciliation – Relationships, Respect, Opportunities, and Governance. By implementing this plan, we will put into practice strategies and initiatives to advance reconciliation and create a pathway to achieving our ambition of delivering a Stretch RAP to embed reconciliation in how we work and what we do to achieve our vision for a reconciled Australia.

We aspire to have First Nations peoples restored to a place of equity, dignity and respect. We are committed to this journey and building a culturally safe and

competent workplace grounded in dignity and respect, where relationships with staff and stakeholders are strong and productive.

We know that a highly capable, culturally safe First Nations staff cohort is central to meeting our aspirations, and to meeting the nation's need for an education system that embraces self-determination and reflects First Nations needs and interests.

To achieve this ambition, we will improve our representation of First Nations peoples and develop and support their career opportunities.

We will implement our Innovate RAP over the next two years to deliver on our commitments. Education will play a key role as we establish a shared understanding and commitment to implementing this plan.

Message from the Secretary



The Department of Education contributes to Australia's economic prosperity and social wellbeing by creating opportunities and driving better outcomes through access to quality education. We can only achieve this for all Australians through fully committing to reconciliation and by creating opportunities for our First Nations peoples in all our work, and particularly in those priority reform areas that help us close the gap.

The department has undergone significant periods of change over the last three years, and it is important to acknowledge this journey and its impact on the way we work. We have a strong history of commitment to reconciliation through our celebration of First Nations cultures, our engagement with First Nations communities, our commitment to recruiting First Nations staff, and in our development of the cultural competency of all our staff. We now have the opportunity to reaffirm that commitment through our new Reconciliation Action Plan, and by taking meaningful action in our department that advances reconciliation.

Our Reconciliation Action Plan commits us to implementing genuine actions that advance reconciliation and create meaningful opportunities for First Nations peoples, both within the department and broader communities. Our Reconciliation Action Plan is based on sincere and respectful relationships and genuine partnerships with the community including First Nations peoples; on embedding reconciliation principles, actions, and behaviours in all we do; supporting specific initiatives and activities that improve the lives of First Nations people through education; and on the celebration of the vibrant living cultures of our First Nations peoples.

Delivering a strong and practical Reconciliation Action Plan by committing to these initiatives is one of my key priorities for the department over the coming years. By continuing to work together – within the department, across the Australian Public Service and with First Nations peoples and organisations in a collaborative way – we can make a real and continuing positive impact to reconciliation in Australia.

Tony Cook PSM
Secretary

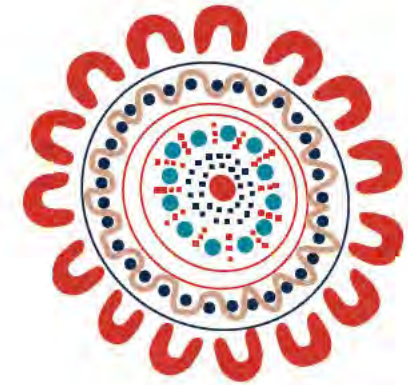


Australian Government
Department of Education

27 MAY — 3 JUNE

NATIONAL RECONCILIATION WEEK 2023





Message from First Nations Champions



As the department's First Nations Champions we are pleased to launch our Reconciliation Action Plan 2023–25. This is an important plan that provides the foundation for us to take meaningful actions to advance reconciliation. We stand together to show our commitment to reconciliation.

Our commitment is to model behaviours consistent with reconciliation and the four pillars upon which our Reconciliation Action Plan is based:

- ▀ building and maintaining strong relationships
- ▀ strengthening our cultural integrity
- ▀ creating opportunities for First Nations peoples
- ▀ ensuring effective governance structures and processes are in place to guide the implementation of our RAP.

We will work collegiately and enthusiastically to raise awareness of actions we can all take to make positive change. We will engage with you, and we will listen.

As we are guided by the department's aim to align its policies, strategies, and investment towards achieving the best possible outcomes with First Nations peoples and communities, and specifically through the opportunity quality education and lifetime learning presents, we will ensure that opportunity and prosperity for First Nations peoples is at the heart of our work.

Strengthening relationships between First Nations peoples and non-Indigenous peoples benefits everyone.

Rajan Martin and Robyn Beutel
First Nations Champions

Message from the Reconciliation Australia CEO



Reconciliation Australia commends the Department of Education on the formal endorsement of its third RAP, an Innovate Reconciliation Action Plan (RAP).

Since 2006, RAPs have provided a framework for organisations to leverage their structures and diverse spheres of influence to support the national reconciliation movement.

With close to 3 million people now either working or studying in an organisation with a RAP, the program's potential for impact is greater than ever. The Department of Education continues to be part of a strong network of more than 2,200 corporate, government, and not-for-profit organisations that have taken goodwill and transformed it into action.

The four RAP types – Reflect, Innovate, Stretch and Elevate – allow RAP partners to continuously strengthen reconciliation commitments and constantly strive to apply learnings in new ways.

An Innovate RAP is a crucial and rewarding period in an organisation's reconciliation journey. It is a time to build the strong foundations and relationships that ensure sustainable, thoughtful, and impactful RAP outcomes into the future.

An integral part of building these foundations is reflecting on and cataloguing the successes and challenges of previous RAPs. Learnings gained through effort and innovation are invaluable resources that the Department of Education will continuously draw upon to create RAP commitments rooted in experience and maturity.

These learnings extend to the Department of Education using the lens of reconciliation to better understand its core business, sphere of influence, and diverse community of staff and stakeholders.

The RAP program's emphasis on relationships, respect, and opportunities gives organisations a framework from which to foster connections with Aboriginal and Torres Strait Islander peoples rooted in mutual collaboration and trust.

This Innovate RAP is an opportunity for the Department of Education to strengthen these relationships, gain crucial experience, and nurture connections that will become the lifeblood of its future RAP commitments. By enabling and empowering staff to contribute to this process, the Department of Education will ensure shared and cooperative success in the long-term.

Gaining experience and reflecting on pertinent learnings will ensure the sustainability of the Department of Education's future RAPs and reconciliation initiatives, providing meaningful impact toward Australia's reconciliation journey.

Congratulations Department of Education on your Innovate RAP and I look forward to following your ongoing reconciliation journey.

Karen Mundine

Chief Executive Officer
Reconciliation Australia



CASE STUDY 1

Strengthening our connection to culture and building our cultural competency through the creation of our Reconciliation Action Plan artwork

During National NAIDOC Week 2023, our department came together to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. The centerpiece of our celebrations was creating a new Aboriginal artwork to be used by our Aboriginal and Torres Strait Islander Network and feature on our Reconciliation Action Plan.

The department engaged Dalmarri who are renowned Aboriginal artists, passionate about teaching, engaging and connecting all communities to Aboriginal traditions, knowledge, skills and culture.

Over three days, Dalmarri representatives met with staff at every level to learn about the role of the department, and our commitment to enabling all Australians to access quality education from early childhood and care – to schools and youth, and beyond to higher education and lifelong learning.

Inspired by our purpose, Dalmarri created the artwork, describing our story in Aboriginal symbols and iconography to illustrate why we are here, our impact, and commitment to Closing the Gap.

The artwork features a central journey line representing lifelong learning. The journey line intersects with yarning circles representing people coming together as equals and with respect to support children and students through our work. Ripples are repeated and radiate out from a central point, illustrating our connection to stakeholders and the broader Australian community. Boomerang icons remind us that everything we put out, we get back, while the contours around the boomerangs, represent the challenges we need to overcome to achieve our purpose.

Guided by Dalmarri, staff had the opportunity to make their mark and contribute to the artwork, and to see

themselves in our purpose, our journey and in our commitment to reconciliation. The act of making a mark and contributing to the artwork was symbolic of 'reconciliation in action.' Staff were able to add a hand print, dot and line markings.

The story of our artwork and its creation will be used as a basis to engage staff in the process of reconciliation, sharing ownership and accountability for implementing our actions, and striving for better outcomes for all First Nations peoples.

Our business



The Department of Education (the department) creates opportunities and drives better outcomes through access to quality education and learning. We deliver government policies and programs that support the Australian community – from early childhood and care to schools, higher education, and youth.

Our purpose is set across two outcomes:

- 1 Improved early learning, schooling, student educational outcomes and transitions to and from school through access to quality childcare, support, parent engagement, quality teaching and learning environments.
- 2 Promoting growth in economic productivity and social wellbeing through access to quality higher education, international education, and international quality research.

Departmental offices are in all states and territories across Australia, and we have a network of employees located internationally. As at June 2023, the department employed 1,545 people, 3% or 46 who identify as First Nations persons across 8 office sites in Australia. Our focus remains on realising the benefits of a diverse workforce and strengthening our inclusive culture – working to build a respectful and productive workplace where our people can apply their skills, knowledge, and expertise to deliver outcomes for all Australians.

More information on the purpose, priorities and operating context can be found on the [department's website](#).

Our commitment to Closing the Gap

Under the National Agreement on Closing the Gap, the department has responsibility for five of the 17 socioeconomic targets across Priority Reforms 1 to 4:

- ▶ children are engaged in high quality, culturally appropriate early childhood education in their early years
- ▶ children thrive in their early years
- ▶ students achieve their full learning potential
- ▶ students reach their full potential through further education pathways
- ▶ youth are engaged in employment or education.

We are committed to developing a Closing the Gap Strategy that will change the way we work to improve partnership arrangements we have with First Nations stakeholders – to implement the priority reforms and achieve the department's Closing the Gap targets.



CASE STUDY 2

The department's important role in Closing the Gap

The Department of Education is seeking to create a future in which policy making that impacts the lives of Aboriginal and Torres Strait Islander peoples is done in full and genuine partnership. Prior to the Machinery of Government changes in July 2022, the department was responsible for the following Closing the Gap targets:

- ▶ **Target 3:** By 2025, increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling (YBFS) early childhood education to 95%.
- ▶ **Target 4:** By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census (AEDC) to 55%.
- ▶ **Target 5:** By 2031, increase the proportion of Aboriginal and Torres Strait Islander people (age 20–24) attaining year 12 or equivalent qualification to 96%.

- ▶ **Target 6:** By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25–34 years who have completed a tertiary qualification (Certificate III and above) to 70%.
- ▶ **Target 7:** By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15–24 years) who are in employment, education or training to 67%.
- ▶ **Target 8:** By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25–64 who are employed to 62%.

In collaboration with NIAA and stakeholders, the department has contributed to the Commonwealth Implementation Plan setting out how the Closing the Gap targets will be met and is committed to developing a departmental Closing the Gap Strategy.

