

# Attachment 7

ACTPS Classification Review

Work Value Summary Report

Legal Officers



**ACT**  
Government

# 1. OVERVIEW

The Legal Officer classification includes two classification levels: Legal 1 and Legal 2. The classification rates of pay are listed under the ACTPS Legal Professionals Enterprise Agreement 2018-21.

The majority of Legal Officers operate within the Justice and Community Services Directorate (JACSD). There are a small number (less than 5 FTE in total) of Legal Officers operating in Chief Minister, Treasury and Economic Development Directorate (CMTEDD), Health Directorate (HD) and the Integrity Commission (IC).

Figure 1: Overview of the Legal Officer classification group.



The Legal Officer classification group is quite specialised. The work conducted by Legal Officers primarily focuses on drafting legislation, development and implementation of legislative proposals, preparation and review of legal documentation, legal policy advice and litigation.

Similar classification groups with the ACTPS include ACT Courts and Tribunal Legal Officers, Associates, Para Legal, Prosecutors, Government Solicitors, and Assistant Parliamentary Council.

The cross-section of roles reviewed in this analysis were all categorised as Judicial and Other Legal Professionals according to the Australian and New Zealand Standard Classification of Occupations (ANZSCO) model<sup>1</sup> (see Figure 2).

<sup>1</sup> ANZSCO is a skills-based classification model used to classify all occupations and jobs in the Australian and New Zealand labour markets. It provides a basis for the standardised collection, analysis, and dissemination of occupation data.

Figure 2: ANZSCO model mapping

**27 – Legal, Social and Welfare Professionals**  
**271 – Legal Professionals**  
**2712 – Judicial and Other Legal Professionals**

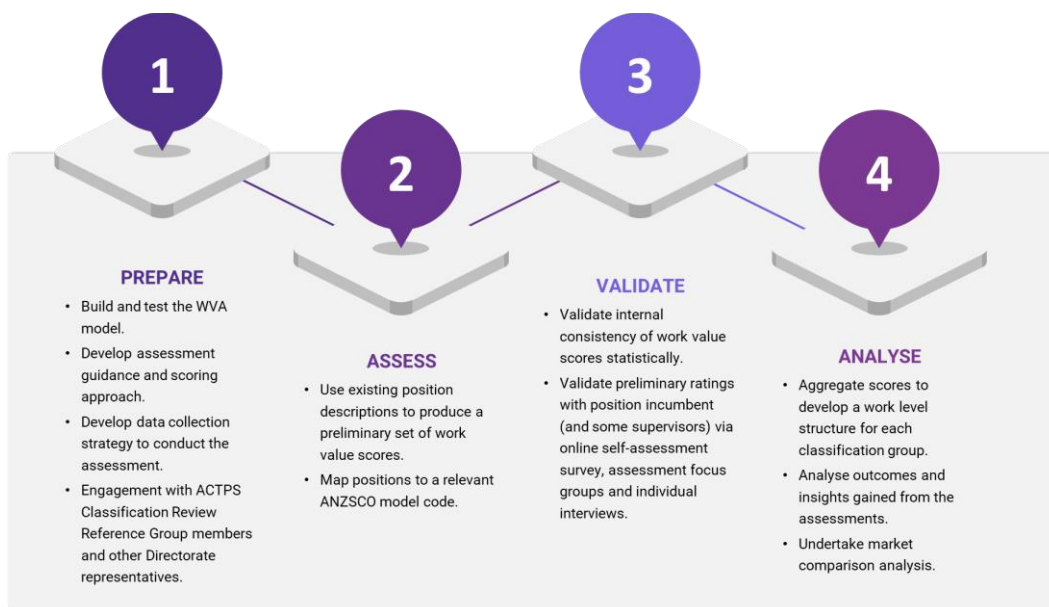
## 2. RESEARCH APPROACH

### 2.1. Methodology

An overview of the methodology applied to undertake the work value analysis is summarised in *Figure 3*. Further details on this methodology and the work value model used for the review are provided in *Section 4* of the *ACTPS Classification Review Report*.

Limitations and assumptions related to the methodology are also provided in *Section 4.3* of the main *ACTPS Classification Review Report*. Any additional limitations and assumptions specifically related to the analysis for this priority group have been included as footnotes in this summary report.

