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(SENT TO: RELEVANT EMPLOYEE REPRESENTATIVE ORGANISATIONS)

WITHOUT PREJUDICE

**TERMS OF OFFER
PROPOSED SOUTH AUSTRALIAN PUBLIC SECTOR ENTERPRISE AGREEMENT:
WEEKLY PAID 2022**

I refer to various general and other meetings and discussions, and correspondence, concerning negotiations for a new enterprise agreement to replace the current enterprise agreement.

The attached 'Terms of Offer' (Offer) is made as a total 'package offer' for a new *South Australian Public Sector Enterprise Agreement: Weekly Paid 2022*. It has regard to the various claims made by unions, and to the various discussions and negotiations concerning a new agreement. The Offer is contingent on finalising formal terms of an enterprise agreement, acceptance by a majority of employees who vote during a ballot process, and requisite approval by the South Australian Employment Tribunal (**SAET**) pursuant to the *Fair Work Act 1994*.

For convenience, the following are key aspects of the Offer:

- Three year agreement from date of approval by the SAET. Negotiations for a new agreement will commence six months prior to its nominal expiry.
- 4 x flat dollar based annual increases of: \$21/week from first full pay period (ffpp) on or after 1 July 2021, \$21.50/week 1 July 2022 (ffpp), \$22/week 1 July 2023 (ffpp) and \$22.50/week 1 July 2024 (ffpp), with some structural adjustments.
- Increases to wage related allowances consistent with the same wage operative dates;
- 2 x one-off payments of \$500-. The first following SAET approval and the second in July 2022. The applicable criteria are addressed in the Offer.
- Redeployment, retraining and redundancy: current time periods and case management arrangements for employees declared as 'excess' or 'redundant' are maintained. The pre-declaration processes and obligations imposed on the statutory role of the Commissioner for Public Sector Employment are not included.
- Security of employment provisions are retained, but cl 15.3 is conditional on the outcome of legal processes.
- Inclusion of classification criteria for Disability Services Officer Levels 4 and 5.
- Consultation clause (clause 10) varied to include proposed changes to workforce composition.

Your response to the Terms of Offer would be welcomed as soon as practicable.

Should you require clarification or wish to discuss any of the matters in this offer, please contact Simon Johnson, Director, Enterprise Bargaining on 0466 365 133.

Please note that this offer is also being provided to the other employee representative organisations.

Yours sincerely

Chief Executive, Department of Treasury and Finance

(Declared employer of public employees pursuant to the *Fair Work (General) Regulations 2009*)

per:

A handwritten signature in blue ink, appearing to read 'SPJ', with a long horizontal stroke extending to the right.

Simon Johnson

**DIRECTOR, ENTERPRISE BARGAINING
INDUSTRIAL RELATIONS AND POLICY BRANCH**

Attachment: Terms of Offer: Proposed South Australian Public Sector Enterprise Agreement: Weekly Paid 2022

**Terms of Offer for a new
South Australian Public Sector Enterprise Agreement: Weekly Paid 2022**

This without prejudice Terms of Offer (Offer) is made as a 'total package offer' in full settlement of all claims made for a new *South Australian Public Sector Enterprise Agreement: Weekly Paid 2022* (Weekly Paid Agreement 2022), consequent on the various claims made by the associations and employee representatives, and the discussions that have occurred with a view to developing a new agreement.

The Department of Treasury and Finance, Industrial Relations and Policy Branch, on behalf of the declared employer, reserves the right to vary, withdraw or correct any unintended aspect of this Offer. The Offer is subject to the finalisation of formal terms of a new Weekly Paid Agreement 2022, the outcome of an employee ballot, and requisite approval by the South Australian Employment Tribunal (SAET), pursuant to the *Fair Work Act 1994*.

Except where indicated, the following proposals outline the nature or intended effect of each aspect of the offer on the basis that, where applicable, issues of detail or clarification can be the subject of further discussion in the finalisation of the terms of an enterprise agreement to become the subject of requisite *Fair Work Act 1994* approval processes.

Period of Agreement

It is proposed that a new Weekly Paid Agreement 2022 will come into effect on the date of approval by the South Australian Employment Tribunal (SAET) and be operative on and from that date for a nominal period of three years.

Negotiations for a new enterprise agreement will commence six months prior to the nominal expiry date of the Weekly Paid Agreement 2022.

