

Attachment 8

ACTPS Classification Review

Work Value Summary Report

Prosecutors



ACT
Government

1. OVERVIEW

The Prosecutor classification includes 5 classification levels:

- Prosecutor Grade 1-2 (Broadband)
- Prosecutor Grade 3
- Prosecutor Grade 4
- Prosecutor Grade 5.

The classification rates of pay are listed under the ACTPS Legal Professionals Enterprise Agreement 2018-21. The Prosecutors operate within the Justice and Community Services Directorate (JACSD).

Figure 1: Overview of the Prosecutor classification group.



The Prosecutor classification group is highly specialised. The work conducted by Prosecutors primarily focuses on prosecuting matters in the ACT Magistrates Court and Supreme Court.

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

The cross-section of roles reviewed in this analysis were all categorised as *Barristers* according to the Australian and New Zealand Standard Classification of Occupations (ANZSCO) model¹ (see *Figure 2*).

Figure 2: ANZSCO model mapping

¹ 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.

27 – Legal, Social and Welfare Professionals
271 – Legal Professionals
2711 – Barristers

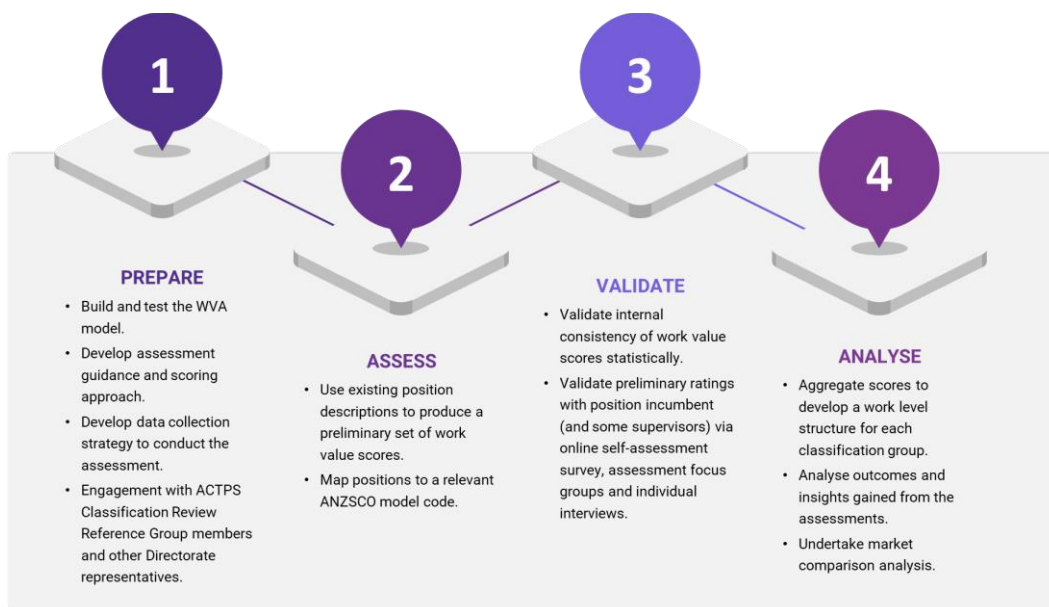
2. RESEARCH APPROACH

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

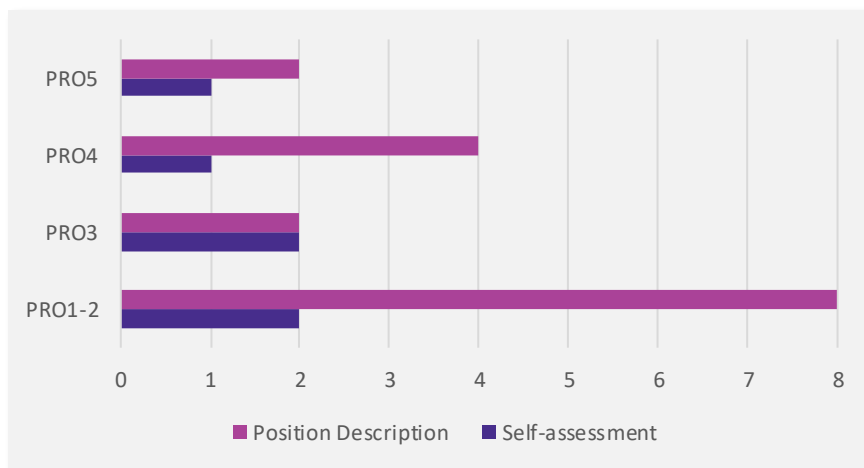


A summary of the number of assessment and validation activities is provided in *Figure 4* below. Engagement with Prosecutors was conducted via a focus group with a cross-section of employees currently working under the Prosecutor classification.

