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AUDIENCE	CATEGORY
All staff	People

Policies and procedures

Flexible Working Arrangements

This document was endorsed by the Chief People Officer on 19 September 2025.



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Scope

Treasury's flexible working arrangement entitlements are detailed in clauses 166 to 193 of the *Treasury Enterprise Agreement 2024-2027 (the Agreement)*. The *Flexible Working Arrangements Policy (the Policy)* details further guidance in support of flexible working at Treasury. Nothing in this policy reduces employee entitlements under the Agreement.

This policy applies to all Treasury employees.

How does this policy relate to me?

If you are:	This policy is for you to:
An employee	Understand what flexible working arrangements are available, and how requests are made and decided.
A manager or delegate	Understand the principles and considerations for endorsing and deciding (EL2 or higher) requests for formal flexible working arrangements.

Contacts

In the first instance, employees are encouraged to review this policy and speak with their manager, or manager once removed, for advice or support.

Treasury's [Employee Assistance Program](#) provider provides confidential, free counselling and coaching on a wide range of topics to Treasury employees, and their family members. Managers can also access the Manager's Hotline for People Leaders, which offers proactive support to help work through any workplace issue or challenge, including wellbeing and sensitive discussions.

To provide feedback on this policy, or seek further guidance please contact the People and Organisational Strategy Branch (POSB) via email: [s.47E\(d\)@treasury.gov.au](mailto:s.47E(d)@treasury.gov.au).

Definitions

Enterprise Agreement means the [Treasury Enterprise Agreement 2024-2027](#).

Alternative location of work means a work location that varies from the employees' letter of offer or other engagement documents (designated location of work) and has been agreed as the alternative location of work, this includes fully remote arrangements.

APS means the Australian Public Service.

Bandwidth means the span of hours during which an employee can perform ordinary hours. The standard bandwidth is 7 am to 7 pm, Monday to Friday (excluding public holidays), unless otherwise agreed between the employee and manager.

Delegate means someone to whom a power or function has been delegated. See the Human Resources Delegations to determine a delegate for a specific power or function.

Designated location of work means the Treasury office location identified in an employee's letter of offer or other engagement document, for example, Canberra, Sydney, Melbourne or Perth.

Employee means an employee of the Commonwealth engaged under subsection 22(2) of the *Public Service Act 1999* who is covered by the *Treasury Enterprise Agreement 2024-2027* (the Agreement), whether full-time, part-time or casual, ongoing or non-ongoing.

Manager means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may be the person referred to as a supervisor.

Ordinary hours of work of work for a fulltime employee are 37 hours and 30 minutes each week, which translates to a standard day of 7 hours and 30 minutes from Monday to Friday. An employees ordinary working hours may be varied under an approved flexible work arrangement (for example, part-time or compressed hours).

Overview

Treasury is committed to building a culture that supports flexible working arrangements across Treasury at all levels.

Employees, managers and teams are supported to put in place flexible working arrangements that work for them, in accordance with procedures detailed in the Agreement, and as supplemented by the Policy.

Employees and managers are expected to talk clearly, openly and genuinely about:

- proposed arrangements, including alternatives if there are reasonable business grounds why a specific proposal is not suitable
- mutual expectations of work performance, working hours and communication
- how to address any issues or concerns as they arise.

Employees and managers should discuss and record in Aurion agreed flexible working arrangements as part of the Performance Development System (PDS) performance discussions to ensure the ongoing effectiveness of the arrangement.

The Policy must be read alongside the Agreement which provides overarching policy and processes for creating and managing flexible working arrangements as follows:

	Relevant clause(s)
Process for an employee to request a formal flexible working arrangement	Clause 171
Obligations of delegates when responding to a formal flexible working arrangement request	Clauses 172 – 175
Grounds on which a request for a flexible working arrangement may be refused	Clause 175 - 176
Timeframe for reviewing a flexible working arrangement	Clause 178
Process for varying, pausing or terminating a flexible working arrangement	Clauses 179 – 182
Specific conditions for ad-hoc flexible working arrangements	Clauses 188 – 192

Principles

Four principles support the effective operation of flexible working arrangements in Treasury:

1. If not, why not

Requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests. Requests can only be refused if there are reasonable business grounds why the requested arrangement is not possible. Where there are reasonable business grounds,

managers must work with the employee to find a suitable alternative that best balances the needs of the individual, the team and Treasury.

Treasury does not impose caps on the amount of time that an employee can request to work from home or remotely. Each request is considered on its individual merits and can only be refused on reasonable business grounds.

All employees can make a request for a flexible working arrangement. The type of flexible work available to an employee will depend on the requirements of their role or the operational needs of Treasury, meaning not all types of flexibility will be appropriate for all roles in Treasury - for example, some roles may genuinely require office-based work or working at specific times.

2. Connection to the workplace

Regardless of an employee's flexible working arrangement, maintaining a connection to the workplace and colleagues remains important to ensure employees feel supported and connected to their team. Connection also supports individuals to learn from their colleagues and share their skills and expertise with others. This connection can look different based on the employee, their agreed flexible working arrangement, their role, leadership and other managerial responsibilities, and the requirements of the team. It may include such things as regular virtual communication with a manager and team, in-person attendance at training, team meetings and planning days. Employees and managers should develop and implement appropriate strategies through regular and open discussion. Agreed strategies should be recorded in writing in Aurion as part of PDS discussions.

3. A focus on productivity and wellbeing

The delivery of agreed outcomes is critical, and Treasury measures performance based on outcomes achieved and behaviours. Consistent with the right to disconnect legislation, flexibility does not translate to an expectation that employees will be contactable or available outside of their agreed ordinary working hours.

