

**Commonwealth Members of Parliament Staff Enterprise Agreement 2020-23
Bargaining Group**

MEETING RECORD

Friday, 16 April 2021

11:30am – 1:30pm

1S6, Parliament House and by GovTEAMS

Present:

Name	Office / Organisation
Luke Barnes*	Mr Dave Sharma MP
Lynnis Bonanno*	Mr George Christensen MP
Daniel Frost-Foster	The Hon Trevor Evans MP
Michael Heydon*	Senator Slade Brockman
Jorden Gunton*	Senator Wendy Askew
Rosemary Little*	The Hon Peter Dutton MP
Leonie Lloyd-Smith*	Mr Rowan Ramsey MP
Tory Mencshelyi	The Hon Damian Drum
Tom Pretty*	The Hon Dan Tehan MP
Kim York	Senator Rex Patrick
Mick Jones*	Australian Services Union (ASU)
Poni Ravula	ASU
Alison Byrnes*	ASU (The Hon Sharon Bird MP)
Bryce Wilson	ASU (Mr David Smith MP)
Brydan Toner	ASU (Dr Mike Freeland MP)
Ron Johnson	Community and Public Sector Union (CPSU)
Eleanor Kennedy*	CPSU
Kim Hall*	CPSU (Ms Sharon Claydon MP)
Trish Cowcher*	CPSU (Senator Jordan Steele-John)
Kate Sutherland*	CPSU (Ms Lisa Chesters MP)
Steven Mammarella	Minister for Finance
Dana Sutton	Department of Finance
Luke Kostava	Department of Finance
Jo Fernandez	Department of Finance

*Via GovTEAMS

Apologies: Mark Briers (Senator the Hon Anne Ruston), Simon Kelly (Mr Llew O'Brien MP)

Meeting Chair: Dana Sutton

Meeting opened: 11:40m

Meeting closed: 1:40pm

Item 1 – Introduction and apologies

- Ms Sutton opened the meeting and welcomed all attendees. Attendees introduced themselves and apologies were noted.

Item 2 – Business arising

- Open action items
 - 7/21 – Complete – The letter from the Stillbirth Foundation to the Minister for Finance and the communications between Finance and the CPSU was distributed this morning.
 - 8/21 – Complete – For the period 1 May 2019 to 31 March 2021 a total of 58 modules were completed for Part 2 of the Bullying and Harassment (B&H) training for Parliamentarians – seven of those were completed by Parliamentarians. Representatives requested further data on B&H training.
 - 9/21 – Complete – There are monthly reminders sent to all staff as part of the JLT monthly newsletters and these issues are included in induction for all new parliamentarians and staff. The WHS Site officer has checklists to ensure induction which includes bullying and harassment training. Finance is considering other steps that could be taken in relation to encouraging attendance at training, as part of consideration of broader matters at this time.
 - 10/21 – Complete – Finance re-stated the position that Minister Birmingham is the Minister responsible for bargaining. The Minister is kept informed of issues and progress including the letter from the CPSU. Consistent with decades of practice, the Prime Minister has authorised his powers under the MOP(S) Act to Minister Birmingham.

Assistant Minister Morton is responsible for the *Public Sector Workplace Relations Policy 2020 (WR Policy)*, but is not responsible for bargaining arrangements within specific agencies, who remain responsible for their own bargaining within the requirements of the WR Policy.

- 11/21 – Complete – No additional funding is required in order to pay superannuation on paid parental leave given the costing methodology Finance uses, which consistent with long-standing practice already assumes superannuation is paid on all remuneration.
- 12/21 – Complete – Finance does not consult with the APSC on all claims as each agency remains responsible for interpreting the WR Policy. Where there is doubt, Finance may seek guidance from the APSC.

The conversion of TOIL to annual leave is considered an enhancement as the Commonwealth would be providing additional leave and recognising a leave liability. Finance confirmed its understanding with the APSC.

- Representatives expressed disappointment that the Government was not ready to offer a remuneration offer or a draft enterprise agreement at the meeting.
- Mr Wilson asked if Finance had sought advice from the APSC or the Attorney General's Department on staff working beyond usual hours who are unable to use TOIL.

ACTION ITEMS
13/21: Finance to consider providing further data on: the proportion of staff that had completed B&H training, the number of staff that had been employed for longer than six months that had completed B&H training and the breakdown of B&H training by gender.

14/21: Finance to consider if they had sought advice from the APSC, the Attorney General's Department or the Fair Work Ombudsman on staff working beyond usual hours who are unable to use TOIL.

Item 3 – Government responses to bargaining claims

- Mr Kostava outlined Government responses to some claims.
- Mr Wilson lodged a formal claim for MOP(S) Act employees to receive back pay from October 2020 in lieu of not reaching an enterprise agreement.
- Mr Johnson asked if Finance had lodged a draft enterprise agreement and/or a remuneration offer with the APSC. Ms Sutton agreed to take this on notice.

ACTION ITEMS

15/21: Finance to consider the request by Mr Johnson regarding lodgement of a draft enterprise agreement and/or a remuneration offer with the APSC.

Item 4 – Discussion regarding EOA salary and back pay

- Ms Sutton discussed a recently identified payment issue in relation to a number of EOA employees at the EOA-1 and EOA-2 salary points. The issue arose due to the interaction between the *Australian Government Industry Award 2016* and the current Enterprise Agreement.
- There are approximately 60 current employees affected. Their salaries were adjusted from 1 April 2021, and paid in this pay cycle, 15 April 2021. Finance have also identified certain periods since July 2017 where the hourly rate paid to employees at the EOA-1 and EOA-2 levels has been less than the hourly Award rate.
- Finance has commenced an audit which will examine payroll records from the past four financial years to verify the number of former employees affected and determine monies owed. Finance has engaged an independent auditor to help ensure staff receive back pay as quickly as possible. Finance has self-reported this issue to the Fair Work Ombudsman and informed all affected staff.
- Mr Toner commented that if WPI reduces salaries, the EOA payment may be reduced below the award rate again.
- Ms Sutton noted that it is possible to schedule an out-of-session ECG meeting to discuss these issues.

ACTION ITEMS

16/21: Finance to consider scheduling an out-of-session ECG meeting to discuss the EAO back pay matter.

Item 5 – Other business

- Finance distributed an updated proposed bargaining timetable and welcomed views on it.
- A range of views were expressed, including in relation to the timing of the ballot with reference to the parliamentary sitting calendar, including the timing of Budget Estimates. The CPSU indicated that they would reply to the updated bargaining timetable in writing.

- Mr Wilson requested that Finance provided a split between Government and Non-Government employees who have received a 'Salary Above the Range'.
- The next meeting is scheduled for 30 April 2021.

ACTION ITEMS
17/21: Finance to consider the views of bargaining representatives and provide an updated bargaining timetable.
18/21: Finance to consider providing information on the split between Government and Non-Government employees who have received a 'Salary Above the Range'.