*Figure 3: Overview of work value analysis methodology*



Approximately 10 positions<sup>2</sup> were included in the cross-section of Legal Officer roles<sup>3</sup>.

The following assessment and validation activities were conducted:

- 18 assessments based on position descriptions.
- Two interview-based assessments with employees in Legal Officer roles.
- Two interviews with employees in comparable Legal Officer roles – Senior Manager, Legal Policy Senior Officer Grade A (according to the position description, this position can be classified as either a Senior Officer Grade A or Legal Officer 2)<sup>4</sup>.

<sup>2</sup> This is only an approximation as this number is based on position numbers. There are some cases where there are different position numbers for the same role and others where no position number was evident in the information provided to the research team.

<sup>3</sup> The cross-section analysed only included Legal Officers operating within JACSD and excluded the small number of Legal Officers operating in other Directorates (less than 5).

<sup>4</sup> Data from the two interviews with employees in comparable Legal Officer roles – Senior Manager, Legal Policy Senior Officer Grade A were not included in the datasets provided in Section 3.1. However, insights from these interviews have been used as part of the overall analysis.



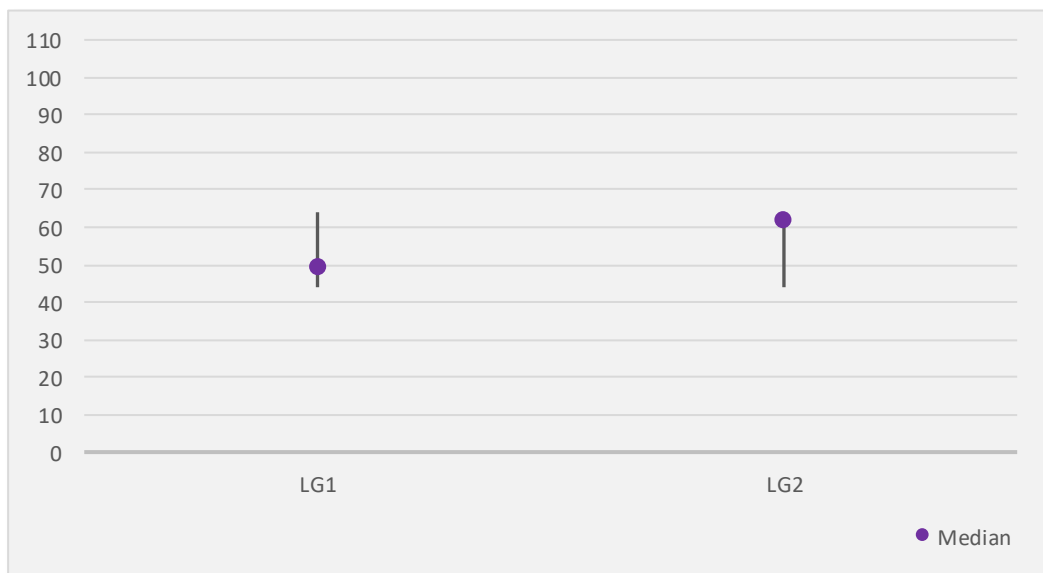
## 3. FINDINGS, INTERPRETATION, AND ANALYSIS

### 3.1. Work value assessment

A set of recommended work value scores for the Legal Officer classification is provided in *Section 4.4* of the main *ACTPS Classification Review Report*.

As shown in *Figure 4*, the results show a high level of crossover of work value scores across the Legal Officer Classification levels, with median work value increasing alongside classification level.

