

## Staff Regulations



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<sup>1</sup> As adopted at CCAMLR-XXXI (2012) and amended at CCAMLR-XXXVII (2018).

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## **Staff Regulations**

### **Preamble**

1. These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed Employees who render their services in, and receive remuneration from, the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources (hereafter called 'the Commission').
2. These Regulations are to be applied giving due regard to the geographical distribution of the Members of the Commission.
3. These Staff Regulations are to be applied giving due regard to Article 5.1 of the Headquarters Agreement between the Commission for the Conservation of Antarctic Marine Living Resources and the Government of Australia, which states 'that except as provided in the Convention or this [Headquarters] Agreement, the activities of the Commission shall be governed by the laws of Australia'.

### **Section 1 – General terms and condition of employment for all staff**

The following terms and conditions of employment apply to all CCAMLR staff unless otherwise specified.

#### **Regulation 1.1 – Definitions**

1.1.1 In these Staff Regulations, unless the context otherwise requires:

'APS System' means the Australian Public Service classification system established by the Australian Public Service Commission

'Award-free' means an employee is not covered by an applicable modern award

'Basic periodic rate of pay' means a rate of pay for a period worked that does not include incentive-based payments and bonuses, loadings, monetary allowances, penalty rate or any other similar separately identifiable entitlements

'CCAMLR Job Classification System' is the policy relating to the roles and responsibilities of staff posts at the CCAMLR Secretariat approved by the Commission

'CCAMLR Staffing and Salary Strategy' means the policies and procedures relating to the administration of staff arrangements at the CCAMLR Secretariat approved by the Commission

'Chair of the Commission' means Chair of the Commission

‘Convention’ means the Convention on the Conservation of Antarctic Marine Living Resources

‘Deed of Employment’ means the contract between a CCAMLR employee and the Commission describing the terms and conditions for their employment. As appropriate, the Staff Regulations are an integral element of the Deed of Employment

‘Dependant’ means:

- (a) any unsalaried child, who is born of, or adopted by, a staff member, their spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or their spouse for main and continuing support
- (b) any child fulfilling the conditions laid down in Clause (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training
- (c) any child with a disability who is dependent on a staff member or their spouse for main and continuing support
- (d) any other child who is given a home by, and is dependent on, a staff member or their spouse for main and continuing support
- (e) any person related by blood or marriage for whose main and continuing support a staff member or their spouse is legally responsible

‘Economy class’ means, in respect of air travel, economy class or, for flights longer than 9 hours, cost-efficient premium economy class as authorised by the Executive Secretary and in accordance with Secretariat travel policy.

‘Employee’ means, unless otherwise stipulated, a member of the Secretariat staff categorised under the Commission’s Staff Regulations

‘Employer’ means the Commission for the Conservation of Antarctic Marine Living Resources

‘Executive Secretary’ means the Executive Secretary of the Commission

‘Expiry date’ means, where applicable, the date on which the agreed term for a Deed of Employment terminates

‘*Fair Work Act 2009*’ means the national legislation that regulates workplace relations in Australia

‘Fair Work Australia’ means the national workplace tribunal established under the *Fair Work Act 2009*

‘General Services employee’ means, unless otherwise stipulated, a member of the Secretariat staff as categorised and remunerated under the Commission’s Staff Regulations and the CCAMLR Job Classification System, based on the Australian modern awards, which in the case of the Secretariat are, for the time being, the *Clerks – Private Sector Award 2010* and the *Professional Employees Award 2010*

‘Headquarters Agreement’ means the agreement between the Commission and the Government of Australia defining the legal capacity, privileges and immunities of the Commission and the privileges and immunities to be enjoyed by the staff of the Commission in Australia in accordance with Article VIII of the Convention

‘Immediate family’ means for the purpose of personal and compassionate leave only:

- spouse (including a former spouse, a de facto spouse and a former de facto spouse) of the employee. A de facto spouse means a person who lives with the employee as his or her partner on a bona fide domestic basis
- child or an adult child (including an adopted child, a step-child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee

‘International Professional employee’ means, unless otherwise stipulated, a member of the Secretariat staff as categorised under the Commission’s Staff Regulations and the CCAMLR Job Classification System, remunerated under the ICSC System

‘ICSC System’ means the system for classifying International Professional employees as established by the International Civil Service Commission (an expert body established by the United Nations General Assembly to regulate and coordinate the conditions of United Nations staff)

‘Other officer’ means an employee so designated by the Executive Secretary and whose duties carry responsibility for the supervision of staff

‘Modern award’ means a set of industry or occupation-based enforceable minimum employment standards

‘National Employment Standards’ means the National Employment Standards as contained in Sections 59 to 131 of the *Fair Work Act 2009*

‘Pay step’ means the pay step within each classification of Australian Public Service pay in force at 30 June 1998 in respect of a General Services employee or within each classification applicable to officials of the United Nations Secretariat employed in Australia in respect of a Professional Employee, or any other pay step as proposed by the Executive Secretary and agreed by the Commission

‘Period of employment’ means the number of years and days worked, commencing with the date when the employee took up employment as a staff member of the Secretariat

‘Relevant industrial instrument’ means an instrument that legally regulates the employment of an employee which may include a modern award, Deed of Employment or the *Fair Work Act 2009*

‘Salary rate applicable’ means, in relation to the General Services employee, the Australian Public Service pay rate applicable to the classification and pay step in force at 30 June 1998 and increased annually thereafter by the consumer price index announced by the Australian

Bureau of Statistics, whereas in the case of the International Professional employee, the salary rate applicable means that which applies to officials of the United Nations Secretariat employed in Australia, or any other salary rate as agreed by the Commission

‘Secretariat’ means the Secretariat of the Commission

‘Staff Assessment Levy’ (SAL) means a levy in lieu of taxation, the rate set by the International Civil Service Commission of the United Nations, deducted from International Professional officers’ gross fortnightly pay and retained by the Commission

‘Staff member’ means, unless otherwise stipulated, a member of the Secretariat staff categorised under the Commission’s Staff Regulations

‘Staff Regulations’ means CCAMLR’s policies and procedures relating to the employment terms and conditions for staff of the CCAMLR Secretariat, approved by the Commission. The Staff Regulations are implemented through the Deed of Employment.

