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TRANSCRIPT OF PROCEEDINGS

O/N 3284

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 12773 of 2006

TASMANIAN INFORMATION TECHNOLOGY AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Tasmanian Trades and Labour Council
to vary the above award re minimum rates adjustment**

HOBART

9.30 AM, WEDNESDAY, 6 SEPTEMBER 2006

**This transcript was prepared from tapes recorded
by the Tasmanian Industrial Commission**

HEARING COMMENCED

[9.30am]

PN1

MR D. PYRKE: I appear on behalf of the Tasmanian Trades and Labor Council. With me today is MR L. CROWLEY from the Association of Professional Engineers, Scientists and Managers.

PN2

MS S. HAAS: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE DEPUTY PRESIDENT: Thank you. I do note that I have received communication from Mr Simon Cocker of Unions Tasmania advising that Mr Pyrke is authorised to appear on behalf of that organisation at today's hearing. We will begin with you, Mr Pyrke.

PN4

MR PYRKE: Thank you, Deputy President. Deputy President, I will start by giving you a brief summary of the award history, the first part of which I suppose starts in the second quarter of last year when the TCCI, the APESMA and the Australian Services Union reached agreement on what the award for the industry could look like. The award was created by the precedent on 15 June last year in matter T10640/2002. The President gave effect to her decision through order number 1 of 2005 which reflected a draft order that had been tabled at an earlier hearing on 14 April last year. And I suppose for the purposes of today's exercise a key part of that draft order was a proposed phasing in of the professional rates to apply to people who are incorporated by that award.

PN5

Deputy President, both the draft order and order number 1 of 2005 reflected the agreement of the parties that professional rates should be phased in over 12 months and the - 12 months from 1 July last year with no further implication. Now, that agreement was followed with respect to the instalment that was due on 1 January this year. However, the road map changed on 24 March this year when the Commission heard matter T12597/2006, being an application by the TCCI for the second - sorry, for the safety net adjustment for 2005. Now, I wasn't there on 24 March this year but I understand that it was determined that the last instalment of the phasing in process should be the subject of a fresh application, and hence the application is before you today.

PN6

Deputy President, in my submission the application has merit because it will align the rates and relativities in this award with the rates and relativities in the other awards that apply to professional employees. By way of example, one such award is the Professional Engineers and Scientists (Private Industry) Award, which applied in fact to IT professionals and information technology professionals until 13 June last year. For the sake of completeness, I note my understanding that the TCCI will be consenting

today. I also submit that the application is consistent with the wage fixation principles, in particular principle 2, previous State wage cases. Deputy President, on the basis of this submission I believe it is open to you to grant the application and if you agree, we ask you to do so with the first pay period commencing on or after today's date. If the Commission pleases.

PN7

THE DEPUTY PRESIDENT: Thank you. Mrs Haas?

PN8

MS HAAS: Thank you, your Honour. Yes, the TCCI do consent to the variation and we understand that it is line with the undertaking that was given that the award rates would be increased. So we consent to the variation.

PN9

THE DEPUTY PRESIDENT: Thank you. And you have checked the draft order that was submitted with the application?

PN10

MS HAAS: Yes. we have.

PN11

THE DEPUTY PRESIDENT: And you agree with the figures therein?

PN12

MS HAAS: Yes, we do. We do agree with the figures. They are in line with the figures that are in the Professional Engineers and Scientists (Private Industry) Award which was the undertaking that they would be the same as.

PN13

THE DEPUTY PRESIDENT: Thank you.

PN14

MS HAAS: Thank you.

PN15

THE DEPUTY PRESIDENT: Well, I indicate to the parties that the award will be varied in the manner sought, and a decision and order will be issued either today or tomorrow. Once that happens, it will be posted out and the matter will be complete. Thank you.

ADJOURNED INDEFINITELY

[9.45am]