Expectations of the manager and the employee must be clear and appropriate for both the role and the agreed flexible working arrangement to ensure a focus on productivity, wellbeing, communication, performance and effective supervision. For example, performance expectations for employees working part-time will be proportionate to their agreed hours.

Under applicable work health and safety legislation including the *Work Health and Safety Act 2011* (Cth), Treasury and employees have obligations to take steps to ensure employees are safe at work, including when working away from the office. Any specific work health and safety requirements applicable to an employee's flexible working arrangement should be appropriately recorded in Aurion in the Flexible Working Arrangements form. Employees working in a location other than a Treasury office, including from home, must take steps to ensure their own safety, for example by confirming they have an ergonomically appropriate workspace and adequate lighting.

4. Arrangements must work for the team, Treasury and the person

Treasury is a team-based organisation. This means managing our people and teams in a way that best supports Treasury to deliver on its purpose. Open, regular and transparent conversations

between individuals, colleagues, teams and managers are critical to ensuring the ongoing success of flexible working arrangements. Conversations should focus on how a flexible working arrangement may be accommodated, with consideration to the team's outcomes and workload, role requirements, individual circumstances, security, wellbeing factors, and impacts on Treasury.

Types of workplace flexibility

Flexible working arrangements can alter the when, how and where of your work.



When you work - covers the days, hours and pattern of your work. This can include varied start and finish times within the bandwidth (7 am to 7 pm, Monday to Friday), working part-time, working compressed hours, varying the bandwidth, or a phased return to work following a period of leave.

How you work - covers the structure of your role. This can include formal job-sharing arrangements where a full-time role is shared with another employee on a regular ongoing basis.

Where you work - covers the location of your work. This can include your Treasury office, another location other than a Treasury office - including your home, or a combination of locations.

An arrangement is a formal flexible working arrangement if it:

- is documented in Aurion and approved by an EL 2 manager (or in Delphi in the case of requests to work remotely from overseas)
- relates to a long-term and regular arrangement
- is subject to the formal request and response processes outlined in the Enterprise Agreement

or is an ad-hoc arrangement if it:

- relates to a short-term (generally less than 4 weeks) or one-off arrangement
- is not subject to the formal request and response process outlined in the Enterprise Agreement
- is approved by a manager in a way that suits the manager and the employee, for example by email, phone call or text message.

Different types of flexible working arrangements are detailed in [Attachment A](#).

Requesting formal flexible working arrangements

This section should be read in conjunction with clauses 166 to 178 of [the Enterprise Agreement](#).

Initial discussion

Employees can request a flexible working arrangement at any time and should meet with their manager in the first instance to discuss their request.

This conversation will allow employees and managers to:

- consider the personal and professional needs of the employee
- consider the needs of the team, Treasury and stakeholders
- identify any IT system, security, work health and safety, wellbeing, or performance concerns
- agree the specifics of an arrangement - for example strategies to maintain connection to the workplace and consideration to whether as part of the arrangement an employee may be required, on occasion and where appropriate, to attend a physical office
- canvass alternative options where those requested by the employee are unable to be supported due to reasonable business grounds (this may include trial arrangements).

For First Nations employees, managers must consider connection to country and cultural obligations, alongside the other factors of a request, when responding to requests to change location of work.

Formalising the arrangement

Employees must complete a Flexible Work Arrangement form in Aurion which will progress to the employee's manager (EL 2 or higher) for their decision, noting:

- where an employee reports to a manager below an EL2 classification, that manager may provide an endorsement or recommendation to assist the EL 2 manager's decision
- EL 2 managers are expected to consult their SES manager on requests from employees to work a majority or all of their hours remotely.

The EL 2 manager must provide the employee with a response to their request as soon as possible (but not more than 21 days after the employee has submitted a Flexible Work Arrangements form). The response must comply with clauses 173 and 174 of the Enterprise Agreement. The EL 2 manager may only refuse to approve a request where the requirements at clause 175 of the Enterprise Agreement have been met.

If a decision is made to refuse a request on reasonable business grounds, consistent with clause 173.3.4 of the Enterprise Agreement, the response must notify the employee that the decision is subject to the dispute resolution procedures of the Enterprise Agreement (section 10 – clauses 425 to 434). Where the employee is eligible to make a request for flexible working arrangements under section 65(1) of the *Fair Work Act 2009*, the employee may also dispute the decision under the dispute resolution procedures outlined in section 65B and section 65C of the *Fair Work Act 2009*.

Working at a location where Treasury does not have an office

Definitions

Consistent with clause 388 and 389 of the Enterprise Agreement, for the purposes of this section **designated location of work** means the designated office location identified in the employee's letter of offer or other engagement documentation (i.e. Canberra, Sydney, Melbourne or Perth).

Employees may be approved to work remotely from an alternative location through a flexible working arrangement. For the purposes of this section this is referred to as **an alternative location of work**. In these circumstances the employee has both a designated location of work and an alternative location of work.

Application

The initial discussion and formalising the arrangement sections of this policy are to be followed to request fully remote work from an alternative location of work.

Employees who work fully remote from an alternative location of work may, as part of the flexible work arrangement be required, or requested, to travel to their designated location of work from time to time. As part of the application process employees and delegates must agree and document, in the Aurion flexible work arrangement form, anticipated travel required from an alternative location of work to the designated location of work, with consideration to the additional information relating to travel costs provided below.

The arrangement, including agreed travel requirements, must be reviewed by the employee and their manager after 12 months, or a shorter period if agreed by the employee.

