

Legal Officers
Various Departments

Agreement No. 2375 of 1981

P.S.B. 80/99

AGREEMENT BETWEEN THE PUBLIC SERVICE BOARD OF NEW SOUTH WALES
AND THE NEW SOUTH WALES PUBLIC SERVICE PROFESSIONAL OFFICERS'
ASSOCIATION AND THE PUBLIC SERVICE ASSOCIATION OF NEW SOUTH WALES

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A G R E E M E N T made the _____ day of _____
1981 BETWEEN THE PUBLIC SERVICE BOARD OF NEW SOUTH WALES,
a Corporation constituted under the Public Service Act, 1979, and
having its office at 47-53 Macquarie Street, Sydney in the State
of New South Wales (hereinafter called "The Board") of the one
part and THE NEW SOUTH WALES PUBLIC SERVICE PROFESSIONAL
OFFICERS' ASSOCIATION and THE PUBLIC SERVICE ASSOCIATION OF NEW
SOUTH WALES being Associations or Organisations representing a
certain class of Public Servants (hereinafter called "The
Associations") of the other part.

(1) INTRODUCTORY

This Agreement is made between the Board and the Associations in
pursuance of the provisions of Section 83 of the Public Service
Act, 1979.

This Agreement shall be binding upon the Board and all officers
as defined herein.

(2) DEFINITIONS

"Officer" means and includes all persons who are graduates in Law
from either a recognised University or College of Advanced
Education or who possess qualifications deemed by the Board to be
equivalent or who have qualified to be admitted as a Barrister or
Solicitor of the Supreme Court of New South Wales, permanently or
temporarily employed under the provisions of the Public Service
Act, 1979, and who are occupying one of the positions covered by
this Agreement, or who are appointed to one of such positions,
but does not include any person who resigned, or whose services
were terminated prior to the date of signing of this Agreement.

"Board" means the Public Service Board of New South Wales.

"Solicitor" means an officer who has been admitted to practice as
a solicitor of the Supreme Court of New South Wales.

"Barrister" means an officer who has been admitted to practice as
a barrister of the Supreme Court of New South Wales.

"Service" means continuous service. Future appointees shall be
deemed to have the years of service indicated by the salaries at
which they are appointed.

(3) SALARIES

Effective on and from
3rd July, 1981
(\$89.10 w.b.)

\$ p.a.

GRADE I

| | |
|------------------------------------|--------|
| 1st year of service | 15,481 |
| 2nd year of service | 16,056 |
| 3rd year of service | 16,639 |
| 4th year of service | 17,218 |
| 5th year of service and thereafter | 17,798 |

GRADE II

| | |
|------------------------------------|--------|
| 1st year of service | 19,419 |
| 2nd year of service | 20,456 |
| 3rd year of service | 21,502 |
| 4th year of service | 22,542 |
| 5th year of service and thereafter | 23,585 |

GRADE III

| | |
|------------------------------------|--------|
| 1st year of service | 24,737 |
| 2nd year of service | 25,669 |
| 3rd year of service and thereafter | 26,592 |

GRADE IV

| | |
|------------------------------------|--------|
| 1st year of service | 28,328 |
| 2nd year of service and thereafter | 28,908 |

GRADE V

| | |
|------------------------------------|--------|
| 1st year of service | 30,645 |
| 2nd year of service and thereafter | 31,225 |

GRADE VI

| | |
|------------------------------------|--------|
| 1st year of service | 32,960 |
| 2nd year of service and thereafter | 33,539 |

Provided that:

- (i) A minimum salary at the rate prescribed for the fifth year of service in Grade I shall be paid to an officer who:
 - (a) has been admitted as a Solicitor of the Supreme Court of New South Wales; or
 - (b) has completed two years practical legal experience in the Department in which the officer is employed or the equivalent approved by the Board; or
 - (c) has been admitted as a Barrister of the Supreme Court of New South Wales and either:
 - (A) prior to such admission had completed two years practical legal experience in the Department in which the officer is employed or the equivalent approved by the Board; or

