PROPOSED
NORTHERN TERRITORY PUBLIC SECTOR
ABORIGINAL HEALTH PRACTITIONER
2018 – 2022
ENTERPRISE AGREEMENT
EXPLANATORY NOTES
THIS DOCUMENT REFLECTS THE CHANGES IN THE NEW PROPOSED AGREEMENT COMPARED WITH THE NTPS 2013 – 2017 ENTERPRISE AGREEMENT – THE ABORIGINAL HEALTH PRACTITIONERS WERE PREVIOUSLY COVERED BY

Please note:

i. Reference to the ‘current Agreement’ means the NTPS 2013 – 2017 Enterprise Agreement (ID AE405518) and reference to the ‘new Agreement’ means the proposed NTPS Aboriginal Health Practitioner 2018 - 2022 Enterprise Agreement.

ii. Technical changes made throughout the new Agreement adopting gender neutral language and plain English language where appropriate without affecting entitlements or conditions.

iii. The Agreement has been amended to improve readability and to remove the duplication of clauses and conditions particularly across the Schedules. These changes do not affect the current entitlements and conditions.

iv. This document is in order of clause numbers under the proposed new Agreement. Clause numbers vary from the current Agreement due to the alignment of common clauses in the Schedules and the removal of “omitted” clauses.

v. Where clauses have been referenced the clause and sub-clause numbers 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 translated from the current Agreement to the proposed Agreement.
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PART 1 – APPLICATION AND OPERATION OF AGREEMENT

1. **Title**

The title has changed to reflect the new NTPS Aboriginal Health Practitioner 2018-2022 Enterprise Agreement.

2. **National Employment Standards**

This is a new clause that provides a provision stating the National Employment Standards (NES) prevail across the agreement. The NES sets the minimum entitlements under the Fair Work Act.

3. **Parties covered by this Agreement**

This clause has been updated to reflect Aboriginal Health Practitioners.

4. **Definitions**

The definition of “Agreement” has been updated to reflect the title of the new Enterprise Agreement.

The definition of ‘CEO’ (i.e. Chief Executive Officer) has been updated to include ‘or their delegate’. This is a technical change and replaces references in the current Agreement to ‘CEO or his/her delegate’ throughout the provisions.

The definition of ‘employee’ has been updated to Aboriginal Health Practitioner, Aboriginal and Torres Strait Islander Health Practitioner or Torres Strait Islander Health Practitioner.

The definition of NES has now been included.

The definition for “Competency Based Assessment and Training” has been removed as this is no longer operative in the NTPS.

5. **Period of Operation**

The period of the new Enterprise Agreement has been updated to reflect the nominal expiry date 10 August 2022.

6. **Variation of Public Sector Employment and Management By-laws and Determinations**

There is no change to this clause.

7. **No Extra Claims**

There is no change to this clause.

8. **Negotiations for Replacement Agreement**
There is no change to this clause.

9. **Objectives of Agreement**

There is no change to this clause.

10. **Productivity and Efficiency**

There is no change to this clause.

11. **Dispute Settling Procedures**

The current clause has been amended to make it clearer for employees that utilising s59 is in order to have the decision reviewed. The new Agreement also introduces a mechanism for employees to resolve disputes in relation to By-laws.

A savings clause has been included in the new Agreement which sets out how unresolved disputes at the commencement of the new Enterprise Agreement will continue to be dealt with and provides additional protections which enable the current provisions to be maintained while a dispute is being resolved.

**PART 2 – PROCEDURAL MATTERS**

12. **Union Rights**

The rights and obligations of delegates have now been included in the Agreement and will be underpinned by a set of key principles. Delegates will only need to advise their manager that they are delegates rather than the CEO.

13. **Management of Change**

The clause ensures compliance with the Fair Work Act and also clearly sets out that consultation on major change will occur prior to a CEO making a final decision.

14. **Joint Consultative Committees**

Minor changes to make this specific to operational issues within the Aboriginal Health Practitioner profession with the parties agreeing to establish a consultative committee as a forum for consultation.

15. **Commitment to Employee Assistance Program**

There is no change to this clause.

16. **Appropriate Workplace Behaviour**

There has been a title change, no change to the application of this clause.
PART 3 – Employment Arrangements

17. Current Aboriginal Torres Strait Islander Health Practitioner (ATP) Classification

This is a new clause setting out that the old structure will no longer be valid for new employees.

18. Engagement of Employees

There is no change to the application of this clause, casual employee was added for clarity.

19. Casual Employment

There is no change to this clause.

20. Part-Time Employment

This clause is predominately in line with Schedule 4 under the current Agreement. The new clause has been amended to improve readability and identifies that part-time arrangements are less than full-time hours, with the hours and days to be worked to be agreed by the CEO and the employee.

There is technical changes to the language to provide that an agreement for conversion to part-time employment may be for a fixed period or an ongoing basis and where part-time is for a fixed period, the period must be agreed in writing.

