

PROPOSED
NORTHERN TERRITORY PUBLIC SECTOR
FRANCES BAY MARINE FACILITY
PORT SERVICE WORKER
2018 – 2022
ENTERPRISE AGREEMENT
EXPLANATORY NOTES

**THIS DOCUMENT REFLECTS THE CHANGES IN THE PROPOSED
AGREEMENT COMPARED WITH THE CURRENT AGREEMENT**

Please note:

- i. Reference to the 'current Agreement' means the *Darwin Port Corporation (Northern Territory Public Sector) 2014 – 2018 Enterprise Agreement* and reference to the 'new Agreement' means the proposed *Northern Territory Public Sector Frances Bay Marine Facility Port Service Worker 2018 – 2022 Enterprise Agreement*.
- ii. Drafting amendments have been made throughout the new Agreement adopting inclusive language and plain English language, where appropriate, without affecting entitlements or conditions.
- iii. Provisions of the current Agreement which did not apply to Port Service Workers have been removed from the new Agreement.
- iv. This document is in order of clause numbers under the proposed new Agreement. Clause numbers vary from the current Agreement.
- v. Where clauses have been referenced the clause in the explanatory notes are referring to the new Agreement clauses. Under each clause number is an explanation of how the provision or entitlement has changed from the current Agreement to the new Agreement.

Part 1 Application and Operation of Agreement

1 Title

The title of the Agreement has been updated.

2 Period of Operation

The period of the new Agreement has been updated to reflect the new nominal expiry date.

3 Definitions

The following definitions have been updated:

- **CEO** has been updated to reflect the correct CEO;
- **DIPL** has been included as the responsible agency;
- **Employee** has been updated to reflect DIPL's role ;
- **PSCC** has been included;
- **Union** has been updated to reflect the union's new structure;

Definitions of terms which are not used in the new Agreement have been deleted.

4 Parties Covered by this Agreement

This clause has been amended to reflect the coverage of new Agreement,

5 No Extra Claims and Negotiation of Replacement Agreement

There is no substantive change to this clause.

6 Operation of PSEM Act, By-laws and Determinations

There is no substantive change to this clause.

7 National Employment Standards

This is a new clause to confirm the interaction of the new Agreement with the National Employment Standards.

8 Intention, Commitment and Objectives

This clause has been updated consistent with other agreements in the NTPS and reflects the objectives of the new Agreement.

9 Productivity and Efficiency

This new clause is consistent with other agreements in the NTPS and reflects a recognition of productivity and efficiency through the new Agreement.

10 Consultative Committees

This clause has been updated to be consistent with other agreements in the NTPS and reflects the role of the PSCC across the NTPS. The clause also facilitates the establishment of consultative committees within the agency.

Part 2 Procedural Matters

11 Dispute Settling Procedures

There is no substantive change to this clause:

- Elements of the clause which did not apply to Port Service Workers have been removed.
- References to the NTPS Agreement have been updated to references within the new Agreement, as the provisions have been incorporated into the new Agreement.
- Leave to attend industrial proceedings has been moved to Part 5 of the new Agreement.

12 Management of Change and Consultation

There is no substantive change to this clause.

13 Individual Flexibility Arrangements

There is no substantive change to this clause.

14 Union Delegates and Training

There is no substantive change to this clause.

15 Use of Contractors

There is no substantive change to this clause. The requirement to provide reports to the JCC has been removed as the JCC does not exist in the new Agreement.

Part 3 Classification, Salaries and Allowances

16 Classification

There is no substantive change to this clause for Port Service Workers.

17 Salaries

This clause has been updated to reflect annual salary increases of 2.5% for four years.

18 Recovery of Overpayments

This clause has been updated to remove the option of recovering relocation costs, consistent with requirements of the *Fair Work Act*. The clause has also been amended to allow overpayments to automatically be recovered on cessation, rather than requiring CEO approval.

19 Superannuation

This clause has had minor changes to update the legislation and improve readability.

20 Salary Sacrifice

This clause has had minor changes to update the legislation and improve readability.

21 Casual Employment

There is no substantive change to this clause:

22 Allowances

This clause has been amended to confirm that the Northern Territory Allowance will only be available to employees who were receiving the allowance on the day prior to commencement of the new Agreement.