- (B) since acquiring the qualification by virtue of which the officer was so admitted has:
- (1) completed twelve months approved practical legal experience in the Department in which the officer is employed or the equivalent approved by the Board; or
 - (2) completed two years satisfactory and appropriate practical legal experience.
- (ii) No officer shall be eligible to progress beyond the salary prescribed for the second year of service in Grade II until the officer has complied with the requirements of paragraphs (a) or (c) of proviso (i) of this clause.
- (iii) Officers temporarily employed under the provisions of the Public Service Act, 1979, in any of the positions covered by this Agreement shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual rates specified.
- (iv) The salary of a retired officer who is re-employed after attaining age 60 years at a salary within Grade I, II or III of this Agreement shall not be increased beyond the salary point at which the officer is employed without the special approval of the Board.
- (v) The salary of officers formerly classified as Legal Officer, Grade A, under Agreement No. 1928 of 1972 "Legal Officers, Registrar General's Department", shall be eligible to progress by way of allowance to \$27,010 p.a. (\$89.10 w.b.) being the salary equivalent to the former maximum salary for Legal Officer, Grade A.

(4) ADJUSTMENT OF SALARIES

- (i) Subject to sub-clause (ii) and (iii), the salaries of officers covered by this Agreement and the salaries of officers formerly covered by Agreement No. 1926 of 1972 "Legal Officers, Public Trust Office" and Agreement No. 1927 of 1972 "Legal Officers, Government Insurance Office" shall be adjusted to the appropriate scale prescribed by this agreement on the basis of years of service in position or grade. For the purpose of this clause an officer shall be deemed to have the years of service indicated by the salary received under the scale in force immediately prior to the operative date of this Agreement.
- (ii) The salaries of officers formerly covered by Agreement No. 1928 of 1972 "Legal Officers, Registrar General's Department" shall be adjusted as follows:

| (a) | <u>Existing Salary</u> <u>Rate</u> | <u>Adjusted Salary</u> <u>Rate</u> | <u>Increment</u> |
|-----|---------------------------------------|---------------------------------------|------------------|
| | GRADE B | GRADE I | |
| | 1st year of service | 1st year of service | N.I.D.* |
| | 2nd year of service | 2nd year of service | N.I.D. |
| | 3rd year of service | 3rd year of service | N.I.D. |
| | 4th year of service | 4th year of service | N.I.D. |
| | 5th year of service | 5th year of service | N.I.D. |
| | | GRADE II | |
| | 6th year of service | 1st year of service | N.I.D. |
| | 7th year of service | 2nd year of service | N.I.D. |

GRADE A

| | | |
|---------------------|---------------------|--------|
| 1st year of service | 3rd year of service | N.I.D. |
| 2nd year of service | 4th year of service | N.I.D. |
| 3rd year of service | 5th year of service | N.I.D. |

GRADE III

| | | |
|---------------------|----------------------|----------|
| 4th year of service | 1st year of service | 3/7/1982 |
| 5th year of service | 2nd year of service | 3/7/1982 |
| 6th year of service | 3rd year of service | - |
| 7th year of service | refer para (b) below | |

* Next Incremental Date

- (b) Subject to Clause (9) officers who were formerly in receipt of the maximum salary for Grade A are to retain that salary as personal to them. Officers formerly classified as Legal Officer, Grade A and who have progressed by annual increment to the maximum salary prescribed for Legal Officer, Grade III of this Agreement, shall, subject to Clause (7), progress by way of allowance to the salary equivalent to the former maximum salary for Legal Officer, Grade A.
- (iii) Where elsewhere provided, the salaries of officers who are in receipt of a salary personal to them, which is equivalent to a salary within the salary range prescribed for Legal Officer, Grade VI shall be adjusted in accordance with sub-clause (i). The positions occupied by such officers are to be classified as Legal Officer, Grade VI in terms of this Agreement.

