# Pattern bargaining in the Australian public service. Still one size fits all?

Michael Lyons and Louise Ingersoll University of Western Sydney

#### **ABSTRACT**

The industrial relations policy of the federal Coalition government is to encourage industrial bargaining to occur at the enterprise or individual level, free from 'outside' influences. While it encourages devolved bargaining at the agency and individual level within the federal public service (Australian Public Service), this policy creates tensions with its role as a centralised policy maker, economic manager and employer of the APS workforce, and in some respects the adoption of New Public Management. In practice, the government retains considerable centralised control over agency bargaining outcomes, which is a de facto method of pattern bargaining. By analysing the substantive outcomes from nine APS agency level certified agreements (hours of work, pay and leave entitlements), the paper discusses whether this 'one size fits all' model is evidence of an appreciation that public sector industrial relations is separate and distinct from private sector industrial relations, or another example of duplicity in the federal Coalition government's ideology driven approach to industrial relations.

## Introduction

New Public Management (NPM) has three identifiable components: the adoption of private sector styles of management and administration; the application of post-Fordist work organisation and design; but also includes the retention of a public sector philosophy despite these other innovations (O'Brien & Fairbrother, 2000: 59). This last aspect of NPM is often overlooked by some of its advocates (Leishman *et al.*, 1995; Cope *et al.*, 1997) who fail to appreciate the 'poor fit between private and public sector objectives' (Goss, 2001: 3). For example, the practice of public sector management cannot easily be transposed with private sector management as the relationships of the former to the parliament, the executive and the community are fundamentally different to the latter's relationship to boards of directors (Podger, 2000: 25). An important consequence of this appreciation is that industrial relations in the public sector cannot easily mimic that found in the private sector (Colley, 2001: 12).

This paper discusses analysis of the content of nine federal public service collective agreements from agencies with disparate characteristics in terms of function, size and agreement type in order to identify any conflict between ideology and practice. This 'cross-section' of agreements suggests there is considerable prescription of procedural matters forcing agencies to adhere to the government's ideological predisposition. While there is little or no prescription on substantive matters (conditions of employment), the analysis shows agency managers have not chosen to vary conditions in any significant way. We conclude that the standardisation of substantive outcomes is due two possible influences: a recognition that public sector industrial relations is idiosyncratic; or the government's parameters for agreement making are an example of employer initiated pattern bargaining which is at odds with the government's approach to bargaining in the private sector.

# Bargaining in the APS

The Australian Public Service (APS) – the Commonwealth government's workforce – consists of about 100 individual agencies (Yates, 1998). In the past the industrial relations of the APS was relatively complex, with more than 130 industrial awards regulating many conditions of employment, and over 20 separate trade unions being party to the awards (Yates, 1998). By 1995 there were only nine APS awards, and by 1998 just one APS wide award (Shergold, 2000: 20). Currently, the official 'employer' of APS staff is the Department of Employment and Workplace Relations (Anderson *et al.*, 2002; Shergold, 2000: 18). However, the government's attitude is that the 'primary employment relationship is at the agency level' (Macdonald, 1998: 49).

In 1991, the Commonwealth's business enterprises (GBEs) were allowed to negotiate their own agency collective agreements (Preiss, 1994). Agency level agreements were also negotiated across the APS under the Labor government of the early 1990s (O'Brien & Fairbrother, 2000: 63; O'Brien and O'Donnell, 2002: 107; Yates, 1998: 83-84). The shift from service level employment regulation to the agency level is justified on the basis that each agency has separate functions and roles, and human resource management could be aligned with agency needs and objectives (Yates, 1998: 86). Yet collective bargaining devolved to the agency level creates its own problems, particularly the lack of skills, expertise and experience of agency managers in industrial bargaining (Yates, 1998: 89). In addition, agency level bargaining can be resource intensive in terms of the time and effort involved for the outcome (Shergold, 2000: 20).