Potential travel costs related to 100% remote working arrangements

Policy detail relating to travel costs associated with 100% remote working arrangements are under consideration following all-staff consultation feedback. This section will be updated once this policy detail is finalised.

Requests to work remotely from overseas

Treasury will only consider requests for an employee to work remotely from overseas where an employee is accompanying a spouse or partner on a government posting (for example, Diplomatic or Defence).

Employees must read the [Mobile Device Policy](#) for further information and submit a Remote Overseas Work form in Delphi (Request a service > Security > Travel > Remote Overseas Work Request).

Reasonable business grounds

This section should be read in conjunction with clauses 175 to 176 of the Enterprise Agreement.

A non-exhaustive list of reasonable business grounds for refusing a request is detailed at clause 176 of the Enterprise Agreement.

Managers should exercise their own judgment when determining what may constitute reasonable business grounds in relation to requests for flexible working arrangements. Noting what constitutes reasonable business grounds will require an assessment of all the circumstances relevant to the request. This may include, but is not limited to, the following:

- the nature of the flexible working arrangement requested
- the employee's personal circumstances and the reason for the request
- the requirements of the employee's role and whether the arrangement requested would impact their ability to perform their role
- the specific operational needs of the business area and the effect approving the request would have on the workplace
- specific security, work health and safety and IT requirements which may apply to the employee or the performance of their role.

Managers should ensure fair and sound decision-making across their work area, with consistent considerations being applied to similar requests, so far as they apply.

When refusing a flexible working arrangement request, the delegate must, in writing, provide details of the reasons for refusal and the specific business grounds for refusing the request, including explaining how those grounds apply to the request.

In some cases, if justified considering all relevant factors, reasonable business grounds may include:

- the employee requires additional support and supervision to improve their productivity or meet performance expectations (for example, the employee may be starting a new role, or subject to performance improvement measures under the Performance Development System)
- face-to-face support, interactions or observation in the office being necessary for training and development purposes, including those for other staff in the employee's supervision, or within their unit, branch or division.

- the arrangement would limit an APS level employee's access to necessary supervision, mentoring, and development (such as structured guidance, real-time feedback, and informal learning opportunities) that would be gained through proximity to their supervisor and/or experienced colleagues.
- the employee holding a leadership or supervisory role where physical presence is important for visibility, accessibility and role modelling, especially during periods of organisational change or transition.

Varying, pausing or terminating an arrangement

This section should be read in conjunction with clauses 179 to 182 of the Enterprise Agreement.

Employee initiated changes

Employees may request to vary, pause or terminate an approved flexible working arrangement at any time using the Flexible Work Arrangement form in Aurion. Employees should provide their manager with as much notice as possible (generally two weeks or more) and have a discussion with their manager surrounding their request for the change to their flexible working arrangement.

Treasury initiated changes

Treasury delegates can vary, pause or terminate an approved flexible working arrangement on reasonable business grounds. Delegates must provide the employee with reasonable notice and fulfill the requirements outlined under clause 182 of the Enterprise Agreement, including:

- discussing their intention to vary, pause or terminate the arrangement with the employee
- genuinely trying to reach an agreement with the employee about making changes to the arrangement to accommodate the employee's circumstances (subject to any reasonable business grounds for alteration)
- having regard to the consequences of the variation, pause or termination for the employee
- ensuring the variation, pause or termination is on reasonable business grounds
- informing the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out in clause 173.3 of the Enterprise Agreement.

Delegates do not need to provide reasonable notice or fulfil the requirements outlined under clause 182 in urgent or critical operational circumstances, or where an employee has demonstrated a repeated failure to comply with their agreed arrangement.

In accordance with clauses 122 and 123 of the Enterprise Agreement, employees will not be compelled to change their hours of work (that is, from full to part-time, or part to full-time).

Short-term variations

Managers or employees can initiate a discussion to vary a flexible working arrangement on a short-term basis, generally less than 4 weeks or a one-off variation, in recognition that at times there may be business or personal reasons which require such a change. Variations may include the employee working additional

hours (for which they are to be compensated for as appropriate, for example through, restriction allowance, overtime or TOIL), additional days in an office, or changing a schedule for a short-time.

Where an employee seeks a short-term change to their arrangement they do not have to complete the Flexible Work Arrangement form in Aurion unless the change impacts their pay or the manager requests that the form be completed. Where a form is not required to be completed, the request can be approved by the employee's manager, for example by email, phone call or text message.

Where Treasury seeks a short-term change to the arrangement, the employee must be provided with as much notice as possible (generally two weeks or more) and agree to the change, except where the change is due to urgent and critical operational circumstances or a demonstrated and repeated failure to comply with an agreed arrangement.

In circumstances where the employee does not agree to the change, the work area must follow clauses 180 to 182 of the Enterprise Agreement.

Employees with part-time arrangements are not expected to agree to ad-hoc or short-term requests to change their hours or days of work.

Changing jobs

Where employees change jobs (for example, they move teams or are promoted), existing approved flexible working arrangements should be reviewed within the context of the new role requirements and may need to be renegotiated in line with clauses 179 to 182 of the Enterprise Agreement if there are reasonable business grounds to require a change. The review of the existing arrangement can occur alongside discussions to update the employee's performance agreement under the PDS.

Where a change is required, work areas must work collaboratively with the employee to find alternative arrangements which may accommodate the employee's circumstances where possible. If the employee does not agree to change their existing arrangement, the process outlined in clause 182 of the Enterprise Agreement must be followed.

In practice, employees considering a change in their role should discuss their flexibility requirements with the prospective manager ahead of time.