Except where otherwise indicated, it is proposed that the operative date of the provisions in the proposed Weekly Paid Agreement 2022 will be the date of approval by the SAET.

Interpretation

It is proposed to update and vary the current clause to update nomenclature, names of agencies, including the addition of the declared employer of public employees, currently the Chief Executive, Department of Treasury and Finance.

Wages

4 annual wage increases payable from the first full pay period (ffpp) on or after the date specified:

- \$21/week 1 July 2021
 - \$21.50/week 1 July 2022
 - \$22/week 1 July 2023; and
 - \$22.50/week 1 July 2024,
- with some adjustments to wage structures.

One-off Payment

It is proposed to provide 2 x one-off payments of \$500-, subject to criteria.

Payment of a one-off payment is subject to approval of the new Weekly Paid Agreement 2022.

A one-off payment will be payable to an employee bound by the enterprise agreement who is

employed in an agency and is rostered and works, or is on paid leave, in the pay period that ends immediately preceding (i.e. is the last pay period before) the date that is specified in the enterprise agreement as applicable to that one-off payment (i.e. not adjusted pro-rata and includes casuals).

The specified date for the first one-off payment of \$500- is the date of SAET approval of the new Weekly Paid Agreement 2022.

The specified date for the second one-off payment of \$500- is 1 July 2022.

Each one-off payment will not count for any other purpose whatsoever.

In no instance, or circumstances, whatsoever can any employee be paid more than \$500- in respect of a one-off payment irrespective that the employee may be engaged in work, or in more than one capacity, at one or more agencies.

Payment of a one-off payment will be made (less applicable tax) as soon as reasonably practicable after each specified date (generally within 2-3 months of the specified date).

The criteria applicable to each one-off payment may be clarified as necessary.

Allowances, adjustment

It is proposed that wage related allowances will increase on the same operative dates as wages.

Redeployment, Retraining and Redundancy

It is proposed to retain Appendix 1: Redeployment, Retraining and Redundancy in a revised form. In effect, it will be confined to employees declared as excess or redundant. Current time periods are retained, and case management arrangements are largely retained, as are arrangements for a one off \$15,000 lump sum for early acceptance of a voluntary separation payment as detailed in the current "Guidelines Voluntary Separation Packages (VSPs) – Weekly Paid Employees" published by the Department of Treasury and Finance (updated July 2018).

Consultation obligations will be included in the revised Appendix 1, to apply prior to an employee being declared as excess or redundant and will not include obligations on the statutory role of the Commissioner for Public Sector Employment (CPSE).

Security of Employment

It is proposed to retain the security of employment provisions in the current agreement, except that a condition will apply to clause 15.3, which is the subject of legal and appeal proceedings.

Disability Services Officer Levels 4 and 5

It is proposed to include classification criteria for Disability Services Officer Levels 4 and 5, as agreed between the Department of Human Services and United Workers Union on 5 December 2019.

Improvements to consultation provisions

It is proposed to include within clause 10 (consultative processes) a requirement for consultation to occur on proposed workforce composition changes.

Obsolete clauses and terminology changes, including consequential changes.

It is proposed to update clauses and appendices in the agreement with relevant terminology changes, including as a result of consequential change. It is proposed to clarify in a wages schedule in Appendix 2 that describes the weekly wages payable on a “per annum” basis, that the described per annum rate is the annual rate of the applicable weekly wage.

The following clauses, appendices and schedules in the current agreement have either been amended to clarify current provisions or provisions that are no longer required and/or are obsolete have been removed.

- Schedule 2.2 (Chauffeurs) and Schedule 2.3 (Intellectual Disability Services Award – clarification of the weekly wages payable on a ‘per annum’ basis
- Clause 39.3 – Classification criteria for Disability Services Officers Levels 4 and 5;
- Clause 39.5 – Work level definitions for Theatre and Sterilisation Occupational groups;
- Clause 39.4 – Rostering processes for Weekly Paid employees
- Clause 41 – Additional Injury and Income Protection for Work Injured (There is only one Award, namely the South Australian Government Printing Interim Award, that does not contain provision in regard to additional injury and income protection. It is proposed to amend this clause to reflect this arrangement).

Interpretation: A reference in this Offer to a payment to be made will be taken to being subject to the payment being effected within a reasonably practicable time after an agreement is approved by SAET or a payment is due.

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