



Public Service (Terms and Conditions of Employment) (Parliamentary Workplace Support Service) Determination 2024

I, Katy Gallagher, Minister for the Public Service, make the following determination.

Dated 26 February 2024

Katy Gallagher
Katy Gallagher
Minister for the Public Service

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1 Name

This instrument is the *Public Service (Terms and Conditions of Employment) (Parliamentary Workplace Support Service) Determination 2024*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

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

4 Definitions

In this instrument:

APS Award means the *Australian Public Service Enterprise Award 2015*.

Agency Head means the Chief Executive Officer of the Parliamentary Workplace Support Service.

Employee means a non-SES employee employed in the Parliamentary Workplace Support Service to whom this instrument applies.

Enterprise Agreement means the enterprise agreement approved by the Fair Work Commission on 8 February 2024 and known as the *Department of Finance Enterprise Agreement 2024-2027*, as in operation immediately before the commencement of this instrument.

FW Act means the *Fair Work Act 2009*.

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

PS Act means the *Public Service Act 1999*.

5 Application of this instrument

This instrument applies to all non-SES Employees employed in the Parliamentary Workplace Support Service under the *Public Service Act 1999*.

6 When this instrument ceases to apply to Employees

This instrument will cease to apply to an Employee if:

- (a) an enterprise agreement is made under the FW Act that covers the Employee and commences operation; or
- (b) a workplace determination is made under the FW Act that covers the Employee.

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

This instrument may also be revoked or have its operation affected by a further determination made under subsection 24(3) of the PS Act.

7 Terms and conditions of employment

- (1) By force of this instrument, the terms and conditions of employment applying to an Employee to whom this instrument applies are the terms and conditions of employment set out in the Enterprise Agreement.
- (2) The terms and conditions set out in the Enterprise Agreement (as applied by operation of subsection (1)) are amended as follows:
 - a. a reference in the Enterprise Agreement to the Department of Finance is a reference to the Parliamentary Workplace Support Service (unless context provides otherwise);
 - b. a reference in the Enterprise Agreement to Finance is a reference to the Parliamentary Workplace Support Service (unless context provides otherwise);
 - c. a reference in the Enterprise Agreement to an employee covered by that Agreement is a reference to an Employee to whom this instrument applies;
 - d. a reference in the Enterprise Agreement to the Secretary of the Department of Finance is a reference to the Agency Head; and
 - e. a reference in the Enterprise Agreement to the Agreement is a reference to the Agreement as applied by this instrument (unless context provides otherwise).

8 Procedure for dealing with disputes

- (1) For the avoidance of doubt, clauses 496 to 505 (which is the term that provides for the dispute resolution procedure) of the Enterprise Agreement (as modified by operation of subsection (1)) is:
 - a. a term or condition of employment applying to an Employee to whom this instrument applies and
 - b. for the purposes of section 738(d) of the *Fair Work Act 2009*, a term that provides for a procedure or dealing with disputes arising under this instrument.

9 Interaction with other determinations made under the PS Act

- (1) To the extent possible, this instrument is to operate concurrently with any determination made under subsection 24(1) of the PS Act.
- (2) Without limiting subsection (1), this instrument does not prevent a determination made under subsection 24(1) of the PS Act increasing the amount of salaries, allowances or other monetary entitlements provided under this instrument.

10 Interaction with the NES and the APS Award

- (1) This instrument has no effect to the extent that it would exclude the NES or any provision of the NES.
- (2) While this instrument is in force, the APS Award does not apply to non-SES employees in the Parliamentary Workplace Support Service.

Note: The effect of this subsection is that this instrument will interact with the APS Award in the same way as an enterprise agreement. See section 57 of the FW Act.