

**16 CONFIDENTIAL ITEMS****16.3 ENTERPRISE BARGAINING AGREEMENT****RECOMMENDATION**

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Acting Chief Executive Officer and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 21 December 2022 for Agenda Item 16.3 Enterprise Bargaining Agreement;
2. The Council is satisfied that pursuant to section 90 (3) (b)(i) and (b)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 16.3 Enterprise Bargaining Agreement is:  
  
information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND information the disclosure of which would, on balance, be contrary to the public interest.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 16.3 in confidence.

**MOVED COUNCILLOR RON VALENTINE**

**SECONDED COUNCILLOR NEVILLE PFEIFFER**

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Acting Chief Executive Officer and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 21 December 2022 for Agenda Item 16.3 Enterprise Bargaining Agreement;
2. The Council is satisfied that pursuant to section 90 (3) (b)(i) and (b)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 16.3 Enterprise Bargaining Agreement is:  
  
information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND information the disclosure of which would, on balance, be contrary to the public interest.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 16.3 in confidence.

**CARRIED.**

**16.3 ENTERPRISE BARGAINING AGREEMENT**

**Responsible officer: Matthew Sherman, Acting Chief Executive Officer**

**Attachments: Nil**

<b>Section under the Act</b>	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 90(2) & (3) of the <i>Local Government Act 1999</i> .
<b>Sub-clause and Reason:</b>	(b)(i) and (b)(ii) - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and information the disclosure of which would, on balance, be contrary to the public interest.

**Executive summary**

The Acting CEO, Matthew Sherman will present this item to Council and provide an update.

Acting CEO and Coordinator Organisational Development commenced enterprise bargaining agreement (EBA) negotiations with the outdoor staff (staff union representatives and the Australian Services Union (AWU) representative) at an initial meeting held on 1 December 2022.

Parties discussed their log of claims at this meeting. A second meeting was held on 15 December 2022.

The log of claims for both parties include a small number of items which have been agreed to in principle.

Over the 12 months to September 2022 quarter the Adelaide CPI rose 8.4% [nationally 7.3%]

The Acting Chief Executive Officer, Matthew Sherman provided an additional verbal update to Council on the negotiations currently being held with the infrastructure services employees (outside staff) and the Australian Workers Union representative.

**Summary;**

- Negotiations have commenced with two meetings to date. Next meeting proposed 17 January 2023.
- Current Australian Workers Union agreement is a 3 year agreement.
- Adelaide CPI for the September 2022 quarter 8.4%
- Australian Workers Union pay increase offer to Council for a three year agreement– 1<sup>st</sup> year 5%, 2<sup>nd</sup> year 5.5% and 3<sup>rd</sup> year 5.5% Counter offer 1<sup>st</sup> year 3.3%, 2<sup>nd</sup> year 3.3% and 3<sup>rd</sup> year 3.3% or CPI capped at 4.5%
- Council’s pay increase offer to Australian Workers Union for a three year agreement - 1<sup>st</sup> year 3.3%, including a one off payment of \$250 , 2<sup>nd</sup> year 3.3% and 3<sup>rd</sup> year 3.5%
- Australian Workers Union advised that CPI is not negotiable, Council also advised CPI not negotiable.

- With regards to pay increases within other local government enterprise agreements, Council's are approving the SA Remuneration Tribunal's increases, others as per the award 4.6% for the 2022 2023 year.
- Proposal for a two agreement, rather than a three year agreement. Council's pay increase offer to Australian Workers Union for a two year agreement - 1<sup>st</sup> year 3.3%,including a one off payment of \$250 and 2<sup>nd</sup> year 3.5%
- Council to stand firm on position with regards to no CPI.
- Reported on pay rise percentage increases of other council enterprise agreements.
- Acting Chief Executive Officer advised proposed to offer again to the Australian Workers Union for a three year agreement - 1<sup>st</sup> year 3.3%,including a one off payment of \$250 , 2<sup>nd</sup> year 3.3% and 3<sup>rd</sup> year 3.5% and that this offer is open until 1 March 2023. Counter offer after this is proposed 1<sup>st</sup> year 3.3%, 2<sup>nd</sup> year 3.5% and 3<sup>rd</sup> year 3.5%
- No forced redundancies clause within enterprise agreement.
- An extra bereavement leave day has been included within draft new agreement – total of 3 days
- Cultural and Ceremonial leave clause included within draft new agreement

**MOVED COUNCILLOR RON VALENTINE**

**SECONDED COUNCILLOR NEVILLE PFEIFFER**

**That the Council supports the Acting Chief Executive Officer in negotiating a new enterprise agreement with the Australian Workers Union for a two year term with a pay increase in the 1<sup>st</sup> year 3.3%,including a one off payment of \$250 and 2<sup>nd</sup> year 3.3% with no inclusion of CPI and all other aspects of the current enterprise agreement remain the same with some very slight alterations.**

**CARRIED.**

**16 CONFIDENTIAL ITEMS****16.3 ENTERPRISE BARGAINING AGREEMENT****RECOMMENDATION**

That having considered agenda Item 16.3 in confidence under section 90 (2) and (3) (b)(i) and (b)(ii) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2023, as to if this order is to continue in operation.

**MOVED COUNCILLOR RON VALENTINE  
SECONDED COUNCILLOR NEVILLE PFEIFFER**

**That having considered agenda Item 16.3 in confidence under section 90 (2) and (3) (b)(i) and (b)(ii) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2023, as to if this order is to continue in operation.**

**CARRIED.**

**17 MEETING CLOSED**

The meeting closed at 7.42 pm.

These minutes are to be taken as read and confirmed at the meeting of Ordinary Council Meeting on Wednesday 18 January 2023.

**MAYOR CR** .....

**DATED** Wednesday 18 January 2023