In the 2021–22 Federal Budget, the Government announced new initiatives to improve outcomes for Aboriginal and Torres Strait Islander families:

- ▶ An ongoing investment in preschool education of around half a billion dollars annually to benefit Aboriginal and Torres Strait Islander children.
- ▶ Increase in the Child Care Subsidy for families with more than one child in care under the age of 6, and removal of the annual cap, lowering the out-of-pocket costs for more than 250,000 families, including many Aboriginal and Torres Strait Islander families.
- ▶ Investment in a \$122.6 million Child Care Package as part of the Closing the Gap Implementation Plan. This includes:
 - An additional \$81.8 million to support the expansion of the Connected Beginnings Program from 22 to 50 sites nationally by 2025 including \$44.8 million delivered through the Department of Education. This initiative aims to provide Aboriginal and Torres Strait Islander children and their families with holistic support and timely access to existing early childhood, maternal and child health, and family support services.



- An additional \$29.9 million to support the expansion of the Community Child Care Fund Restricted (CCCFR) program. The expansion of the CCCFR will benefit up to 3,500 children by helping to reduce barriers to childcare and increase the access to high quality and mostly Aboriginal and Torres Strait Islander run services.
- \$9 million towards the Early Years Education Program replication trial to support vulnerable and disadvantaged children from birth to three years to bridge the gap to school readiness. The trial is a multi-disciplinary model that offers high quality, intensive early education and care and wrap around support to redress harm and overcome trauma to support at risk and disadvantaged children's learning and development. This measure includes a dedicated co-developed Aboriginal and Torres Strait Islander site.
- \$1.9 million to trial a new early learning teaching model to strengthen literacy and numeracy through explicit instruction, with a focus on improving outcomes for Aboriginal and Torres Strait Islander children as they get ready for school.
- Funding of \$16.6 million, delivered through the NIAA, enabling boarding providers to support the wellbeing and engagement of Aboriginal and Torres Strait Islander boarding students.

We recognise and acknowledge that it is critical for the department to partner with Aboriginal and Torres Strait Islander peoples on our journey of Closing the Gap and that their voices are elevated in shared decision making around education and programs that affect Indigenous communities in Australia.

Under the National Agreement on Closing the Gap, all governments have committed to establishing an Early Childhood Care and Development Policy Partnership, bringing together representatives from the Coalition of Peaks, Aboriginal and Torres Strait Islander experts, and Australian, state and territory governments. The department is working in partnership with the SNAICC – the National Voice for our Children, the peak body representing the interests of Aboriginal and Torres Islander children and families – to establish the Policy Partnership, which will drive Aboriginal and Torres Strait Islander community-led early childhood outcomes on Closing the Gap.

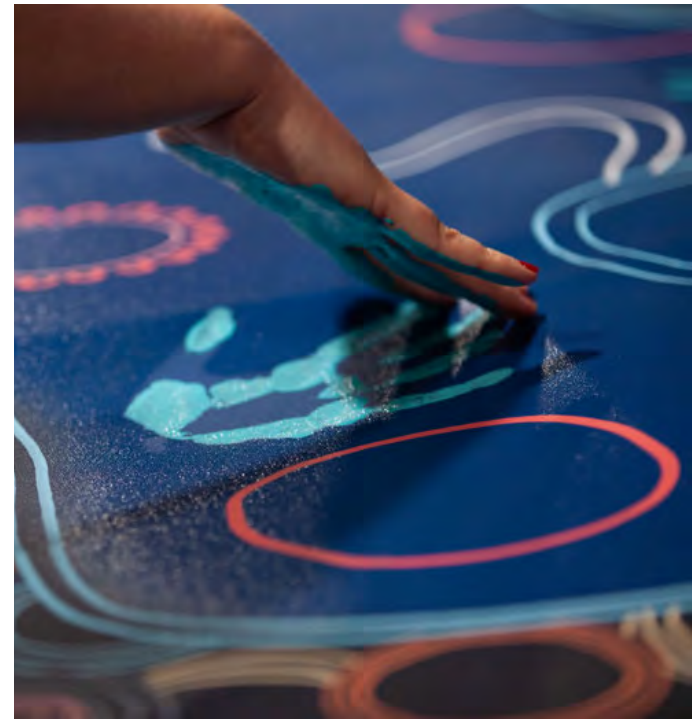


Our RAP

The RAP August 2023–25 is the department's commitment to progressing reconciliation in our day-to-day work. The RAP was developed by our Indigenous Business is Everyone's Business (IBEB) Committee, in consultation with staff from across the department. Workshops were facilitated by Supply Nation businesses to hear directly from employees in a wide range of management levels, backgrounds, and experiences, as well as feedback via an online survey where participants' privacy was assured. This consultative approach identified widespread support for reconciliation within the department.

The IBEB Committee is responsible for overseeing the development and implementation of the department's Reconciliation Action Plan (RAP) across all aspects of the department's work and promoting the Indigenous Business is Everyone's Business Framework.

Our RAP is aligned with the [*Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020–24*](#) and [*Closing the Gap 2020: Priority Reform 3 – Transforming Government Organisations*](#), reflecting the ongoing investment we make in our First Nations workforce and our dedication to a culturally safe environment. Externally, the RAP guides the department in providing national leadership across youth and education pathways through forming positive partnerships with First Nations stakeholders and with other jurisdictions.





Our RAP Journey

We began our reconciliation journey with Reconciliation Australia in 2014 by establishing our first RAP (Stretch 2014–17). The department made meaningful progress towards reconciliation by developing and implementing our second Stretch RAP in 2018. Our reconciliation journey changed significantly when the former Commonwealth departments of Education and Employment came together on 1 February 2020 and split again on 1 July 2022. The machinery of government changes and the challenging work environment during the COVID-19 pandemic impacted our ability to deliver on our actions and develop a new RAP. During this time, we focused on establishing internal governance structures and building on previous RAP achievements. We have embraced this journey by celebrating our successes and acknowledging and growing from our challenges.

Over the last 12 months, as the new Department of Education, we have acknowledged the challenges of developing and implementing a new RAP. We believe

our Innovate RAP provides an opportunity to strengthen and build a solid foundation of reconciliation as a newly formed entity and leverage our unique position within the education framework to advance reconciliation with First Nations peoples. We seek to improve, simplify and embed the actions in our RAP while introducing new opportunities to guide and shape our approach as we move towards our goal of a Stretch RAP in 2025.

Our RAP will be owned by all of us with a shared responsibility to ensure reconciliation is an intrinsic element of our workplace culture, a key requirement under the Closing the Gap. Through genuine actions that will create meaningful opportunities for First Nations peoples, the RAP ensures the principle of Indigenous business is everyone's business is at the heart of our work.

We recognise there is still a way to go to successfully embed reconciliation throughout the department in our 'business-as-usual' work. Senior executive involvement

and leadership at all levels is critical to achieving our reconciliation goals and lifting overall employee engagement.

Recruitment plays an important part in reaching our goal of increasing First Nations representation and providing meaningful career pathways. Promoting timely and consistent updates on our RAP progress raises awareness and ensures the RAP becomes part of our everyday workplace operations. Employee engagement is essential to the journey of reconciliation. Our First Nations Champions and IBEB Committee members promote activities nationally and we continue to ensure we have appropriate representation from across the department involved in engagement activities and the work of the Committee.

The department is committed to developing our understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and rights through cultural learning. We provide cultural

awareness training as an essential training requirement for all employees. The program includes:

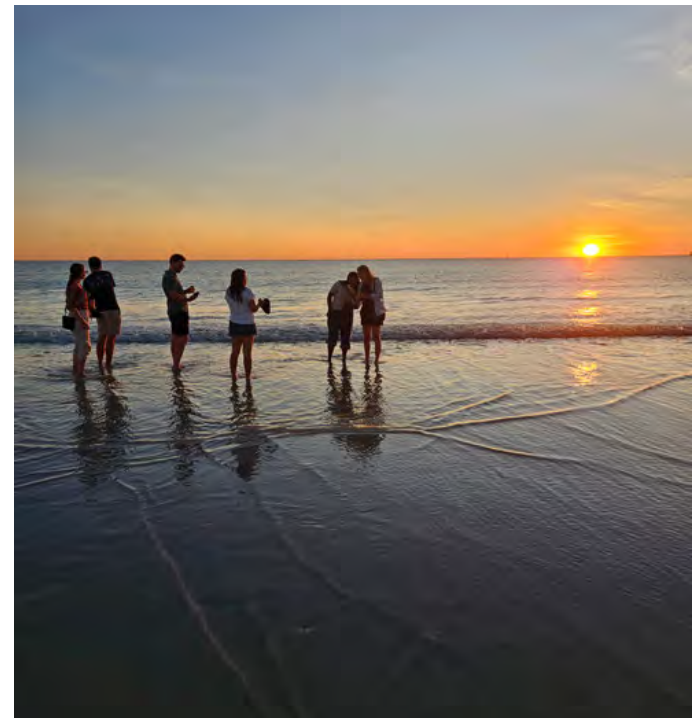
- ▶ the importance of family and kinship
- ▶ the stolen generation and intergenerational trauma
- ▶ getting to know the culture and impacts of colonisation
- ▶ working together
- ▶ moving forward and celebrating success.

Employees who have participated in learning activities report an increase in cultural awareness and interest in supporting reconciliation. Providing more opportunities will further drive awareness and education, and better enable our employees to be drivers of change.

Our work in connecting employees across the department with our Aboriginal and Torres Strait Islander Employee Network, of engaging with First Nations educational leaders through the department's Indigenous Education Consultative Meeting forum, the Aboriginal and Torres Strait Islander Education Advisory Group of Education Ministers Meeting, and the National Aboriginal and Torres Strait Islander Education Council, and supporting participation in the Jawun Secondment Program are examples of how we are delivering on our commitment to strengthen relationships with First Nations peoples.

Our case studies highlight some of the key achievements in our reconciliation journey.







CASE STUDY 3

Jawun secondment: Indescribably incredible, rewarding and life-changing

The Jawun secondment program is a cultural immersion experience where secondees are placed with an Indigenous organisation for six weeks and apply their skills and knowledge to help complete a project while building cultural capability. Secondees work with professionals from around Australia drawn from corporate, government and philanthropic sectors. For Alexander Bell-Rowe, the Jawun secondment was an indescribably incredible experience and totally life-changing.

Alexander writes:

My Jawun secondment took me to Broome, in the West Kimberley. I worked for two organisations, Nyamba Buru Yawuru, the body corporate for the Yawuru people who are the traditional owners of the Broome area, and KRED Enterprises, an Aboriginal consultancy that works with native title holders.