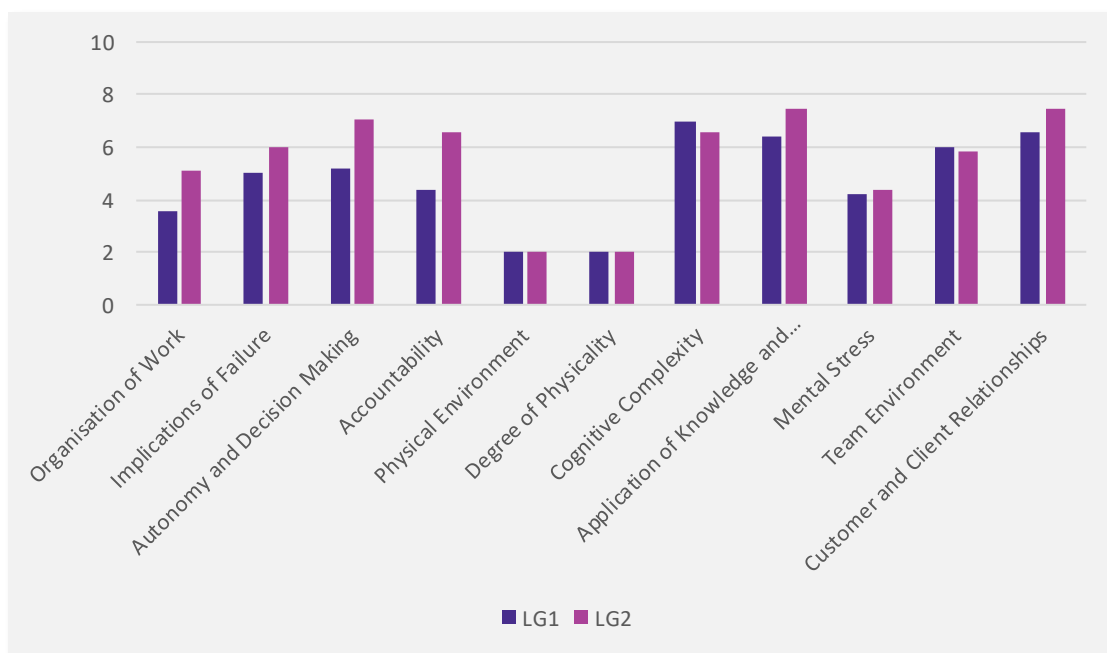
*Figure 4: Spread of work value scores for each Legal Officer classification level.*



There is a similar spread of scores for the factors shown in *Figure 5* for the Legal 1 and Legal 2 roles with, for Legal 1 roles particularly, significant variance for the *Organisation of work* and *Accountability* factors. This may be due to differences in the managerial responsibilities associated with various Legal Officer 1 roles.

As shown in *Figure 5*, there is generally a linear increase in work value for each work value evaluation factors, except for the *Physical Environment* and *Degree of Physicality* factors which scored the same across both levels. While showing a decrease, the average scores for the *Cognitive complexity* and *Team environment* factors were very similar across the two levels.

Figure 5: Spread of work value scores for each work value evaluation factor for each Legal Officer classification levels.



### Additional insights on the Legal Officer Classification Structure

In engaging with employees, managers, and directorate representatives on the Legal Officer Classification structure, some additional insights regarding the structure were noted by the research team.

#### Structure of the Legal Officer classification levels

The Legal Officer classification structure spans across two levels. The Legal Officer Grade 1 salary spine includes 10 pay points (Legal 1.1 to Legal 1.10) and the Legal Officer Grade 2 salary spine includes 2 pay points (Legal 2.1 and Legal 2.2).

Stakeholder views on this structure indicated that having only two levels limits career progression opportunities. Additionally, managers indicated the large salary spine for Legal Officer 1 puts pressure on budget management, particularly if an employee initially commences on a lower pay point. Based on the advancement rules for Legal Officer 1, a high performing officer can advance by as many as three pay points within a single performance appraisal period (12 months).

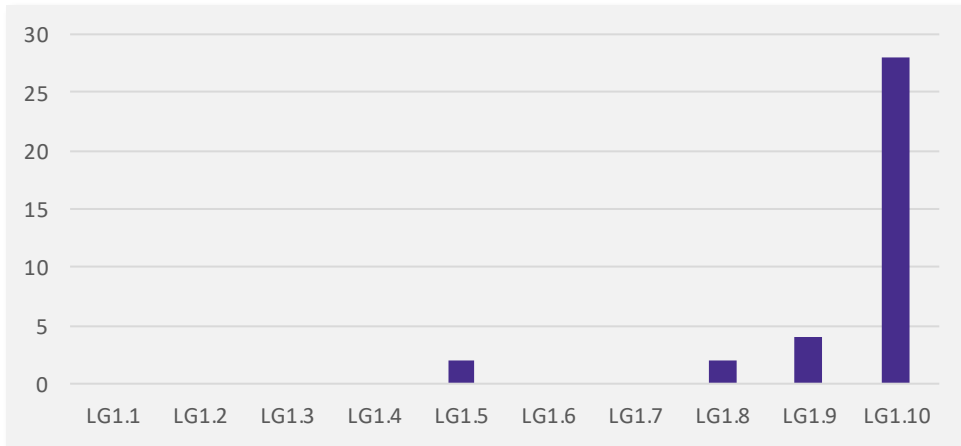
The existing classification standards for Legal Officers<sup>5</sup> specify two distinct levels of work within the Legal Officer 1 level. A separation of work value (lower and upper) occurs between the seventh and eighth pay points in the salary spine. This means if an employee is currently operating between the 1<sup>st</sup> and 7<sup>th</sup> pay points, they can advance to the 8<sup>th</sup> pay point

