



## **Public Service (Terms and Conditions of Employment) (Biosecurity and Veterinarian Employees) Determination 2020**

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I, Greg Hunt, Minister Assisting the Prime Minister for the Public Service and Cabinet, make the following determination.

Dated 30 January 2020

Greg Hunt

Minister Assisting the Prime Minister for the Public Service and Cabinet

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## Part 1—Preliminary

### 1 Name

This instrument is the *Public Service (Terms and Conditions of Employment) (Biosecurity and Veterinarian Employees) Determination 2020*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 February 2020.	1 February 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsection 24(3) of the *Public Service Act 1999*.

### 4 Definitions

In this instrument:

*Act* means the *Public Service Act 1999*.

**biosecurity legislation** means the *Biosecurity Act 2015*, the *Export Control Act 1982* and the *Imported Food Control Act 1992* and instruments made under those Acts.

**Biosecurity Operations Division** means the Division of the Department of Agriculture, Water and the Environment that is responsible for the following in relation to the biosecurity legislation:

- (a) documentation assessment (import and export) and clearance;
- (b) inspection of (imported and exported) cargo, mail, passengers and vessels pathways, post border detections, imported food and human health on behalf of the Department of Health;
- (c) auditing of new and approved regulated entities (import and export);

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- (d) veterinary and food safety regulatory functions for the export of meat, meat products, (import and export) live animals and animal genetic material;
- (e) provision of independent observers on export livestock vessels;
- (f) post-entry quarantine facilities for the importation of dogs, cats, horses, ruminants, bees, birds and plants;
- (g) stakeholders and client contact services and support;
- (h) community and industry engagement including a network of Indigenous ranger groups undertaking biosecurity activities;
- (i) surveillance (pre-border, border and post-border) and response for plant pests and animal diseases on natural and regulated pathways;
- (j) laboratory diagnostics, with scientific and biosecurity advice, and training for the Department's surveillance, border inspections and post-entry plant quarantine.

**DAWR Agreement** means the *Department of Agriculture and Water Resources Enterprise Agreement 2017-20*, as in force immediately before the commencement of this instrument.

Note: The DAWR Agreement could in 2020 be viewed on the Fair Work Commission's website (<https://www.fwc.gov.au>).

**DEE Agreement** means the *Department of the Environment and Energy Enterprise Agreement 2016–2019*.

Note: The DEE Agreement could in 2020 be viewed on the Fair Work Commission's website (<https://www.fwc.gov.au>).

**DEE (Biosecurity) Agreement**: see section 8.

**DEE Salaries and Allowances Determination** means the *Determination under subsection 24(1) of the Public Service Act 1999* made on 30 September 2019 by the Secretary of the Department of the Environment and Energy.

**DEE (Veterinarian) Agreement**: see section 13.

**Department of Agriculture, Water and the Environment** means the Department of that name referred to in the Administrative Arrangements Order made on 5 December 2019.

**Department of the Environment and Energy** means the Department of that name referred to in the Administrative Arrangements Order made on 29 May 2019.

**veterinarian-classified employee** means an APS employee of the Department of Agriculture, Water and the Environment whose local title is one of the following:

- (a) On-Plant Veterinarian;
- (b) one of the following grades of Veterinarian:
  - (i) VO1;
  - (ii) VO2;
  - (iii) VO3;
  - (iv) VO4;
  - (v) VO5.

## Part 2—Biosecurity employees

### 5 Application of this Part

This Part applies to an APS employee in the Biosecurity Operations Division, other than:

- (a) an SES employee; or
- (b) an APS employee whose classification under the Classification Rules is one of the following:
  - (i) APS Meat Inspector 1;
  - (ii) APS Meat Inspector 2;
  - (iii) APS Meat Inspector 3;
  - (iv) APS Meat Inspector 4.

### 6 When this Part ceases to apply

This Part ceases to apply to an APS employee if:

- (a) an enterprise agreement (other than the DEE Agreement) starts to apply to the employee (for the purposes of the *Fair Work Act 2009*); or
- (b) a workplace determination is made that covers the employee (for the purposes of the *Fair Work Act 2009*).