(5) CONDITIONS FOR PROGRESSION

- (i) An officer who has served for twelve months on the maximum rate prescribed for Grade I shall be advanced to the minimum salary for Grade II provided that the Department Head, after the necessary review, has certified:
- (a) that work appropriate to Grade II is available; and
 - (b) that the officer concerned is suitable to be allotted to such work and the Board approves the progression of the said officer to Grade II. The review shall be made by the Department Head in the case of every officer at or prior to the completion of twelve months service on the maximum rate prescribed for Grade I.
- (ii) After twelve months service on the maximum salary prescribed for Grade II an officer shall be eligible to be considered for progression to Grade III. Upon such occurrence the Board shall review the quality of work being performed or the quality of work which is available to be assigned to the officer. If the Board is satisfied;
- (a) that work appropriate to Grade III is required to be performed;
 - (b) that the officer concerned is suitable to be allotted to such work; and
 - (c) that the officer's performance of the duties warrants such progression,

the Board may approve of the progression to Grade III from the anniversary of the attainment of the maximum salary

prescribed for Grade II if the officer satisfies the requirements of this sub-clause at that date or from such date that the conditions of these requirements are satisfied.

- (iii) Promotion beyond Grade III shall be subject to the occurrence of a vacancy.

(6) GRADING COMMITTEE

- (i) A Committee consisting of two representatives of the Board and one representative of the Public Service Association of New South Wales and one representative of the New South Wales Public Service Professional Officers' Association shall be constituted to consider and recommend to the Board

- (a) the grading of any new position or any variation of grading of a position as a result of any substantial alteration of duties and/or responsibilities or in any case of anomaly; and
- (b) the date of effect of the grading recommended.

Provided that -

- (a) an officer shall, while the grading of that officer's position is under consideration by the Committee, be ineligible to be a member of the Committee;
- (b) the Committee shall not, without sufficient reason, recommend the retrospective operation of any grading; and
- (c) where a retrospective date of effect is recommended, such date shall not be earlier than a date six (6) months prior to the date on which the matter was referred to the Committee.
- (ii) The members of the Committee shall be entitled to examine any statement of duties pertaining to any position referred to the Committee and, if the Board approves, any Departmental papers which illustrate the type of work performed by the occupant of the position or are otherwise relevant to the question of the grading of the position, including statements of duties of other positions.
- (iii) Except as otherwise provided, the matters to be referred to the Committee shall be:-
- (a) Any application by an officer for review of the grading of the position that officer occupies if the Department Head certifies that, in his opinion, there has been a substantial alteration of duties and/or responsibilities since the last grading of the position and states the nature of such alteration, or that the grading of the position is markedly out of keeping with that of other positions in the Department.
- (b) The grading of any new position after such position has been occupied for a period of six months.
- (c) Such cases as the Association may raise, where the Association has stated the grounds and indicated the basis on which it desires such cases to be considered by the Committee.

- (d) Such other cases as the Board may approve.
- (iv) Where the Committee has not met to consider the grading of a position within twenty-one days of such grading having been referred to the Committee, the grading of the position shall, unless otherwise approved, be determined by the Board.
- (v) In the event of the Members of the Committee being in disagreement as to the grading to be recommended for a position or as to the date of effect, the members representing the Associations shall, within fourteen (14) days of the meeting of the Committee at which disagreement occurred, furnish to the Board a written report stating the grading which they consider is appropriate with their reasons therefor and indicating also whether they wish to interview the Board in connection with their representations.

If a written report as prescribed is not received within the time specified, the grading of the position shall be determined by the Board without further reference to the Associations.

- (vi) The Board's decision on all recommendations of the Committee shall be final.

(7) INCREMENTS

- (i) The payment of increments under the scales of salaries prescribed by this Agreement, shall be subject to approval by the Board.
- (ii) One month prior to the date on which an officer will become eligible for an annual increment of salary, the Department Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.
- (iii) In cases where the recommendation of the Department Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.

(8) CALCULATION OF SERVICE

In calculating years of service for the purpose of this Agreement the following periods shall not be taken into account:

- (i) any period in respect of which an increment is refused under clause (7) hereof;
- (ii) any leave of absence without pay exceeding five days in any incremental year;
- (iii) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 94, 95 or 133 of the Public Service Act, 1979.

(9) WAGE BASIS

The salaries prescribed in Clause (3) of this Agreement are based on a basic wage for adult males of \$89.10 per week.

Such salaries shall be varied from time to time following any determination of the Industrial Commission of New South Wales