Maintaining an effective arrangement

To ensure the ongoing effectiveness of an approved flexible working arrangement, the arrangement must be reviewed by the employee and their manager after 12 months, or a shorter period if agreed by the employee. For example, the manager and employee may agree to review the arrangement as part of any performance discussions required under the PDS.

Managers and employees are encouraged to develop and implement strategies to support flexible working arrangements to be effective. This should include clearly and openly discussing mutual expectations of performance, working hours and communication, and how to address any issues as they arise. Where there are performance concerns, they should be addressed in real-time in accordance with relevant guidance and

policies. Performance appraisal discussions should be used to discuss the ongoing effectiveness of the arrangement for the employee and Treasury.

Where appropriate, managers may also choose to have team discussions to assist in making decisions about how best to implement flexible working arrangements collectively. This may include, for example, agreeing a roster of working from home arrangements. Although this may help facilitate requests, an individual's request for flexible work will be considered on its merits and in line with the requirements of the Agreement.

Working from home – establishment costs

Provision of equipment, or reimbursement for all or part of the costs associated with establishing a working from home arrangement, is determined on a case-by-case basis. Requests for reimbursement will be decided by an employee's First Assistant Secretary and the costs attributed to the employee's cost centre.

It is generally expected, that costs associated with an employee-initiated arrangement will be met by the employee, and Treasury is not required to provide an employee with more than one workstation.

Work, health and safety obligations

All employees have a responsibility to take reasonable care of their own health and safety while at work. Employees, regardless of location of work, must comply, so far as they are able, with any reasonable direction, as well as co-operating with any Treasury policy or procedure which relates to WHS. This includes:

- taking reasonable care to work safely to the extent of an employee's control or influence over working conditions and methods
- following agreed safe working practices and rules
- reporting all hazards, near misses and incidents as soon as possible. This can be done via Delphi (Service Catalog > Performance and Wellbeing > WHS and Wellbeing > Report a WHS Incident).

Employees seeking to work remotely must complete a 'WHS for home-based work checklist' in Aurion, as part of applying for their flexible work arrangement.

Seeking a review of a decision

Treasury acknowledges the right of employees to raise concerns and make complaints professionally and in good faith and to have them received and considered fairly. Employees may dispute the decision to refuse their request under the dispute resolution terms of the Enterprise Agreement (section 10 – clauses 425 to 434). An employee who is eligible to make a request for flexible working arrangements under section 65(1) of the *Fair Work Act 2009* may also dispute the decision under the dispute resolution procedures outlined in section 65B and section 65C of the *Fair Work Act 2009*.

Employees and relevant manager(s) must attempt to resolve concerns relating to flexible work locally and at the lowest possible level in the first instance. Proposals to resolve concerns must be given genuine consideration. Any resolution or outcome is to be documented with decisions recorded in writing. Employees have a right to be represented and have a support person at all stages.

Where disagreements cannot be resolved locally, employees or work areas can seek assistance from [Employment Relations](#). Where necessary, Employment Relations may undertake a review of action under section 33 of the *Public Service Act 1999* consistent with Treasury's [Review of Action Procedures](#).

Where a dispute is unable to be resolved, a party to the dispute can apply to the Fair Work Commission to resolve the dispute. In the event the Fair Work Commission cannot resolve the dispute, it may arbitrate the dispute and make a determination that is binding on the parties involved.

Related documents

[Treasury Enterprise Agreement 2024-2027](#)

[Review of Action Procedures](#)

[Mobile Device Policy](#)

Version control

Date Modified	Version	Section of document	Author of change	Summary of change
August 2025	V1	All	Employment Relations	New to support the <i>Treasury Enterprise Agreement 2024-2027</i> .

Attachment A

Please note: the current [Treasury Human Resource Delegations](#) are being updated to reflect the lowering of the approval delegation to EL2. Until the delegations are updated, the current Delegations remain in effect and Band 1 approval is required for all flexible working arrangements.

Arrangement	Description	Approval requirements
Part-time work	Working fewer than 37.5 hours per week across an agreed fortnightly pattern and receiving pro rata salary and entitlements. Employees are not expected to work more than 10 hours in any given day.	Part-time hours must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form).
Compressed hours	Compressing ordinary working hours into fewer working days (for example, 10 days into a 9-day fortnight). Employees are not expected to work more than 10 hours in any given day.	Compressed hours must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form). Note, the maximum compression permitted is full-time hours into a 4-day week. Managers are encouraged to discuss compressed hours with a view to ensuring health and wellbeing issues are considered.
Varied attendance patterns / bandwidth variation	Varied start and finish times and breaks can occur within the 7am-7pm bandwidth, Monday to Friday.	Varying start and finish times may be approved verbally or by email with the manager. Formal variation of bandwidth must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form).
Job-sharing	Typically, where 2 part-time employees at the same level share a role or set of duties, which may equate to one or more full-time equivalent (FTE). It is a useful arrangement to provide employees working part-time with access to roles with full-time operational requirements. Higher duties opportunities can also be used to support job-sharing. For example, an EL 2 Director works part-time 4 days per week and an EL 1 Assistant Director performs higher duties one day per week on a regular basis as a development opportunity.	Requests for job share arrangements must be applied for and agreed by email with the EL2 or higher Part-time hours must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form). A Higher Duties form must be completed in Delphi for any acting opportunities.
Remote working	Remote working means working in a location other than a Treasury office, including from home.	Regular remote working arrangements must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form).