Note: A workplace determination operates from the day on which it is made (see section 276 of the *Fair Work Act 2009*).

### 7 Terms and conditions of employment

The terms and conditions of employment applying to an APS employee to which this Part applies:

- (a) are all of the terms and conditions of employment set out in the DEE (Biosecurity) Agreement; and
- (b) are not any of the terms and conditions of employment set out in the DEE Agreement.

### 8 DEE (Biosecurity) Agreement

- (1) **DEE (Biosecurity) Agreement** means the DEE Agreement, as in force immediately before the commencement of this instrument, as that Agreement has effect under this section.

*DEE Agreement—general*

- (2) The DEE Agreement has effect as if:
  - (a) a reference in the DEE Agreement to an employee in the Department of the Environment and Energy covered by that Agreement were a reference to an APS employee to which this Part applies; and
  - (b) a reference in the DEE Agreement to the Department were a reference to the Department of Agriculture, Water and the Environment; and

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- (c) the following provisions of the DEE Agreement were omitted:
  - (i) clause 1.5 (nominal expiry date);
  - (ii) the second sentence of clause 6.10 (approval of at least one period of at least 5 consecutive days of annual leave per calendar year); and
- (d) the following provisions of the DAWR Agreement, as that Agreement has effect under subsections (5) to (9) of this section, were included in the DEE Agreement:
  - (i) clause 3.11 (definition of *ordinary rate of pay*);
  - (ii) clause 3.14 (definition of *shift worker*);
  - (iii) clause 20.12 (when flex-time arrangements are not available);
  - (iv) clause 34.1 (classification structure);
  - (v) clause 34.2 (classification structure barriers);
  - (vi) clause 34.3 (transitional arrangements);
  - (vii) clause 34.4 (on-plant veterinarian (OPV) induction);
  - (viii) clause 34.6 (APS 3 to APS 4 biosecurity broadband);
  - (ix) table 2 in Schedule 1 (veterinarian classification and salaries);
  - (x) table 5 in Schedule 1 (on-plant veterinarian induction salaries);
  - (xi) clause 1 of Schedule 2 (transitional arrangements);
  - (xii) table 1 in Schedule 2.

*Substitution of DEE Agreement provisions*

- (3) The DEE Agreement has effect as if:
  - (a) each provision of the DEE Agreement specified in column 1 of an item of the following table were omitted and substituted with the updated provision specified in column 2 of that item; and
  - (b) the columns of the table in Schedule 1 to the DEE Agreement (classification structure and pay rates) dealing with pay rates for classifications were omitted and substituted with the column dealing with salary rates for those classifications headed “2% increase - 30 November 2019” in Table 1 of the Schedule of the DEE Salaries and Allowances Determination; and
  - (c) the columns of the table in Schedule 2 to the DEE Agreement (allowances) dealing with allowance rates were omitted and substituted with the column headed “2% increase - 30 November 2019” in Table 2 in the Schedule to the DEE Salaries and Allowances Determination.

Provisions of the DEE Agreement being substituted with updated provisions		
Item	Column 1 Provision of DEE Agreement	Column 2 Updated provision
1	clause 3.3 (standard working day)	<p>The standard working day for employees who are not regional employees or OPV employees is considered to be 8.30 am to 12.30 pm and 1.30 pm to 5.00 pm (seven hours and 30 minutes per day) Monday to Friday.</p> <p>The standard working day for regional employees and OPV employees is considered to be 7.30 am to 12.00 pm and 12.30 pm</p>



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**Provisions of the DEE Agreement being substituted with updated provisions**

Item	Column 1 Provision of DEE Agreement	Column 2 Updated provision
		to 3.30 pm (seven hours and 30 minutes per day) Monday to Friday.
2	clause 3.5 (bandwidth)	The bandwidth during which employees who are not regional employees or OPV employees may work their ordinary hours will be 12 hours in length, Monday to Friday, usually 7.00 am to 7.00 pm.  The bandwidth during which regional employees and OPV employees may work their ordinary hours will be 12 hours in length, Monday to Friday, usually 6.30 am to 6.30 pm.