<sup>5</sup> Current classification standards for Legal Officers:  
[https://www.cmtedd.act.gov.au/data/assets/pdf\\_file/0018/116424/wislegal2.pdf](https://www.cmtedd.act.gov.au/data/assets/pdf_file/0018/116424/wislegal2.pdf)

if the work to be performed in the upcoming performance period is deemed as being at the upper level of work value *and* the employee has demonstrated the capability to perform work in the upper level.

Employee data from 2020, shows that most Legal Officer 1 employees are sitting at the 10<sup>th</sup> pay point and there are only two employees sitting below the 8<sup>th</sup> pay point (see *Figure 6*).

*Figure 6: employee count per Legal Officer 1 salary point (2020).*



There are several reasons that may explain the distribution of employees at the higher pay points within the Legal Officer 1 cohort:

- The work primarily expected of Legal Officer Grade 1 employees is at the upper level of work value.
- Another classification is being used (i.e., Administrative Service Officers) to undertake similar work to that expected of a Legal Officer Grade 1 at the lower level of work value.
- Higher pay points are used as an attraction and retention incentive and to meet market demand for people with the capability and experience required to perform in Legal Officer roles and so Legal 1.1 is no longer used as the entry point to the Legal Officer classification. This reason is highly likely given the results of the market comparison provided in *Section 3.2.* of this report.

Of note, Legal Officers operating within ACT Courts and Tribunal (ACT Courts and Tribunal Legal Classification) previously operated under the same two-level salary structure as Legal Officers but have recently introduced an additional third salary level. The third level introduces higher pay band with two increments. The first and second level pay bands and increments are identical to those for the Legal Officer 1 and 2 classifications.

The introduction of the third level was intended to support retention and career opportunities for ACT Courts and Tribunal staff operating in Legal Officer roles. It was also aimed at supporting senior executive staff in terms of bridging the gap between a ACTCT Legal Officer 2 and executive roles, in that executive can delegate high level work to the ACTCT Legal Officer 3 employees.

#### **Use of other classification groups for similar work**



The majority of Legal Officers sit within the Legislation, Policy and Programs group at JACSD. Some officers performing the same role have been classified as a Senior Officer Grade (SOG) as opposed to a Legal Officer.

For example, within JACSD there are several positions in which there are staff members performing an identical or similar role (they share the same position description) but are classified as either a Legal 1 (as per the current Legal Professionals Enterprise Agreement) or a SOG B (as per the Administrative and Related Classifications Enterprise Agreement). This is also the case for Legal 2/SOG A. In the Civil Law business unit, roles that were previously classified as Legal Officers have transitioned over to Senior Officer Grade classification levels.

Whilst a clear explanation for this occurrence was not apparent, it was suggested that reasons for this occurrence included supporting career progression and retention, particularly for Legal Officer 1 roles as there is a higher salary spine for SOG B and greater opportunity for mobility within the Administrative classification group.

### **Mobility across related classification groups**

Employees within the Legal Officer classification and other representatives within the JACSD remarked that having a number of different legal classification groups (i.e. ACT Courts and Tribunal Legal Officers, Associates, Para Legal, Prosecutors, Government Solicitors, and Assistant Parliamentary Council) does have an impact on mobility of legal professionals within the ACTPS. This is primarily due to the differences in salary spines across these classifications and the complications this can cause, for example, determining equivalency when arranging secondments across business units within the JACSD has proven difficult for managers.