Arrangement	Description	Approval requirements
	Fully remote work arrangements mean working exclusively from a location other than a Treasury office, including from home.	EL 2 managers are to consult their SES manager on requests seeking to work most or all of their hours remotely.
Hybrid arrangements	A combination of working from a Treasury office and another location, including from home.	Hybrid arrangements must be approved by the EL2 or higher in Aurion (Flexible Work Arrangement form).
Ad-hoc arrangements	Ad-hoc or short-term arrangements, including irregular remote working.	Ad-hoc arrangements can be agreed by an employee's manager in person or by email, phone or text message. There is no Aurion form required for requesting or approving an ad-hoc arrangement.
Flextime (APS 1-6 employees)	Flextime accrues or debits time (on an hour for hour basis) when an APS 1-6 employee works more or less than their ordinary hours. It provides a mechanism to flexibly vary working hours and take breaks from work, while balancing out hours over a longer period. APS 1-6 employees must record their working hours in the Aurion timesheet which provides a running flex balance. See the working hours and arrangements policy for further guidance.	Supervisors (or managers) must approve timesheets on a fortnightly basis. Requests to access flextime may be approved in person, or by email, phone or text with the supervisor (or manager).
TOIL (time off in lieu) (Executive Level employees)	Executive Level employees are sometimes required to work reasonable additional hours to deliver Treasury's business priorities. Recognition for this is provided through Executive Level TOIL provisions. See the TOIL guidelines for further guidance.	Requests for TOIL can be agreed in person or by email, phone or text with the manager.
Reasonable adjustments	Reasonable adjustments reflect the understanding that a worker with an injury, ill health or disability can often perform the required duties of their role if adjustments are made to accommodate the effects of their injury, ill health or disability. A flexible working arrangement may be approved in instances where this enables	Requests for reasonable adjustment based flexible working arrangements must be approved by the EL2 or higher delegate.

Arrangement	Description	Approval requirements
	reasonable adjustments to be made to support the employee	

OFFICIAL

AUDIENCE	CATEGORY
Non-SES employees	People

Policies and procedures

Working Hours and Arrangements:

s 22

Executive Level TOIL,

s 22

This document was endorsed by Chief People Officer on 19 September 2025.

OFFICIAL

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Overview

Wherever possible, Treasury supports employees to complete work within their ordinary hours of work. This is achieved through the establishment of business plans, individual performance agreements and ongoing conversations between employees and managers to outline accountabilities and expectations, which are reflected in the design of roles and team composition.

There are times when employees work reasonable additional hours to deliver Treasury's business priorities. The [Treasury Enterprise Agreement 2024-2027](#) (the Agreement) provides the following conditions that may be used to recognise and compensate for additional hours worked:

- Flextime for APS 1 to APS 6 employees (clauses 135 to 142)
- Overtime for APS 1 to APS 6 employees (clauses 143 to 151)
- Time Off In Lieu for Executive Level employees (clauses 152 to 158)
- Restriction allowance (clauses 162 to 165)
- Overtime meal expenses (clauses 83 to 84).

Purpose

This policy outlines the administration and operation of the conditions provided in the Agreement that may be used to recognise and compensate an employee for additional hours worked beyond their ordinary working hours.

Scope

This policy applies to non-SES Treasury employees. Where a condition applies to a particular group of employees, this has been stated.

Individuals seconded to Treasury from another APS agency and contractors employed through a labour hire firm or recruitment agency are not Treasury employees, and are not covered by this policy.

How does this document relate to me?

If you are:	Then your responsibility is:
An employee	To understand the conditions available to you, that may be used to recognise additional hours worked and the processes involved. To apply working hours and arrangements conditions provided for in the Agreement and this policy appropriately and consistently.
A manager or delegate	To understand the relevant considerations when making decisions about your employees working reasonable additional hours. To apply working hours and arrangements conditions provided for in the Agreement and this policy appropriately and consistently.

Review of a decision

Employees and managers must, in the first instance, attempt to resolve any disagreements relating to a decision made under this policy at the lowest possible level, that is between the employee and their manager, manager once removed, or relevant Senior Executive. Proposals to resolve the disagreement must be genuinely considered. Any resolution or outcome is to be documented with decisions recorded in writing. Employees have a right to be represented and have a support person at all stages.

Depending on the circumstances, it may be appropriate for the work area and employee to review workloads and priorities under clauses 380 to 382 of the Agreement to put in place strategies to manage the impact on an employee or group of employees.

Where disagreements cannot be resolved locally, employees or work areas can seek assistance from the People and Organisational Strategy Branch. People and Organisational Strategy Branch may undertake a review of action consistent with Treasury's *Review of Action Procedures* where necessary.

It is open to an employee to initiate a dispute in accordance with the dispute resolution process outlined in the Agreement (section 10 – clauses 425 to 434). Where a dispute is unable to be resolved, a party to the dispute can apply to the Fair Work Commission to resolve the dispute. In the event the Fair Work Commission cannot resolve the dispute, it may arbitrate the dispute and make a determination that is binding on the parties involved.

Contact

In the first instance, employees are encouraged to review this policy and speak with their manager, or manager once removed, for advice or support.

People and Organisational Strategy Branch are available to provide further guidance as required. Queries can be submitted by email to [s.47E\(d\)@treasury.gov.au](mailto:s.47E(d)@treasury.gov.au).

[Treasury's Employee Assistance Program](#) (EAP), provides confidential, free counselling and coaching to Treasury employees and their immediate family members. Managers can access EAP for proactive support to work through workplace issues or challenges, including wellbeing and sensitive or personal matters.

To provide feedback on this policy, please contact the People and Organisational Strategy Branch by email to [s.47E\(d\)@treasury.gov.au](mailto:s.47E(d)@treasury.gov.au).

Definitions

Agreement means the *Treasury Enterprise Agreement 2024-2027*.