*Substitution of DEE Agreement provisions with DAWR Agreement provisions*

- (4) The DEE Agreement has effect as if each of the provisions of the DEE Agreement specified in column 1 of an item of the following table were omitted and substituted with the provisions of the DAWR Agreement specified in column 2 of that item, as the DAWR Agreement has effect under subsections (5) to (9) of this section.

**DEE Agreement provisions being omitted and substituted with DAWR Agreement provisions**

Item	Column 1 DEE Agreement provisions	Column 2 DAWR Agreement provisions
1	clause 4.5 (casual loading)	clauses 18.1 to 18.5 (casual employment)
2	clause 3.11 (meal breaks)	clause 19 (breaks)
3	clauses 3.59 to 3.71 (shiftwork and fixed daily hours)	clauses 21.1 to 21.12 (shift work)
4	clauses 3.48 to 3.55, 3.57 and 3.58 (overtime duty) and 5.2 (overtime meal allowance)	clauses 22.1 to 22.13 (overtime)
5	clauses 3.43 to 3.47 (Christmas closedown)	clause 68 (Christmas closedown)

*DAWR Agreement—general*

- (5) For the purposes of paragraph (2)(d) and subsection (4) of this section, the DAWR Agreement has effect as if:
- (a) a reference in the DAWR Agreement to an employee in the Department of Agriculture and Water Resources covered by that Agreement were a reference to an APS employee to which this Part applies; and
  - (b) a reference in the DAWR Agreement to the department were a reference to the Department of Agriculture, Water and the Environment; and
  - (c) a reference in the DAWR Agreement to the secretary were a reference to the Secretary of the Department of Agriculture, Water and the Environment; and
  - (d) a reference in the DAWR Agreement to the Act were a reference to the *Fair Work Act 2009*; and

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- (e) a reference in the DAWR Agreement to a standard day were a reference to a standard working day; and
- (f) a reference in the DAWR Agreement to span of hours were a reference to bandwidth; and
- (g) a reference in the DAWR Agreement to a public holiday were a reference to a public holiday as defined by the National Employment Standards.

*Substitution of DAWR Agreement provisions*

- (6) For the purposes of paragraph (2)(d) and subsection (4), the DAWR Agreement has effect as if each provision of the DAWR Agreement mentioned in column 1 of an item of the following table were omitted and substituted with the updated provision set out in column 2 of that item.

<b>Updated forms of provisions of the DAWR Agreement being included in DEE Agreement</b>		
<b>Item</b>	<b>Column 1 Provision of DAWR Agreement</b>	<b>Column 2 Updated provision</b>
1	clause 18.4 (casual employment)	For any given day you will only be paid one loading and the shift work (refer clause 21), overtime (refer clause 22) and emergency duty (refer clause 3.56) provisions of this Agreement do not apply to you.
2	clause 20.12 (when flex-time arrangements are not available)	Flex-time arrangements are not available if you are an on-plant veterinarian.
3	clause 21.1 (shift work)	As a shift worker your ordinary hours are averaged over a roster settlement period.
4	clause 21.9 (shift work)	If you are requested or required to perform duty when rostered off, you will be paid under the overtime provisions (refer clause 22), unless you are recalled to duty under clause 3.56.
5	clause 22.2 (overtime)	Unless the secretary otherwise approves, you are not eligible to receive overtime payments if you are an executive level employee.
6	clause 22.3(a) (overtime)	outside your ordinary days and/or span of hours; or
7	clause 22.3(d) (overtime)	outside your specified ordinary hours and/or days worked or rostered days and/or hours if you are a shift worker if you work part-time (refer clause 3.4); or
8	clause 22.6 (overtime)	When you are requested and work overtime in accordance with clause 22.3(b), the half hour in excess of your 7.5 ordinary hours, for which overtime is not paid, will accrue as flex-time. If flex-time is not available, time off in lieu will accrue on a 'time-for-time' basis to be taken as agreed with your manager.
9	clause 34.1 (classification structure)	The classification structure outlined at Schedule 1 of this Agreement comprises the following discipline specific streams: (a) veterinarian; (b) on-plant veterinarian (OPV) induction.
10	clause 34.2	Where classification structure barriers exist, other than the entry

