



Submission to the ACT Remuneration Tribunal 2023 Spring Review

September 2023

Background

The ACT Government acknowledges the Ngunnawal people as the Traditional Custodians of the land on which the Government operates.

The ACT Remuneration Tribunal (the Tribunal) advertised the 2023 Spring Review in September 2023. This review is considering the remuneration and allowances to be paid and other entitlements to be granted to:

- The Judiciary (ACT Supreme Court, ACT Magistrates Court);
- The ACT Civil and Administrative Tribunal;
- The ACT Integrity Commission (Integrity Commissioner and Chief Executive Officer);
- The Principal Registrar, Courts and Tribunal;
- The Director of Public Prosecutions; and
- Part-time Holders of Public Office on boards, tribunals and committees.

This is the ACT Government Submission to the Tribunal's 2023 Spring Review, and it is made without prejudice.

Context

ACT Remuneration Tribunal decisions

The Government notes the outcomes of the:

- 2023 Autumn Review, held in May 2023, at which the Tribunal determined to provide an increase of 3.5% to the remuneration of position holders.
- 2022 Spring Review, held in October and November 2022, at which the Tribunal determined to provide an increase of 3% to the remuneration of position holders, with additional adjustments for some position holders. Remuneration of ACT Supreme Court judicial position holders and the Integrity Commissioner increased in line with existing relativity to the increases provided by the Commonwealth Remuneration Tribunal for Federal Judges;
- 2022 Autumn Review, held in May 2022, at which the Tribunal determined to provide an increase of 3.25% to the remuneration of positions holders, with additional adjustments for some position holders. The Tribunal noted that it had balanced the community standards and expectations and noted the continuing uncertainty of circumstances due to COVID-19. The Tribunal also indicated the importance of the Territory providing competitive and equitable remuneration, allowances and other entitlements so that it can continue to attract and retain high calibre individuals;

Federal Remuneration Tribunal decisions

The Government notes the outcomes of the:

- 2023 review, determining an adjustment of 4 per cent to remuneration for Judicial and Related Offices, effective from 1 July 2023.

Matters for the Tribunal to consider

As outlined in its Autumn submission, in the context of an economy recovering from the uncertainty that COVID-19 induced, as well as an economy weathering the impacts of international financial shocks, the Government highlights the importance of balancing community expectations with the need for attracting and retaining talented office-holders. The Government also notes the current rate of inflation and associated cost of living pressures.

It continues to be important to the Government for it to remain and be seen as a competitive employer. The Government is appreciative of the important contribution and achievement of these

office-holders over the preceding 12 months, and a remuneration increase would recognise this contribution.

The Government notes the Tribunal's decision in the Autumn 2023 Review to generally increase remuneration in the amount of 3.5%. The Government highlights the importance of ensuring that position holders considered during the Spring Sitting of the Tribunal receive increases in remuneration that are reasonably commensurate to that provided in the Autumn Sitting of the Tribunal, to avoid a lag in increases for these office-holders in comparison. The Government also notes the Tribunal's additional requirements relating to the federal Remuneration Tribunal's decisions for judicial office-holders.

Remuneration under Enterprise Agreements

This information is included for background and context of the current environment regarding enterprise agreements in the ACTPS and is not intended as a recommendation for the Tribunal.

Bargaining commenced in early 2022 for the agreements due to expire by October 2022. After negotiating the formal pay offer with unions and other bargaining parties in late 2022 and early 2023, a pay offer incorporating percentage increases and fixed-dollar increases dating from January 2023 was agreed in principle between bargaining parties. The combination of these increases would result in pay rises for employees covered by enterprise agreements under negotiation. Importantly, the combination would provide workers on lower salaries with higher increases than what would be provided if a recurrent percentage was applied.

Date of increase	Amount	Increase type
Upon EA commencement	\$1,250	One off cost-of-living supplement
Jan-23	\$1,750	Flat increase
Jun-23	1%	% increase
Dec-23	\$1,750	Flat increase
Jun-24	1.50%	% increase
Dec-24	1% + \$1,500	% increase and flat increase
Jun-25	1%	% increase
Dec-25	1% + \$1,000	% increase and flat increase

The Common Terms and Conditions containing the formal pay offer were finalised upon the approval of the *ACTPS Infrastructure Services Enterprise Agreement 2023-2026* which came into effect 26 June 2023.

Pay increases will apply from the first full pay period in January 2023. Any relevant back pay is to be paid as soon as possible upon the successful ballot, Fair Work Commission approval and commencement of the relevant agreement.

The final pay offer also includes:

- a 0.5% increase to the Superannuation Guarantee from 1 July 2025 (which would bring contributions to Superannuation Guarantee funds up to 12%); and

- an additional 0.25% increase from 1 January 2026 (which would bring contributions to Superannuation Guarantee funds up to 12.25%).

In addition to the pay offer, the ACT Government has also enhanced employment conditions in recognition of the contribution and valuable work performed by employees. Some of the key initiatives include:

- Expanding current leave entitlements, including the introduction of Assisted Reproductive Leave and the increase of paid birth leave from 18 to 24 weeks;
- Broadening flextime provisions;
- Broadening access to the health and wellbeing allowance; and
- Simplifying dispute and misconduct provisions.

The status of the ACTPS enterprise agreements being negotiated as part of the current round are as follows:

- Agreements finalised and in effect:
 - ACTPS Infrastructure Services Enterprise Agreement 2023-2026
 - ACTPS Education Directorate Teaching Staff Enterprise Agreement 2023-2026
 - ACTPS Office of the Legislative Assembly Enterprise Agreement 2023-2026
 - ACTPS Administrative and Related Classifications Enterprise Agreement 2023-2026
- Agreements progressing to access and ballot:
 - ACTPS CIT General Staff Enterprise Agreement 2023-2026
 - ACTPS Correctional Officers Enterprise Agreement 2023-2026
 - ACTPS Legal Professionals Enterprise Agreement 2023-2026
- Agreements under negotiation:
 - ACTPS ACT Ambulance Service Enterprise Agreement 2023-2026
 - ACTPS CIT Teaching Staff Enterprise Agreement 2023-2026
 - ACTPS Cultural Facilities Corporation Enterprise Agreement 2023-2026
 - ACTPS Health Professional Enterprise Agreement 2023-2026
 - ACTPS Legislative Assembly Members' Staff Enterprise Agreement 2023-2026
 - ACTPS Medical Practitioners Enterprise Agreement 2023-2026
 - ACTPS Nursing and Midwifery Enterprise Agreement 2023-2026
 - ACTPS Support Services Enterprise Agreement 2023-2026
 - ACTPS Technical and Other Professionals Enterprise Agreement 2023-2026
 - ACTPS Transport Canberra Operations (ACTION) Enterprise Agreement 2023-2026

Conclusion

In undertaking the 2023 Spring Review, the Government encourages the Tribunal to consider community expectations and the Territory's fiscal position when assessing the remuneration, allowances and other entitlements of the Office Holders covered by this review.

As mentioned in the Autumn submission, the wider ACT economy is emerging from the COVID-19 pandemic and our focus is on rebuilding our economic, social and community resilience. The Government notes the real cost of living pressures from increases in consumer price index in the last 12 months.

Thank you for the opportunity to provide a submission for the Spring 2023 review. The Government wishes to acknowledge the important contribution that the judiciary, judicial related roles, Integrity Commissioner and Chief Executive Officer and Part-time Public Office-Holders provide to the ACT community.