



Determination under subsection 24(1) of the *Public Service Act 1999*

Department of Home Affairs Determination 2022/01

I, Michael Pezzullo, Secretary of the Department of Home Affairs, acting under subsection 24(1) of the *Public Service Act 1999* (Cth), hereby make the following Determination.

Michael Pezzullo
Secretary
Department of Home Affairs

Date: 12 Dec 2022

1. Citation

1.1 This Determination may be cited as Department of Home Affairs Determination 2022/01.

2. Definitions

2.1 In this Determination:

- (a) **Department** means the Department of Home Affairs, including the Australian Border Force.
- (b) **Employee** means a non-SES employee who is employed in the Department:
 - (i) under the PS Act; and
 - (ii) covered by the Workplace Determination.
- (c) **FW Act** means the *Fair Work Act 2009* (Cth).
- (d) **PS Act** means the *Public Service Act 1999* (Cth).
- (e) **Workplace Determination** means the *Department of Home Affairs Workplace Determination 2019*.

3. Application

3.1 This Determination applies to all non-SES employees employed in the Department under the PS Act and covered by the Workplace Determination.

3.2 This Determination applies in addition to the Workplace Determination.

4. **Previous Determination revoked and replaced**

4.1 This Determination:

- (a) revokes the *Department of Home Affairs Determination 2020/01* on and from the date this Determination commences; and
- (b) does not affect the operation of *Department of Home Affairs Determination 2020/01* on any date prior to the date this Determination commences, consistent with paragraph 5.2 of the *Department of Home Affairs Determination 2020/01*.

5. **Purpose**

5.1 The purpose of this Determination is to provide Employees with increases to their existing salary (and specified allowances) of 3% on 9 February 2023, instead of the 2% increase planned on under *Department of Home Affairs Determination 2020/01*.

6. **Period of Operation and Scope**

6.1 This Determination commences on the date that it is signed by the Secretary and continues in force until whichever of the following occurs first:

- (a) the Workplace Determination is replaced by another workplace determination or an enterprise agreement that applies to the Employees and commences operation in accordance with the FW Act; or
- (b) this Determination is replaced by another determination made under subsection 24(1) of the PS Act that:
 - (i) applies to the Employees; and
 - (ii) expressly revokes this Determination.

6.2 For the avoidance of doubt, any increases to salary or allowances which have already been paid to employees in accordance with this Determination will be maintained in circumstances where this Determination ceases to operate.

7. **Salaries and Allowances**

7.1 Employees will receive a 3% salary increase on and from 9 February 2023.

7.2 The salaries that will apply to Employees in accordance with this Determination are specified in Schedule 1 of this Determination.

7.3 Allowances specified in Schedule 2 of this Determination will increase on and from 9 February 2023, as set out in Schedule 2.

7.4 Unless referred to in Schedule 2, allowances included in the Workplace Determination continue to be payable at the rate and under the circumstances stated in the Workplace Determination.

7.5 The increases to salaries and allowances provided by this Determination will be paid on the first pay date after 9 February 2023.

7.6 For superannuation purposes, the fortnightly contribution salary referred to in clause 2.19 of the Workplace Determination will be calculated on the salary increases set out in this Determination.

8. **Entitlements under Commonwealth laws not affected by this Determination**

8.1 This Determination operates in conjunction with all relevant Commonwealth Acts, including regulations and instruments made under those Acts.

Schedule 1 - Salary increases

Each Table below specifies:

- the pay rate as at 9 February 2022 under the *Department of Home Affairs Determination 2020/01* which continues to apply under this Determination on and from commencement, and
- the rate which will apply on and from 9 February 2023.

General Salary Table

APS Classification Level	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
APS Level 1	Min	\$47,439 ¹	\$48,862
	Max	\$52,385	\$53,957
APS Level 2	Min	\$52,853	\$54,439
	Max	\$59,461	\$61,245
APS Level 3	Min	\$60,112	\$61,915
	Max	\$69,064	\$71,136
APS Level 4	Min	\$69,127	\$71,201
	Max	\$74,562	\$76,799
APS Level 5	Min	\$75,381	\$77,642
	Max	\$81,196	\$83,632
APS Level 6	Min	\$81,879	\$84,335
	Max	\$96,873	\$99,779
Executive Level 1	Min	\$103,424	\$106,527
	Max	\$121,292	\$124,931
Executive Level 2	Min	\$122,547	\$126,223
	Max	\$159,473	\$164,257

¹ Including an existing increase to match the equivalent rate in the *Australian Public Service Enterprise Award 2015* which took effect on 1 July 2022 (PR740813).

Legal Officers

Local Title/APS broadband classification	Pay Rate as at 9 February 2022		Effective from 9 February 2023 (3%)
Legal Officer	APS 4	\$73,870	\$76,086
	APS 5	\$80,267	\$82,675
	APS 6	\$82,829	\$85,314
		\$86,989	\$89,599
		\$96,873	\$99,779
Senior Legal Officer	EL1	\$109,848	\$113,143
		\$119,188	\$122,764
		\$131,509	\$135,454
Principal Legal Officer	EL 2	\$142,043	\$146,304
		\$150,757	\$155,280
		\$159,473	\$164,257