With Nyamba Buru Yawuru, I worked on summarising a regulatory framework relating to live export in

Western Australia, a key interest for Nyamba Buru Yawuru due to their control of a vast cattle station (Roebuck Plains) just east of Broome and its associated export depot. I used my experience in government law to research and develop a practical and helpful summary of both state and federal legislation and highlight the risk points for Nyamba Buru Yawuru in assuming control of the Roebuck export depot.

For KRED, I worked on drafting an MoU between KRED and another Broome-based Aboriginal organisation relating to future business development opportunities. I drew on years of experience drafting interdepartmental MoUs to create a useful document.

Through my Jawun secondment, I learned more about Aboriginal culture in 3 days than in all 31 years in Canberra. Every interaction was a learning opportunity, from working on projects that had a very tangible effect on the lives of Aboriginal people in the West Kimberley

to the more informal interactions I had hanging out with the footy team I played for.

Importantly, I learned about the barriers and strategies for engaging with Aboriginal communities and the reality of life. I will always consider these lessons and insights to inform our work.

The Jawun secondment created an opportunity to learn about Aboriginal culture through cultural immersion. I enjoyed every aspect of the experience, from making lifelong connections with my new friends and colleagues in Broome to feeling part of the Jawun family. There were so many highlights. The pictures say it all



IBEB Committee

The IBEB Committee is responsible for championing the philosophy of Indigenous business is everyone's business across all aspects of our work, including overseeing the implementation and reporting progress of the RAP.

The Committee provides strategic direction and oversees:

- ▶ the department's broader First Nations employment priorities
- ▶ RAP development and implementation
- ▶ the department's commitments under the Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020–2024
- ▶ engagement with First Nations employees on IBEB issues through the employee network
- ▶ establishment and maintenance of external relationships with partners who have an active role in First Nations employment initiatives.

The Committee is co-chaired by the department's two First Nations Champions, Robyn Beutel, a Kuku Yalanji woman and Rajan Martin, and includes representatives from the Aboriginal and Torres Strait Islander Employee Network and two senior executives from each Group.

Position	Member
Co-chairs	Robyn Beutel, Assistant Secretary, School Assurance Branch, Schools Group Rajan Martin, Assistant Secretary, Governance, Quality and Access Branch, Higher Education Group
External representative	Senior Fellow in the Practice of Business, The Australian National University
Corporate and Enabling Services Group	Assistant Secretary, Financial and Resource Management First Assistant Secretary, People, Parliamentary and Communications
Higher Education, Research and International Group	Assistant Secretary, Tertiary Policy Branch Assistant Secretary, Research Policy and Programs
Schools Group	Assistant Secretary, Student Engagement, Wellbeing and Closing the Gap Assistant Secretary, Data, Regional Policy and Education Equity
Early Childhood and Youth Group	Assistant Secretary, Early Learning Programs and Youth First Assistant Secretary, Child Care
Aboriginal and Torres Strait Islander Network	Aboriginal and Torres Strait Islander Network co-chairs
Advisors	Director, HR Strategy and Operations Indigenous Liaison Officer Assistant Secretary, People Branch
Secretariat	People Branch

CASE STUDY 4

Jawun secondment experience: Two way-transfer of knowledge

Jawun is all about people helping each other. For Jessica Phelan, the secondment was an opportunity to learn about First Nations culture while assisting to create a framework to measure the effectiveness of education programs delivered in remote communities.

Jessica writes:

I undertook a Jawun secondment in the Cape York region of Queensland, where I assisted with designing and measuring education programs. This involved helping to draft a framework and develop a measurement instrument, assessing available data and identifying fidelity measures to evaluate the program's success.

As part of the two-way skills transfer, I used my policy development and implementation background to conceptualise how the organisation's range of projects being developed and delivered linked together to identify efficiencies and assist with decision-making. In return, I learned about the different teaching methods used in remote classrooms and some of the challenges faced by Indigenous students and teachers in remote communities supported by the organisation.

The highlight of my experience was the people – we met some amazing people in remote communities who generously shared their stories and experiences. First Nations culture is diverse, and what I learned only scratched the surface. Working alongside others passionate about improving outcomes for Indigenous students and families was also incredibly rewarding. I also learned so much from the others in my cohort, and we got to adventure in some remarkable parts of far North Queensland.

I decided to participate in Jawun to broaden my understanding of First Nations culture and gain a better perspective of the impacts (good or bad) that government decisions can have on stakeholders.

The experience took me outside my comfort zone, but the benefits have lasted. I constantly reflect on, test, and reconsider my thinking. I take time to consider the bigger picture in my day-to-day work – and ask myself how my work contributes to our purpose, and do I need to change my approach to better consider others?

I now have a better understanding of how decisions made by the government translate to on-the-ground implementation and delivery of services. This has highlighted the importance of authentic consultation in policy development and the fundamental right of all Australians to access education regardless of background, location and culture.





CASE STUDY 5

Kirra Services

The department engaged Kirra Services, a Canberra-based Indigenous business, in a four-year contract valued at \$9.6 million to supply Dell laptops. The contract expires in 2024 and the business is expected to provide the department with over 3,000 laptops during this time.

Kirra Services was established in 2017 and is a majority-owned and Supply Nation certified Indigenous information technology company.



ACTION **Relationships**

Actions

The department's Executive collectively take responsibility for the actions that support our RAP.

Relationships

Developing meaningful relationships with First Nations peoples, communities and organisations is important to our reconciliation journey. Meaningful relationships with First Nations peoples are integral to creating opportunities that drive better outcomes for the department and enable the delivery of policies and programs to support the Australian community – from early childhood and care to schools, higher education and youth.





Actions and deliverables	Timeline	Responsibilities
1. Establish and maintain mutually beneficial relationships with First Nations stakeholders and organisations.		
Establish and maintain two formal partnerships with First Nations communities or organisations	December 2023	Lead Director – Closing the Gap Partnerships Policy Sponsor Assistant Secretary – Student Engagement, Wellbeing and Closing the Gap
Leverage relationships with First Nations stakeholders and organisations to develop and implement a department engagement plan	July 2024	Lead Director – Strategic Communication Sponsor Assistant Secretary – Communications Branch
Develop guiding principles to inform how we will work collaboratively with First Nations stakeholders and organisations	June 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
2. Build relationships through celebrating National Reconciliation Week (NRW).		
Organise and celebrate at least one national NRW event each year, including: <ul style="list-style-type: none"> • site specific NRW activities where possible • circulation of Reconciliation Australia’s NRW resources to all employees. 	27 May – 3 June 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
IBEB Committee members to participate in an external NRW event	27 May – 3 June 2024 & 2025	First Nations Champions
Encourage and support senior leaders and employees to participate in at least one external NRW event	27 May – 3 June 2024 & 2025	First Nations Champions
Register all our NRW events on Reconciliation Australia’s website	May 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch



Actions and deliverables	Timeline	Responsibilities
3. Promote reconciliation through our sphere of influence.		
Conduct a workshop with Reconciliation Australia to define unique commitments to promote reconciliation within the education sector	March 2024	Lead Director – HR Strategy and Operations Sponsor First Assistant Secretary – People, Parliamentary and Communications Division
Develop and implement a strategic plan to raise awareness and support employee engagement in reconciliation	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Communicate our commitment to reconciliation publicly by promoting our achievements through our website, meetings and events	October 2023	Lead Director, Strategic Communications Sponsor Assistant Secretary – Communications Branch
Explore opportunities to positively influence our external stakeholders to drive reconciliation outcomes	December 2023	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Collaborate with RAP organisations to implement actions to advance reconciliation, including portfolio agencies	April 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch





Actions and deliverables	Timeline	Responsibilities
4. Promote positive race relations through anti-discrimination strategies.		
Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Communicate our Managing Workplace Discrimination and Harassment Policy	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Consult with First Nations employees and/or advisors and employee support officers to ensure existing HR policies and procedures align with anti-discrimination provisions	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Provide education, support and communication of departmental anti-discrimination policies, including provision of opportunities for all senior leaders to undertake cultural awareness training to better understand the effects of racism	December 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
All senior leaders to publicly support anti-discrimination campaigns, initiatives, or stances against racism in accordance with the APS employment principles and APS Values and Code of Conduct	July 2024 & 2025	First Nations Champions



ACTION Respect

Respect

The department understands, respects and values the cultures, histories, knowledge, and rights of First Nations peoples. We apply this understanding to our work and our interactions and continue to raise awareness and build capability. Respect for First Nations cultures, histories, knowledge and rights strengthens our cultural integrity through embedding an inclusive workplace culture that enables the delivery of policies and programs that support all Australians.

To demonstrate this, we are providing more opportunities for our people to learn and grow their APS career and mentor our future leaders. We are proud of the strength and resilience of First Nations peoples, the oldest surviving culture in the world, and believe this should be celebrated.





Actions and deliverables	Timeline	Responsibilities
5. Increase understanding, value and recognition of First Nations cultures, histories, knowledge, and rights through cultural learning.		
Consult local Traditional Owners and/or Aboriginal and Torres Strait Islander advisors to inform our cultural learning strategy	March 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Conduct a department-wide review of cultural learning needs, programs and resources, including the need for trauma informed training	October 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Develop, implement and communicate a cultural learning strategy document for our staff	October 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Provide and promote online and face-to-face cultural awareness training for all employees in accordance with the department’s essential training program	December 2023 & 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch



Actions and deliverables	Timeline	Responsibilities
6. Demonstrate respect to First Nations peoples by observing cultural protocols.		
Provide an Acknowledgement of Country or other appropriate cultural protocols at important meetings	October 2023 & 2024	All Employees
Increase employee understanding of the purpose and significance behind cultural protocols including Acknowledgement of Country and Welcome to Country	December 2023	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Refresh and promote the department’s Aboriginal and Torres Strait Islander Cultural Protocols Guide	March 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Invite a local Traditional Owner or Custodian to provide a Welcome to Country or other appropriate cultural protocol at significant events	September 2023 & 2024	All Employees
7. Build respect for First Nations cultures and histories by celebrating NAIDOC Week.		
IBEB members to participate in an external NAIDOC Week event	First week in July 2024 & 2025	First Nations Champions
Review and promote the departmental Cultural Leave Policy to remove barriers to employees participating in NAIDOC Week	June 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Support all employees to participate in an external NAIDOC Week event	July 2024 & 2025	Lead Director – Internal Communication Sponsor Assistant Secretary – Communications Branch
Support and fund local NAIDOC Awards, including education awards	July 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch



Actions and deliverables	Timeline	Responsibilities
8. Promote recognition and respect through showcasing and celebrating First Nations cultures, stories, histories and diversity through art and design.		
Develop relationships with First Nations artists local to our National and State Offices to develop First Nations artworks for our corporate branding and our reconciliation journey	May 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Partner with local First Nations artists to commission a collection of works for display in common areas on all levels in our National Office	December 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Ensure all First Nations artwork in our offices are labelled or accompanied by information explaining who the artist is, where they are from and the story of the work	December 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Promote the use of our Yarning Room for meetings and departmental audio-visual productions, as it showcases the story of our reconciliation journey	March 2024 & 2025	Lead Director – Internal Communications Sponsor Assistant Secretary – Communications Branch



ACTION **Opportunities**

Opportunities

With responsibility for five of the 17 Closing the Gap socioeconomic targets across Priority Reforms 1 to 4, we are committed to providing opportunities by implementing the reforms and achieving the targets. We aim to improve the social and financial wellbeing of First Nations peoples and their broader communities through our commitment to a diverse workforce and the Indigenous Procurement Policy.