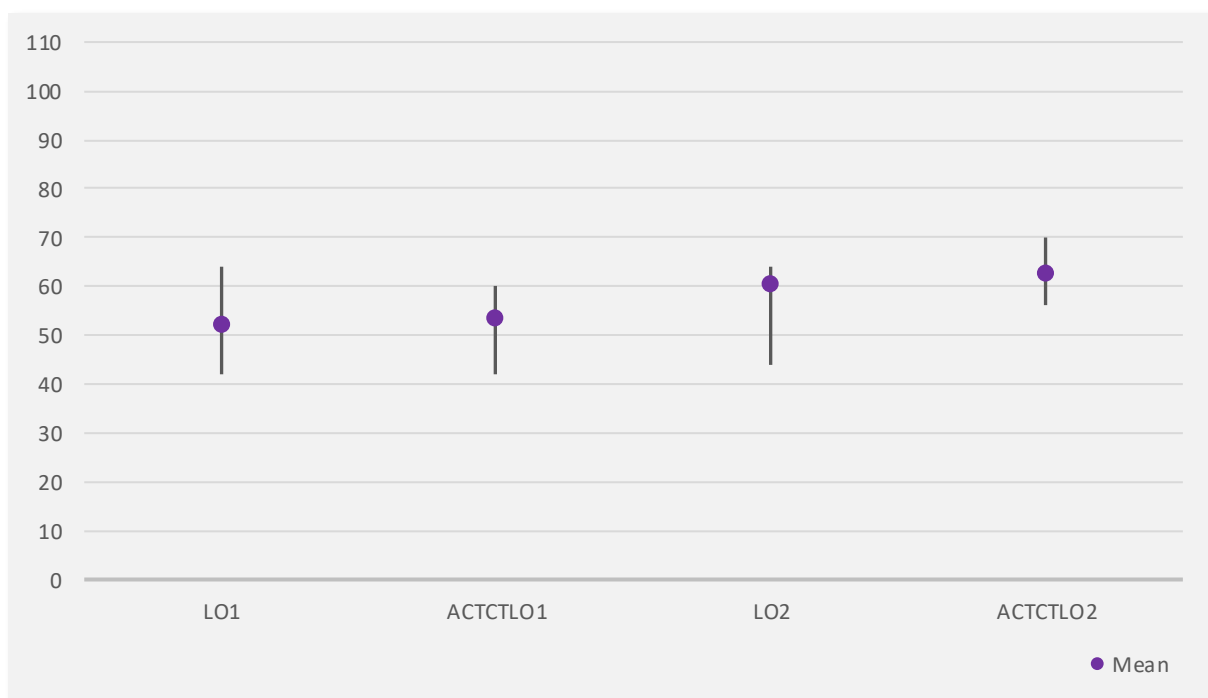
There is also a perception of inequity amongst employees within the legal professional classification groups when it comes to remuneration for employees undertaking similar work or with the same qualification and experience expectations. This is discussed further in *Section 3.2*.

As part of the work value assessment exercise, the research team undertook a comparative assessment of the ACTCT Legal Officer classification<sup>6</sup> against the Legal Officer classification. The results of the assessment are displayed in *Figure 7* below.

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<sup>6</sup> ACTCT Legal Officer level 3 has not been included as this additional level is yet to be implemented within this classification review.

Figure 7: Spread of work value scores for each Legal Officer classification level and ACTCT Legal Officer classification level.



The results showed similarities in work value between the Legal Officer 1 and ACTCT Legal Officer 1 levels and between the Legal Officer 2 and ACTCT Legal Officer 2 levels. This is unsurprising given these roles previously shared the same classification structure and the pay bands for these classification levels are the same.

### 3.2. Remuneration – Market Comparison

For the purposes of the market comparison, the primary data source used was Australian Bureau of Statistics (ABS) census data mapped to ANZSCO. Further details on the methodology are available in *Section 4.3* of the main *ACTPS Classification Review Report*.

For the Legal Officer classification one ANZSCO 4-digit code was identified within the sample group:

- 2712 - Judicial and Other Legal Professionals

Utilising ABS census data, an average wage for individuals who work in these ANZSCO codes was calculated for the NSW State Government, ACT private sector and ACT Federal Government markets<sup>7</sup>. They were compared to the ACTPSEA data which contained the average wages for the various levels of Legal Officers. *Table 1* below shows the variance in the market comparison. The comparison shows a general trend of the Legal 1 classification lagging behind the average market comparators, whilst Legal 2 is on par or leading.