APS means the Australian Public Service.

Bandwidth means the span of hours from 7 am to 7 pm, Monday to Friday excluding public holidays, during which an employee can perform ordinary hours (unless agreed otherwise between the employee and manager through a documented flexible working arrangement).

Casual employee (irregular and intermittent employee) means an employee engaged under paragraph 22(2)(c) of the *Public Service Act 1999* who:

- a. is a casual employee as defined by the *Fair Work Act 2009*; and
- b. works on an irregular and intermittent basis.

Delegate means someone to whom a power or function has been delegated. See the *Human Resources Delegations* to determine a delegate for a specific power or function.

FW Act means the *Fair Work Act 2009*.

Full-time employee means an employee employed to work an average of 37 hours and 30 minutes per week in accordance with the Agreement.

Manager means an employee's direct manager who is usually the person to whom an employee reports to on a day-to-day basis for work related matters, and may include a person referred to as a supervisor.

Non-ongoing employee means an employee engaged for a specified term or for the duration of a specified task in accordance with paragraph 22(2)(b) of the *Public Service Act 1999*, consistent with the *Fair Work Act 2009*.

Ongoing employee means an employee engaged under paragraph 22(2)(a) of the *Public Service Act 1999*.

Ordinary hours of work for a fulltime employee are 37 hours and 30 minutes each week, which translates to a standard day of 7 hours and 30 minutes from Monday to Friday. An employees ordinary working hours may be varied under an approved flexible working arrangement (for example, part-time or compressed hours).

Part-time employee means an employee employed to work less than an average of 37 hours and 30 minutes per week in accordance with the Agreement.

Reasonable additional hours

Managers can only request or require employees to work more than their ordinary weekly hours where the additional hours are reasonable. Consistent with the National Employment Standards provided in the *Fair Work Act 2009* (the FW Act), employees can refuse to work additional hours that unreasonably exceed their ordinary weekly hours.

In accordance with subsection 62(3) of the FW Act, the following factors must be considered when determining whether additional hours are reasonable or unreasonable:

- any risk to employee health and safety from working the additional hours
- the employee's personal circumstances, including family or caring responsibilities
- the employee's role and level of responsibility
- the needs of Treasury
- whether the employee is entitled to receive overtime payments or other compensation under the Agreement
- whether the employee is given reasonable notice of the request or requirement to work the additional hours
- any notice given by the employee of their intention to refuse to work the additional hours
- the usual patterns of work in the APS, or
- any other relevant matter.

Family responsibilities

Consistent with clause 89 of the Agreement, managers may approve reimbursement of reasonable expenses arising from additional family care arrangements made necessary where an employee is directed to work outside their normal patterns of work. Wherever possible, employees should alert their manager when that situation might arise. Alternatively, an employee can refuse to work additional hours in these circumstances.

Interaction of the conditions in this policy

For APS level employees, work performed in addition to ordinary hours is recognised as:

- *Flextime* for additional hours worked within the bandwidth above ordinary hours but not in excess of 10 hours on any one day, and
- *Overtime* for additional hours worked at the request or direction of a manager:
 - outside the bandwidth
 - in excess of 10 hours on any one day
 - beyond the total hours of work specified for the employee (and where flextime is not being accrued)

- that are not continuous with the employee's agreed or specified hours, or
- on a Saturday, Sunday or a public holiday.

Restriction allowance is available where an employee is required to be available outside the bandwidth (that is, on call) to perform work if it is needed. The allowance is paid for the period of time someone is directed to be on call and available, not when they are working. If they are called on to perform work in the restricted period, that period of duty attracts overtime for APS level employees or TOIL for Executive Level employees.

Overtime meal allowance is available to APS and Executive Level employees who are directed to work reasonable additional hours outside their ordinary work hours. Overtime meal allowance is in addition to any entitled overtime or TOIL.

Example:

During Budget, it has eventuated that items are running late, and so weekend work is required. Ahead of the weekend, coordination staff are rostered onto a period during the weekend according to personal availabilities to monitor the progress of Pinks and RevSub items.

The work area's management team agrees with employees that the rostered:

- *Executive Level 2 employee/s (or those with Treasury mobile phones) will monitor emails for Pinks and RevSub items. They will be paid restriction allowance for the monitoring periods and accrue TOIL for time actually working, including any requirement to read and respond to emails. They will be paid a meal allowance where they take an unpaid meal break of 30 minutes during a period of time actually working.*
- *Executive Level 1 employee/s and APS employee/s will be contacted to commence work once a Pink or RevSub item is received.*
 - *The Executive Level 1 employee/s will be paid restriction allowance for the period they are rostered on to be available if needed, and accrue TOIL for time actually working. They will be paid a meal allowance where they take an unpaid meal break of 30 minutes during a period of time actually working.*
 - *The APS employee/s will be paid restriction allowance for the period they are rostered on to be available if needed, and be paid overtime for time actually working, unless they work for less than 2 hours in which case they will receive payment for 2 hours. They will be paid a meal allowance where they take an unpaid meal break of 30 minutes during a period of time actually working.*

Executive Level Time Off In Lieu

Entitlement:	An amount of time off in lieu (TOIL) of additional hours worked by an Executive Level employee beyond their ordinary working hours.
Available to:	Ongoing and non-ongoing employees at the Executive Level 1 and Executive Level 2 classifications, either substantively or when performing higher duties, except where: • they are undertaking higher duties at the SES classification • they are in receipt of a Departmental Liaison Officer allowance (or equivalent allowance) except for in exceptional circumstances. This does not exclude them from undertaking a flexible pattern of hours, subject to operational requirements.
Recorded in:	Employees seeking to access TOIL are required to keep records of their working hours, in a format agreed with their manager. <i>Note: Executive Level employees are not required to record their hours unless they are seeking to access TOIL. In practice this may mean employees record their working hours some weeks and not others. The agreed format provides a record of additional hours worked by the employee to support discussions with their manager.</i>
Applied for in:	Discussion with the employee's manager. A record of approval must be maintained.
Half-pay option:	No
Delegate:	EL 2 and above
Counts for Service:	Yes, for all purposes

Treasury sometimes requires Executive Level employees to work additional hours beyond their ordinary working hours. Where they work additional hours, their manager will grant an amount of time off work through TOIL where requested by the employee and where hours have been recorded.