## **Regulation 1.2 – Duties, obligations and privileges**

1.2.1 Members of the staff of the Secretariat, and the Executive Secretary (hereafter called ‘staff members or employees’) are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.

1.2.2 Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Commission and its aims.

1.2.3 Staff members are not required to renounce either their national feelings or their political or religious convictions.

1.2.4 In the performance of their duties, staff members may neither seek, nor accept, instructions from any government or authority other than the Commission.

1.2.5 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

1.2.6 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission’s prior authorisation shall be obtained in respect of the Executive Secretary.



1.2.7 Staff members shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of Australia and the Commission, pursuant to Article VIII of the Convention.

1.2.8 Staff members shall not at any time, either directly or indirectly, deal with or employ the plant, equipment, stock, money, credit or other assets belonging or owing to the Commission for the employee's own gain.

1.2.9 Staff members will not do, or cause to be done, any act or thing whereby any property belonging to the Commission may be, or become liable to be, seized in execution, charged or affected or whereby the interest of the Commission may be prejudicially affected.

1.2.10 Staff members shall not at any time enter into any contract or arrangement on behalf of the Commission or bind the Commission without the prior consent of the Executive Secretary.

1.2.11 The employee shall not be engaged, concerned or interested in any capacity in any other trade, business or occupation whatsoever other than the business of the Commission:

- (a) without the prior written consent of the Executive Secretary; or
- (b) except where the interest, engagement or concern of the employee in such other trade, business or occupation does not, in the opinion of the Executive Secretary, interfere with the duties of the employee.

This provision shall not prohibit the holding of investments listed on any stock exchange. The employee shall notify the Executive Secretary in writing of any other trade, business or occupation in which the employee is, or proposes to be, engaged, concerned or interested, either before the commencement of the employee's employment or before becoming so engaged, concerned or interested, as the case may be.

### **Regulation 1.3 – Application and amendment of regulations**

1.3.1 The Executive Secretary is responsible for the administration of these Staff Regulations on behalf of the Commission. Where they are applicable to the Executive Secretary, the Chair of the Commission shall determine the administration of the Staff Regulations.

1.3.2 Any doubts arising from application of these regulations shall be resolved by the Executive Secretary following consultation with the Chair of the Commission.

1.3.3 All matters not foreseen in these Staff Regulations shall be brought to the attention of the Commission by the Executive Secretary.

1.3.4 Subject to the provisions of the Convention, these regulations may be amended by the Commission in accordance with its Rules of Procedure.

## **Regulation 1.4 – Classification of staff**

1.4.1 The CCAMLR Job Classification System describes two categories of staff that are supported at the CCAMLR Secretariat. One is recruited from within Australia from among citizens of Members of the Commission. This category is termed General Services. The terms and conditions for appointment to a post classified as General Services are governed by the Australian *Fair Work Act 2009*. Under the *Fair Work Act 2009*, two *Modern Award Classifications* currently apply to CCAMLR General Services staff: the *Clerks – Private Sector Award 2010* and the *Professional Employees Award 2010*.

1.4.2 The second category is recruited globally from among citizens of Members of the Commission. The terms and conditions for appointment to a post within this category are guided by the United Nations ICSC System. Except for the Executive Secretary, the posts within the CCAMLR Secretariat in this category are designated *International Professional*. The Executive Secretary post is designated *International Director*.

1.4.3 Staff members shall be classified in either of the following two categories:

(a) International Professional category

Positions of high responsibility of a managerial, professional or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with university qualifications or the equivalent. Staff members in this category will be sourced internationally from citizens of Members of the Commission.

(b) General Services category

Managerial, auxiliary administrative, scientific and technical positions. Clerical, secretarial and other office personnel. Such staff members will be recruited in Australia from among citizens of Members of the Commission. Employees under the General Services category may be employed in accordance with a modern award or award-free.

1.4.4 Detailed classification information is located in CCAMLR's Job Classification System document. For those employees covered by a modern award, the table at Appendix 1 of the Staff Regulations provides a translation from the modern award classifications to CCAMLR's Job Classification System.

1.4.5 Persons employed under Section 5 of the Staff Regulations shall not be classified as ongoing staff members.

## **Regulation 1.5 – Salaries and other remuneration**

1.5.1 The following clauses are only applicable to General Services category employees:

- (a) staff members in the General Services category shall, in principle, be paid at rates equivalent to those paid in Hobart for staff of equivalent qualifications and experience in accordance with the CCAMLR Job Classification System

- (b) To achieve this, General Services category employees shall receive an annual increment that maintains comparability of total remuneration (salary, superannuation, annual leave and service payment) against a relevant local comparator and takes into account the annual consumer price index for Hobart, published by the Australian Bureau of Statistics.

1.5.2 The following clauses are only applicable to International Professional category employees

- (a) additional salary conditions for International Professional category employees are as per Section 2 of the Staff Regulations
- (b) the promotion of staff members from one salary scale to another requires the prior approval of the Commission.

