

From: **S47F**
 To: [Riordan, Peter](#)
 Cc: [Booth, Damien](#); [Prideaux, Jillian](#); **S22**
 Subject: [FOR CLEARANCE] Email to bargaining parties | Commencement provisions and one-off payment [SEC=OFFICIAL]
 Date: Tuesday, 28 November 2023 7:28:10 PM
 Attachments: [image001.png](#)
[image005.jpg](#)
[image006.jpg](#)
[image008.png](#)
[image009.jpg](#)
[image002.png](#)

OFFICIAL

Hi Peter

I'm writing to **seek your clearance** on the below email to be sent to all bargaining parties, and forwarded to ALNs.

The email has three substantive purposes:

1. Confirming the Commonwealth has revised its position on agreement commencement provisions.
2. [Explaining the salary increase clause drafting.](#)
3. Sharing the [answers provided in response to questions about the one-off payment from the ASU.](#)

The [explanation of the salary increase clause](#) has been **expanded** since you earlier cleared it, principally to include the **below table**. With apologies, I therefore ask you to review the document again.

	Scenario	One-off payment	Pay increase	Allowances	Conditions
1	Agency commences access period prior to 14 March 2024, and agreement commences prior to 14 March 2024.	Paid via supplementary determination after agreement voted up.	Paid via the enterprise agreement from 14 March 2024.	Always provided from the commencement of the enterprise agreement.	Always provided from the commencement of the enterprise agreement.
2	Agency commences access period prior to 14 March 2024, and agreement commences after 14 March 2024.		Paid via the supplementary determination from 14 March 2024 , until the agreement commences.		
3	Agency does not commence an access period leading to a successful ballot before 14 March 2024	Not applicable.	Paid via the enterprise agreement from commencement.		

Rebecca has requested an opportunity to discuss the proposed drafting **before** we circulate the document – that meeting is scheduled for **9.30am tomorrow**. We hope to circulate this email shortly after.

Regards

S47F

APS Bargaining

Commencement provisions and one-off payment

Good morning

I am writing to provide further information about the proposed enterprise agreement **commencement provisions** and some extra detail about the proposed **administration of the one-off payment**.

Agreement commencement provision

1. On **Friday 24 November 2023** we provided a fifth draft version of the Statement of Common Conditions, including details of the Commonwealth's final pay offer.
2. This draft also proposed that enterprise agreements would commence from the **later of 7 days** after approval by the Fair Work Commission or **14 March 2024**.
3. In response to feedback received from bargaining parties, the Commonwealth has agreed to **amend** this proposal to allow enterprise agreements to **commence prior to 14 March 2024**, where approved by the Fair Work Commission.
4. Increases to base salaries will still not become effective prior to 14 March 2024, and agencies may still specify a later date for operational reasons, but this change means **conditions may commence sooner**.

Details about the proposed administration of the one-off payment

1. On **Thursday 23 November 2023** the Commonwealth announced its final pay offer, including of a **one-off payment** with certain eligibility criteria.
2. The **attached** explanatory material describes how the one-off payment will operate, and reflects that agreements may commence **before or after 14 March 2024**.
3. Also **attached** are answers which were provided in response to questions from the Australian Services Union, Tax Officers Branch, at the ATO.

Kind Regards
 Damien

Damien Booth
 Assistant Commissioner
 Workplace Relations Bargaining Taskforce

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 GPO Box 3176 CANBERRA ACT 2601

e: xxxxxxx@xxx.xxx.xx w: www.apsc.gov.au



From: s47F
To: s22
Cc: Booth, Damien; s22
Subject: [FOR REVIEW] Salary Increase clauses in the SoCC [SEC=OFFICIAL]
Date: Wednesday, 29 November 2023 12:47:12 PM
Attachments: [image001.png](#)

OFFICIAL

Hi s22

I've just tried to call but wasn't able to reach you.

I have redrafted the [Salary increase clauses in the SoCC](#) to reflect the [explanation of the salary increase clause](#) explanatory material.

We have committed to sharing this draft excerpt with Rebecca today. Could you please review and let me know any thoughts ASAP?

Thanks

s47F

s47F

MAHRI

Director, APS Workplace Relations Bargaining Taskforce

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s47F

Subject: [APS BARGAINING] Salary increase clause drafting [SEC=OFFICIAL]
Location: Microsoft Teams Meeting

Start: Wed 29/11/2023 9:30 AM
End: Wed 29/11/2023 10:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: s47F
Required Attendees: Booth, Damien; 'Rebecca Fawcett'

Hi Rebecca

I'd like to offer a meeting to talk through the clause drafting for the salary increase clause. We'll be circulating an explanatory note to all bargaining parties tomorrow morning.

