

Federal courts exodus

Friday, August 11, 2017

Justinian in Court in the Act, Family Court, Federal Circuit Court, Federal Court

## **Toot-toot ... Ferry man leaves the wharf ... All aboard with new staff ... Old timers walk the plank ... Industrial turmoil at the federal courts as new bosun comes on board**



Federal Court: Lubyanka HQ taking a tough line on the workers

**THERE** has been an exodus of Federal Court staff in the wake of the back office shake-up engineered by the new HR Tsar, Darrin Moy, i.e. the "executive director of people, culture and communications".

Moy came on board at the court in May 2016 and since then there's been quite of bit of mov'n 'n shak'n.

The new "culture" man hailed from a job at Sydney Ferries and before that at the Sydney Harbour Federation Trust. His task at the court is to "harmonise" the backend fusion of the Federal Court, the Family Court, the Federal Circuit Court and the National Native Title Tribunal.

The upshot is that HR staff have either rushed for the door, taken redundancy or have not seen their contracts renewed.

In many some instances the departed have replaced by colleagues that Darrin and his colleague Catherine Sullivan have brought in from Sydney Ferries or the Harbour Trust. Sullivan is the courts executive director of corporate services and also came from the Sydney Harbour Federation Trust.

Initially Darrin was on a 12 months contract that was not subject to an advertised selection exercise and engaged on a salary package above the normal band. He applied for the new permanent position as head of "people, culture and communications" but his appointment has not yet been announced.

The job carried a base salary of \$200,000 plus 15.4 percent superannuation. **He was engaged at this rate** when he came on last year, pending the application for the permanent position. The job is classified as Federal Court manager, level 2 non-legal. The maximum in the pay table for that classification is \$129,018.

### **Departures from the Federal Court HR team include:**

- The courts assistant HR director, a permanent employee who resigned in May 2017;
- Two senior HR advisors, both permanent employees. One resigned in June 2016 and the other was made redundant in November 2016 while on sick leave;
- A learning and development officer, a permanent employee, was made redundant in March 2017. She was told after returning from maternity leave that her request for part-time work had not been approved;
- An HR assistant on contract, resigned in September 2016; and
- An HR systems administrator was not renewed after her term ended.

### **Departures from the Family Court and Federal Circuit Court HR team include:**

- The HR director, a permanent employee based in Canberra. She was made redundant after being advised that she needs to be in Sydney;
- The workforce & policy manager, a permanent employee who resigned when the courts' functions merged;
- The workplace relations specialist, a contract employee whose term ended;
- The learning and development officer, a permanent employee who resigned in July 2017;
- The HR systems manager, a permanent employee who was made redundant in March 2017 but continues working as a contractor;
- The payroll & judicial services manager, a permanent employee, made redundant in February 2017 during sick leave absence;
- Three payroll advisers, one a permanent employee and two contractors.

So far staffing numbers in other teams at the courts' corporate services - communications, finance, IT, property and facilities - have been less seriously affected by the backend changes. One source says the turnover in these areas has been less than 10 percent.

### **Members of the new hand-picked broom include:**

- Kathryn Hunter, replaces the previous CFO Peter Bowen, who was forced to accept a redundancy under threats of performance management. She came from Sydney Ferries and has been engaged at a manager level 2 classification.
- Melanie Liu, finance executive officer, manager level 1. She came from the Cancer Council where Catherine Sullivan also previously worked.
- Larissa Minniecon, HR cultural officer. She previously previously worked to Darrin as HR assistant at Sydney Ferries. She was placed on a 12 months contract directly.
- Robyn Richards, senior project officer. She previously worked as the executive assistant at Sydney Ferries. Robyn was given a six months contract directly, but resigned after four months in late 2016.
- Debbie Price, assistant HR director. She previously worked to Darrin as HR adviser at Sydney Ferries and was given a 12 months contract directly at the court on a base salary above the normal pay band.
- Linda Potter, assistant HR director. She is married to Wayne Potter, general manager at Sydney ferries and is on a 12 months contract with the court having been engaged directly on a salary package above the normal band.

Many of these people who have been brought in on individual flexible agreements with generous conditions, while the courts' staff, including registrars and registry officers are still fighting for a pay increase.

For instance, the top of the range found among the new recruits is a manager level 2 on a base salary of \$180,000. A number are on manager level one with base salaries between \$120,000 and \$130,000.

There are 10 highly paid non-executive staff, drawing down a total of \$1.7 million in pay.

These salaries are being paid while the rest of the courts' 1,200 staff haven't had a pay rise since 2013, not one cent.

For the Federal, Family and Circuit courts are now **a total of 18 highly-paid executives** drawing an averaged total of over \$2 million a year in salaries.

There are a further 10 highly paid non-executive staff with a total annual averaged pay of \$1.7 million a year.

**The Canberra Times reported** that 90 percent of Federal Court staff voted to reject a proposed new enterprise agreement which was at half the wage rise offered to public servants in other Commonwealth departments.

There were asked to accept an offer that averaged one percent for each of the agreement's three years.

The agreement also proposed cuts to conditions and entitlements and, for some, longer working weeks.

Other departments such as Defence, the ATO, Agriculture, the CSIRO and PM & C all accepted two percent increases for each of three years.

There was a courts' staff turnout of 81 percent for the vote.

Now, six weeks later, Moy has come back to the table with nothing other than more of his hard-line attitude.

Management has threatened, during recent negotiations, that it has the option to terminate the existing enterprise agreements.

This would mean that every single clause would need to be negotiated back into the "new" agreement. Maybe it's another stalling ploy. No other government agency has ever made such a threat, even after four years of difficult negotiations.

The majority of government agencies has now managed to negotiate outcomes acceptable to staff and much better than what is currently on offer at the Federal, Family and Federal Circuit courts. And yes, staff morale is at an all-time low.

All a bit awkward when the Federal Court's jurisdiction extends to industrial law.

Last year, **Justinian reported** that Darrin in his enterprise bargaining update to staff had plagiarised part of an article in the Qantas magazine written by the airline's CEO Alan Joyce.



Moy: no new enterprise agreement