1.5.3 The following clauses are applicable to all staff members:

- (a) The salaries of staff members shall begin at Step 1 of the appropriate classification at which they are appointed. Staff members shall remain at that level for at least the first year of employment.
- (b) During the continuation of the employee's employment by the Commission, subject to a satisfactory performance rating, the employee will advance by one pay step at each anniversary of their commencement date up to a maximum of the top pay step of the applicable classification in accordance with the conditions laid out in *CCAMLR's Staffing and Salary Strategy*.
- (c) The remuneration payable by the Commission to the employee will occur in fortnightly payments (and proportionately for any lesser period), in arrears.
- (d) In accordance with taxation arrangements entered into with the Australian Government through the Headquarters Agreement, and with the Australian Taxation Office, a SAL on the remuneration of the International Professional officers shall be deducted by the Commission from the remuneration of the International Professional officer and such deduction shall be retained by the Commission.
- (e) General Service category employees shall be subject to Pay As You Go (PAYG) taxation in accordance with Australian tax rates in force. The deduction so withheld by the Commission is retained by the Commission in accordance with an agreement with the Australian Taxation Office. CCAMLR General Services staff shall be treated equally to other Australian taxpayers in respect of taxation matters.
- (f) Only in very special cases, on the proposal of the Executive Secretary and with the approval of the Chair of the Commission, may staff members be appointed at a salary higher than Step 1 of the relevant category.

### **Regulation 1.6 – Additional hours – General Services category only**

1.6.1 General Services employees shall not be entitled to receive any additional remuneration for additional hours performed outside the employee's normal working hours or for more than 37.5 hours per week unless such payment is for additional hours performed as authorised in advance by the Executive Secretary. Where this is the case, the General Services employee shall be entitled to be paid for such hours of work as exceed 37.5 for the week (except where a flexible working hours arrangement has been made in accordance with Regulation 1.7) at the following rates:

- (a) where the hours worked by the employee exceed the contracted number of hours specified in the Deed of Employment but do not exceed 7.5 hours, the employee shall be entitled to receive 100% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)
- (b) where the hours worked by the employee exceed 7.5 hours on any one day (other than on a Sunday or public holiday), or where any work is performed on a Saturday, the employee shall be entitled to receive 150% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)
- (c) where any work is performed on a Sunday or public holiday, the employee shall be entitled to receive 200% of the employee's usual hourly rate of pay for each hour so worked (and proportionately for any part of an hour)
- (d) where any work is performed over two consecutive days with a break of less than eight hours, the employee shall be entitled to receive 150% of the Employee's usual hourly rate for the work performed following the break for a period of up to 7.5 hours after the break, including such payment in conformity with that entitled under Clauses 1.6.1(a), 1.6.1(b) and 1.6.1(c)
- (e) penalty rates are not cumulative. Where time worked is required to be paid at a penalty rate, that time must not be subject to more than one penalty, but will be subject to the penalty which is to the employee's greatest advantage.

### **Regulation 1.7 – Flexible working hours**

1.7.1 By mutual agreement a General Services employee may work flexible working hours (flexitime) prescribed herein. Such agreement shall be recorded and filed with the relevant wage and time records.

#### **1.7.2 Definitions**

'Flexible working hours' (flexitime) means a system which allows employees to set their own patterns of attendance at work subject to the provisions of this agreement and the requirements of the workplace

'Standard day' means seven hours and thirty minutes per day worked in a continuous shift at any time within the ordinary hours of work as defined

‘Bandwidth’ means the span of any time on any day within which an employee may work as part of a flexible working hours arrangement subject to this agreement

‘Core time’ means the period during the day when all employees shall perform ordinary duties unless absent upon approved leave or core-time leave

‘Core-time leave’ means any approved absence during core time other than approved leave

‘Approved leave’ means any leave of absence other than core-time leave approved by the employer

‘Flex credit’ means the accumulated amount of time worked by an employee in excess of the standard days in the settlement period, including any carry-over, provided that any such time worked as overtime shall not be taken into account

‘Flex debit’ means the difference between the sum of the standard days in a settlement period and the aggregate amount of time worked by an employee where the total time worked is less than the sum of the standard days in the settlement period after any necessary adjustment has been made for an absence of approved paid leave and includes any carry-over

‘Carry-over’ means the aggregate of flex credit or flex debit which an employee has accumulated during a settlement period which, subject to these Staff Regulations, the employee may carry over to the next settlement period

‘Settlement period’ means the ordinary working days over which calculations are made to determine flex credit or flex debit carry-over and shall be a fixed period of 20 working days aligned with the fortnightly pay periods operating in the workplace.

- (a) Under flexible working hours arrangements, the times of commencement and cessation of duty shall be subject to agreement between the employer and the employee.
- (b) An employee’s attendance outside the hours of a standard day shall be subject to the availability of work and the approval, which may be general or specific, of the employer.
- (c) Where it is reasonable to do so because an employee has failed to comply with the provisions of flexible working hours (flexitime), the employer may, for a specified period, require that an employee shall revert to working an average 37.5 hour week.
- (d) Unless otherwise agreed in a workplace, a bandwidth shall be between the ordinary hours of work as defined.
- (e) Unless otherwise agreed in a workplace, core time shall be between the hours of 0900 h and 1200 h, and 1400 h and 1600 h.

### 1.7.3 Carry-over

- (a) An employee may carry over a limit of 15 hours flex credit accumulated in any settlement period into the next settlement period.

- (b) Where this limit is likely to be exceeded, the employer and employee shall arrange for sufficient core-time leave to be taken to bring the credits within the 15 hour limit as soon as is practicable before the limit is exceeded.

#### 1.7.4 Core-time leave

- (a) In any settlement period, and in addition to approved leave, an employee may, with the employer's prior approval, take core-time leave subject to the following requirements:
  - (i) that core-time leave does not exceed the core time for a single day
  - (ii) that the core-time leave does not result in the employee accruing more than a standard day flex debit by the end of the settlement period.
- (b) Core-time leave may be used for a full day absence or part day absence during the settlement period.