Approximately 9 positions² were included in the cross-section of Prosecutor roles.

² 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.

Figure 4: Assessment and validation summary



Prosecutor level 1-2 are listed as a broad banded level in the *Legal Professionals EA*. When conducting the work value analysis some position descriptions and self-assessors identified either as only a Prosecutor 1 or Prosecutor 2. These have been included as a Prosecutor level 1-2 in the following data analysis.

3. FINDINGS, INTERPRETATION, AND ANALYSIS

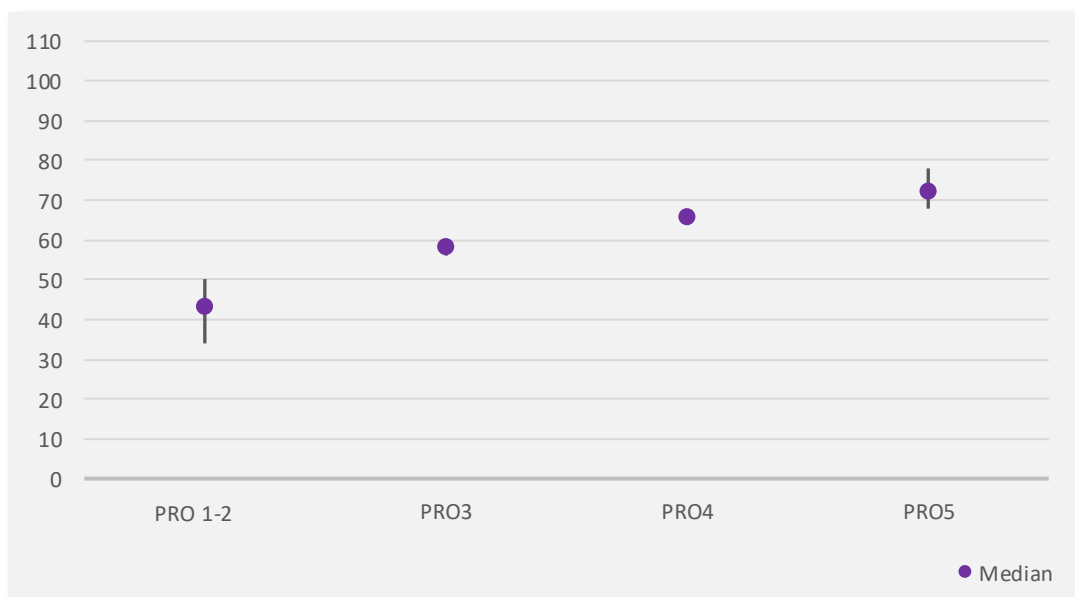
3.1. Work value assessment

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

As shown in *Figure 5*, the results show a fairly typical spread of work values across the Prosecutor Classification levels, with work value increasing alongside classification level.

There is a larger spread for the Prosecutor 1-2 roles. There was a noticeable tendency for work value scores to be higher for self-assessed roles. In further analysis of the Prosecutor 1-2 results, it appeared that, on average, self-assessment scores were 32% higher than those conducted using a position description.