The implementation of NPM presents governments with a dilemma: how can these new management and work practices be put into effect without compromising the overall interests of the government as a policy maker and the employer of the public service workforce (O'Brien & Fairbrother, 2000: 62; O'Brien & O'Donnell, 2002: 106). Put another way, a balance needs to found between the control of substantive outcomes and procedural processes notwithstanding the tension created by having different levels (service wide or agency) exercising authority over separate activities (O'Brien & Fairbrother, 2000: 64). An example of the tensions between centralised policy making and financial control on the one hand, and decentralised management on the other, is the enterprise bargaining round in the Australian Capital Territory (ACT) public sector of the late 1990s (Fairbrother & O'Brien, 2000: 56). The bargaining round in the ACT public service of 1998-2000 was devolved to the sub-agency level, with 50 agreements negotiated. Despite this highly fragmented bargaining, there was still significant centralised control of 17 service wide 'core' bargaining topics (Junor, 2000: 70). Moreover, the lack of skills, expertise and experience of the sub-agency managers resulted in a timid approach to the scope of bargaining and/or 'photocopy' bargaining of more or less 'essentially the same agreement' (Junor, 2000: 72).

In order to overcome some of these tensions, the Coalition government's strategy towards public sector industrial relations has been to adopt a 'loose-tight' policy (O'Brien & O'Donnell, 2002). For instance, the 300 page Public Service Act 1922 was replaced with a much revised statute in 2000 (Public Service Act 1999) which substituted prescription with values and principles (Anderson et al., 2002). Conversely, the government imposes a 'tight' framework within which agency level industrial bargaining takes place. The current framework Policy Parameters for Agreement Making in the APS (December 2003) states:

- Agreements are to be consistent with the Government's workplace relations policies. This includes:
  - fostering more direct relations between agencies and their employees;
  - protecting freedom of association;
  - providing scope for comprehensive AWAs to be made with staff; and
  - displacing existing agreements and, wherever possible, awards.
- 2. Improvements in pay and conditions are to be linked to improvements in organisational productivity and performance
  - other than in exceptional circumstances, pay increases are to apply prospectively.
- 3. Improvements in pay and conditions are to be funded from within agency budgets.
- 4. Agreements are to include compulsory redeployment, reduction and retrenchment provisions, with any changes not to enhance existing redundancy arrangements
  - an Agency Minister may, in consultation with the Minister Assisting the Prime Minister for the Public Service, approve separate financial incentives to resolve major organisational change. Such incentives are to be cost neutral to the agency in the context of the major organisational change.
- 5. Agreements are to facilitate mobility across the APS by:
  - maintaining structures that are consistent with the Classification Rules, with salary advancement to be guided by performance; and
  - retaining portability of accrued paid leave entitlements.

6. Agreements are to include leave policies and employment practices that support the release of Defence Reservists for peacetime training and deployment.

This tight control of bargaining outcomes has been criticised by unions for placing limitations on the topics that can be negotiated and included in agency level agreements (O'Brien & Fairbrother, 2000: 64; Senate Committee Report, 2000: 17; Yates, 1998: 87), and this criticism has also been echoed by some agency managers (O'Brien & O'Donnell, 2002: 109). In many respects, the policy of centralised control of the devolved bargaining processes contradicts aspects of NPM (Anderson et al., 2002). It also seems inconsistent with the ideology, if not the legislative policy, of the Coalition government. Specifically, the government has attempted on several occasions to proscribe pattern bargaining (Sheldon & Thornthwaite, 2001). The Workplace Relations Amendment Bill 2000, for example, defined pattern bargaining as 'conduct or bargaining, involving common wages and/or other common employee entitlements... that extends beyond a single business and is contradictory to the objective of encouraging agreements to be genuinely negotiated between parties at the workplace or enterprise level' (Hancock, 2000: 88, emphasis added). A typical example of pattern bargaining by a union is the strategy pursued by the National Tertiary Education Union (O'Brien, 1999). Arguably, the tight control of APS industrial relations practiced by the government is also an example of pattern bargaining.