### **Regulation 1.8 – Employee covenant**

1.8.1 The employee shall not, except as authorised in writing by the Executive Secretary or as necessarily required by the employee's duties, reveal to any person any information concerning the organisation, business, finances, transactions or affairs of the Commission, its Members or the Secretariat which may come to the employee's knowledge during the employee's employment by the Commission and shall keep with complete secrecy all confidential information entrusted to the employee or of which the employee may become aware during the course of the employee's employment. These restrictions shall continue to apply after the termination of the employee's employment. These restrictions do not apply to the extent to which information comes into the public domain.

1.8.2 The employee shall conduct themselves in a manner in keeping with the international character of the Commission and shall:

- (a) always bear in mind the loyalty, discretion and tact imposed by international responsibilities
- (b) avoid all actions, statements or public activities which might be detrimental to the Commission and its aims
- (c) not be required to renounce national feeling or political or religious convictions
- (d) not seek, or accept, instructions from any government or authority other than the Commission
- (e) observe maximum discretion involving official Commission matters.

**Regulation 1.9 – Recruitment and appointment**

1.9.1 In accordance with Article XVIII.1 of the Convention, the Commission shall appoint an Executive Secretary and shall establish the remuneration and such other entitlements as it deems appropriate. The Executive Secretary's term of office shall be for four years and the Executive Secretary shall be eligible for reappointment for one additional term. The total length of employment may not exceed eight years.

1.9.2 In accordance with Article XVII.2 of the Convention, the Executive Secretary shall appoint, direct and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.

1.9.3 Offers of appointment to the Secretariat are subject to the persons selected undergoing a medical examination and presenting a certificate stating that they have no medical condition which might prevent them from performing their duties, or which might endanger the health of others. The medical examination is at the expense of the Commission.

1.9.4 Upon selection, each staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the Staff Regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations
- (b) the nature of the appointment
- (c) the date on which the staff member is required to commence duty
- (d) the period of appointment, the notice required to terminate it and the period of probation
- (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable
- (f) the allowances attached to the appointment
- (g) any special terms and conditions which may be applicable.

1.9.5 Together with the offer of appointment, staff members shall be provided with a copy of these regulations. Upon acceptance of the offer, staff members shall state in writing that they are familiar with, and accept, the conditions set out in these regulations.

**Regulation 1.10 – Separation from service**

1.10.1 Staff members may resign at any time upon giving three months' notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.

1.10.2 In the event of a staff member resigning without giving the required notice, the Executive Secretary reserves the right to decide whether repatriation expenses, or any other allowance, shall be paid.

1.10.3 In the event of separation of service with the Secretariat, a staff member shall receive one month's gross pay, less staff assessment levy, for each full year of continuous service, including, but paid after completion of, the first year of service. For a part year of continuous service an employee will be paid a pro-rata part of one month's gross pay proportionate to that partial year of service. If the appointment of a staff member is terminated for reasons of gross dereliction of duties or serious misconduct they will not receive a separation from service payment.

1.10.4 Appointment of staff members may be terminated upon prior written notice, at least three months in advance, by the Executive Secretary when he deems this to be for the benefit of the Commission due to restructuring of the Secretariat or if he considers that the staff member does not give satisfactory service, fails to comply with the duties and obligations set out in these Staff Regulations, or is incapacitated for service.

1.10.5 The separation from service payment in this clause is deemed to include all of the benefits and entitlements a staff member may have under any applicable legislation or industrial instrument. No additional payment will be made on termination of employment unless the quantum of the following payments exceeds the separation from service payment:

- (a) notice of termination or payment in lieu of notice as per *Part 2-2, Division 11* of the *Fair Work Act 2009*
- (b) redundancy pay as per *Part 2-2, Division 11* of the *Fair Work Act 2009*
- (c) long-service leave as per *Part 2-2, Division 9* of the *Fair Work Act 2009*
- (d) any other benefit or entitlement that is applicable on termination in accordance with a relevant industrial instrument, excluding annual leave.

### **Regulation 1.11 – Higher duties**

1.11.1 With the prior approval of the Executive Secretary, an employee who is required to perform the full duties and responsibilities of a higher classified employee for a period in excess of 10 working days shall be entitled to payment at the applicable classification rate for the period during which such duties are performed.



## **Regulation 1.12 – Annual leave**

### 1.12.1 Entitlement

- (a) Full-time and part-time employees shall be entitled to a minimum of 20 working days paid annual leave after 12 months continuous service. In addition, the Commission shall provide a further 10 working days of annual leave which must be taken within the year it accrues.
- (b) The 20 days paid annual leave is cumulative and will accrue on a pro-rata basis. The additional 10 days shall not accrue from year to year if it is not taken within the applicable 12-month period.
- (c) A period of annual leave does not break an employee's continuity of service.
- (d) Staff members will be able to claim sick leave during a period of annual leave on the provision of a medical certificate from a recognised health professional.

### 1.12.2 Payment for leave

- (a) The payment for annual leave is the staff member's basic periodic rate of pay immediately before the period begins.

### 1.12.3 Time of taking leave

- (a) The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.
- (b) The staff member will endeavour to give the Executive Secretary four weeks' written notice of intention to take annual leave.
- (c) The Executive Secretary will not unreasonably refuse to authorise an employee to take an amount of annual leave that is credited to the staff member, or revoke an authorisation enabling a staff member to take annual leave during a particular period.
- (d) There is no maximum limit on the amount of annual leave that the Executive Secretary may authorise a staff member to take.

### 1.12.4 Payment of leave on termination of service

- (a) A staff member is entitled to payment for untaken accumulated annual leave on termination of service.
- (b) Where either party terminates the employment, the untaken accumulated annual leave is paid at the staff member's basic periodic rate of pay at the time of termination.

1.12.5 Annual leave exclusive of holidays with pay

- (a) If any of the holidays prescribed in 'Holidays with pay' (Clause 1.13.6) falls within a staff member's period of annual leave, and is observed on a day which in the case of that staff member would have been an ordinary working day, there shall be added to that leave one day for each such holiday as occurring.