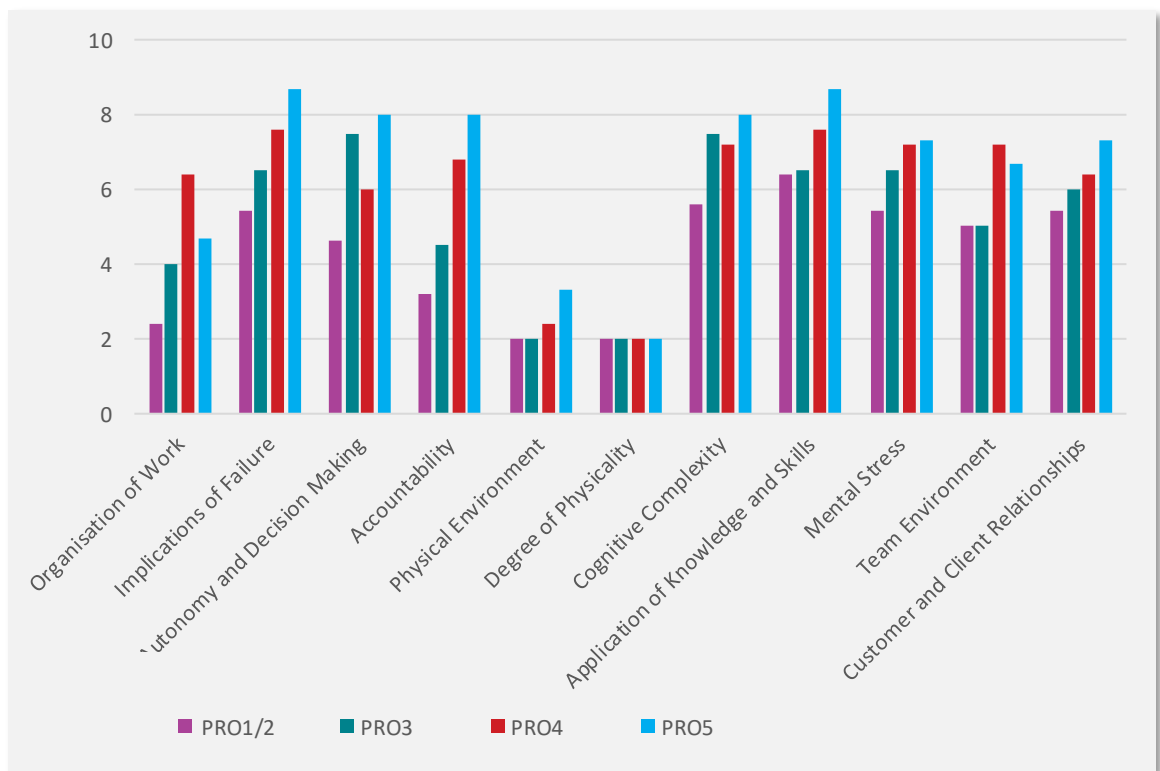
Figure 5: Spread of work value scores for each Prosecutor classification level



As shown in *Figure 6*, there is a linear increase in work value across levels for most of the work value evaluation factors. Some unevenness exists for the *Organisation of work*, *Autonomy and Decision making*, and *Team Environment* factors. Noting, this could be a product of the small sample size.

The Prosecutor 4 roles that were assessed scored higher in *Organisation of work* compared to Prosecutor 5 roles. This may indicate that some Prosecutor 4 roles have more supervisory responsibilities than those of Prosecutor 5. However, the Prosecutor 4 roles scored lower on *Autonomy and Decision making* than both Prosecutor 3 and Prosecutor 5 roles.

Figure 6: Spread of work value scores for each work value evaluation factor for each Prosecutor classification level.



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 Prosecutor classification two ANZSCO 4-digit codes were identified within the sample group:

- 2711 – Barristers
- 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 and ACT private sector markets. They were compared to the ACTPS EA data which contained the wages for the various levels of Prosecutors. *Table 1* below shows the variance in the market comparison³. The comparison shows a general trend of lower Prosecutor levels (PRO 1/2) lagging behind the average market comparators, whilst higher levels are on par or leading. This is an expected result given the market comparators are based on an average salary range and therefore lower-

³ Within market defined as within 10% of the average wage designated for the ANZSCO code

level roles will fall into the lower-end of the salary scale based on work value, and the capability and experience required to perform at those levels.

Note, a review and re-structure of the Prosecutor classification was undertaken in 2010. The outcome being the addition of a classification level and the incorporation of the Senior Advocate role:

- Prosecutor Grade 1 lower became Prosecutor Grade 1
- Prosecutor Grade 1 upper became Prosecutor Grade 2.
- Prosecutor Grade 2 became Prosecutor Grade 3.
- Prosecutor Grade 3 became Prosecutor Grade 4.
- Senior Advocate became Prosecutor Grade 5.