Removed current clause 42.5 which refers to overtime worked by a part-time employee, this is now covered in the overtime clause.

Removed current clause 42.10 which refers to increments, this is now covered in the increments clause.

21. Security of Employment

There is no change to this clause.

22. Individual Flexible Working Arrangements

This clause has been updated to provide better clarity regarding this provision where changes to employment conditions that aren’t available under the enterprise agreement may be entered into if the employee is better off overall, however these arrangements require the approval of the Commissioner for Public Employment.

There was also an update to a perceived deficiency in the NTPS common clauses, this clarifies an agreement arrangement can be entered into that meets the genuine needs of the employee and employer.

23. Variation to Working Arrangements for Groups of Employees

This clause has been updated to include – “hours of work, including rostered days off, restricted duties, flextime “or longer and/or more frequent unpaid breaks during the day”. This allows
Agencies to address operational needs and requests from employees to have a longer break in the middle of the day noting that work would still be within the span of hours.

24. **Workloads**

There is no change to this clause.

25. **Work Life Balance**

This clause has been amended to improve readability. The initiatives are set out under one clause separately from the initiatives which are underpinned by a specific clause elsewhere in the Agreement.

The reference to the Advanced Notice of Leave Without Pay has been removed as it is unnecessary as employees are not limited by the notice required for leave without pay (ie don’t need to give four years notice).

26. **Flextime Scheme for non-shift workers**

This is a new clause that provides clear guidelines regarding Flextime for non-shift workers.

27. **Request for Flexible Work Arrangements in Accordance with NES**

This is now a separate clause in the new Agreement which reflects National Employment Standard options under the Fair Work Act and also applies to long term casuals. This was previously under the work life balance clause.

28. **Training and Development**

There is no change to this clause.

29. **Redeployment and Redundancy**

There is no change to this clause.

**PART 4 – Salaries and Increments**

30. **Classifications – Aboriginal Health Practitioner**

The old classification descriptors in Schedule 4 have now been updated to reflect the new classification structure.

31. **Transition to the New Aboriginal Health Practitioner Structure**

This is a new clause relating to the transition from the old structure to the new structure.
32. Salaries

Updated to reflect 2.5% increase effective from first pay period to commence on or after 9 August 2018. 2.5% increase effective from first pay period to commence on or after 9 August 2019, 2.5% increase effective from first pay period to commence on or after 9 August 2020 and 2.5% increase effective from first pay period to commence on or after 9 August 2021.

33. Payment of Salary

There has been no change to this clause.

34. Increments

This clause has been changed to reflect that it does not apply to Trainees and Apprentices.

This clause was consolidated across all of the Schedules for alignment and consistency. Increments from the current Schedule 1 and Schedule 4 are part of this clause – there has been no change to the application of increments.

35. Superannuation

There has been a minor change to update the legislation and improve readability. There was also a change to address perceived deficiency in NTPS common clause, this was an undertaking which relates to s194(h) of the FW Act.

36. Salary Sacrifice

There has been a minor change to update the legislation and improve readability.

37. Recovery of Overpayments

This clause has a title change. Amended from “Recovery of Overpayment and Relocation Costs on Cessation of Employment” to “Recovery of Overpayments”. This was changed as it is not permissable to recover relocation costs based on a term in the Agreement. The clause has also been amended for overpayments to automatically be recovered on cessation rather than requiring CEO approval.

38. Recognition of Previous Experience

There is no change to this clause.

PART 5 – Allowances

39. Higher Duties Allowance

Schedules were consolidated in the current Agreement. There has been no change in the application of higher duties.
40. **Professional Development Allowance**

This is a new clause and new condition to provide Professional Development Allowance to Aboriginal Health Practitioners.

41. **Accident Allowance**

There is no change to this clause.

42. **Meal Allowance**

There is no change to this clause.

43. **Allowance for Travelling on Duty**

There has been a minor change to this clause, it has been expanded to include the By-law for living away from home allowance when travel is in excess of 21 days to the same destination.

44. **Excess Travelling Time**

This clause has been changed to now reflect the eligibility for payment at the AHP designation rather than the Administrative classification.

45. **Protection of employees**

There is no change to this clause.

46. **Compensation for damage to clothes and/or personal effects**

There is no change to this clause.

47. **Electricity Subsidy for Employees in Remote Localities**

There has been a minor change with a reference at the beginning of the clause explaining category of remoteness is determined by the Commissioner for Public Employment which is the current situation.

**PART 6 – Hours of Duty**

48. **Hours of Duty – Day Workers**

The span of hours reflects the core of the current Agreement.

49. **Hours of Duty – Shiftworkers**
Existing provision, only change was “the ordinary hours of duty as a shiftworker will not exceed on any day in shifts of eight hours” – “or as otherwise agreed” was added to provide flexibility.