1.12.6 Continuity of service

- (a) For the purposes of this subclause, service shall be deemed to be continuous notwithstanding:
  - (i) any interruption or determination of the employment by the Executive Secretary if such interruption or determination has been made merely with the intention of avoiding obligations in respect of leave of absence
  - (ii) any absence from work on account of personal sickness or accident and in calculating the period of twelve months' continuous service, absence on account of personal sickness or accident to the extent of 91 days in any 12 months shall be deemed to be part of the period of continuous service
  - (iii) any absence with reasonable cause, proof of which shall be upon the employee, or leave lawfully granted by the employer, but such absence shall not be taken into account in calculating the period of 12 months' continuous service.

**Regulation 1.13 – Personal leave**

1.13.1 The provisions of this clause apply to full-time and part-time employees (on a pro-rata basis) but do not apply to casual employees, unless where expressly stated.

1.13.2 Conditions

- (a) The entitlement to use personal leave for the purposes of carer's leave (see Clause 1.13.9) is subject to the person being a member of the staff member's immediate family.

1.13.3 Amount of paid personal leave

- (a) Paid personal leave is available to a staff member, other than a casual employee, when they are absent:
  - (i) due to personal illness or injury; or
  - (ii) for the purposes of caring for an immediate family who is sick and requires the employee's care and support or who requires care due to an unexpected emergency.

- (b) The amount of personal leave to which a full-time staff member is entitled depends on how long they have worked for the Commission and accrues as follows:
  - (i) a full-time staff member is entitled to 10 days' paid leave a year
  - (ii) pro-rata entitlement applies to part-time staff members.
- (c) Staff members shall not be granted personal/sick leave for a period of more than three consecutive days and more than a total of seven working days in any calendar year without producing a medical certificate.

1.13.4 Accumulation of personal leave

- (a) A staff member's entitlement to paid personal leave accrues progressively during a year of service according to the staff member's ordinary hours of work, and accumulates from year to year.

1.13.5 Payment for paid personal leave

- (a) If a staff member takes a period of paid personal leave, the Commission must pay the staff member at the staff member's base rate of pay for the staff member's ordinary hours of work in the period.

1.13.6 Personal leave and holidays with pay

- (a) If the period during which a staff member takes paid personal leave includes a day or part-day that is a public holiday in the place where the staff member is based for work purposes, the staff member is taken not to be on paid personal leave on that public holiday.

1.13.7 Effect of workers' compensation

- (a) If a staff member is receiving workers' compensation payments, they are not entitled to personal leave.

1.13.8 Not payable on termination

- (a) The Commission is not required to make a payment in respect of accumulated personal leave credits to an employee upon termination of employment.

1.13.9 Personal leave to care for an immediate family (personal/carer's leave)

- (a) The entitlement is subject to the staff member being responsible for the care and support of the person concerned. In normal circumstances an employee is not entitled to take leave for this purpose where another person has taken leave to care for the same person.

1.13.10 Employee must give notice

- (a) The staff member must, as soon as practicable prior to the commencement of work, inform the Executive Secretary of their inability to attend work and, as far as practicable, state the nature of the injury, illness or emergency and the estimated duration of the absence.
- (b) When taking leave to care for members of their immediate family who are sick and require care and support, or who require care due to an unexpected emergency, the notice must include:
  - (i) the name of the person requiring care and support and their relationship to the employee
  - (ii) the reasons for taking such leave
  - (iii) the estimated length of absence.

1.13.11 Evidence supporting claim

- (a) When taking leave to care for members of their immediate family who require care due to an unexpected emergency, the staff member must, if required by the Executive Secretary, establish by production of documentation acceptable to the Executive Secretary or a statutory declaration, the nature of the emergency and that such emergency resulted in the person concerned requiring care by the employee.
- (b) An employee may provide a statutory declaration in lieu of a medical certificate.

1.13.12 Unpaid personal leave

- (a) Where a staff member has exhausted all paid personal leave entitlements, they are entitled to take unpaid personal leave to care for members of their immediate family who are sick and require care and support or who require care due to an unexpected emergency. The Executive Secretary and the staff member shall agree on the period. In the absence of agreement, the staff member is entitled to take up to two days of unpaid leave per occasion, provided other requirements of these Staff Regulations are met.

**Regulation 1.14 – Compassionate leave**

1.14.1 An employee is entitled to two days' compassionate leave for each occasion when a member of the employee's immediate family:

- (a) contracts or develops a personal illness that poses a serious threat to his or her life; or

- (b) sustains a personal injury that poses a serious threat to his or her life; or
- (c) dies.

1.14.2 An employee may take compassionate leave for a particular permissible occasion if the leave is taken:

- (a) to spend time with the member of the employee's immediate family who has contracted or developed the personal illness, or sustained the personal injury; or
- (b) after the death of the member of the employee's immediate family.

1.14.3 An employee may take compassionate leave for a particular permissible occasion as:

- (a) a single continuous two-day period; or
- (b) two separate periods of one day each; or
- (c) any separate periods to which the employee and the Executive Secretary agree.

1.14.4 If the permissible occasion is the contraction or development of an illness, or the sustaining of an injury, the employee may take the compassionate leave for that occasion at any time while the illness or injury persists.

1.14.5 Proof of such death or illness or injury (in the form of a death notice or other written evidence) shall be the same evidence and notice requirements as personal/carer's leave.

1.14.6 An employee shall be paid at the base rate of pay for any period of compassionate leave.

1.14.7 The definition of immediate family for this clause shall be as per the 'personal/carer's leave' clause (Clause 1.13.9).

### **Regulation 1.15 – Leave without pay**

1.15.1 Notwithstanding the absence of accrued annual holiday leave, and subject to the prior approval of the Executive Secretary, the employee may be absent for reasons other than those specified in these Staff Regulations but will not be entitled to any remuneration or accrual of benefits for the period of absence. Any leave without pay is at the discretion of the Executive Secretary.