Consistent with [The National Employment Standards](#) (NES), subsections 62(2) and 62(3) of the *Fair Work Act 2009*, employees may refuse to work additional hours if they are unreasonable. The Reasonable additional hours section provides considerations for determining whether additional hours are reasonable or unreasonable.

TOIL:

- is available in recognition of additional hours worked by an employee beyond their ordinary working hours

- is reasonable and fair considering the circumstances under which additional hours are being worked
- may be granted at an amount agreed in discussion between the employee and their manager
- is subject to operational requirements but requests to take TOIL will not be unreasonably refused
- does not have to be taken within a specific period, however, the manager and employee should be mindful to provide time for rest within a reasonable period after working additional hours
- may be taken as part or full days and combined with other forms of leave
- cannot be cashed out.

Employees seeking to access TOIL are required to keep records of their working hours in a format agreed with their manager. The record of additional hours worked is to be used to support a discussion between the manager and the employee on an amount of TOIL which is reasonable and fair considering the circumstances of the additional hours worked.

Work units, branches, and divisions are encouraged to periodically discuss and calibrate the considerations being applied when granting rates of TOIL higher or lower than the guidance rate to support fairness and consistency.

Considerations when agreeing an amount of TOIL

Managers, through discussion with an employee, will agree an amount of TOIL in recognition of required reasonable additional hours worked in addition to an employee's ordinary hours.

As a guide, it is reasonable for a manager to agree to 45 minutes for every hour (0.75:1) worked outside ordinary hours (or the agreed part-time work pattern) within the bandwidth on an employee's regular workday. Managers may agree a greater or lesser amount of TOIL with consideration given to the circumstances in which the additional hours were worked (refer below).

TOIL will be granted at least hour for hour (1:1) for work performed on days that an employee would not normally work (for example, weekends, public holidays, Christmas closedown, or a non-workday for a part-time employee), or where the additional hours are performed outside of the bandwidth.

Considerations may include, but are not limited to:

- whether the employee was required to work additional hours (i.e. the additional hours were directed or otherwise agreed with the manager prior to the additional hours being worked) or the additional hours were self-initiated.
- the reason for additional hours, for example to deliver work in peak periods, meet unexpected or urgent tasks with non-negotiable deadlines, or address short-term resourcing gaps that cannot be filled by other means.
- the employee's personal circumstances and impact of the additional hours, including on family or caring responsibilities.

- the employee's role and level of responsibility.
- the period of notice provided to an employee to request they work additional hours.

This is not an exhaustive list of considerations, and more than one consideration may apply.

Manager discretion

Managers may, at their discretion, initiate a grant of TOIL in recognition of additional hours worked by an employee, without the need for a record of the additional hours worked. The amount of TOIL should, as far as possible, be determined in a way that fairly compensates the employee for the additional hours worked.

Work arrangements

An employee and their manager should regularly discuss work requirements and agree the employee's working arrangements to reasonably complete their duties and reasonably allow them to balance their work and personal life.

Wherever practicable, managers and employees should discuss the requirement to work additional hours before the hours are worked. However, explicit management direction to work additional hours is not required for TOIL to be provided.

An understanding of workload, priorities and timeframes can help managers and/or employees to identify if:

- the employee's pattern of hours can be adjusted through a flexible working arrangement to complete all required work within their ordinary working hours, for example, by working some shorter and longer days over a period so the employee is on average working their ordinary hours
- work can be re-prioritised
- work can be re-allocated amongst the team, or
- working additional hours is necessary.

Employees are encouraged to clarify the urgency of assigned work and to prioritise their individual and team workload to minimise the need to work additional hours.

Where additional workload means that an employee is consistently being required to work additional hours, managers should consider whether a longer-term change, such as to workflow or resourcing is required.

Formal discussions about workload and working arrangements

An employee and their manager should formally discuss and agree the employee's working arrangements at least once per quarter, and the agreed pattern of hours should be considered as part of the Performance Development System cycle discussions.

These discussions are important to guide an employee's workload and reach common expectations. This should be an open discussion on what arrangements best suit the needs of the employee and Treasury, including:

- the reasonable expectations of the employee's role
- the employee's current and anticipated workload and if it is fair, safe and reasonable
- the importance of work/life balance and how this will be supported
- the additional reasonable hours the employee has worked in the last quarter and how their manager has or will support TOIL in recognition of this
- the amount of approved TOIL the employee is yet to take and plans for using it
- what may be considered unreasonable hours and how the manager and employee will mitigate this together.

Flexible pattern of hours

The agreed pattern of when an employee works should be flexible enough to accommodate short-term peaks and troughs in workload and the employee's personal life and responsibilities. The agreed pattern of hours, where it is varied from ordinary hours and is on an ongoing basis, is to be formally recorded in Aurion through a flexible working arrangement.