<sup>7</sup> Within market defined as within 10% of the average wage designated for the ANZSCO code

For the purposes of additional analyses, salary ranges (as opposed to average salary) have also been provided. Noting these should be viewed with caution as the range includes outliers and therefore in some cases shows a significantly large salary range when analysing market comparators.

Table 1: Market comparison based on ABS census data.

Level	ACTPS EA Average Wage	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
LG1	\$93,082.70	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50
LG2	\$149,597.50	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50

**KEY**       Lag       Market       Lead

Level	ACTPS EA Wage Range	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
LG1	\$66,898.00 - \$134,918.00	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26
LG2	\$146,585.00 - \$152,610.00	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26

In comparison to local markets, average remuneration for the Legal 1 classification is lagging behind. However, if the ACTPS average remuneration is taken from the current HR data, as opposed to Enterprise Agreement data, the Legal 1 Classification is on par with the ACT Private Sector market whilst continuing to lag behind the other two comparators as shown in Table 2. The reason for this difference is that, as highlighted in Figure 6, the majority of Legal Officer 1 employees are sitting at the 10<sup>th</sup> salary point and there are only two employees sitting below the 8<sup>th</sup> salary point (both at pay point LG1.5).

Table 2: Market comparison based on ABS census data using HR data as comparator.

Level	ACTPS Average Wage (HR data)	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
LG1	\$128,823.50	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50

**KEY**       Lag       Market       Lead

Level	ACTPS Average Wage (HR data)	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
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<b>LG1</b>	\$128,823.50	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26
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Table 3 shows the market comparison based on current specific pay points identified in the relevant EA. This shows that whilst the majority of current Legal Officer staff are on par or within market compared to the ACT Private Sector, they lag behind ACT Federal Government and NSW State Government comparators.

Table 3: Market comparison based on ABS census data using EA pay point data as a comparator.

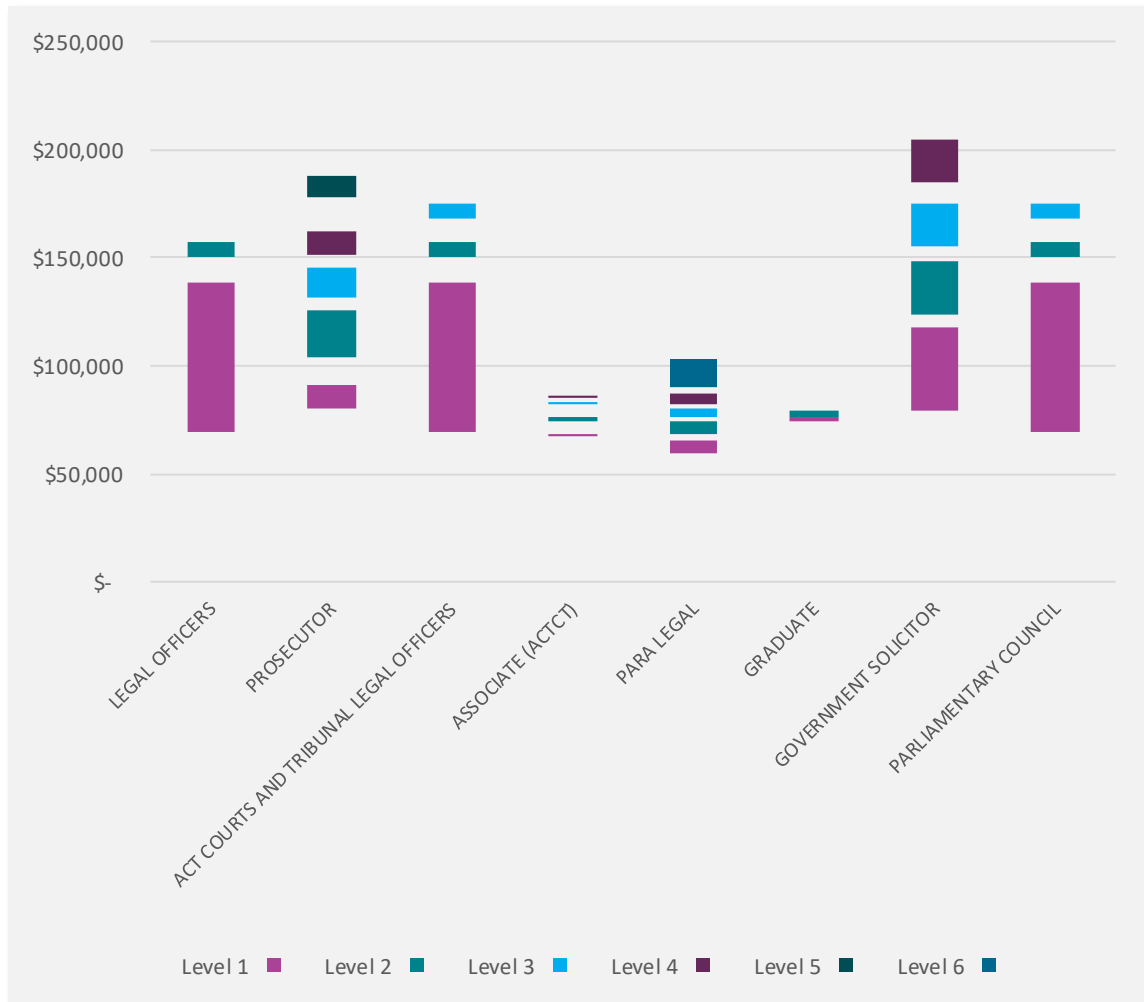
Legal 1 Pay point	ACTPS EA Wage	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
<b>LG1.5</b>	\$87,715	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50
<b>LG1.8</b>	\$110,397	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50
<b>LG1.9</b>	\$118,832	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50
<b>LG1.10</b>	\$136,739	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$188,474.16	\$154,833.50