We champion the benefits of diversity and offer First Nations peoples meaningful career and development opportunities in a safe and inclusive environment, where their skills, knowledge and experiences are valued in their teams and across the department.





Actions and deliverables	Timeline	Responsibilities
9. Improve employment outcomes by increasing First Nations recruitment, retention, and professional development.		
Understand the current First Nations workforce profile to inform future employment and development opportunities	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Engage with the Aboriginal and Torres Strait Islander Network and non-Indigenous employees where relevant to consult on recruitment, retention and professional development activities	March 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Review HR and recruitment procedures and policies to remove barriers to First Nations participation in our workforce	December 2023	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Develop and implement a First Nations recruitment, retention and professional development strategy	July 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Review the department's progress against the employment and career development outcomes in the Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2022–2024	June 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Advertise job vacancies through multiple channels to effectively reach First Nations applicants	December 2023, 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch



Actions and deliverables	Timeline	Responsibilities																
9. Improve employment outcomes by increasing First Nations recruitment, retention, and professional development. (continued)																		
Increase First Nations employee representation to support Commonwealth portfolio targets with the aim of achieving the following annual targets:	June 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch																
<table border="1"> <thead> <tr> <th>Level</th> <th>2023</th> <th>2024</th> <th>2025</th> </tr> </thead> <tbody> <tr> <td>APS4–6</td> <td>5%</td> <td>5%</td> <td>5%</td> </tr> <tr> <td>EL1–2</td> <td>N/A</td> <td>5%</td> <td>5%</td> </tr> <tr> <td>SES</td> <td>N/A</td> <td>3%</td> <td>3%</td> </tr> </tbody> </table>	Level	2023	2024	2025	APS4–6	5%	5%	5%	EL1–2	N/A	5%	5%	SES	N/A	3%	3%		
Level	2023	2024	2025															
APS4–6	5%	5%	5%															
EL1–2	N/A	5%	5%															
SES	N/A	3%	3%															
Support First Nations employee participation in an annual First Nations employee conference	August 2023, 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch																
Participate in Whole-of-Government Affirmative Measure recruitment including programs such as the Indigenous Apprenticeship Program and Indigenous Graduate Pathway	December 2023 & 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch																





Actions and deliverables	Timeline	Responsibilities
10. Increase First Nations supplier diversity to support improved economic and social outcomes.		
Maintain commercial relationships through meeting the annual Indigenous procurement portfolio targets set by the National Indigenous Australians Agency (NIAA) Indigenous Procurement Policy	June 2024 & 2025	Lead Director Procurement and Grants Sponsor Assistant Secretary – Financial and Resource Management
Review and update procurement practices to remove barriers to procuring goods and services from First Nations businesses	June 2024 & 2025	Lead Director Procurement and Grants Sponsor Assistant Secretary – Financial and Resource Management
Enhance collaboration with Supply Nation and maintain corporate membership	October 2023 & 2024	Lead Director Procurement and Grants Sponsor Assistant Secretary – Financial and Resource Management
Develop targeted internal communications to promote the benefits of engaging First Nations businesses	September & March 2024 & 2025	Lead Director Procurement and Grants Sponsor Assistant Secretary – Financial and Resource Management
Ensure employees who undertake procurement complete the essential training on the Commonwealth Indigenous Procurement Policy and continue to promote this training across the department	June 2024 & 2025	Lead Director Procurement and Grants Sponsor Assistant Secretary – Financial and Resource Management



ACTION

Governance

Governance

We will put in place effective governance structures and processes to keep the department accountable and guide the implementation of our RAP.





Actions and deliverables	Timeline	Responsibilities
11. Establish and maintain an effective RAP Working Group (IBEB Committee) to drive governance of the RAP.		
Maintain First Nations representation on the IBEB Committee	February 2024 & 2025	Executive Board
Apply, review, and update the IBEB Committee Terms of Reference	February 2024 & 2025	IBEB Committee
The IBEB Committee meets at least four times per year to monitor and drive RAP implementation and governance, progressing issues out of session when required	August & November 2023, March, May, August & November 2024 & 2025	IBEB Committee
12. Provide appropriate support for effective implementation of RAP commitments.		
Establish sufficient resourcing to support RAP implementation, oversight and management	September 2023, 2024 & 2025	Deputy Secretary – Corporate and Enabling Services
Outline expectations in performance and development agreements for all employees alignment with RAP initiatives	August 2023, 2024 & 2025	All employees
Embed appropriate systems and capability to track, measure and report on RAP commitments	October 2023	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Appoint First Nations Champions from senior management	March 2024 & 2025	Executive Board
Provide updates on RAP progress at Executive Board meetings	May & November 2023, 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch



Actions and deliverables	Timeline	Responsibilities
13. Build accountability and transparency through reporting RAP achievements, challenges, and learnings both internally and externally.		
Contact Reconciliation Australia to verify that our primary and secondary contact details are up to date, to ensure we do not miss out on important RAP correspondence	June 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Contact Reconciliation Australia to request our unique link, to access the online RAP Impact Measurement Questionnaire	August 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia	September 2024	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Communicate RAP progress to all employees via IBEB Committee communique	March, May, August & November 2023, 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Publicly report against our RAP commitments, including reference in the corporate plan and annual report	August & October 2024 & 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Participate in Reconciliation Australia's Workplace RAP Barometer	May 2024	All employees
Submit a traffic light report to Reconciliation Australia at the conclusion of this RAP	June 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch





Actions and deliverables	Timeline	Responsibilities
14. Continue our reconciliation journey by developing our next RAP.		
Register via Reconciliation Australia's website to begin developing our next RAP	January 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch
Commence the development of the next RAP and encourage senior leader and employee involvement	January 2025	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch

Contact details

If you have any questions or comments on our RAP please email Reconciliation@education.gov.au or call (02) 6121 5000.

Page 42
NGUNNAWAL, Murrumbidgee River, Mt Tennent
Photo by: Sasha Emery, HERI Group







Australian Government
Department of Education

Reconciliation **ACTION PLAN**

Implementation Report



Contents

Reconciliation Action Plan Implementation Report	1
Contents	2
Background	3
Purpose	4
Key Reporting Dates	4
Roles and Responsibilities	5
Progress Lights	6
Relationships Actions	6
Build Relationships	6
Promote Reconciliation	7
Promote Positive Relations	8
Respect Actions	9
Increase Understanding	9
Demonstrate Respect	9
NAIDOC Week	10
Promote Recognition	10
Opportunities Actions	12
Improve Employment Outcomes	12
Increase First Nations supplier diversity	13
Governance Actions	14
Establish a RAP Working Group	14
Provide Support to Implementation	14
Build RAP Reporting	14
Develop next RAP	15



Background

We began our reconciliation journey with Reconciliation Australia in 2014 by establishing our first RAP (Stretch 2014–17) as the Department of Education. The department made meaningful progress towards reconciliation by developing and implementing our second Stretch RAP in 2018 as the Department of Education Skills and Training (DEST). Our reconciliation journey changed significantly when the former Commonwealth departments of Education and Employment came together on 1 February 2020 and split again on 1 July 2022.

Over the last 12 months, as the new Department of Education, we have acknowledged the challenges of developing and implementing a new RAP. We believe our Innovate RAP provides an opportunity to strengthen and build a solid foundation of reconciliation as a new Department and leverage our unique position within the education framework to advance reconciliation with First Nations peoples. We seek to improve, simplify and embed the actions in our RAP while introducing new opportunities to guide and shape our approach as we move towards our goal of a Stretch RAP in 2025.

Our RAP will be owned by all of us with a shared responsibility to ensure reconciliation is an intrinsic element of our workplace culture, a key requirement under the Closing the Gap. Senior executive involvement and leadership at all levels is critical to achieving our reconciliation goals and lifting overall employee engagement.

The Indigenous Business is Everyone's Business (IBEB) Committee is responsible for championing all aspects of our work, including overseeing the implementation and reporting progress of the RAP. The Committee is co-chaired by the department's two First Nations Champions, Robyn Beutel, a Kuku Yalanji woman and _____, and includes representatives from the Aboriginal and Torres Strait Islander Employee Network and two senior executives from each Group.

s 22



Purpose

This plan details how the department will action the commitments outlined in the RAP. This plan will be reviewed by the IBEB Committee quarterly and the People Culture and Integrity Committee (PCIC) and the Executive Board will be kept up to date on progress on a biannual basis. The department will report to Reconciliation Australia on an annual basis.

Key Reporting Dates

Actions and deliverables	Timeline	RAP Reporting Due	Status
IBEB Committee			Complete/Not Yet Completed
Regular meetings and progress update (quarterly)	13 March 2024		Not Yet Completed
	11 June 2024		
	28 August 2024		
	13 November 2024		
Executive Board			
Progress update (biannually)	12 June 2024		Not Yet Completed
	13 November 2024		
Reconciliation Australia			
Annual reporting	2024 Dates (pending confirmation of dates from RA)		Not Yet Completed

Roles and Responsibilities

Roles	Responsibilities
Indigenous Business is Everybody's Business (IBEB)	<ul style="list-style-type: none"> ▪ responsible for overseeing the development and implementation of the department's Reconciliation Action Plan (RAP) across all aspects of the department's work ▪ look for ways to foster reconciliation across the workplace providing strategic advice to the Executive on how to achieve our vision for reconciliation ▪ continue to ensure there are Aboriginal and Torres Strait Islander representation on IBEB ▪ seek external peer advice, including from Reconciliation Australia, at least once each year regarding the quality of RAP implementation and any proposed new actions ▪ provide twice yearly progress reports on the RAP to the Executive Board ▪ provide support to Sponsors and Leads on the implementation of the RAP
Sponsor - Accountable Officer	<ul style="list-style-type: none"> ▪ oversee the implementation and provide guidance ▪ review/approve project elements
Lead – Responsible Officer for Implementation	<ul style="list-style-type: none"> ▪ lead projects in accordance with the implementation plan ▪ work collaboratively with implementation Partners to provide overall direction on deliverables ▪ manage issues resolution ▪ review and approve action deliverables
Partner	<ul style="list-style-type: none"> ▪ implement action locally ▪ communicate goals, status and progress ▪ create deliverables and assist in develop ▪ coordinate participation of work groups, individuals and stakeholders locally ▪ identify risks and issues and assist in resolutions
Stakeholder	<ul style="list-style-type: none"> ▪ Communications Team ▪ Reconciliation Australia ▪ Peak Bodies ▪ WOG Reporting ▪ Support IBEB with communication advice and support to implement and evaluate the implementation report deliverables
Champions	<ul style="list-style-type: none"> ▪ Raise the profile of important issues that affect the RAP, promote the activities, and support the delivery of the Plan within our department.
Deadly Crew	<ul style="list-style-type: none"> ▪ Aboriginal and Torres Strait Islander employees to give feedback and suggestions
SES	<ul style="list-style-type: none"> ▪ Senior leaders to demonstrate ownership and leadership, leading from the top down for the RAP Implementation
All Staff	<ul style="list-style-type: none"> ▪ All employees connect with each other and to the wider department to support Reconciliation and the RAP deliverables

Table 1: Relationships Actions

At the heart of reconciliation are respectful relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. We will continue to make Indigenous business our business by nurturing relationships between the department and Indigenous people ensuring alliances are built on a foundation of trust and respect, free from discrimination.