**Regulation 1.16 – Holidays with pay**

1.16.1 All employees shall be allowed the following days as holidays with pay:

1 January	New Year's Day
26 January	Australia Day
	Regatta Day
	Eight Hours Day
	Good Friday
	Easter Monday
	Easter Tuesday
25 April	Anzac Day
	Queen's Birthday
	Show Day
25 December	Christmas Day
26 December	Boxing Day

1.16.2 Payment for holidays with pay mentioned in Clause 1.16.1 of this regulation which are taken and not worked, shall be at the normal rate of pay which would have applied to the employee concerned when, if it were not for such holiday, they would have been at work.

1.16.3 When staff are required to work on such holidays, they shall be compensated according to the award.

**Regulation 1.17 – Jury service leave**

1.17.1 An employee required to attend for jury duty shall be reimbursed by the Commission an amount equal to the difference between the amount the employee is able to claim from the court in respect of their attendance for such jury duty and the amount of wage they would have received in respect of the ordinary time they would have worked had they not been on jury duty, capped to a maximum period of 10 days.

1.17.2 An employee shall notify the Executive Secretary as soon as practicable of the date upon which they are required to attend for jury duty, and shall provide the Executive Secretary with proof of attendance, the duration of such attendance and the amount received in respect thereof.

**Regulation 1.18 – Community service leave**

1.18.1 An employee who engages in an eligible community service activity is entitled to be absent from their employment on unpaid leave of absence for a period if:

- (a) The period consists of one or more of the following:
  - (i) time when the employee engages in the activity
  - (ii) reasonable travelling time associated with the activity
  - (iii) reasonable rest time immediately following the activity.

- (b) The employee's absence is reasonable in all the circumstances.
- (c) An eligible community service activity is as defined in the *Fair Work Act 2009* and/or regulations.

#### 1.18.2 Notice and evidence requirements

- (a) An employee who wants an absence from their employment to be covered by this clause must give the Executive Secretary notice of the absence.
- (b) The notice:
  - (i) must be given to the Executive Secretary as soon as reasonably practicable (which may be a time after the absence has started)
  - (ii) must advise the Executive Secretary of the period, or expected period, of the absence.

#### 1.18.3 Evidence

- (a) An employee who has given his or her employer notice of an absence under Clause 1.18.1(d) must, if required by the employer, give the Executive Secretary evidence that would satisfy a reasonable person that the absence is because the employee has been, or will be, engaging in an eligible community service activity.

#### 1.18.4 Compliance

- (a) An employee's absence from their employment is not covered by this clause unless the employee complies with its contents.

### **Regulation 1.19 – Parental leave**

1.19.1 After 12 months' continuous service in the Secretariat, staff members shall be entitled to paid parental leave in relation to the birth of their child. On the basis of medical advice that the confinement will probably take place within six weeks, staff members shall be entitled to be absent from duty from that time until eight weeks after expected confinement. During this period staff members shall receive full pay and corresponding allowances.

1.19.2 After 12 months' continuous service, parents are entitled to a combined total of 52 weeks unpaid parental leave on a shared basis in relation to the birth, or adoption, of their child. An employee can choose to use some, or all, of their annual leave in addition to their parental leave. However, employees cannot access personal leave whilst on a period of unpaid parental leave.

1.19.3 Parental leave will be in accordance with the Fair Work Act 2009.

## **Regulation 1.20 – Superannuation**

1.20.1 Staff members have the choice of the two superannuation options as outlined below:

(a) Option 1

Superannuation contributions shall be made by the Commission in accordance with the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry (Supervision) Act 1993 and the Superannuation (Resolution and Complaints) Act 1993. This legislation, as varied from time to time, shall govern the superannuation rights and obligations of the parties.

(b) Option 2

Where an employee wishes to contribute to an approved superannuation fund, the Commission shall pay two-thirds of the total contributions to the superannuation fund, up to the maximum applied in the United Nations Secretariat to the total of the staff member's salary and salary-related allowances.

## **Regulation 1.21 – Travel**

1.21.1 All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned.

1.21.2 With regard to official travel, a travel allowance, generally consistent with United Nations practice, shall be paid in advance for fares, accommodation and daily living expenses.

1.21.3 Economy class shall be utilised, wherever feasible, for air travel.

1.21.4 First class may be utilised for land travel, but not for travel by sea or air.

1.21.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

1.21.6 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in Australia but in no case will the employee receive payment at a rate less than the amount allowed as deduction by the Australian Taxation Office. The costs associated with normal daily travel to and from the place of work shall not be reimbursed.



**Regulation 1.22 – Professional development**

1.22 Staff members will be encouraged to participate in professional development to maintain or improve their professional knowledge and skills, to remain competent in their chosen profession or to develop further skills as part of a career development plan. Professional development will be based on the development needs identified by the employee and approved by their manager and may be undertaken in a variety of ways including formal and informal training, coaching, mentoring or internal secondments.

**Section 2 – International Professional category terms and conditions of employment****Regulation 2.1 – Salaries and other remuneration**

2.1.1 The scale of salaries for staff members in the International Professional category shall be established in US dollars according to the corresponding scales of salaries which would apply to officials of the United Nations Secretariat employed in Australia and shall be paid in Australian dollars.

- (a) The type of allowances available to staff members in the International Professional category shall, in principle, be those allowances in force in the United Nations. The scale of allowances shall be established in US dollars according to the corresponding scales of allowances which would apply to officials of the United Nations Secretariat in Australia and shall be paid in Australian dollars. However, education allowances for each dependent child shall not be paid:
  - (i) in respect of children of Australian staff members
  - (ii) in respect of attendance at an Australian private (non-state) school or non-Australian institutions
  - (iii) in respect of the fees that would normally be paid by Australian residents for attendance at a public (state) school or public (state) university in Australia
  - (iv) for correspondence courses or private tuition
  - (v) when schooling does not require regular attendance at an education institution
  - (vi) in respect of education expenses covered from scholarship grants or subsidies from other sources.
- (b) Except for the maximum figure for education allowance, changes in salaries and allowances applied in the United Nations Secretariat shall be applied to the salaries and allowances of staff members in the International Professional category.