<b>Updated forms of provisions of the DAWR Agreement being included in DEE Agreement</b>		
<b>Item</b>	<b>Column 1 Provision of DAWR Agreement</b>	<b>Column 2 Updated provision</b>
	(classification structure barriers)	level APS 3 to APS 4 biosecurity broadband (refer clause 34.6), movement through the barrier will be based on: (a) work availability; and (b) a merit selection process.
11	clause 34.3 (transitional arrangements)	The transitional arrangements at Schedule 2 apply to the veterinarian discipline specific stream.
12	clause 34.4 (on-plant veterinarian (OPV) induction)	(a) On commencing employment you will be classified as an APS 6 and paid the OPV induction pay point within Table 5 of Schedule 1. (b) Upon successful completion of the OPV induction program, you will be advanced to the APS 6.06 pay point within Table 2 of Schedule 1.
13	clause 34.6 (APS3 to APS4 biosecurity broadband)	If you are an employee who: (a) was moved to the department by the <i>Public Service (Machinery of government changes) Determination (No. 6) 2020</i> ; and (b) immediately before that movement, was participating in the program under this clause; you will advance through the barrier to an APS 4 biosecurity officer, subject to work availability and a merit based selection process if you have: (c) successfully completed the program; and (d) received a rating of meets expectations or higher under the performance management process.
14	clause 1 of Schedule 2 (transitional arrangements)	(a) If you are an employee who: (i) was moved to the department by the <i>Public Service (Machinery of government changes) Determination (No. 6) 2020</i> ; and (ii) immediately before that movement, was classified and paid at any of the pay points within the classification structure at Table 1 below; you will continue to be assigned that classification and pay point. (b) You will have access to any higher pay points within your classification in accordance with the pay point progression provisions of this Agreement (refer clauses 4.49 to 4.51). (c) Transitioning to the new veterinarian classification structure at Table 2 of Schedule 1 will occur on promotion following a merit based selection process.

- (7) For the purposes of paragraph (2)(d) and subsection (4), the DAWR Agreement has effect as if table 2 in Schedule 1 to the DAWR Agreement (veterinarian classification and salaries) were omitted and substituted with the following updated table.

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<b>Updated table 2 in Schedule 1 to the DAWR Agreement (veterinarian classification and salaries) being included in DEE Agreement</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>APS classification &amp; pay point</b>	<b>Local designation</b>	<b>Salary</b>
EL 2.10	VO5	144 429
EL 2.09		142 717
<b>Barrier</b>		
EL 2.08	VO4	140 124
EL 2.07		137 685
EL 2.06		136 655
EL 2.05		135 400
EL 2.04		131 326
EL 1.08	VO3	129 108
EL 1.07		124 891
EL 1.06		120 619
APS 6.08	VO2	116 282
APS 6.07		107 187
APS 6.06		98 052
APS 6.05		93 713
APS 6.04		91 519
APS 6.03		89 007
APS 5.04	VO1	79 206
APS 5.03		77 483
APS 5.02		75 396

- (8) For the purposes of paragraph (2)(d) and subsection (4), the DAWR Agreement has effect as if table 5 in Schedule 1 to the DAWR Agreement (on-plant veterinarian induction salaries) were omitted and substituted with the following updated table.

<b>Updated table 5 in Schedule 1 to the DAWR Agreement (on-plant veterinarian induction salaries) being included in DEE Agreement</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>APS classification &amp; pay point</b>	<b>Salary</b>
APS 6.08	116 282
APS 6.07	107 187
APS 6.06	98 052
OPV induction point	71 071

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- (9) For the purposes of paragraph (2)(d) and subsection (4), the DAWR Agreement has effect as if table 1 in Schedule 2 to the DAWR Agreement (previous veterinarian structure) were omitted and substituted with the following updated table.