Progress Lights: ■ Green = On Track ■ Amber = Requires attention ■ Red = Major risk to implementation ■ Grey = Not yet started

Actions and Deliverables		Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
1.1	Establish and maintain two formal partnerships with First Nations communities or organisations	Lead Director – Closing the Gap Partnerships Policy Sponsor Assistant Secretary – Student Engagement, Wellbeing and Closing the Gap	National Aboriginal and Torres Strait Islander Education Corporation (NATSIEC) Coalition of Peaks	Closing the Gap Partnerships Policy Team Education Ministers Meeting (EMM) Secretariat	The Department is working closely in partnership with NATSIEC to develop partnership agreements following their incorporation in August 2023.	Q2 2024	On track	The department will look to establish a formal partnership with SNAICC – National Voice for Our Children (SNAICC), as the peak body for First Nations children, building on engagement through the early childhood care and development policy partnership.
1.2	Leverage relationships with First Nations stakeholders and organisations to develop and implement a department engagement plan	August – December 2023 Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch January – June 2024 (pending confirmation) Lead Director – Closing the Gap Partnerships Policy Sponsor Assistant Secretary – Student Engagement, Wellbeing and Closing the Gap	Department of Education: <ul style="list-style-type: none"> ▪ Closing the Gap Partnerships Policy Team ▪ HR Strategy and Operations NIAA	Internal Communications IBEB Reconciliation Australia	An Action Plan be devised to support meeting the June 2024 deadline.	July 2024	Requires Attention	
1.3	Develop guiding principles to inform how we will work collaboratively with First Nations stakeholders and organisations	August 2023 – December 2023 Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Department of Education: <ul style="list-style-type: none"> ▪ Closing the Gap Partnerships Policy Team ▪ HR Strategy and Operations NIAA Early Learning and First Nations Priorities	Internal Communications IBEB Reconciliation Australia	An Action Plan be devised to support meeting the June 2024 deadline.	June 2024	Requires Attention	Note – no FN strategy in the Department’s Communication Strategy. Consider Director, Strategic Communication as the lead with responsibility for a

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments	
	January 2024 – June 2024 (pending confirmation) Lead Director – Closing the Gap Partnerships Policy Sponsor Assistant Secretary – Student Engagement, Wellbeing and Closing the Gap						FN Strategic Comms Strategy.	
2. Build relationships through celebrating National Reconciliation Week (NRW).								
2.1	Organise and celebrate at least one national NRW event each year, including: <ul style="list-style-type: none"> site specific NRW activities where possible Circulation of Reconciliation Australia's NRW resources to all employees.	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia, NIAA & DEWR (co-location)	Internal Comms, Deadly Crew, IBEB	Manage, promote and coordinate National Reconciliation Week for the Department of Education.	27 May – 3 June 2024 & 2025	On track	Annual planning for NRW March 2024
2.2	IBEB Committee members to participate in an external NRW event	Lead Director – HR Strategy and Operations Sponsor First Nations Champions and Deadly Crew	Reconciliation Australia, NIAA & DEWR and Local Indigenous Community event	Internal Communications, Deadly Crew, IBEB	Share and promote NRW Nationally including State and Territory department and community events Cultural Awareness training offerings 2 nd and 3 rd quarter 2024	27 May – 3 June 2024 & 2025	On track	Annual planning for NRW April 2024
2.3	Encourage and support senior leaders and employees to participate in at least one external NRW event	First Nations Champions	SES across the Department	HR Strategy and Operations, Internal Communications, Deadly Crew, IBEB	Share and promote NRW events with SES across the Department	27 May – 3 June 2024 & 2025	On track	April 2024
2.4	Register all our NRW events on Reconciliation Australia's website	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia	IBEB	Events registered with RA	May 2024 & 2025	On track	April 2024
3. Promote reconciliation through our sphere of influence.								
3.1	Conduct a workshop with Reconciliation Australia to define unique commitments to promote reconciliation within the education sector	Lead IBEB Committee Sponsor First Assistant Secretary – People, Parliamentary and Communications Division	Reconciliation Australia	HR Strategy and Operations and IBEB	Conduct a workshop with Reconciliation Australia	March 2024	Not yet started	Pending dates from RA for Q3 2024
3.2	Develop and implement a strategic plan to raise awareness and support employee engagement in reconciliation	Lead Director HR Strategy and Operations	All Staff	IBEB and Deadly Crew Network	Develop Allyship Charter All staff & Network re-launch	July 2024 February 2024	On track	February 2024

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
	Sponsor Assistant Secretary – People Branch						
3.3	Communicate our commitment to reconciliation publicly by promoting our achievements through our website, meetings and events Sponsor Assistant Secretary – Communications Branch	First Nations Champions Deadly Crew Network	HR Strategy and Operations and IBEB	Communication plans Fortnightly meetings with Comms team Education News updates	Ongoing	On track	Ongoing
3.4	Explore opportunities to positively influence our external stakeholders to drive reconciliation outcomes Lead Director – Closing the Gap Partnerships Policy Executive Board Sponsor Assistant Secretary – Student Engagement, Wellbeing and Closing the Gap	Reconciliation Australia First Nations Service Providers Peak Bodies linked to Group Engagement For responsible team to populate All SES	Closing the Gap Partnerships Policy HERI ECY Schools	For responsible team to populate TBC All reviews conducted by the Department to consider impact on First Nations peoples and communities	Ongoing	On track	
3.5	Collaborate with RAP organisations to implement actions to advance reconciliation, including portfolio agencies Lead IBEB Committee Sponsor Assistant Secretary – People Branch	Reconciliation Australia and Whole of Government Local Indigenous Communities	IBEB	Published Calendar of events	April 2024	On track	Champions and SES meeting with RA Q3 2024 Invite portfolio agencies to the First Nations Staff Conference 7-8 August 2024
4. Promote positive race relations through anti-discrimination strategies.							
4.1	Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs Lead Director – Health and Performance Sponsor Assistant Secretary – People Branch	HR Operations IBEB	Deadly Crew		July 2024	Not yet started	
4.2	Communicate our Managing Workplace Discrimination and Harassment Policy Lead Director – Health and Performance Sponsor Assistant Secretary – People Branch	HR Operations IBEB Internal Comms	Deadly Crew HR Strategy		July 2024	Not yet started	
4.3	Consult with First Nations employees and/or advisors and employee support officers to ensure existing HR policies and procedures align with anti-discrimination provisions Lead Director – Health and Performance Sponsor Assistant Secretary – People Branch	HR Strategy IBEB	Deadly Crew		July 2024	Not yet started	
4.4	Provide education, support and communication of departmental anti-discrimination policies, including provision of opportunities for all senior leaders to undertake cultural Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Capability - Learning and Development team NIAA – Jawun, IDEP, IAP	Deadly Crew	Review all diversity and inclusion strategies for currency and compliance annually.	December 2024	On track	SES and APS staff cultural Inclusion training review

Actions and Deliverables		Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
	awareness training to better understand the effects of racism				Review and update of SBS Cultural Package			and update for 2024 First Nations Staff Development Offerings for 2024
4.5	All senior leaders to publicly support anti-discrimination campaigns, initiatives, or stances against racism in accordance with the APS employment principles and APS Values and Code of Conduct	Lead Director Internal Communication Sponsor IBEB Committee	Internal Comms	Deadly Crew All Staff		July 2024 & 2025	Not yet started	



Table 2. Respect Actions

The department understands, respects and values the cultures, histories, knowledge, and rights of First Nations peoples. We apply this understanding to our work and our interactions and continue to raise awareness and build capability. Respect for First Nations cultures, histories, knowledge and rights strengthens our cultural integrity through embedding an inclusive workplace culture that enables the delivery of policies and programs that support all Australians.

To demonstrate this, we are providing more opportunities for our people to learn and grow their APS career and mentor our future leaders. We are proud of the strength and resilience of First Nations peoples, the oldest surviving culture in the world, and believe this should be celebrated.

