



Public Service Association of SA

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13 November 2024

Caroline Mealor
Chief Executive, Attorney-General's Department
Declared Employer of Public Sector Employees
GPO Box 1045
Adelaide SA 5001

By email: caroline.mealor@sa.gov.au

Dear Ms Mealor

Re: Enterprise Agreement Negotiations – Successor Agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021

This letter is directed to you in your capacity as the declared employer of public sector employees.

It is a response to two letters sent to the Public Service Association (PSA) by the Director, Industrial Relations, Industrial Relations and Policy Branch, Attorney-General's Department on 4 November 2024 and 8 November 2024 respectively.

The two letters referred to a purported "*initial proposition*" for a successor agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021.

The letters give rise to a number of questions to which we request your response. The questions and responses are important for establishing a basis on which negotiations can proceed.

The first formal meeting for a successor agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021 was held on 9 September 2024, at the request of the PSA. We note you did not attend that meeting as the declared employer of public sector employees. In that meeting the Director, Industrial Relations, informed those present that he had no authority to negotiate, and that the government had not determined its negotiating parameters. At that meeting, and since that meeting, the PSA has requested of the Director that he advise the PSA when he had received both the authority to negotiate and a government negotiating position. To date the PSA has received no such advice.

Neither of the letters identify the writer as writing on behalf of the declared employer of public sector employees.

- We request your confirmation that the writer of the two letters of 4 November 2024 and 8 November 2024 had your authority to write these letters; that the two letters have been written on your behalf as the declared employer of public sector employees; and that the positions advanced in those letters accurately represent your, that is, the declared employer's, fully considered positions.
- We request confirmation from you that the Director, Industrial Relations, has been delegated by you the full authority to conduct the negotiations for a successor agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021.
- The email with the letter of 8 November 2024 was cc:ed to three other persons who appear to be employees of the Attorney-General's Department. Please confirm the respective roles of these three persons in respect of the negotiations for a successor agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021, and what, if any, authority or responsibilities you have delegated to them in this regard.
- Please also confirm that information provided to employees in departments or agencies by senior leaders in government agencies, such as, for example, a Director, Strategic Industrial Relations Unit, in the Department of Health and Wellbeing, is information authorised by you.

A number of bargaining agents attended the meeting on 9 September 2024. The PSA and other unions requested that the employer representative, the Director, Industrial Relations, provide a list of those bargaining agents and who they were claiming to represent. The purpose of this request was to provide clarity and transparency to those involved in the negotiations as to the respective participants and their roles in the negotiations, and to facilitate compliance with section 76A of the Fair Work Act 1994 which requires, among other things, parties to “...state and explain their position on questions at issue to **all other parties to the negotiations...**” (emphasis added). Your Director, Industrial Relations, has not provided that information.

- Please provide the PSA with a list and contact details of all bargaining agents participating in the negotiations for a successor agreement to the South Australian Public Sector Enterprise Agreement: Salaried 2021, including those who attended the meeting on 9 September 2024.

We turn now to the content of the two letters of 4 and 8 November 2024 respectively.

In the letter of 8 November 2024 the Director, Industrial Relations, claims he is “*unaware of the detail of matters discussed between PSA representatives and members of the government*”. He also indicates the declared employer has not been made aware of particular matters the PSA requires to be dealt with in these enterprise agreement negotiations. This is not credible. The PSA confirms that on a number of occasions the PSA has advised the Director, Industrial Relations of matters the PSA has raised with members of the government. The PSA has made no secret, for example, that dealing with cost of living pressures is PSA members' principal priority for these negotiations. We have repeatedly raised these with the Director and members of government. I myself emphasised these on behalf of PSA members at the meeting on 9 September 2024 when the Director was present.

If it were true, it would be a serious concern to the PSA that matters the PSA has raised with the Director, Industrial Relations, have not been passed on to you. If it were true, it would also be a serious concern that topics for negotiation the PSA has raised with members of the government, including your Minister – the Minister for the Public Sector and Industrial Relations - have not been passed on to you as the declared employer.

The PSA has no interest in engaging in tricky, legalistic, uncredible and time-wasting semantics such as claims like these by the Director, Industrial Relations. It would be a waste of PSA members' valuable resources and a demeaning waste of government resources to engage in such a process.

The "*initial proposition*" set out in the letter of 4 November 2024 proposes annual pay increases of "up to 3%" from August 2025 subject to "*amendments*" to the current agreement. We seek some basic and essential factual information from you (as distinct from a negotiating position).

- Please advise if you, as the declared employer, accept that the real value of public sector wages has been reduced by reason of cost of living pressures during the past three years.
- If you do accept that public sector wages have reduced in value during the past three years please advise in percentage terms the extent you understand that reduction in value to be.
- If you do not accept that public sector wages have reduced in value, please confirm that and explain why.
- Please provide yours, as the declared employer's, rationale for the quantum of the "*initial proposition*".
- Please identify every single "*amendment*" you, as the declared employer, have decided you want to make to the current enterprise agreement.

The letter of 8 November 2024 invites the PSA to provide a log of claims. The PSA has, on a number of occasions, including in the meeting of 9 September 2024, identified to your Director, Industrial Relations, topics for which the PSA requires consideration in these negotiations. These include cost of living, attraction and retention, current labour market realities, equity with other workers, workloads, job security, recognition of skills and experience, vacancy management, shift penalties, rostering issues, leave, maintenance and recognition of professional qualifications, classification and progression. It is our expectation that the specific details relating to these matters will be the subject of negotiations.

I note that neither in the letter of 4 November 2024, nor in the letter of 8 November 2024 from the Director, Industrial Relations, nor at any other time, has the government provided the PSA with your, the declared employer's, log of claims.

We invite you as the declared employer to provide the PSA with your log of claims, if in fact you have one, as a matter of priority.

We also invite you, as a matter of importance at the beginning of these negotiations, and in order to remedy a glaring omission from the "*initial proposition*", to advise the PSA of the declared employer's proposal about which employees the successor agreement would be intended to cover. We invite you to confirm that your proposition for a new agreement would cover the same classes of employees covered by the South Australian Public Sector Enterprise Agreement: Salaried 2021.

While we seek your written responses to the preliminary matters raised in this letter, it is our position that negotiating an agreement by correspondence is not the most efficient way to work towards reaching an agreement. It is our preference to meet with those authorised to do so in order to work through the details of our members' requirements for a new agreement.

Finally, I note that the email from the Director, Industrial Relations, of 8 November 2024 with his letter was addressed only to me.

It is not clear why the Director, Industrial Relations, decided to depart from his longstanding practice of addressing his emails about matters such as these not just to me but to those officers of the PSA, who he has well known for the entire seven year period of his employment in government to be appropriate and responsible contact people in the PSA.

I ask that you direct the Director, Industrial Relations to include the PSA Manager, Policy and Strategy, the PSA Senior Project Officer, and the email address enquiries@psaofsa.asn.au in any communications with the PSA about these enterprise agreement negotiations. It is just not appropriate for your Director, Industrial Relations, to engage in such petty and unnecessary conduct when the focus needs to be on serious matters of high importance to PSA members.

Please provide your responses to the questions set out in this letter at your earliest convenience in order that negotiations can proceed in a constructive, focused, respectful and serious manner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'NBrown', with a long horizontal flourish extending to the right.

Natasha Brown
General Secretary