Part-time employees are eligible for TOIL under the same principles as full-time employees. TOIL for part-time employees should be informed by hours worked beyond their agreed ordinary hours, as specified in their flexible working arrangement. The rate and amount of TOIL granted should be fair and reasonable, taking into account the employee's part-time schedule and the circumstances under which the additional hours were worked.

Employees with agreements to work compressed hours are also eligible for TOIL under the same principles, with any TOIL informed by hours worked beyond their agreed ordinary hours, as specified in their flexible working arrangement.

Employees should endeavour to work on average their ordinary working hours. Employees do not need to keep timesheets or seek TOIL to work their hours flexibly, it can be managed less formally through discussions between the employee and their manager.

TOIL for specific parcels of work

Relevant First Assistant Secretaries will agree a fair and consistent approach and accrual rate for TOIL where a significant parcel of work impacts large sections of Treasury's workforce, such as Budget and MYEFO.

What constitutes a significant parcel of work and activation of the accrual rate is determined by relevant First Assistant Secretaries before the work is undertaken.

TOIL for Official travel

The requirement to undertake official travel (that is, for work-related purposes including conferences and training) should be agreed between the employee and their manager prior to the employee undertaking the travel. The employee and manager may also decide to discuss an approach to TOIL in advance.

Employees seeking to access TOIL for time spent travelling or working outside their ordinary hours are required to keep records of travel time and working hours in a format agreed with their manager.

The record of additional hours is to be used to support a discussion between the manager and the employee on an amount of TOIL which is reasonable and fair considering the circumstances.

TOIL for reasonable additional hours spent working while on official travel, including while in transit, may be granted at an amount agreed in discussion between the employee and their manager. As a guide, it is reasonable for a manager to agree to 45 minutes for every hour worked (0.75:1) outside an employee's regular workday, and hour for hour for work (1:1) undertaken on an employee's non-workday or outside of the bandwidth hours of 7am – 7am.

Managers have discretion to agree a higher or lower rate with consideration to the circumstances. Considerations may include, but are not limited to:

- other allowances such as travel allowance
- recovery time provided
- professional benefits to the employee
- budget or operational constraints

Employees and managers should discuss and agree on TOIL arrangements prior to the travel, wherever practicable, and the *TOIL for specific parcels of work* section may apply to ensure fairness and consistency.

Travel time

Travel time includes reasonable travel to and from the airport and time spent in transit (importantly travel time is not the time attributable to the whole work trip, simply the travel component).

Travel time within an employee's ordinary working hours counts as work time and is not eligible for TOIL. Travel time outside of an employee's ordinary working hours may be recorded for TOIL, which may be granted at a rate less than would be granted for work time.

International travel time

For international travel, travel time within an employee's ordinary working hours counts as work time. Travel time outside an employee's ordinary working hours, can be recorded as additional hours in a format agreed with their manager.

The total volume of travel time outside an employee's ordinary hours determines the mode of compensation for those hours. Where the total volume is:

- less than 8 hours, standard TOIL arrangements apply
- 8 – 18 hours, one rest period of one day is provided
- in excess of 18 hours, two rest periods or two days are provided.

Weekends and overnight stays do not count as rest days.

Managers may offer an equivalent amount of TOIL in lieu of rest days.

These arrangements do not replace the advice provided regarding rest days, in Operational Guideline 2.4B – Official International Travel, and should be read in conjunction.

Use of TOIL prior to movement or cessation

Prior to cessation of employment, transfer (internal or external), promotion, or the conclusion of a higher duties' arrangement, employees and managers should discuss and identify opportunities to use any TOIL. Requests from an employee to use TOIL must not be unreasonably refused.

Wherever possible, agreed transfer or promotion dates should allow for the use of outstanding TOIL prior to the employee commencing in the new role.

TOIL will not be paid out.

Seeking a review of a decision

Employees and managers must, in the first instance, attempt to resolve any disagreements relating to TOIL at the lowest possible level, that is between the employee and their manager, manager once removed, or relevant Senior Executive. Proposals to resolve the disagreement must be genuinely considered. Any resolution or outcome is to be documented with decisions recorded in writing. Employees have a right to be represented and have a support person at all stages.

Depending on the circumstances, it may be appropriate for the work area and employee to review workloads and priorities under clauses 380 to 382 of the Agreement to put in place strategies to manage the impact on an employee or group of employees.

Where disagreements cannot be resolved locally, employees or work areas can seek assistance from Employment Relations. Employment Relations may undertake a review of action consistent with Treasury's review of action procedures where necessary.

It is open to an employee to initiate a dispute in accordance with the dispute resolution process outlined in the agreement (section 10 – clauses 425 to 434). Where a dispute is unable to be resolved, a party to the dispute can apply to the Fair Work Commission to resolve the dispute. In the event the Fair Work

Commission cannot resolve the dispute, it may arbitrate the dispute and make a determination that is binding on the parties involved.

Where an executive level employee works additional hours...

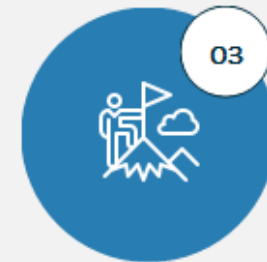
and is seeking to access TOIL:



The employee is required to keep records of their working hours.



The employee and their manager will discuss the additional hours worked to agree an amount of TOIL which is reasonable and fair considering the circumstances.



Requests to take TOIL are subject to operational requirements but will not be unreasonably refused.

to accommodate short term peaks and troughs in workload and the employee's personal life and responsibilities:



A record of working hours is not required.



The additional hours can be accommodated through the employee's flexible pattern of hours, in discussion with their manager.



The employee should endeavour to work, on average, their ordinary working hours.