Progress Lights: ■ Green = On Track ■ Amber = Requires attention ■ Red = Major risk to implementation ■ Grey = Not yet started

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
5. Increase understanding, value and recognition of First Nations cultures, histories, knowledge, and rights through cultural learning.							
5.1	Consult local Traditional Owners and/or Aboriginal and Torres Strait Islander advisors to inform our cultural learning strategy Lead Director, Recruitment and Capability Sponsor Assistant Secretary – People Branch	IBEB First Nations Branch	HR Strategy Capability Team		March 2024	Not yet started	
5.2	Conduct a department-wide review of cultural learning needs, programs and resources, including the need for trauma informed training Lead Director, Recruitment and Capability Sponsor Assistant Secretary – People Branch	IBEB First Nations Branch Wellbeing Team	Deadly Crew Capability Team HR Strategy		October 2024	On track	
5.3	Develop, implement and communicate a cultural learning strategy document for our staff Lead Director, Recruitment and Capability Sponsor Assistant Secretary – People Branch	IBEB	Deadly Crew Capability Team		October 2024	Not yet started	
5.4	Provide and promote online and face-to-face cultural awareness training for all employees in accordance with the department's essential training program Lead Director Health and Performance Sponsor Assistant Secretary – People Branch	IBEB Capability Team	Deadly Crew HR Strategy		December 2023 & 2024	On track	
6. Demonstrate respect to First Nations peoples by observing cultural protocols.							
6.1	Provide an Acknowledgement of Country or other appropriate cultural protocols at important meetings All Staff	ILO – Provide advice as required SES IBEB	All Staff	Acknowledgement of Country cards Acknowledgement of Country guidance and protocols	Ongoing	On track	
6.2	Increase employee understanding of the purpose and significance behind cultural protocols including Acknowledgement of Country and Welcome to Country Lead Director – HR Strategy and Operations	ILO – Provide advice as required IBEB First Nations Champions	All Staff	Procure Acknowledgement of Country cards	September 2023 September 2024	On track	

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments	
	Sponsor Assistant Secretary – People Branch			Review of Acknowledgement of Country guidance and protocols Review Intranet and Cultural Awareness Training Offerings.				
6.3	Refresh and promote the department's Aboriginal and Torres Strait Islander Cultural Protocols Guide	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	ILO Provide advice as required IBEB First Nations Champions	All Staff	Review and update Cultural Protocols Guide	March 2024	On track	Consulting on Yarning Circle Principles Consulting on the Cultural Protocols Guide
6.4	Invite a local Traditional Owner or Custodian to provide a Welcome to Country or other appropriate cultural protocol at significant events	All Staff	ILO Support engagement with First Nations Community	All Staff	Ongoing	September 2023 & 2024	On track	
7. Build respect for First Nations cultures and histories by celebrating NAIDOC Week								
7.1	IBEB members to participate in an external NAIDOC Week event	First Nations Champions	IBEB Committee members	N/A	N/A	July 2024 & 2025	Not yet started	
7.2	Review and promote the departmental Cultural Leave Policy to remove barriers to employees participating in NAIDOC Week	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB Committee members All Managers	All Staff	Provide advice to managers and staff on the policy Align and update with new EA	June 2024	On track	Demonstrated during the 2023 Referendum Implemented in new EA
7.3	Support all employees to participate in an external NAIDOC Week event	Lead Director – Internal Communication Sponsor Assistant Secretary – Communications Branch	First Nations Champions IBEB Committee members ILO Deadly Crew Comms team	All staff	N/A	July 2024 & 2025	Not yet started	
7.4	Support and fund local NAIDOC Awards, including education awards	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	First Nations Champions IBEB Committee members	Peak bodies Industry Partners (IPP) NAIDOC Public Events	N/A	July 2024 & 2025	Requires attention	Review April 2024
8. Promote recognition and respect through showcasing and celebrating First Nations cultures, stories, histories and diversity through art and design.								
8.1	Develop relationships with First Nations artists local to our National and State Offices to develop First Nations artworks for our corporate branding and our reconciliation journey	Lead Director – Internal Communication Sponsor Assistant Secretary – Communications Branch	First Nations Champions ILO Comms team	All Staff		Ongoing	On track	

Actions and Deliverables		Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
8.2	Partner with local First Nations artists to commission a collection of works for display in common areas on all levels in our National Office	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	First Nations Champions ILO Comms team	All Staff	New artwork commissioned Sept 2023		On track	
8.3	Ensure all First Nations artwork in our offices are labelled or accompanied by information explaining who the artist is, where they are from and the story of the work	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	ILO Comms team	Deadly Crew	Completed and embedded into corporate templates October 2023, including the story of the artist	Ongoing	On track	
8.4	Promote the use of our Yarning Room for meetings and departmental audio-visual productions, as it showcases the story of our reconciliation journey	Lead Director – Internal Communications Sponsor Assistant Secretary – Communications Branch	First Nations Champions ILO Comms team	All Staff		March 2024 & 2025	Requires attention	

Table 3: Opportunities Actions

With responsibility for five of the 17 Closing the Gap socioeconomic targets across Priority Reforms 1 to 4, we are committed to providing opportunities by implementing the reforms and achieving the targets. We aim to improve the social and financial wellbeing of First Nations peoples and their broader communities through our commitment to a diverse workforce and the Indigenous Procurement Policy.

We champion the benefits of diversity and offer First Nations peoples meaningful career and development opportunities in a safe and inclusive environment, where their skills, knowledge and experiences are valued in their teams and across the department.

Progress Lights: ■ Green = On Track ■ Amber = Requires attention ■ Red = Major risk to implementation ■ Grey = Not yet started

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
9. Improve employment outcomes by increasing First Nations recruitment, retention, and professional development.							
9.1	Understand the current First Nations workforce profile to inform future employment and development opportunities Lead Director, Workforce Planning and Analytics Sponsor Assistant Secretary – People Branch	HR Strategy and Operations	HR Strategy and Operations, IBEB, PCIC	Diversity Dashboard updated on a monthly basis First Nations workforce profile included in the Senate Estimates briefs	Ongoing	On track	Ongoing process through regular reporting
9.2	Engage with the Aboriginal and Torres Strait Islander Network and non-Indigenous employees where relevant to consult on recruitment, retention and professional development activities Lead Director Recruitment and Capability Sponsor Assistant Secretary – People Branch	First Nations Branch WoaG HR Strategy	IBEB Deadly Crew		March 2024	Requires attention	
9.3	Review HR and recruitment procedures and policies to remove barriers to First Nations participation in our workforce Lead Director – Recruitment and Capability Sponsor Assistant Secretary – People Branch	HR Strategy	IBEB Committee		December 2023	Requires attention	
9.4	Develop and implement a First Nations recruitment, retention and professional development strategy Lead Director – Recruitment and Capability Sponsor Assistant Secretary – People Branch	APSC NIAA	First Nation Branch		July 2024	Not yet started	
9.5	Review the department's progress against the employment and career development outcomes in the Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2022–2024 Lead Director, Workforce Planning and Analytics Sponsor Assistant Secretary – People Branch	HR Strategy and Operations	HR Strategy and Operations, IBEB	Progress report for the IBEB Committee meetings, where relevant.	Ongoing	On track	Ongoing process through regular reporting Review the Department's Enterprise Workforce Plan in line with the Cwlth Aboriginal and Torres Strait Islander Workforce Strategy 2022-2024
9.6	Advertise job vacancies through multiple channels to effectively reach First Nations applicants Lead Director Recruitment and Capability	APSC GovTeams ILO Network	Deadly Crew		December 2023, 2024 & 2025	On track	

Actions and Deliverables		Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments																
		Sponsor Assistant Secretary – People Branch																						
9.7	Increase First Nations employee representation to support Commonwealth portfolio targets with the aim of achieving annual targets: <table border="1"> <thead> <tr> <th>Level</th> <th>2023</th> <th>2024</th> <th>2025</th> </tr> </thead> <tbody> <tr> <td>APS4-6</td> <td>5%</td> <td>5%</td> <td>5%</td> </tr> <tr> <td>EL1-2</td> <td>N/A</td> <td>5%</td> <td>5%</td> </tr> <tr> <td>SES</td> <td>N/A</td> <td>3</td> <td>3%</td> </tr> </tbody> </table>	Level	2023	2024	2025	APS4-6	5%	5%	5%	EL1-2	N/A	5%	5%	SES	N/A	3	3%	Lead Director Recruitment and Capability Sponsor Assistant Secretary – People Branch	NIAA APSC IBEB	Deadly Crew		June 2024 & 2025	On track	
Level	2023	2024	2025																					
APS4-6	5%	5%	5%																					
EL1-2	N/A	5%	5%																					
SES	N/A	3	3%																					
9.8	Support First Nations employee participation in an annual First Nations employee conference	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	All Staff	First Nations Champions IBEB Deadly Crew Network	Conference held August 2023 Planning for August 2024 Deadly Crew Staff Conference	August 2023, March 2024 & 2025	On track	Conference held 29-30 August 2023 Next conference 7-8 August 2024																
9.9	Participate in Whole-of-Government Affirmative Measure recruitment including programs such as the Indigenous Apprenticeship Program and Indigenous Graduate Pathway	Lead Director Recruitment and Capability Sponsor Assistant Secretary – People Branch	WoaG Affirmative Measure Merit Pools APSC	Managers Deadly Crew IBEB		December 2023 & 2024	On track																	
10. Increase First Nations supplier diversity to support improved economic and social outcomes.																								
10.1	Maintain commercial relationships through meeting the annual Indigenous procurement portfolio targets set by the National Indigenous Australians Agency (NIAA) Indigenous Procurement Policy	Lead Director Procurement and Grant Policy and Services Sponsor Assistant Secretary – Financial and Resource Management	NIAA, Supply Nation	All Staff	The department is on track to meet its 2023-24 IPP targets	June 2024 & 2025	On track	Quarterly meetings with NIAA and monthly updates to EB																
10.2	Review and update procurement practices to remove barriers to procuring goods and services from First Nations businesses	Lead Director Procurement and Grant Policy and Services Sponsor Assistant Secretary – Financial and Resource Management	NIAA, Supply Nation, Department of Finance (DoF)	All Staff	Ongoing activity	June 2024 & 2025	On track	The Procurement and Grant Team regularly reviews and updates procurement guidance																
10.3	Enhance collaboration with Supply Nation and maintain corporate membership	Lead Director Procurement and Grant Policy and Services Sponsor Assistant Secretary – Financial and Resource Management	Supply Nation	All Staff	Corporate membership renewed in October 2023	October 2023 & 2024	On track																	
10.4	Develop targeted internal communications to promote the benefits of engaging First Nations businesses	Lead Director Procurement and Grant Policy and Services	NIAA, Supply Nation, Department of Finance (DoF) All Staff	All Staff	Ongoing activity under IPP	March & September 2024 & 2025	On track	CFO All Staff emails Updated information on																

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
	Sponsor Assistant Secretary – Financial and Resource Management			Updated guidance release in the First Qtr. 2024 For all consultancies or tenders where First Nations people are the primary 'customer', 'stakeholder' or 'student', selection of a First Nations provider must be shortlisted for procurements out of scope of the mandatory MAS Panel. For all consultancies that are within the scope of the MAS Panel, engage with the Indigenous suppliers on the MAS Panel first.	June 2024 & 2025		Procurement Intranet pages in January-February 2024
10.5	Ensure employees who undertake procurement complete the essential training on the Commonwealth Indigenous Procurement Policy and continue to promote this training across the department Lead Director Procurement and Grant Policy and Services Sponsor Assistant Secretary – Financial and Resource Management	All Staff	All Staff	There have been 291 completions of this training since 28 November 2022	June 2024 & 2025	On track	IPP training to be reviewed and updated as needed

Table 4: Governance Actions

We will put in place effective governance structures and processes to keep the department accountable and guide the implementation of our RAP.

