

15 July 2013

Lena Lind
CPSU Lead Organiser
CPSU
11/440 Collins Street
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Dear Lena

Australia Post Enterprise Agreement 2013 – Further information regarding Attachment H

We refer to Australia Post's Application for Approval of the *Australia Post Enterprise Agreement 2013 (EA2013)* filed with the Fair Work Commission on 10 July 2013. We note that the CPSU has since identified some inaccuracies in the cross references in Attachment H to the EA2013. Further to our recent discussions with you on this issue, we have undertaken to clarify these cross references in accordance with this letter.

Attachment H has operated since 19 June 1996 when it was certified by the then Australian Industrial Relations Commission. In its original inception, it was called the *Australia Post Administrative Officers Level 6 Salary and Employment Conditions Agreement (APAOSECA)*. We attach a copy of the APAOSECA for your reference. It was an agreement applying to a very specific and small group of employees, with quite specific changes in conditions. A 'tidied up' version of the APAOSECA has been included in subsequent Australia Post enterprise agreements, including the *Australia Post Fair Work Agreement 2010 (APFWA)* and EA2013, as an attachment. Other than updates to clause references and salary amounts, there has been little change to the substantive content of this document since its original certification.

The APAOSECA is described as 'Attachment H' in EA2013. The EA2013 is a "roll over" agreement, which substantially replicates its predecessor agreement, the APFWA, with a limited number of changes. Being a roll over agreement, Attachment H of EA2013 is identical to Attachment H of APFWA, the 2010 Agreement. Attachment H of APFWA contained incorrect clause references, not altered at that time, which have been replicated in Attachment H of EA2013.

Despite the incorrect cross references, there is no change to the intended operation of Attachment H, as the substantive content remains the same as at certification. Further, Australia Post has applied Attachment H over time as it was intended without any issues, and will continue to do so.

In any event, the following table identifies the incorrect cross references as they are stated in Attachment H of EA2013, and provides the correct cross references to the relevant clauses in EA2013. We have also identified the original clause reference to the *Australia Post General Conditions of Employment (Interim) Award 1995 (General Conditions Award)*, and the *Australia Post Administrative/Professional (Interim) Award 1995 (Administrative Award)*, contained in the APAOSECA. We attach copies of the General Conditions Award and the Administrative Award for your reference.

| Relevant clause in Attachment H | Incorrect clause reference to EA2013 | Correct clause reference to EA2013 | Comment |
|---------------------------------|--------------------------------------|------------------------------------|---|
| cl. 2.4 | cl. 18.9 | cl. 20.8 | <ul style="list-style-type: none"> In the APAOSECA, this reference was to cl. 42 of the General Conditions Award, which concerned Recreation Leave Loading Cl. 20.8 of EA2013 concerns Annual Leave Loading |
| cl. 2.5 | cl. 18.9 | cl. 20.8 | <ul style="list-style-type: none"> In the APAOSECA, this reference was to cl. 42 of the General Conditions Award, which concerned Recreation Leave Loading Cl. 20.8 of EA2013 concerns Annual Leave Loading |
| cl. 2.6 | cl. 18.9 | cl. 20.8 | <ul style="list-style-type: none"> In the APAOSECA, this reference was to cl. 42 of the General Conditions Award, which concerned Recreation Leave Loading Cl. 20.8 of EA2013 concerns Annual Leave Loading Clause 2.3 of EA 2013 will override this exclusion |
| cl. 4.1 | | | <ul style="list-style-type: none"> The reference contained in cl 4.1 of Attachment H to cl. 5.1 should actually be stated as a reference to cl 2.1 of Attachment H In the APAOSECA this reference was to cl. 5 of the APAOSECA |
| cl. 4.1(g) | | | <ul style="list-style-type: none"> Incorrect numbering references: clauses 4.1(a) – (d) should read 4.1(g) – (j) |
| cl. 4.1(g) | cl. 12.23 | cl. 14.22 | <ul style="list-style-type: none"> In the APAOSECA this reference was to cl. 62 of the General Conditions Award, which concerned Travelling Allowance Cl. 14.22 of EA2013 concerns Travelling Allowance |
| cl. 4.1(g) | cl. 12.7 | cl. 14.7 | <ul style="list-style-type: none"> In the APAOSECA this reference was to cl. 58 of the General Conditions Award, which concerned Higher Duties Allowance Cl. 14.7 of EA2013 concerns Higher Duties Allowance |
| cl. 4.1(h) | | | <ul style="list-style-type: none"> Incorrect numbering references: clauses 4.1(a) – (d) should read 4.1(g) – (j) |
| cl. 4.1(h) | cl. 14.2.3 | cl. 16.2.3 | <ul style="list-style-type: none"> In the APAOSECA this reference was to cl. 11(d) of the Administrative Award, and concerned flex-time Cl. 16.2.3 of EA2013 concerns flexible hours |
| cl. 4.1(i) | | | <ul style="list-style-type: none"> Incorrect numbering references: clauses 4.1(a) – (d) should read 4.1(g) – (j) |
| cl. 4.1(j) | | | <ul style="list-style-type: none"> Incorrect numbering references: clauses 4.1(a) – (d) to be renumbered 4.1(g) – (j) |
| cl. 4.2 | cl. 18.9 | cl. 20.8 | <ul style="list-style-type: none"> In the APAOSECA this reference was to cl. 42 of the General Conditions Award, which concerned Recreation Leave Loading Cl. 20.8 of EA2013 concerns Annual Leave Loading Clause 2.3 of EA 2013 will override this exclusion |

Generally speaking, where there is doubt about the payment of leave loading from any of the provisions in Attachment H, Australia Post notes that the point of clause 2.3 was to clarify the pre-eminence of the NES.

We trust that this letter addresses any issues in relation to Attachment H. We would be amenable to this letter being provided to the Fair Work Commission to form part of the file for the approval of EA2013. Please advise us if you would like this to occur.

We have also addressed this in our Frequently Asked Questions document for award staff and a copy of this document is also attached.

Yours sincerely



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Attachments

1. *Australia Post Administrative Officers Level 6 Salary and Employment Conditions Agreement*
2. *Australia Post General Conditions of Employment (Interim) Award 1995*
3. *Australia Post Administrative/Professional (Interim) Award 1995*
4. Frequently Asked Questions document