The devolution of much employment regulation from the service level to the agency level can be criticised for having an element of déjà vu about it, as agencies are required to 'reinvent' employment regulation and policies previously decided in a centralised framework (Podger, 2000). The lack of free advice from the coordinating APS department, Employment and Workplace Relations, available to some agencies has also added to perceptions that many agreements merely 'reinvent' past employment regulations and policies (O'Brien & O'Donnell, 2002: 110). For instance, the general staff agreement within the Australian Taxation Office is almost identical to the executive level agreement (Anderson et al., 2003: 5). In other words, APS agency negotiations are simply 'photocopy' bargaining (O'Brien & O'Donnell, 2002: 110). Indeed, some agency mangers expressed the view before the Senate's inquiry into APS employment matters that they are still operating under a 'one size fits all' culture (Senate Committee Report, 2000: 26). Given that the Coalition's bargaining framework discourages trade union involvement, this tight control generates problems for managers in relatively highly unionised agencies (Anderson et al., 2003: 11).

#### Agency certified agreements

With APS bargaining devolved to the agency level, the expectation would be that there is considerable variation with the conditions of employment for the APS staff in each agency. In order to examine this proposition we analysed a number of APS collective agreements across a range of agencies with differing characteristics. Three of the agencies could be classified as large, each employing over 19,000 staff. Five agencies could be classified as medium sized, each employing between 2,000 and 5,000 staff. And one agency could be classified as small, employing less than 1,000 staff. The large agencies are the Australian Taxation Office (ATO), Centrelink (formerly the Department of Social Security), and the Department of Defence. The medium sized agencies are the Australian Customs Service, the Australian Bureau of Statistics (ABS), the Child Support Agency (CSA) which is formally part of the Department of Family and Community Services, the Department of Employment and Workplace Relations (DEWR), and the Department of Veterans' Affairs. While the small agency is the Department of the Treasury. The nine agencies perform a rage of services and activities, including advice to government (DEWR and Treasury), direct 'client' services to the public (Centrelink, CSA and Veterans' Affairs), and government services (ABS, ATO, Customs, and Defence). The staffing numbers and details of agency activities were ascertained from the latest (as time of writing) agency annual report (2002-2003). The approximate staffing numbers for each agency are: ABS, 3000; ATO, 22000; Centrelink, 27000; CSA, 3000; Customs, 5000; Defence, 19000; DEWR, 2100; Treasury, 800; and Veteran's Affairs, 2500.

All nine agencies have currently operating collective agreements with staff which have been certified by the Australian Industrial Relations Commission in accordance with the Workplace Relations Act 1996 (Cth). While all the agreements are 'Certified Agreements', three agencies have 'nonunion' agreements (s. 170LK) and the other six are 'union' agreements (s. 170LJ) with at least one union being party to the agreement (see Table 1). The relevant agreements analysed are:

ABS Certified Agreement 2003 to 2006; Australian Customs Service Certified Agreement 2002-2004; Australian Taxation Office General Employees' Agreement 2002; Centrelink Development Agreement 2003-05; Child Support Agency (General Employees) Agreement 2002; Department of Veteran's Affairs Enterprise Agreement 2004-2005; DEWR Certified Agreement 2002-2004; The Defence Employees Certified Agreement 2002-2003; and Treasury Certified Agreement 2004-2006.

It should be noted, however, that not all agreements cover all the staff in each agency. All the agencies have a number of individual level agreements, Australian Workplace Agreements, with the senior staff (O'Brien & O'Donnell, 2002). And some agencies have non-union certified agreements with executive level staff, the ATO for example (Anderson et al., 2003). We examined the agreements to identify variations in three areas of the APS conditions of employment: hours of work, pay, leave entitlements.