Progress Lights: ■ Green = On Track ■ Amber = Requires attention ■ Red = Major risk to implementation ■ Grey = Not yet started

Actions and Deliverables	Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
11. Establish and maintain an effective IBEB Committee (RAP Working group to drive governance of the RAP)							
11.1	Maintain First Nations representation on the IBEB Committee in addition to the Deadly Crew representative/s	Lead IBEB Committee Sponsor Assistant Secretary – People Branch	Executive Board First Nations Champions	Deadly Crew Network	Ongoing	February 2024 & 2025	On track
11.2	Apply, review, and update the IBEB Committee Terms of Reference	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB Committee First Nations Champions	ILO IBEB Secretariate	<ul style="list-style-type: none"> ▪ 13 March 2024 ▪ 11 June 2024 ▪ 28 August 2024 ▪ 13 November 2024 	February 2024 & 2025	On track
11.3	The IBEB Committee meets at least four times per year to monitor and drive RAP implementation and governance, progressing issues out of session when required	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB Committee First Nations Champions	ILO IBEB Secretariate		August & November 2023, March, May, August & November 2024 & 2025	On track
12. Provide appropriate support for effective implementation of RAP commitments.							
12.1	Establish sufficient resourcing to support RAP implementation, oversight and management	Deputy Secretary – Corporate and Enabling Services	IBEB Committee First Nations Champions	IBEB HR Strategy		September 2023, 2024 & 2025	Requires attention
12.2	Outline expectations in performance and development agreements for all employees alignment with RAP initiatives	All Staff	ILO – Provide advice on suggested wording for support of RAP initiatives	Mandatory training and suggested cultural training		April 2024 & 2025	Requires attention
12.3	Embed appropriate systems and capability to track, measure and report on RAP commitments	Lead IBEB Committee Sponsor Assistant Secretary – People Branch	IBEB Committee First Nations Champions	All Staff Reconciliation Australia	IBEB reviewed RAP Implementation Plan November 2023 Draft RAP Reporting Template for IBEB Consideration	December 2023 March 2024	On track
12.4	Appoint First Nations Champions from senior management	Lead Executive Board	PCIC	IBEB Deadly Crew		March 2024 & 2025	Requires attention Co-champion position recently vacated
12.5	Provide updates on RAP progress at Executive Board meetings	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB Secretariat	IBEB Committee All Staff	IBEB reviewed RAP Implementation Plan Nov 2023 (Related to 12.3)	May & November 2023, 2024 & 2025	On track
13. Build accountability and transparency through reporting RAP achievements, challenges, and learnings both internally and externally.							
13.1	Contact Reconciliation Australia to verify that our primary and secondary contact details are up to date, to ensure we do not miss out on important RAP correspondence	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia	ILO IBEB Secretariate	Agenda item at EB to schedule for RA to attend	June 2024 & 2025	Requires attention

Actions and Deliverables		Lead/Sponsor	Partners	Stakeholders	Internal Key Milestones	RAP due date	Traffic light	Next Steps/Comments
13.2	Contact Reconciliation Australia to request our unique link, to access the online RAP Impact Measurement Questionnaire	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia	ILO IBEB Secretariate Director, Workforce Planning and Analytics	Review July 2024	August 2024 & 2025	On track	
13.3	Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia	ILO IBEB Secretariate	Review July 2024	September 2024	On track	
13.4	Communicate RAP progress to all employees via IBEB Committee communique	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB Committee First Nations Champions	ILO IBEB Secretariate Comms Team	IBEB minutes and communique shared via intranet	March, May, August & November 2023, 2024 & 2025	On track	
13.5	Publicly report against our RAP commitments, including reference in the corporate plan and annual report	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia Internal Comms	HR Strategy		August & October 2024 & 2025	Not yet started	
13.6	Participate in Reconciliation Australia's Workplace RAP Barometer	All Staff	Reconciliation Australia	All Staff		May 2024	Not yet started	
13.7	Submit a traffic light report to Reconciliation Australia at the conclusion of this RAP	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	Reconciliation Australia	HR Strategy		June 2025	Not yet started	
14. Continue our reconciliation journey by developing our next RAP.								
14.1	Register via Reconciliation Australia's website to begin developing our next RAP	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	IBEB	HR Strategy		January 2025	Not yet started	
14.2	Commence the development of the next RAP and encourage senior leader and employee involvement	Lead Director – HR Strategy and Operations Sponsor Assistant Secretary – People Branch	HR Strategy ILO Internal Comms IBEB	All Staff		January 2025	Not yet started	



Australian Government
Department of Education

Practical Guide: Buying from Indigenous Business



Document Particulars		
Policy Owner	Department of Education Procurement Services Team	
Content Last Updated	February 2024	Document Status:
Version	0.4	Review Date: August 2024
Point of contact	Procurement and Grants Policy and Services Team Email: procurement@education.gov.au	
Approver	Procurement and Grants Policy and Services Team	
NOTE: This is a controlled document in its electronic form only. Paper copies of this document are not controlled and should be checked against the electronic versions prior to use.		
The electronic version is located on the Procurement and Grants Policy Team Intranet.		

Document Change Control				
Version	Date	Source of Change	Section	Summary of Change
0.1	03.03.2017	Procurement Services Team	Entire Document	Document copied onto new employment template
0.2	Sept 2018	Procurement Services Team	Entire Document	Document copied onto new Education template
0.3	April 2020	Procurement and Grants Policy Team	Entire Document	Document copied onto new DESE template
0.4	February 2024	Procurement and Grants Policy and Services Team	Entire Document	Document copied onto new Education template

Contents

Practical Guide: Buying from Indigenous Business.....	1
Overview	4
Purpose	4
Part 1 – Indigenous Procurement in the Department	5
Background	5
The Indigenous Procurement Policy (IPP).....	5
Commonwealth Procurement Rules.....	6
Mandatory Whole-of-Government Panels	6
Indigenous business procurements valued below \$10,000.....	6
Indigenous Procurement Policy for procurements valued between \$10,000 to \$80,000	6
Indigenous Procurement Policy for procurements valued between \$80,000 and \$200,000.....	7
Definition of verified Indigenous business.....	7
Summary	8
Part 2 – Using Indigenous Business	9
Supply Nation Indigenous Suppliers listing.....	9
What if there are no suitable Indigenous businesses available?.....	9
If no response is received to a request for quote.....	9
Feedback to Indigenous business	9
Applying the IPP to your procurement flowchart.....	10
Part 3 – Further Information and Assistance.....	11
Tools and Templates	11
Further information	11
Contact the Procurement Services Team	11



Overview

Purpose

The term 'department' in this document means either the Department of Education, Skills and Employment.

This guide is a supplementary guide which should be used in conjunction with the [Procurement and Grants Policy Team Intranet Page](#) and the Practical Guide – Approaching the Market.

The [Procurement](#) Intranet Page covers the initial planning, needs analysis, procurement methodology and approval of the spending proposal.

[The Practical Guide - Approaching the Market](#) covers the processes to be followed in order to undertake a successful approach to the market.

This guide details the processes to be followed when considering Indigenous suppliers in an approach to market. The guide highlights a number of *mandatory* obligations indicated by the use of the word **must**.

Procurement related policies directed at maximizing Indigenous employment opportunities and buying from Indigenous business considered in this Practical Guide include:

- the exemption in the Commonwealth Procurement Rules for Small and Medium Enterprise (SME) with at least 50% Indigenous ownership:
- the Indigenous Opportunity Policy and
- the Indigenous Business Procurement Policy.

Guidance on the steps involved in identifying and procuring from Indigenous business for the purposes of the Indigenous Business Procurement Policy



Part 1 – Indigenous Procurement in the Department

Background

Government expenditure can contribute to promoting employment and training opportunities for Indigenous Australians. The Council of Australian Governments (COAG) under the National Partnership Agreement on Indigenous Economic Participation has made a commitment to strengthen current government procurement policies to maximise Indigenous employment. In implementing Indigenous procurement policy requirements, jobs will be created for Indigenous Australians, the skills of Indigenous Australians will be developed, and Indigenous businesses will be created and supported.

Indigenous business owners typically have a strong desire to employ Indigenous people. Growth in Indigenous business therefore translates directly to employment opportunities for Indigenous people. This in turn creates an imperative for Indigenous business owners/leaders to ensure their youth (their future employees and stakeholders) make healthy lifestyle choices and value secondary education.

The Indigenous Procurement Policy (IPP)

[Indigenous Procurement Policy](#) (IPP) came into effect from 1 July 2015 and replaced the Indigenous Opportunities Policy.

The primary purpose of the policy is to stimulate Indigenous entrepreneurship and business development, providing Indigenous Australians with more opportunities to participate in the economy.

As the Indigenous business sector is dominated by small to medium sized enterprises (SMEs), the new policy focuses effort on these enterprises to drive improvements in Indigenous economic development and Indigenous employment.

Indigenous enterprises are around 100 times more likely to employ Indigenous people than non-Indigenous enterprises and strengthening the Indigenous business sector will also have a significant flow-on impact on Indigenous employment.

Prior to the implementation of the policy, Indigenous enterprises secured only limited Commonwealth business. The policy is intended to significantly increase the rate of purchasing from Indigenous enterprises, helping to drive Indigenous economic development and strengthen the Indigenous business sector.

The policy has three key components:

1. A target for purchasing from Indigenous enterprises.
2. A mandatory set-aside to direct some Commonwealth contracts to Indigenous enterprises.
3. Minimum Indigenous participation requirements for certain Commonwealth contracts



Commonwealth Procurement Rules

Under the Commonwealth Procurement Rules (CPRs), exemption 16, ***procurements of goods and services from a Small or Medium Enterprise with at least 50% Indigenous ownership*** are exempt from the application of Division 2 of the CPRs. Division 2 of the CPRs includes additional rules for procurements at or above the relevant procurement threshold. This exemption complements the IOP but operates separately.

For PGPA Act non-Corporate Commonwealth entities, the procurement threshold is \$80,000, unless the procurement is for construction services, in which case the procurement threshold is \$7.5 million.

This means that where the procurement for goods or services is valued at or above \$80,000 and there is an Indigenous business that:

- is Small or Medium Enterprise (SME) with at least 50% Indigenous ownership;
- which provides a suitable good or service for your procurement;

You may source the goods or services from that Indigenous business through Limited Tender.

The procurement will still, however, need to be undertaken in accordance with value for money requirements and the rules in Division 1 of the CPRs. Thus, Indigenous businesses that are considered suitable and submit a proposal, but do not offer value for money should not be selected for the procurement activity.

Mandatory Whole-of-Government Panels

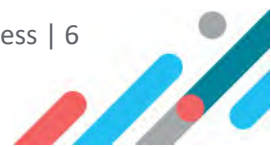
If you must use a mandatory Whole-of-Government panel (for example, the Management Advisory Services (MAS) Panel for consultancies or the People Panel), you should consider Indigenous suppliers on these panels first.