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	NSW State Gov
PRO 1/2	\$101,246.38	2711 - Barristers	\$146,935.15	\$143,197.02
PRO 1/2	\$101,246.38	2712 - Judicial and Other Legal Professionals	\$117,366.16	\$154,833.50
PRO 3	\$134,804.33	2711 - Barristers	\$146,935.15	\$143,197.02
PRO 4	\$152,694.33	2711 - Barristers	\$146,935.15	\$143,197.02
PRO 5	\$178,081.33	2711 - Barristers	\$146,935.15	\$143,197.02

KEY Lag Market Lead

Level	ACTPS EA Wage Range	ANZSCO Code	ACT Private Sector	NSW State Gov
PRO 1-2	\$78,487.00 - \$122,692.00	2711 - Barristers	\$53,895.62 - \$205,630.78	\$107,383.02 - \$200,502.41
PRO 1-2	\$78,487.00 - \$122,692.00	2712 - Judicial and Other Legal Professionals	\$67,189.84 - \$211,593.53	\$53,681.97 - \$219,684.26
PRO 3	\$128,034.00 - \$141,579.00	2711 - Barristers	\$53,895.62 - \$205,630.78	\$107,383.02 - \$200,502.41
PRO 4	\$147,387.00 - \$158,014.00	2711 - Barristers	\$53,895.62 - \$205,630.78	\$107,383.02 - \$200,502.41

PRO 5	\$172,880.00 - \$183,295.00	2711 - Barristers	\$53,895.62 - \$205,630.78	\$107,383.02 - \$200,502.41
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In attempting to conduct similar analysis in comparison to the Federal Government it was found that data was not available. This is likely due to the use of other ANZSCO codes when similar positions in the Federal Government have been classified. To overcome this, the research team identified Federal Government agencies that carry out similar work to those in the ACTPS Prosecutor classification. These were the Commonwealth Department of Public Prosecutions (CDPP) Legal Designations and Australian Government Solicitors (AGS) Lawyer Designation. Utilising data from the agency enterprise agreements⁴, a comparison to the Federal market was conducted⁵. As shown in *Tables 2* and *3*, the average wage across all ACTPS Prosecutor levels is leading compared to both Federal Government comparators.

Table 2: Market comparison using CDPP Legal Designation average wages.

ACTPS Classification	Average Wage	CDPP Classification (CDPP Designation)	Average Wage
PRO 1/2	\$ 101,246.38	Federal Prosecutor 1 (APS 4)	\$ 66,380.5
PRO 3	\$ 134,804.33	Federal Prosecutor 2 <i>Broadband</i> (APS 5/6)	\$ 78,681.5
PRO 4	\$ 152,694.33	Senior Federal Prosecutor (EL 1)	\$ 108,350.5
PRO 5	\$ 178,081.33	Principal Federal Prosecutor (EL 2)	\$ 132,607

KEY Lag Market Lead

Table 3: Market comparison using AGD Lawyer Designation average wages.

ACTPS Classification	Average Wage	AGS Classification (Lawyer Designation)	Average Wage
PRO 1/2	\$ 101,246.38	APS 4	\$74,368
PRO 3	\$ 134,804.33	APS 5	\$ 80,621.5