**Updated table 1 in Schedule 2 to the DAWR Agreement (previous veterinarian structure) being included in DEE Agreement**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>APS classification &amp; pay point</b>	<b>Local designation</b>	<b>Salary</b>
EL 2.06	V03	136 655
EL 2.05		135 400
EL 2.04		131 326
EL 2.03		129 108
EL 2.02		124 891
EL 2.01		120 619

*Cessation of pay and allowance rates under this Part if increased by a determination under subsection 24(1) of the Act—DEE Agreement provisions*

- (10) If a determination under subsection 24(1) of the Act provides for an increased amount of salary for a classification set out in the table in Schedule 1 to the DEE Agreement (classification structure and pay rates), the pay rate that applies under paragraph (3)(b) of this section for that classification ceases to have effect on the commencement of that determination.
- (11) If a determination under subsection 24(1) of the Act provides for an increased amount of an allowance set out in the table in Schedule 2 to the DEE Agreement (allowances), the allowance rate that applies under paragraph (3)(c) of this section for that allowance ceases to have effect on the commencement of that determination.

*Cessation of salary rates under this Part if increased by a determination under subsection 24(1) of the Act—DAWR Agreement provisions*

- (12) If a determination under subsection 24(1) of the Act provides for an increased amount of salary for a classification set out in a table in subsection (7), (8) or (9) of this section (veterinarian classifications and salaries), the pay rate set out in that table for that classification ceases to have effect on the commencement of that determination.

## **9 Procedure for dealing with disputes**

For the avoidance of doubt, clauses 2.24 to 2.31 (resolution of agreement disputes) of the DEE (Biosecurity) Agreement:

- (a) are terms or conditions of employment applying to an APS employee to which this Part applies; and
- (b) for the purposes of paragraph 738(d) of the *Fair Work Act 2009*, are terms that provide a procedure for dealing with disputes arising under this Part.

## Part 3—Veterinarian employees who are not biosecurity employees

### 10 Application of this Part

This Part applies to a veterinarian-classified employee who:

- (a) is in a Division other than the Biosecurity Operations Division; and
- (b) is not an SES employee.

### 11 When this Part ceases to apply

This Part ceases to apply to an APS employee if:

- (a) an enterprise agreement (other than the DEE Agreement) starts to apply to the employee (for the purposes of the *Fair Work Act 2009*); or
- (b) a workplace determination is made that covers the employee (for the purposes of the *Fair Work Act 2009*).

Note: A workplace determination operates from the day on which it is made (see section 276 of the *Fair Work Act 2009*).

### 12 Terms and conditions of employment

The terms and conditions of employment applying to an APS employee to which this Part applies:

- (a) are all of the terms and conditions of employment set out in the DEE (Veterinarian) Agreement; and
- (b) are not any of the terms and conditions of employment set out in the DEE Agreement.

### 13 DEE (Veterinarian) Agreement

- (1) **DEE (Veterinarian) Agreement** means the DEE Agreement, as in force immediately before the commencement of this instrument, as that Agreement has effect under this section.

*DEE Agreement—general*

- (2) The DEE Agreement has effect as if:
  - (a) a reference in the DEE Agreement to an employee in the Department of the Environment and Energy covered by that Agreement were a reference to an APS employee to which this Part applies; and
  - (b) a reference in the DEE Agreement to the Department were a reference to the Department of Agriculture, Water and the Environment; and
  - (c) clause 1.5 (nominal expiry date) of the DEE Agreement were omitted;
  - (d) the following provisions of the DAWR Agreement, as that Agreement has effect under subsections (4) to (7) of this section, were included in the DEE Agreement:
    - (i) clause 34.1 (classification structure);

- (ii) clause 34.3 (transitional arrangements);
- (iii) table 2 in Schedule 1 (veterinarian classification and salaries);
- (iv) clause 1 of Schedule 2 (transitional arrangements);
- (v) table 1 in Schedule 2.

*Substitution of DEE Agreement provisions—allowances*

- (3) The DEE Agreement has effect as if the columns of the table in Schedule 2 to the DEE Agreement (allowances) dealing with allowance rates were omitted and substituted with the column headed “2% increase - 30 November 2019” in Table 2 in the Schedule to the DEE Salaries and Allowances Determination.