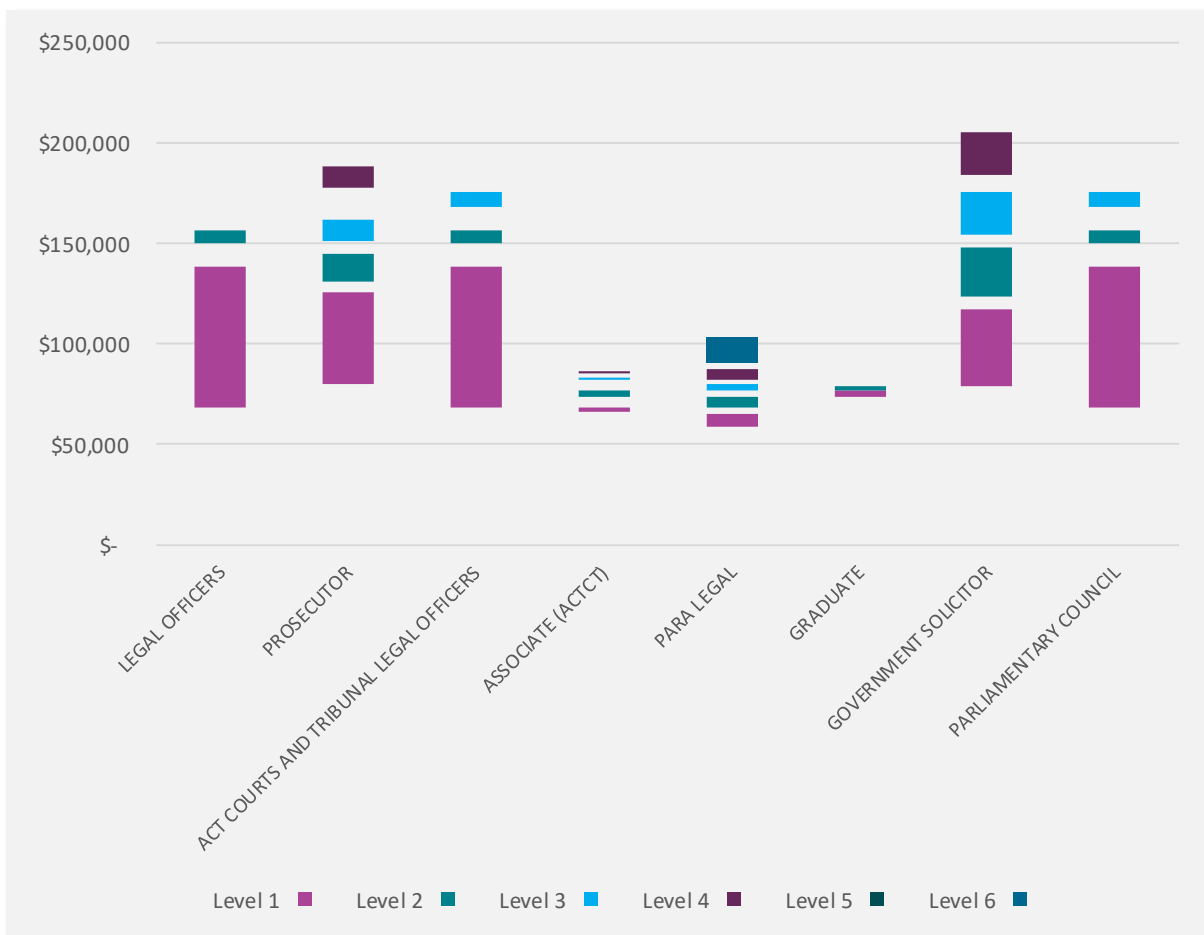
**KEY**       Lag       Market       Lead