- (c) The Commission shall pay duly justified representation expenses incurred by the Executive Secretary in the performance of his duties within the limits prescribed annually in the budget.
- (d) A SAL on the remuneration of staff members in the International Professional category shall be deducted by the Commission from the remuneration of the International Professional officer and such a deduction shall be retained by the Commission, in accordance with taxation arrangements entered into with the Australian Government through the Headquarters Agreement, and with the Australian Taxation Office.

## **Regulation 2.2 – United Nations common system of salaries, allowances and benefits**

2.2.1 The Commission has adopted, where applicable, terms and conditions of employment from the *United Nations Common System of Salaries, Allowances and Benefits* within these Staff Regulations.

2.2.2 The *United Nations Common System of Salaries, Allowances and Benefits* has been used as a general reference for some Staff Regulations as appropriate, but the specific terms and conditions of employment are as per the Deed of Employment and the Staff Regulations ('the instruments') and any legal or administrative interpretations will be made on the basis of those instruments.

2.2.3 The annexes of the *United Nations Common System of Salaries, Allowances and Benefits* contain specific salary rates and allowances which are updated from time to time. Where applicable, the Commission will apply the appropriate variation of the annexes to the terms and conditions of employment within the Staff Regulations.

## **Regulation 2.3 – Hours of work**

2.3.1 The normal working day shall be on average eight hours, Monday to Friday, for an average of 40 hours per week.

2.3.2 The Executive Secretary shall establish the working hours, and may alter them for the benefit of the Commission, as circumstances may require.

2.3.3 Staff members in the International Professional category are not entitled to overtime pay or compensatory leave for hours worked in excess of forty hours per week. Given the nature of the role, responsibilities and level of remuneration, any additional hours required are deemed to be reasonable.

## **Regulation 2.4 – Travel**

2.4.1 On taking up an appointment in the International Professional category staff shall be eligible for:

- (a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependants to Hobart
- (b) an installation grant calculated on the basis of the prevailing United Nations rate
- (c) payment of removal costs on the basis of the prevailing United Nations rules
- (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.

2.4.2 After 18 months of service, the Commission shall pay travel expenses to the staff member for travel to their home country on annual leave for the staff member and their dependants. Economy class shall be utilised, wherever feasible, for air travel and first class may be utilised for land travel, but not for travel by sea or air. Following this, home leave shall be granted at two-year intervals, provided that:

- (a) dependants who benefit from this Commission grant have resided in Hobart for at least six months prior to travel
- (b) staff members will return to the Secretariat to continue rendering their services for a minimum additional period of six months.

2.4.3 The possibility of combining travel to the home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.

## **Regulation 2.5 – Separation from service**

2.5.1 In addition to the provisions provided in accordance with Regulation 1.10 on separation from service, an International Professional category employee shall, subject to Clause 2.5.2(b), be entitled to the following:

- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his family
- (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Hobart to the country of origin or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container
- (c) a repatriation allowance generally consistent with United Nations practice.

2.5.2 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Clause 2.5.1(a) may be cancelled or reduced appropriately if:

- (a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service
- (b) the reason for separation from service was termination of employment due to gross dereliction of duty
- (c) more than six months have elapsed between the staff member’s separation from service and their return to their country of origin or former residence
- (d) less than six months have elapsed since the staff member last visited his country of origin or former residence on home leave at the expense of the Commission; or
- (e) the staff member has applied for, or received, status as a permanent resident of Australia.

**Regulation 2.6 – Employee death**

2.6.1 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves dependants, in which case these shall be entitled to mortality allowances and return travel and removal expenses to the country of origin or former residence at the expense of the Commission.

2.6.2 Eligibility of the dependants of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member’s death.

2.6.3 The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of service	Months of net base pay salary following death
Less than 3 years	3 months
3 years and more, but less than 7 years	4 months
7 years and more, but less than 9 years	5 months
9 years and more	6 months

2.6.4 The Commission shall pay for shipment of the staff member’s body from the place of death to the place designated by the next of kin.

### **Section 3 – General Services category employees (clerical award covered) terms and conditions of employment**

#### **Regulation 3.1 – Hours of work**

3.1.1 The normal working day shall be on average 7.5 hours, Monday to Friday, for an average of 37.5 hours per week over a four-week period.

3.1.2 The ordinary hours of work are to be worked between 0700 h to 1900 h Monday to Friday. The spread of hours may be altered by up to one hour at either end of the spread, by agreement between the employer and the majority of employees concerned or, in appropriate circumstances, between the employer and an individual employee.

3.1.3 Staff members in the General Services category required to work more than 37.5 hours during one week will be compensated in accordance with the ‘Additional hours’ clause in Section 1.

#### **Regulation 3.2 – Annualised salaries**

3.2.1 Staff members are remunerated under annualised salary arrangements. The annualised salary for those employees classified under the *Clerks – Private Sector Award 2010* comprises the following components:

- (a) Clause 16 – minimum weekly wage
- (b) Clause 19 – allowances (allowances included: clothing and footwear allowance, meal allowance, living away from home allowance, first-aid allowance and higher duties allowance)
- (c) Clauses 27 and 28 – overtime and penalty rates (overtime incorporated is two additional hours per week in excess of 37.5 hours, any overtime in addition to this is to be paid as per applicable overtime rates) unless where specified in these Staff Regulations
- (d) Clause 29.3 – annual leave loading.