There is no other substantive change to this clause for Port Service Workers. However, the rates in the Attachment have been updated.

Part 4 Hours of Work, Breaks, Overtime, Public Holiday Work

23 Notification of Work Requirements

There is no substantive change to this clause.

24 Flexibility of Hours

There is no substantive change to this clause.

25 Part-time Employment

There is no substantive change to this clause. The requirement to advise unions of the number of part time employees has been removed due to the small number of employees.

26 Ordinary Hours of Work

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed.

27 Meal and Rest Breaks

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed.

28 Requirement to Work Reasonable Additional Hours

There is no substantive change to this clause.

29 Overtime

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed.

30 Call back

There is no substantive change to this clause.

31 Duties During a Call back

There is no substantive change to this clause.

32 10 Hour Break

There is no substantive change to this clause.

33 Time-off In Lieu of Overtime

There is no substantive change to this clause. The overtime barrier does not apply to Port Service Workers and has been removed.

34 Work on a Public Holiday

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed. Reference to internal policy process has also been removed.

Part 5 Leave and Public Holidays

35 Recreation Leave

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed.

36 Recreation Leave Loading

There is no substantive change to this clause for Port Service Workers. Shift work doesn't apply and relevant provisions have been removed.

37 Recreation Leave at Half Pay

There is no substantive change to this clause for Port Service Workers. The clause has been moved from the Schedule in the current Agreement.

38 Purchase of Additional Leave (Purchased Leave)

There is no substantive change to this clause for Port Service Workers. The clause has been moved from the Schedule in the current Agreement.

39 Personal Leave

This clause has been updated for consistency with other NTPS agreements, including consistent definitions with the *Fair Work Act*, drafting improvements to aid readability, clarifying unpaid carers leave for casual employees, and clarifying evidence requirements for carers leave purposes. Shift work doesn't apply and relevant provisions have been removed.

40 Compassionate Leave

This clause has been updated to include consistent definitions with the *Fair Work Act* and drafting improvements to aid readability.

41 Parental Leave

The NTPS common parental leave provision clause is incorporated into the new Agreement, rather than incorporated by reference. There are substantial improvements to the entitlements, specifically:

- primary caregiver parental leave;
- extension of the application of parental leave to surrogacy arrangements; and
- superannuation contributions during a period of parental leave (extended from six to 12 months).

42 Long Service Leave

There is no substantive change to this clause for Port Service Workers. Port Service Workers do not receive annualised salaries and shift roster allowances and these provisions have been removed.

43 Domestic and Family Violence

This is a new clause to provide an entitlement to leave for employees experiencing Domestic and Family Violence.

44 Public Holidays

There is no substantive change to this clause.

45 Leave to attend industrial proceedings

There is no substantive change to this clause. The clause has been moved from the Dispute Settling Procedures clause.

Part 6 General Conditions

46 Security of Employment, Redeployment and Redundancy

There is no substantive change to this clause. The NTPS Redeployment and Redundancy entitlements have been incorporated as an attachment to the new Agreement.

47 Termination of Employment

There is no substantive change to this clause.

48 Mixed Functions

There is no substantive change to this clause.

49 Work-Life Balance

This clause has been updated to improve readability.

50 Request for Flexible Working Arrangements in accordance with the NES

There is no substantive change to this clause.

51 Training

There is no substantive change to this clause for Port Service Workers.

Attachment A – Salaries and Allowances

The Port Service Workers salaries table has been updated to reflect only those classifications and salaries which may be covered by the new Agreement. Annualised salaries and shift allowance columns do not apply to Port Service Workers covered by the new Agreement and have been removed.

Salary and allowance amounts have been increased by 2.5% each year.

Other classification structures which are not covered by the new Agreement, and allowances that do not apply to Port Service Workers have been removed.

Attachment B - Northern Territory Public Sector Redeployment and Redundancy Entitlements

The NTPS Redeployment and Redundancy entitlements have been incorporated as an attachment to the new Agreement

Information on the New Agreement

If you would like further information on the agreement, please contact the Employee Relations unit in the Office of the Commissioner for Public Employment on telephone **08 8999 4282**. Alternatively you can email your query to Enquiries.Ocpe@nt.gov.au .