Legal 1 Pay point	ACTPS EA Wage	ANZSCO Code	ACT Private Sector	ACT Federal Gov	NSW State Gov
<b>LG1.5</b>	\$87,715	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26
<b>LG1.8</b>	\$110,397	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26
<b>LG1.9</b>	\$118,832	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26
<b>LG1.10</b>	\$136,739	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$140,412.04 - \$224,719.20	\$53,681.97 - \$219,684.26

Within the ACTPS there are multiple Legal classifications in use, resulting in natural comparison between the Legal professionals that occupy them, particularly in terms of remuneration. Noting that Para Legal and Associate classifications are quasi-legal they sit below and support the Legal classifications. *Figure 8* below displays the remuneration ranges for each legal classification and the levels within them according to their Enterprise Agreements.

*Figure 8: EA Pay scales for legal classifications within the ACTPS.*





Salary discrepancies and levels across the Legal professional classifications within the ACTPS may lead to varied mobility and career progression (noting that work value and the type of experience and capability required to perform roles within each classification may differ).

For example, a broad salary spine such as that for the Legal 1 classification may equate to strong progression in terms of remuneration however limit career progression in terms of increasing by level. Comparatively the Prosecutor 1 Level has rather limited salary progression opportunity however the classification structure offers greater opportunity for upward career progression. The Prosecutor classification is considered in more detail in *Attachment 8*.

## 4. FUTURE CONSIDERATIONS

Based on the results of the work value assessment and market comparison, there are some opportunities to enhance the Legal Officer Classification framework to support the attraction, retention, and career progression of employees operating within the framework.

### Re-consider the structure of the Legal Classification levels

As noted, having only two levels within the classification limits career progression opportunities. Additionally, the large salary spine for Legal Officer 1, with the arbitrary lower and upper levels, is currently not utilised in alignment with the apparent original intent of the structure. The majority of current employees are sitting at and above the 8<sup>th</sup> pay point (upper level) and there are only two employees sitting below the 8<sup>th</sup> pay point, both of which sit at the 5<sup>th</sup> pay point (lower level). The most likely reasons for this are that the work primarily expected of Legal Officer Grade 1 employees is at the upper level of work value and that the higher pay points are used as an attraction and retention incentive and to meet market demand.

An option for re-structuring would be to reduce the size of the Legal 1 salary spine either by splitting into two separate salary spines or removing the lower pay points (below the 5<sup>th</sup> pay point) if indeed they are rarely used or not required.

In addition, an overall uplift in salary may be considered in light of the results of the market comparison.

Another option that could be explored is to undertake a similar re-structure to the one undertaken for the ACTCT Legal Officers which saw the introduction of an additional, more highly remunerated, level. This would open up opportunities for career progression and provide remuneration commensurate to comparators both within the ACTPS and externally.

#### **Further understand mobility and career progression within ACTPS legal professional classification groups**

Qualitative evidence gained from stakeholder interviews, suggested the structure and salary of other ACTPS legal classifications have an effect on the career opportunities and mobility of employees working within the ACTPS legal field. This is mainly as each classification structure differs in terms of levels and remuneration, creating internal comparison in terms of remuneration and making it difficult to easily second employees or support lateral career moves within the service.

A broader comparative analysis of the ACTPS legal professional classification groups should be considered to further understand mobility and career progression across these groups.