

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**  
**BUDGET ESTIMATES 2017**

**Federal Court of Australia**

**Question No. BE17-209**

**Senator McKim asked the following question on 18 August 2017:**

Senator McKIM: Court staff haven't had a pay raise since 2013, as I understand it—please correct me if I am wrong. My understanding is that about 90 per cent of Federal Court staff have rejected a proposed enterprise agreement. Could you give the committee an update on current negotiations with staff in relation to the EA?

Mr Soden: You are right, Senator, there was a ballot conducted a little while ago. To give a bit of background, that new enterprise bargaining process was not just for the Federal Court, but it was necessary to include the new entity. It was quite a complex process because the enterprise bargain that the Federal Court operated under was different to the one we inherited as part of the merge and so a lot of things had to be combined. And, yes, unfortunately, the proposed agreement was not supported by the staff and so negotiations have recommenced.

Senator McKIM: Is the 90 per cent figure I put to you accurate?

Mr Soden: I had in the back of my mind 88.

Senator McKIM: I shouldn't be facetious. That's fine if it's 88. I'm sure you will correct that on notice if that's not right.

Mr Soden: I will.

Senator McKIM: So negotiations are under way. Are you able to provide an update as to whether any formal offers have been made as a result of the negotiations?

Mr Soden: Not the new negotiations, no.

Senator McKIM: When was the previous offer rejected? I'm not after a specific date but—

Mr Soden: The end of June.

Senator McKIM: It was rejected at the end of June. Are you able to provide any further update on the new round of negotiations?

Mr Soden: I know there have been meetings and the usual things have happened. I don't think there's been any delay in starting again, but if you want precise details on all the events that have occurred, I'm happy to take that on notice, rather than look them up and take time.

**The response to the senator's question is as follows:**

The Court again put a proposed agreement to staff for consideration in November 2017 and this included a wages offer that was the maximum allowed under the 2015 Bargaining Policy. This was again rejected by staff. Following the ballot the Agency agreed to mediation facilitated by the Fair Work Commission. There have been 5 meetings before Deputy President Kovacic and the parties have all agreed that good progress has been made – there is a further full day meeting scheduled for Wednesday 14 February 2018. The Agency has made it clear that any proposed agreement needs to be consistent with the Government's Bargaining Policy and is hopeful that bargaining will conclude soon with a new agreement.