# Hours of employment

Table 1 shows a comparison across the nine agreements of the working hours of APS staff. There is little variation in the 'core' working hours in each agency, with all being a span of between 11 and 12 hours from about 7.00 a.m. to about 7.00 p.m. The only noticeable difference is with Customs, which has shift work arrangements, which is not all that surprising given the 24 hour, 7 days a week operation of the agency. There is also little variation in the typical hours worked per day within those 'core' hours – ranging between 7 hours, 21 minutes and 7 hours, 30 minutes – and the number hours to be worked each month – ranging from 147 hours to 150 hours. Seven of the agreements include paid non-work days over the Christmas-New Year period from 2 to 3 days. The two agencies which do not have a 'Christmas shutdown' period, Customs and Centrelink, again is not all that surprising given the nature of each agency's activities. The failure to detect substantive divergences among the hours of employment of the APS in the nine agencies supports the contention that devolved public sector bargaining is in reality 'photocopy' bargaining.

#### Pay and allowances

Table 2 shows a comparison across the nine agreements of the pay and allowances of APS staff. Unlike hours of employment, there are some prominent differences. Overall, public sector employees earn more than private sector employees (ABS, 2004; Borland et al., 1998). Since the onset of devolved bargaining, some agencies have negotiated higher relative pay increases than others, with the ATO being conspicuous in this respect. The capacity of an agency to negotiate pay increases is restricted by the APS agreement making parameters, as pay must be funded from within agency budgets. Consequently, the government's budget allocation to the agency has a major impact on negotiating pay increases. For instance, management of the Australian Federal Police (AFP) were forced to acknowledge publicly that it was operating under an 'extremely tight financial position' because of the government's budgetary allocation (AFP, 1997; 1998), while at the same time more demands and responsibilities being placed on it by the federal government (AFPA, 1998: 12). As a result, the AFP was compelled to spend a lower proportion of its budget on staffing than other police agencies in Australia (AFPA, 2001: 106). It is likely that similar circumstances impact on some of the agencies examined in the present study (DEWR, Treasury and Veterans' Affairs, for example). Moreover, the pay differential between agencies as a consequence of devolved bargaining implicitly affects inter-agency mobility of APS staff (O'Brien & O'Donnell, 2002: 119). For example, the lower paying agencies have problem attracting and retaining employees (O'Brien & Fairbrother, 2000: 64).

TABLE 1 APSemployment hours under certified agreements, selective agencies

Aust Bure Stati	Australian Bureau of Statistics	Australian Customs Service	Australian Taxation Office	Centrelink	Child Support Agency	Employment & Workplace Relations	Defence	Treasury	Veterans' Affairs
Non-union		Union	Union	Union	Union	Non-union	Union	Non-union	Union
2 days		nil	2 days	lin	2.5 days	2.5 days	3 days	2 days	2 days
07.00-19.00		07.00-18.30 (shift work)	07.00-19.00	07.00-19.00	07.30-19.00	07.00-19.00	07.30-19.00	07.30-19.00	07.00-19.00
7.21 (147 per month)		36.45 p.w. (147 per month)	7.21 (147 per month)	7.21 (147 per month)	7.26 (148.4 per month)	7.30 (150 per month)	7.30 (150 per month)	7.30 (150 per month)	7.30 (150 per month)

TABLE 2 APS pay and allowances under certified agreements, selective agencies

Agency	Australian Bureau of Statistics	Australian Customs Service	Australian Taxation Office	Centrelink	Child Support Agency	Employment & Workplace Relations	Defence	Treasury	Veterans' Affairs
Agreement type	Non-union	Union	Union	Union	Union	Non-union	Union	Non-union	Union
Allowances	First aid. Language.	First aid. Language.	First aid. Language. OHS rep, harassment contact, fire warden etc.	First aid. Language.	First aid. Language. OHS rep, harassment contact, fire warden etc.	First aid. Language.	First aid. Language.	First aid.	First aid. Language.
Linked pay increases	Linked to agency outcomes	Satisfactory performance	Satisfactory performance	Meet/ exceed expectations	Satisfactory performance	Satisfactory performance	Satis factory performance	Satisfactory performance (not detailed)	Satisfactory performance
Pay increases 1996-2004	25-30 %	25-30 %	30-35 %	25-30 %	25-30 %	20-25 %	25-30 %	20-25 %	20-25 %
<i>Performance</i> <i>pay</i>	nil	Limited to staff at top of classification	nil	nil	nil	nil	nil	Not defined (policy based)	Yes, but absorbed by salary after Sept 2004
Relocation payment	Not defined (policy based)	Re- assignment only.	Fixed sum. Eligibility defined.	Varies if initiated by employee	Fixed sum. Eligibility defined (promotions excluded).	Varies if initiated by employee	Variable & discretionary	Not defined (policy based)	Variable & discretionary