*DAWR Agreement—general*

- (4) For the purposes of paragraph (2)(d), the DAWR Agreement has effect as if:
- (a) a reference in the DAWR Agreement to an employee in the Department of Agriculture and Water Resources covered by that Agreement were a reference to an APS employee to which this Part applies; and
  - (b) a reference in the DAWR Agreement to the department were a reference to the Department of Agriculture, Water and the Environment; and
  - (c) a reference in the DAWR Agreement to the secretary were a reference to the Secretary of the Department of Agriculture, Water and the Environment; and
  - (d) a reference in the DAWR Agreement to the Act were a reference to the *Fair Work Act 2009*; and
  - (e) a reference in the DAWR Agreement to a standard day were a reference to a standard working day; and
  - (f) a reference in the DAWR Agreement to span of hours were a reference to bandwidth; and
  - (g) a reference in the DAWR Agreement to a public holiday were a reference to a public holiday as defined by the National Employment Standards.

*Substitution of DAWR Agreement provisions*

- (5) For the purposes of paragraph (2)(d), the DAWR Agreement has effect as if each provision of the DAWR Agreement mentioned in column 1 of an item of the following table were omitted and substituted with the updated provision set out in column 2 of that item.

<b>Updated forms of provisions of the DAWR Agreement being included in DEE Agreement</b>		
	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Provision of DAWR Agreement</b>	<b>Updated provision</b>
1	clause 34.1 (classification structure)	The classification structure outlined at Schedule 1 of this Agreement comprises the veterinarian discipline specific stream.
2	clause 34.3 (transitional arrangements)	The transitional arrangements at Schedule 2 apply to the veterinarian discipline specific stream.

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<b>Updated forms of provisions of the DAWR Agreement being included in DEE Agreement</b>		
	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Provision of DAWR Agreement</b>	<b>Updated provision</b>
3	clause 1 of Schedule 2 (transitional arrangements)	<p>(a) If you are an employee who:</p> <p>(i) was moved to the department by the <i>Public Service (Machinery of government changes) Determination (No. 6) 2020</i>; and</p> <p>(ii) immediately before that movement, was classified and paid at any of the pay points within the classification structure at Table 1 below;</p> <p>you will continue to be assigned that classification and pay point.</p> <p>(b) You will have access to any higher pay points within your classification in accordance with the pay point progression provisions of this Agreement (refer clauses 4.49 to 4.51).</p> <p>(c) Transitioning to the new veterinarian classification structure at Table 2 of Schedule 1 will occur on promotion following a merit based selection process.</p>

(6) For the purposes of paragraph (2)(d), the DAWR Agreement has effect as if table 2 in Schedule 1 to the DAWR Agreement (veterinarian classification and salaries) were omitted and substituted with the updated table in subsection 8(7) of this instrument.

(7) For the purposes of paragraph (2)(d), the DAWR Agreement has effect as if table 1 in Schedule 2 to the DAWR Agreement (previous veterinarian structure) were omitted and substituted with the updated table in subsection 8(9) of this instrument.

*Cessation of allowance rates under this Part if increased by a determination under subsection 24(1) of the Act*

(8) If a determination under subsection 24(1) of the Act provides for an increased amount of an allowance set out in the table in Schedule 2 of the DEE Agreement (allowances), the allowance rate that applies under subsection (3) of this section for that allowance ceases to have effect on the commencement of that determination.

*Cessation of salary rates under this Part if increased by a determination under subsection 24(1) of the Act—DAWR Agreement provisions*

(9) If a determination under subsection 24(1) of the Act provides for an increased amount of salary for a classification set out in a table in subsection 8(7), (8) or (9) of this instrument (veterinarian classifications and salaries), the pay rate set out in that table for that classification ceases to have effect on the commencement of that determination.



## **14 Procedure for dealing with disputes**

For the avoidance of doubt, clauses 2.24 to 2.31 (resolution of agreement disputes) of the DEE (Veterinarian) Agreement:

- (a) are terms or conditions of employment applying to an APS employee to which this Part applies; and
- (b) for the purposes of paragraph 738(d) of the *Fair Work Act 2009*, are terms that provide a procedure for dealing with disputes arising under this Part.