Please let me know if this time does not suit.

Regards

s47F

s47F MAHRI

Director, APS Workplace Relations Bargaining Taskforce

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Common condition

Maintain condition, if any

Agency-level bargaining within parameters

Agency-level bargaining without parameters

Commonwealth pay increase (Commonwealth pay offer)

Statement

1. Agencies are to incorporate in their agreements the below clause and an attachment setting out salary rates applicable under this agreement.
2. The attachment to the agreement will set out base salary rates:
 - 2.1 as at 31 August 2023 (**transitional date**);
 - 2.2 from the later of commencement or 14 March 2024; (**year 1**);
 - 2.3 from 13 March 2025 (**year 2**); and
 - 2.4 from 12 March 2026 (**year 3**).
3. The transitional date reflects the transitional arrangements adopted to implement a common pay increase date across the APS.
4. The pay increase dates for year 2 and year 3 have been aligned to pay periods for reasons of payroll efficiency.
5. The base salary rates in the attachment to the agreement will reflect the following pay increases:
 - 5.1 **4.0 per cent** in year 1;
 - 5.2 **3.8 per cent** in year 2; and
 - 5.3 **3.4 per cent** in year 3.
6. The year 1 pay increase will apply from the later of commencement of the agreement or 14 March 2024. All enterprise agreements will reflect this drafting.
7. Where agencies have commenced an access period leading to a successful ballot by 14 March 2024, they will make a supplementary determination to provide an additional one-off payment and give effect to the 14 March 2024 date prior to the commencement of the agreement.
8. The supplementary determination will be made using a template provided by the APSC and will provide for two things:
 - 8.1 a one-off payment of 0.92 per cent of salary from the next practicable pay date, and
 - 8.2 the year 1 pay increase, inclusive of pay fragmentation uplifts, from 14 March 2024.

9. The supplementary determination will provide the year 1 pay increase in the circumstance that the agreement has been voted up but has not commenced prior to 14 March 2024. No other allowances or enhanced conditions will be provided by the determination prior to the commencement of the agreement.
10. The supplementary determination is a transitional instrument, and will automatically revoke upon commencement of the agreement.
11. The table below outlines the intended operation of these provisions in different scenarios.

	Scenario	Pay increase	One-off payment	Allowances	Conditions
1	Agency commences access period prior to 14 March 2024, and agreement commences prior to 14 March 2024.	Paid via the enterprise agreement from 14 March 2024.	Paid via supplementary determination after agreement voted up .	Always provided from the commencement of the enterprise agreement.	Always provided from the commencement of the enterprise agreement.
2	Agency commences access period prior to 14 March 2024, and agreement commences after 14 March 2024.	Paid via the supplementary determination from 14 March 2024, until the agreement commences.			
3	Agency does not commence an access period leading to a successful ballot before 14 March 2024.	Paid via the enterprise agreement from commencement .	Not applicable.		

12. In rare circumstances agencies may have provided headline base salary increases to employees after the transitional date of 31 August 2023. This includes circumstances in which an increase was provided under an existing in-term enterprise agreement or a determination made under section 24(1) of the *Public Service Act 1999*, where the instrument was made prior to 31 August 2023.
13. Agencies covered by the circumstances of clause 12 will, in effect, receive a “top-up” increase to provide the benefit of the full year 1 pay increase, calculated on salary rates at the transitional date.

Existing conditions

14. Agencies who have in-term enterprise agreements or s24(1) determinations which provide for a pay increase are to retain those increases if the date of those increases is before the commencement of a new enterprise agreement.

Agency-level bargaining

15. Any further bargaining in agency-level bargaining would not be consistent with the Policy.

Common clause to be incorporated into agreements

Salary increase

1. Salary rates will be as set out in Attachment A to this agreement.
2. The base salary rates in Attachment A include the following increases:
 - 2.1 4.0 per cent from the first full pay period on or after 1 March 2024 (the 14 March 2024);
 - 2.2 3.8 per cent from the first full pay period on or after 1 March 2025 (the 13 March 2025); and
 - 2.3 3.4 per cent from the first full pay period on or after 1 March 2026 (the 12 March 2026).
3. In recognition of a common alignment date of the first full pay period on or after 1 March each year, the payments in Attachment A were calculated based on base salary rates as at 31 August 2023.

Common Attachment to be incorporated into agreements

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Classification	Salary levels	As at 31 August 2023	From the later of commencement of the agreement or 14 March 2024	From 13 March 2025	From 12 March 2026