Minor variations in the allowances available to staff are evident, thought most offer an allowance if the employee has a first aid qualification and/or speaks (and uses) a relevant community language. Most agencies subsidise staff relocation costs, though there are some restrictions if the reason for the relocation is due to the initative of the employee (transfer or promotion). Advancement to higher pay increments in all nine agencies is based on meeting performance management criteria, and with the Centrelink agreement more rapid advancement is allowed if the staff member exceeds the performance expectations. The Treasury agreement does not detail the pay advancement mechanism (clause 3.2). Only the ABS agreement specifically links pay increases to meeting 'business' outcomes (clauses 33-45). A notable feature of Table 2 is the general lack of performance based pay clauses, other than those found with the performance management system. While some APS agencies have been particularly enthusiastic about imposing a 'performance culture' among staff and implementing a pay and reward system to facilitate this outcome, the Department of Finance and Administration for instance (O'Brien & O'Donnell, 2002: 112-116; O'Donnell & Shields, 2002), the cross-section of agreements examined for the present study indicates that a direct link between performance and pay has little attraction for APS managers and/or APS staff. In some respects this outcome is not all that surprising as O'Donnell and Shields (2002: 439) argue that the evidence 'provides no clear endorsement' for individual performance based pay mechanisms in public sector employment. Moreover, in assessing the utility of performance based pay in the public sector a former Premier of Queensland concluded: 'A major reason for the failure of performance pay in Australia to improve public sector productivity, is the differing motivation of public servants in their careers' (Goss, 2001: 6, emphasis added).

#### Leave entitlements

Table 3 shows a comparison across the nine agreements of the leave entitlements available to APS staff. Many leave entitlements in the APS are prescribed by relevant legislation (e.g., Long Service Leave (Commonwealth Employees) Act 1976, Maternity Leave (Commonwealth Employees) Act 1973) and thus cannot be varied by clauses in agreements. While annual leave is not prescribed by statute, all the agreements contain the community standard detailed in the Australian Public Service Award 1998 of four weeks (about 150 hours) paid leave per annum for fulltime staff, and pro-rata for part-time staff, despite the fact that the agreements displace (i.e., 'override') the APS Award.

Of the three conditions of APS employment examined for this paper, the most variation appears to be with the manner and form of leave entitlements. With respect to annual (recreation) leave, five agreements permit it to be taken at half pay in order to extend the period of leave, three agreements specifically permit accrual of annual leave, and four agreements allow for the 'cashing out' (payment in lieu) of annual leave. All the agreements have provision for carer's leave, though the mechanism used to assess the entitlement varies: in some agreements it constitutes part of personal leave, and in others it is drawn from a 'pool' available to staff determined by a 'headcount' of employees. The minium period for carer's leave is in the Customs, DEWR and Veterans' Affairs agreements (5 days), with most allowing between 2-3 weeks, while the Defence agreement permits 3 weeks though this may be extended depending on circumstances and need. There is also some variation with the provision of maternity leave, with most allowing a half pay option, and all agreements having 'top up' provisions of a combination of paid and unpaid leave. The least variation occurs with respect to paid sick leave, as all the agreements allow between 3-4 weeks per annum. No agreement provides for the 'cashing out' of sick leave, which is apparently inconsistent with government policy, and thus would not be approved by DEWR when they vet draft agency agreements prior to submission for certification (Anonymous, 2004). However, the 'cashing out' of sick leave does not seem to be against government policy in regards to private sector agreements as they are contained in some Australian Workplace Agreements (e.g., Accuweigh and Shoalhaven Ex-Servicemen's Club) and are publicised by the Office of the Employment Advocate (OEA, 2004). Notwithstanding the differences in leave entitlements detailed in the agreements it is probable that in practice the differences are not as extensive as they seem 'on paper'.