3.2.2 General Service category employees shall be subject to PAYG taxation in accordance with Australian tax rates in force. The deduction so withheld by the Commission is retained by the Commission in accordance with an agreement with the Australian Taxation Office. CCAMLR General Services staff shall be treated equally to other Australian taxpayers in respect of taxation matters.

### **Regulation 3.3 – Breaks**

#### 3.3.1 Meal break

- (a) A meal break of not less than 30 minutes must be taken by each employee. Such meal periods must be taken not later than five hours after commencing work and after the resumption of work from a previous meal break.

#### 3.3.2 Rest break

- (a) An employee must be allowed two 10-minute rest intervals to be counted as time worked on each day that the employee is required to work not less than 7.5 ordinary hours. Each rest interval should be taken at a time suitable to the employer, taking into account the needs of the CCAMLR Secretariat.

## **Section 4 – General Services category employees (professional services award covered) terms and conditions of employment**

### **Regulation 4.1 – Hours of work**

4.1.1 The normal working day shall be on average 7.5 hours, Monday to Friday, for an average of 37.5 hours per week over a four-week period.

4.1.2 The ordinary hours of work are to be worked between 0700 h to 1900 h Monday to Friday. The spread of hours may be altered by up to one hour at either end of the spread, by agreement between the employer and the majority of employees concerned or, in appropriate circumstances, between the employer and an individual employee.

4.1.3 Staff members in the General Services category required to work more than 37.5 hours during one week will be compensated in accordance with the ‘Additional hours’ clause in Section 1.

### **Regulation 4.2 – Annualised salaries**

4.2.1 All employees are remunerated under annualised salary arrangements. The annualised salary for those employees classified under the *Professional Employees Award 2010* includes the following components:

- (a) Clause 15 – minimum weekly wage
- (b) Clause 19.2 – annual leave loading
- (c) reasonable additional hours as required, unless specified within these Staff Regulations.

4.2.2 General Service category employees shall be subject to PAYG taxation in accordance with Australian tax rates in force. The deduction so withheld by the Commission is retained by the Commission in accordance with an agreement with the Australian Taxation Office. CCAMLR General Services staff shall be treated equally to other Australian taxpayers in respect of taxation matters.

### **Regulation 4.3 – Breaks**

#### 4.3.1 Meal break

- (a) A meal break of not less than 30 minutes must be taken by each employee. Such meal periods must be taken not later than five hours after commencing work and after the resumption of work from a previous meal break.

#### 4.3.2 Rest break

- (a) An employee must be allowed two 10-minute rest intervals to be counted as time worked on each day that the employee is required to work not less than 7.5 ordinary hours. Each rest interval should be taken at a time suitable to the employer, taking into account the needs of the CCAMLR Secretariat.

## **Section 5 – Casual/temporary terms and conditions of employment**

Persons in this category may include translators, interpreters, typists and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in Australia shall be utilised in such cases.

### **Regulation 5.1 – Hours of work**

5.1.1 The normal working day shall be an average of 7.5 hours, Monday to Friday, for a total of 37.5 hours per week.

5.1.2 The ordinary hours of work are between 0700 h and 1900 h Monday to Friday and from 0700 h to 1230 h Saturday. The spread of hours may be altered by agreement between the employer and the majority of employees concerned or, in appropriate circumstances, between the employer and an individual employee.

**Regulation 5.2 – Casual staff member**

5.2.1 A casual staff member is an employee who is engaged on an irregular basis to perform specific duties for a specific period. The employee shall be engaged intermittently for work of an unexpected or casual nature.

- (a) The minimum period of engagement for a casual employee shall be three hours.
- (b) Casual employees shall be paid at the appropriate base hourly rate but shall receive an additional loading of 22% in lieu of annual leave, holidays with pay and sick leave.
- (c) The casual loading at Clause 5.2.1(b) is effective from 1 January 2012. The Commission acknowledges that the loading provided in the relevant awards is 25% and that this is a transitional provision.
- (d) In accordance with transitional provisions of the relevant awards, the difference between the loadings at Clauses 5.2.1(b) and 5.2.1(c) shall be known as the transitional percentage. From the following dates the employer must pay no less than the loading or penalty at Clause 5.2.1(c) minus the specified proportion of the transitional percentage:

First full pay period on or after

1 July 2012	40%
1 July 2013	20%.



### Staff classification translation table – General Services employees

Translation table: Comparison of the CCAMLR Job Classification System and modern award classifications

There are two modern awards that are applicable to CCAMLR:

- *Clerks – Private Sector Award 2010*
- *Professional Employees Award 2010*.

The following table compares the existing classifications used by CCAMLR to the relevant modern award classifications.

Classification	Classification characteristics	Award	Award level
GS1 GS2	Basic understanding of guidelines Close or general supervision Achieve agreed tasks Limited decision-making Work within established guidelines and time frames	Clerks Award	Level 1 (years 1–3)
GS3	General understanding of guidelines General guidance Plan and coordinate tasks Limited decision-making Completion of tasks with accuracy and attention to detail	Clerks Award	Level 2 (years 1–2)
GS4	Moderate to complex work, often within area of speciality Good understanding of legislation, regulatory and compliance framework General guidance Development of team goals Decision-making within defined parameters Specialist advice and support Tertiary qualifications may be required	Clerks Award  Professional Award	Level 3  Level 1
GS5	Moderate to complex work Well-developed knowledge of legislation, regulatory and compliance framework General or limited guidance Involvement in development of business plans, goals and performance monitoring Responsible for achievement of results Specialist knowledge and advice Tertiary qualifications may be required	Clerks Award  Professional Award	Level 4  Level 2
GS6	Moderately complex to complex work Sound knowledge of legislation, regulatory and compliance framework Limited guidance Developing business plans, goals and change initiatives Taking responsibility for outcomes Representational responsibilities	Clerks Award  Professional Award	Level 5  Level 3/4
M1	Only if the role requires a science or information technology qualification	Professional Award	Level 4