Indigenous business procurements valued below \$10,000

The Indigenous Procurement Policy does not apply to the department's procurements valued below \$10,000 as these are low value procurements that require a single verbal quote and may appear to offer only limited value/benefit to Indigenous businesses and impose disproportionate administrative challenges to the department. However, where possible, staff should consider applying the \$10,000 to \$80,000 Indigenous Business Procurement Policy even for these smaller procurements.

Indigenous Procurement Policy for procurements valued between \$10,000 to \$80,000

While the requirements for Indigenous business procurement in the department apply to procurements valued at \$80,000 to \$200,000 (GST Incl), procurement officials are encouraged to consider Indigenous business for any procurement opportunity valued at \$10,000 to \$80,000. The Indigenous Procurement Policy requires that verified Indigenous businesses should be considered and given an opportunity to participate in the standard quote process, if their participation is



considered appropriate to the procurement. This means that if there is an appropriate Indigenous business that provides a suitable good or service for your procurement, you should offer them the opportunity to submit a quote.

The current requirement that procurement decisions satisfy the value for money considerations continues to apply. Thus, Indigenous businesses that are considered suitable and submit quotes, but do not offer value for money should not be selected for the procurement activity.

More information can be found on the [Procurement and Grants Policy Team Intranet Page](#).

Indigenous Procurement Policy for procurements valued between \$80,000 and \$200,000.

The Indigenous Procurement Policy applies to the department's procurements valued between \$80,000 and \$200,000.

There are mandatory set-aside provisions in the policy which will give Indigenous SMEs greater access to the most relevant Commonwealth contracting opportunities. The mandatory set-aside gives Indigenous SMEs the chance to demonstrate value for money first, before the procuring officer makes a general approach to the market.

The contracts that the mandatory set-aside applies to will be reviewed each year to ensure that the targeted group of procurements are achieving the intended outcome.

The mandatory set-aside applies to:

1. all Remote Procurements (except for transactions paid for by credit card); and
2. all other new domestic procurements where the estimated value of the procurement is from **\$80,000 to \$200,000 (GST inclusive)**, other than:
3. procurements to which paragraph 2.6 or 10.3 of the Commonwealth Procurement Rules apply; and
4. procurements where the purchase is made through a mandatory whole of government procurement arrangement or through a departmental panel arrangement that is specified as an exclusive purchasing arrangement; and
5. procurements where the purchase is made using an exemption to Appendix A of the Commonwealth Procurement Rules other than Exemption 16.

The exemption under the CPRs for SME with at least 50% Indigenous ownership may be relevant and should be considered.

Definition of verified Indigenous business.

A verified Indigenous Business for the purpose of the Indigenous Procurement Policy is a Small or Medium Enterprise with at least 50% Indigenous Australian ownership and an Australian Business Number (ABN).

Small and Medium Enterprise is defined as an Australian or New Zealand firm with fewer than 200 full-time equivalent employees.



A list of verified Indigenous businesses can be accessed on the Supply Nation website. Supply Nation is a not-for-profit membership body for Australian companies and Government agencies who are seeking to buy goods and services from Indigenous businesses. It provides a direct business-to-business purchasing link between corporate Australia, Government agencies and Indigenous owned businesses.

Supply Nation certify Indigenous business suppliers as 51% Indigenous owned, managed and controlled, Australian companies and Government agencies that are members of Supply Nation are able to access a qualified database of Indigenous suppliers for procurement opportunities.

Summary

Where you are undertaking procurement activity valued between \$10,000 and \$80,000 you should consider providing Indigenous business an opportunity to participate in the RFQ process and be assessed for Value for Money.

For procurement activity valued at \$80,000 to \$200,000, the IPP and the exemption under the CPRs for SME with at least 50% Indigenous ownership applies. It is mandatory that you provide Indigenous Business the opportunity to respond to the RFQ.

For procurement activity valued below \$10,000 or over \$200,000, you are *not required* to consider verified Indigenous business for the purposes of the Indigenous Procurement Policy. However, it is strongly *recommended* that you consider applying the \$80,000 - \$200,000 process for these procurements. In these cases, you will be exercising the Exemption 16 in the Appendix A of the Division 2 in the CPR.



Part 2 – Using Indigenous Business

Supply Nation Indigenous Suppliers listing

A list of verified or 'certified' Indigenous suppliers can be found on the [Supply Nation Website](#). The public list of certified suppliers can be searched under the [Indigenous Business Direct](#) banner.

If an Indigenous business is listed here, it can be considered verified for the purpose of the Indigenous Business Procurement Policy.

The purpose of certification is to assure Supply Nation members that the Indigenous suppliers they seek to contract with are majority Indigenous Australian owned as well as managed and controlled by Indigenous Australians.

In addition to Supply Nation, there are several other listings of Indigenous enterprises which are available to agencies.

The Supply Nation certifies that suppliers on their list are at least 51% Indigenous owned.

When applying the exemption for SME with at least 50% Indigenous ownership from Division 2 of the CPRs in a procurement, agencies are required to use their own due diligence to ensure the SME is at least 50% Indigenous owned.

What if there are no suitable Indigenous businesses available?

If there are no suitable Indigenous businesses available for your particular procurement, then you do not need to get a quote from an Indigenous business. A business case to purchase should note the success or otherwise of finding suitable Indigenous Businesses to seek quotes. Quotes from other businesses will be required, as usual.

You are under no obligation to buy from the Indigenous business if it does not offer value for money. When selecting any business for your procurement activity, selection should be based on whether the business can provide value for money. If the Indigenous business fails to do so, it should not be selected over other suitable businesses that offer value for money. Doing so would contravene section 5.3 of the CPRs regarding anti-discrimination.

If no response is received to a request for quote

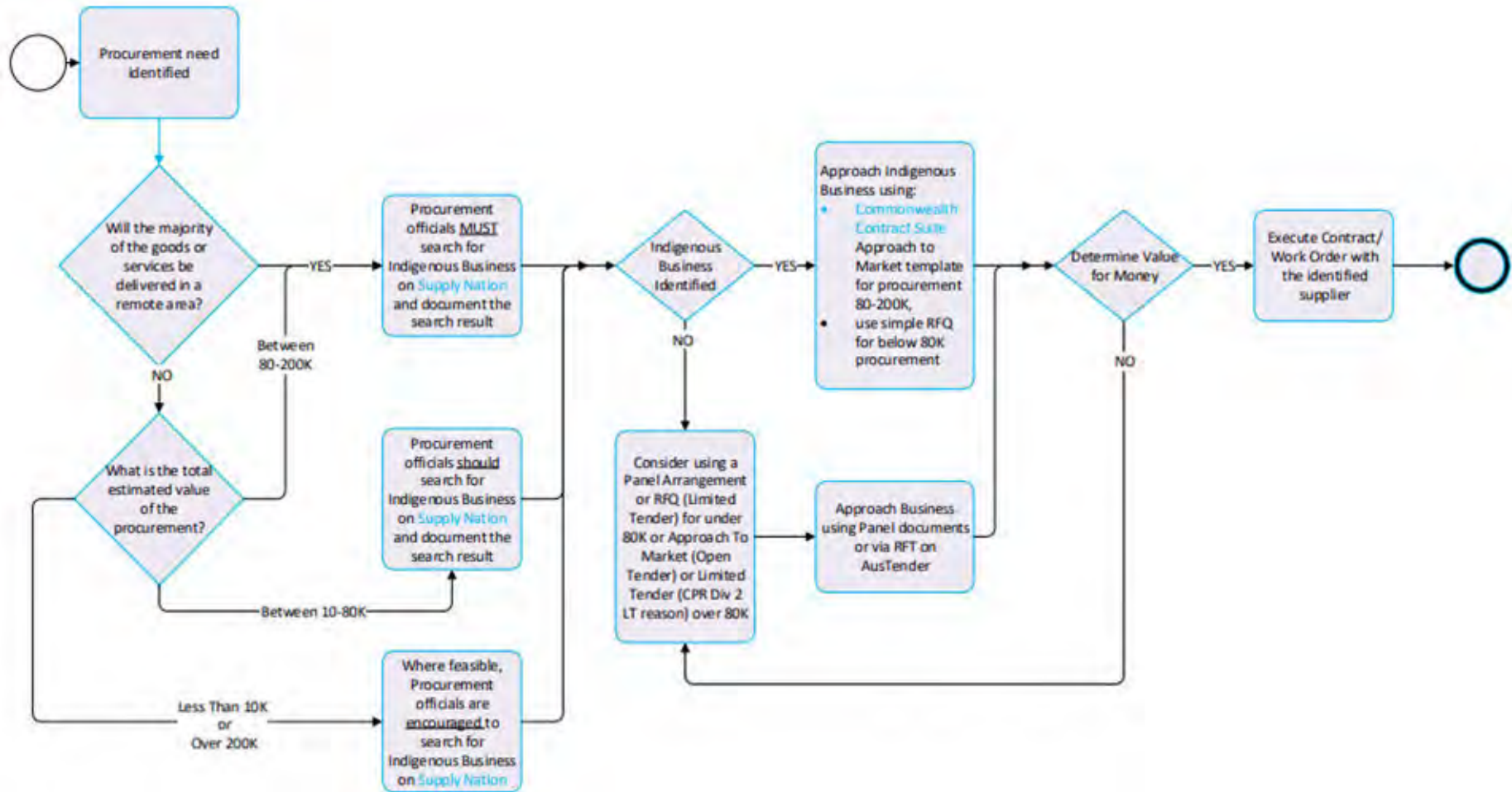
The Indigenous business, and all businesses you seek quotes from, should be provided with sufficient time and information to be able to provide a quote. If the Indigenous business declines to provide a quote you should treat it the same way as any other late or non-compliant response.

Feedback to Indigenous business

Unsuccessful Indigenous businesses should be provided with a debriefing so that they are able to understand areas they excelled in and in areas where they could improve to maximise future opportunities within the government.



Applying the IPP to your procurement flowchart



Part 3 – Further Information and Assistance

Tools and Templates

- Practical Guide: Approaching the Market
- Practical Guide: Defining Requirements
- Practical Guide: Evaluation and Selection of Suppliers

Further information

Further information is available on:

- [Commonwealth Procurement Rules](#)
- [Fairness and Transparency in Purchasing Decisions](#)
- [APS Code of Conduct](#)
- [Accountable Authority Instructions](#)
- [Procurement and Grants Policy Team Intranet Page.](#)
- [Buying for the Australian Government](#)
- [Indigenous Procurement Policy](#)

Contact the Procurement Services Team

If you have any questions or require assistance with your procurement activity, please contact the

[Procurement and Grants Policy and Services Team.](#)