TABLE 3 APS leave entitlements under certified agreements, selective agencies

Agency	Australian Bureau of Statistics	Australian Customs Service	Australian Taxation Office	Centrelink	Child Support Agency	Employment & Workplace Relations	Defence	Treasury	Veterans' Affairs
Agreement type	Non-union	Union	Union	Union	Union	Non-union	Union	Non-union	Union
Annual Icave	Half pay option. Deemed leave after 40 days accrued	Accrued up to 450 hours. Cash out option if 4 weeks accrued	Not accrued	Half pay option	Cash out up to 5 days	Not accrued after 60 days	Half pay option. Accrued up to 530 hours	Half pay option. Cash out option if 4 weeks accrued	Half pay option. Cash out option if 3 weeks accrued
Carer's leave	18 days (personal leave)	5 days (personal leave)	Up to 2 weeks (pooled)	Up to 2 weeks (personal leave)	Up to 2 weeks (pooled)	Up to 5 days continuous (personal leave)	No limit (personal leave)	15 days, discretionary extension (personal leave)	Up to 5 days (personal leave)
Parental leave	Maternity Leave Act (half pay option) plus 2 weeks paid	Maternity Leave Act (half pay option). 40 weeks unpaid for child birth	Maternity Leave Act (half pay option). 40 weeks unpaid for child birth	Maternity Leave Act (half pay option). 12 weeks paid adoption leave	Maternity Leave Act (half pay option). 6 weeks paid adoption leave. 5 years unpaid for child birth	Maternity Leave Act (half pay option). 2 weeks paid adoption leave. 52 weeks unpaid for child birth	Maternity Leave Act plus 2 paid weeks. 16 months unpaid for child birth. 2 paid weeks for non- maternity	Maternity Leave Act (half pay option). 6 days paid for child birth/ adoption. Unpaid miscellaneous leave	Maternity Leave Act (half pay option) plus 2 weeks of paid personal leave
Sick leave	3 weeks p.a.	15 days p.a.	3 weeks p.a.	4 weeks p.a.	4 weeks p.a.	18 days p.a.	3 weeks p.a.	15 days p.a.	18 days p.a.

#### Discussion and conclusions

O'Brien and O'Donnell (2002: 104) argue that the Workplace Relations Act has had is most noticeable impact in the APS. While this conclusion is accurate with respect to the encouragement of trade union participation in APS industrial relations, our analysis of agency level bargaining outcomes questions this assertion with respect to the employment conditions of APS staff. The nine APS agency agreements examined have a range have different characteristics: the agencies differ in size; the agencies differ in roles and activities; and the agreements differ in type, with some being union agreements and some been direct staff agreements. In light of these disparate attributes, a reasonable expectation would be that considerable variations exist in the employment conditions across the nine APS agencies. Surprisingly, few substantive variations were identified. All nine agencies have remarkably similar regulated hours of employment. The allowances paid to staff are also similar, though some agency agreements are more generous than some others. The mechanism for staff to advance to a higher pay increment is almost identical for seven of the agencies. Perhaps the most surprising feature of the nine agreements – in terms of pay – is not what they contain, but what they omit. No agreement outlines a system of performance based pay, despite the rhetoric of some APS managers (O'Donnell & Shields, 2002). And finally, while there is some divergence among the leave entitlements available to the APS staff, most of this variation appears to be concerned with the technical procedures used to calculate leave, rather than the actual periods of leave that form part the conditions of employment. Furthermore, when these leave entitlements are compared with what is available to employees in the private sector a reasonable assessment would be that they are somewhat generous (Grace, 2003). Consequently, it is difficult to conclude, based of the contents of the nine agency agreements, that the operation of the Workplace Relations Act has had an overall detrimental impact on the conditions of employment of APS staff. Indeed, O'Brien and Fairbrother (2000: 64) note that many of the changes made to the APS by the Coalition government are 'more apparent then real'. However, the outcome might be different in other Commonwealth government agencies not analysed in the present study.