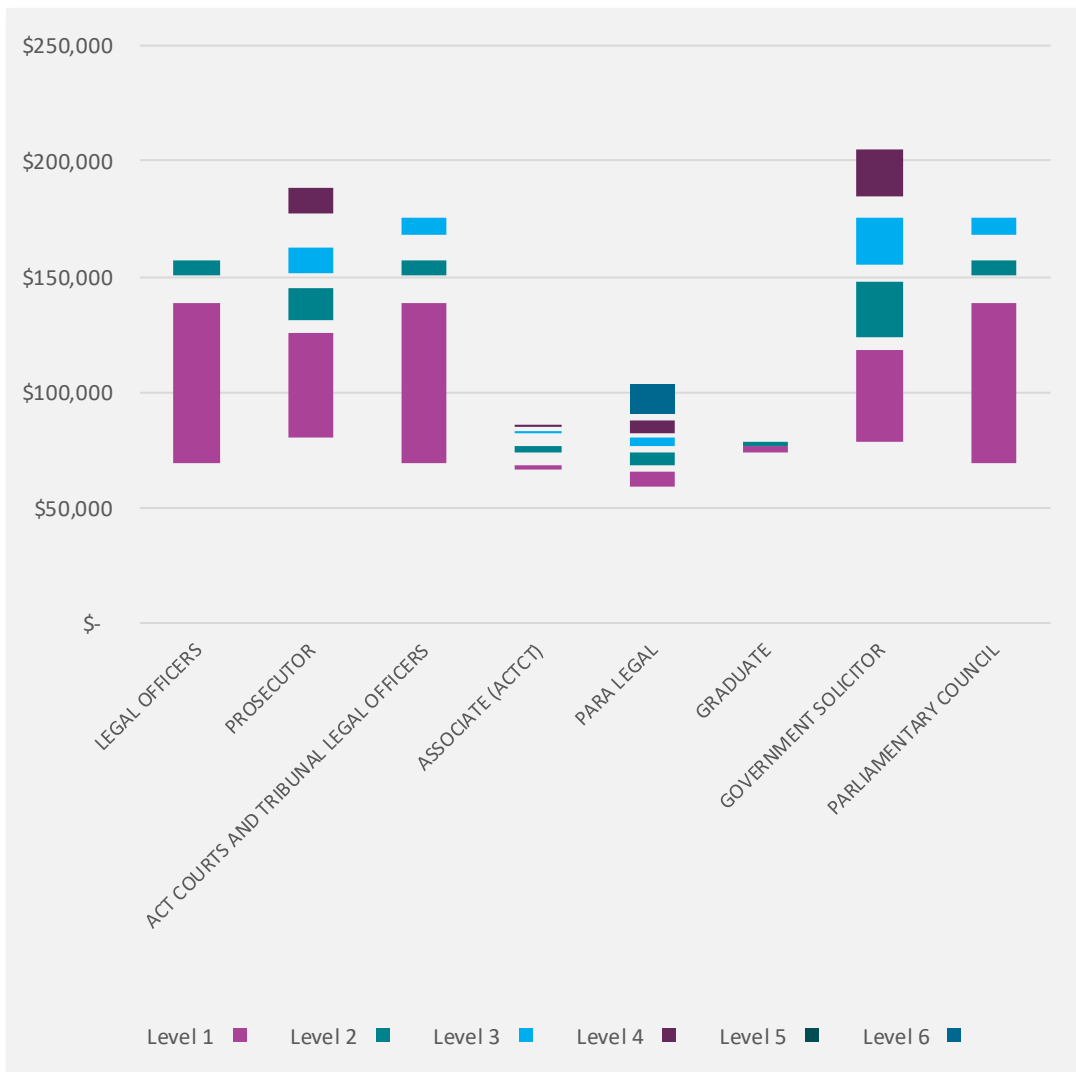
⁴ AGD EA: https://www.ags.gov.au/sites/default/files/2020-09/AGD-Enterprise-Agreement-2019_0.PDF
CDPP EA: https://www.cdpp.gov.au/sites/default/files/CDPP_Enterprise%20Agreement_2017-2020.pdf?acsf_files_redirect

⁵ Data taken from AGD Enterprise Agreement 2019 and CDPP Enterprise Agreement 2017-2020. APS Average Wage is based on the average of the maximum and minimum pay points for each level, taken from 12 months post commencement values.

PRO 3	\$ 134,804.33	APS 6	\$ 108,741.5
PRO 4	\$ 152,694.33	EL 1	\$ 123,230.5
PRO 5	\$ 178,081.33	EL 2	\$ 168,356
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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, Associate and Associate classifications are quasi-legal they sit below and support the Legal classifications. *Figure 7* below displays the remuneration ranges for each Legal-related classification and the levels within them according to their Enterprise Agreements.

Figure 7: EA Pay scales for legal classifications within the ACTPS.



Salary discrepancies and levels across the Legal professional classification 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 represents relatively easy salary progression but limited career progression in terms of increasing classification level. Comparatively the lower Prosecutor levels have a more limited salary progression opportunity however the classification structure offers greater opportunity for upward career progression.

4. FUTURE CONSIDERATIONS

The results of the work value assessment and market comparison indicate that the current structure and remuneration for the Prosecutor classification are fit for purpose and suitably aligned to market comparators, particularly in regard to the main public sector competitor in the ACT being the Federal Government.

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