50. Change in Rostered Hours of Duty

There is no change to this clause.

51. Saturday Duty

There is no change to this clause.

52. Sunday and Public Holiday Pay

There is no change to this clause.

53. Christmas Falling on a Saturday or Sunday

There is no change to this clause.

54. Additional Hours and Overtime

There is no change to this clause.

The following clauses have been moved to this section:

- Reasonable request to work overtime
- Eligibility for overtime – from Schedule 1
- Calculation of Overtime Payment – from Schedule 1
- Payment for overtime – day worker – from Schedule 4
- Payment for overtime – shiftworker – from Schedule 4
- Payment for overtime – part-time employees – this previously was under part-time employees
- Rest period – from Schedule 4
- Minimum Payments (Separate Overtime) – from Schedule 4
- Emergency Duty – from Schedule 4
- Crib time – from Schedule 4
- Time Off in Lieu – from Schedule 1

There has been a change to reflect an AHP designation with the overtime barrier rather than the Administrative classification.

55. On call and Standby

There is no change to this clause.

56. Restriction Duty

This clause references By-law 38, as these restrictive entitlements are currently not used with AHPs.
57. **Tea Breaks**

There is no change to this clause.

**PART 7 – Leave**

58. **Recreation Leave**

There is no change to this clause.

59. **Recreation Leave Loading**

There is a minor change regarding the requirement to utilise one week of recreation leave to be entitled to recreation leave loading, this now does not apply to shiftworkers.

A new provision regarding how recreation leave and shiftwork penalties apply to shiftworkers and that they are only required to take one day of recreation leave to be paid PILS.

60. **Recreation Leave at Half Pay**

There is no change to this clause.

61. **Purchase of Additional Leave**

There are improvements from the General Agreement with the ability of employees purchasing leave to be credited every quarter.

62. **Personal Leave**

There has been some technical changes to update the definitions and provide clearer provisions for casual employees.

63. **Compassionate Leave**

There has been some technical changes to update the definitions in line with the FW Act and to simplify provisions and reduce duplication.

64. **Domestic and Family Violence**

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

65. **Cultural and Ceremonial Leave**

This is a new clause to provide an employee up to five days unpaid cultural leave for cultural or ceremonial obligations. Further information was added recognising the important role AHPs play in...
their community and in addition, AHPs who wish to partake in NAIDOC Day will have more flexible options for time off.

66. Parental Leave

This clause in the current Agreement has been broadened with the application of paid parental leave provisions to include surrogacy situations and to expand the leave available to partners. This will provide employees who meet the relevant criteria with the current generous levels of paid parental leave of up to 18 weeks, and up to a total of three years off for parental leave purposes. This new provision will provide partners with additional leave where they take on the primary carer responsibilities. This leave would be available where the initial primary caregiver returns to work and the partner would be able to access paid partner as primary caregiver leave. For employees with more than five years of service this will be up to 18 weeks from the birth of the child, and 14 weeks for employees with one to five years of service. Partners may still access partner leave (up to 2 weeks paid) prior to accessing this new partner as primary caregiver leave. However only one parent of the family unit can nominate as primary caregiver at a time. The maximum period of paid leave for a partner will be 18 weeks. In the new Agreement employees on parental leave will have their superannuation paid for the first 12 months of parental leave. Employees will continue to be able to request leave without pay or flexible working arrangements up until the child reaches school age.

67. Long Service Leave

There is no change to this clause.

68. Public Holidays

This clause was updated in line with the NTPS General aligning the Schedules.

69. Christmas Closedown

This is clause 53 in the current Agreement. There is a minor change to amend provisions to accommodate situations where Christmas/New Year goes over a working week with the ability for work units to consider additional days before Christmas Day and after New Year's Day.

70. Emergency Leave

There is no change to this clause.

71. Employee Called as a Juror or Witness

There is no change to this clause.

72. Leave to Attend Industrial Proceedings

There is no change to this clause.
73. Grievance and Dispute Resolution Training

There is no change to this clause.

PART 8 – Preserved Entitlements for Long Term Employee

This Part is an alignment across the NTPS General to outline preserved entitlements for employees who commenced prior to 1987 and Compulsory Transferees.

74. Northern Territory Allowance

The clause also sets out that the Northern Territory Allowance will now only be available to employees who were in receipt of the allowance prior to the commencement of the Agreement.

75. Airfares and Other Related Entitlements

This Clause outlines preserved entitlements for employees who commenced prior to 1987 and Compulsory Transferees.

Schedule A

No substantial changes – some grammar/clarification updates.

Schedule B

New structure with level descriptors.

Schedule C

Current structure with new salary rates.

Schedule D

New structure with salary rates.

Schedule E

Allowances rates updated.

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 online www.enterpriseagreements.nt.gov.au/general_feedback. Also visit our website at current negotiations for more information.