Notwithstanding the above remark, the employment conditions detailed in some of the agreements seem to be less attractive than the others. It is perhaps no coincidence that the contents of the non-union agreements (ABS and Treasury specifically) appear to provide scope for more intense managerial prerogatives, relative to the others. That is, the particular employment condition is either not set out in the agreement and thus is determined by management policy, or permits a high degree of management discretion (i.e., linking pay to individual performance and relocation allowances). This observation supports the argument of O'Brien and O'Donnell (2002) indirectly, as the exclusion of union influence and participation will, over time, have an adverse impact on employment conditions found the APS.

Explaining the lack of substantive variation across the nine agreements highlights the tensions and contradictions with the Coalition government's industrial relations policy on the one hand, and it role as the 'employer' of the APS workforce on the other. It is the government's desire to have industrial relations devolved to the workplace level and even the individual level. The disfavour it shows towards the regulation of employment at the industry level, coupled with the ideology of expunging trade unions from the industrial relations environment, can been seen from its past attempts (and almost certainly future efforts) to prohibit pattern bargaining. However, in its role as APS employer it cannot permit agencies to deviate too widely from its policy and budgetary framework in the course of their industrial bargaining. In one sense the tight control exercised by the Coalition government over the scope of agency bargaining is recognition that the third, and often overlooked, element of NPM - the retention of a public service philosophy - influences the thinking within the Coalition parties. The maintenance of a 'one size fits all' regime via the promulgation and enforcement of the Policy Parameters for Agreement Making in the APS can be interpreted as an acknowledgement that the management and employment practices applicable to the public sector are separate and distinct from those found in the private sector.

An alternative interpretation of the tight control exercised by the Coalition government's de facto policy of pattern bargaining in the APS, while at the same time seeking to forbid similar conduct by unions in the private sector, is that it is just another instance of Coalition hypocrisy, similar to the effective prohibition placed on the negotiation and inclusion of clauses in certified agreements relating to the payment of union bargaining fees by non-union members (see s. 298Z of the Workplace Relations Act, inserted by the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Act 2003), despite the rhetoric of limiting third party involvement in both the substantive and procedural aspects of enterprise bargaining. The shape of the Howard government's policy towards public sector industrial relations over its fourth term will determine which of these two interpretations is correct.

\* The authors acknowledge the assistance of Laurie Bedford in the preparation of this paper.

## References

- Anderson, E., Griffin, G. and Teicher, J. 2002, 'Managerialism and the Australian Public Service: valuing efficiency and equity?', New Zealand Journal of Industrial Relations, 37(1), pp. 13-31.
- Anderson, E., Griffin, G. and Teicher, J. 2003, 'The evolution of industrial relations in the ATO: managing for performance', in P. Holland, J. Teicher & S. Turberville (eds.), Reflections and New Directions, Proceedings (Refereed and Non-Refereed) of the 17th Conference of the Association of Industrial Relations Academics of Australia and New Zealand, February 4-7, Melbourne 2003. Association of Industrial Relations Academics of Australia and New Zealand, Clayton, Victoria.
- Annual Report 2003, Australian Bureau of Statistics, Australian Customs Service, Australian Taxation Office, Centrelink, Department of Defence, Department of Employment and Workplace Relations, Department of Family and Community Services, Department of the Treasury, and Department of Veterans' Affairs, 2002-2003.
- Anonymous 2004, Confidential personal communication with APS agency manager, June 2004. (ABS) Australian Bureau of Statistics 2004, Average Weekly Earnings, Australia, catalogue number 6302.0.
- (AFP) Australian Federal Police 1997, Australian Federal Police Annual Report 1996-1997, Australian Federal Police, Canberra.
- Australian Federal Police 1998, Australian Federal Police Annual Report 1997-1998, Australian Federal Police, Canberra.
- (AFPA) Australian Federal Police Association 1998, 'Submission to the Ayres Review of Finances and Management of the Australian Federal Police', Australian Federal Police Association, Deakin, ACT.
- Australian Federal Police Association 2001, 'Submission to the Senate Legal and Constitutional Affairs Committee Inquiry in the Management and Adequacy of Funding of the Australian Federal Police and the National Crime Authority', March 2001, Australian Federal Police Association, Deakin, ACT.
- Borland, J. Hirschberg, J and Lye, J. 1998, 'Earnings of public sector and private sector employees in Australia: is there a difference?', *Economic Record* 74(224), pp. 36-53.
- Colley, L. 2001, 'The changing face of public sector employment', Australian Journal of Public Administration, 60(1), pp. 9-20.
- Cope, S., Leishman, F. and Starie, P. 1997, 'Globalisation, new public management and the enabling State', International Journal of Public Sector Management, 10(6), pp. 444-460.
- Fairbrother, P. and O'Brien, J. 2000, 'Introduction: changing public sector industrial relations in the Australian state', Australian Journal of Public Administration, 59(4), pp. 54-59.
- Goss, W. 2001, 'Managing for results appraisals and rewards', Australian Journal of Public Administration, 61(1), pp 3-9.
- Grace, M. 2003, 'Paid maternity leave: shaping the future', Just Policy, 29(April), pp. 15-25.
- Hancock, K. 2000, 'Trends in Australian industrial regulation', Australian Bulletin of Labour, 26(2), pp.
- Junor, A. 2000, 'Participation, fragmentation and union response: the 1998-2000 ACT public sector bargaining round and the Workplace Relations Act', Australian Journal of Public Administration, 59(4), pp. 67-75.
- Leishman, F., Cope, S. and Starie, P. 1995, 'Reforming the police in Britain', International Journal of Public Sector Management, 8(4), pp 26-37.
- Macdonald, D. 1998, 'Public sector industrial relations under the Howard government', Labour and Industry, 9(2), pp. 43-59.

- O'Brien, J. 1999, 'Pattern bargaining, decentralism and union democracy: the NTEU and enterprise bargaining in universities', *Australian Universities*' Review 1(1999), pp. 24-32.
- O'Brien, J., and Fairbrother, P. 2000, 'A changing public sector: developments at the Commonwealth level', *Australian Journal of Public Administration*, 59(4), pp. 59-66.
- O'Brien, J. and O'Donnell, M. 2002, 'Individualism, union organisation and management prerogatives in the Australian Public Service 1983-2000', *Labour and Industry*, 12(3), pp. 103-122.
- O'Donnell, M. and Shields, J. 2002, 'Performance management and the psychological contract in the Australian federal public service', *Journal of Industrial Relations*, 44 (3), pp. 435-457.
- (OEA) Office of the Employment Advocate (2004) Website [online]: http://www.oea.gov.au/graphics.asp?showdoc=/employers/ambassador\_accuweigh.asp; http://www.oea.gov.au/graphics.asp?showdoc=/employers/ambassador\_shoalhaven.asp [accessed 9 October 2004].
- Podger, A. 2000, 'The new Public Service Act and the commitment to values', *Canberra Bulletin of Public Administration*, 97 (September), pp 22-26.
- Preiss, B. 1994, 'Enterprise bargaining in the public sector', *Australian Journal of Public Administration*, 53(3), pp. 348-363.
- Senate Finances and Public Administration References Committee 2000, *Australian Public Service Employment Matters, First Report*, Parliament of the Commonwealth of Australia, Canberra.
- Sheldon, P. and Thornthwaite, L. 2001, 'Employer matters in 2000', *Journal of Industrial Relations*, 43(2), pp. 219-242.
- Shergold, P. 2000, 'The Public Service Act and workplace relations: complementary reforms', *Canberra Bulletin of Public Administration*, 97(September), pp. 18-21.
- Yates, B. 1998, 'Workplace relations and agreement making in the Australian Public Service', *Australian Journal of Public Administration*, 57(2), pp. 82-90.