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TRANSCRIPT OF PROCEEDINGS

O/N 101857

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 13375 of 2009

TOURISM TASMANIA AWARD

Application pursuant to the provisions of section 32 of the Industrial Relations Act 1984 lodged by the Minister administering the State Service Act 2000 to rescind the above award

HOBART

10.35 AM, WEDNESDAY, 4 MARCH 2009

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MR K. GREY: Thank you, Deputy President.

THE DEPUTY PRESIDENT: Are we on the record?

5 ASSOCIATE: Yes.

THE DEPUTY PRESIDENT: Okay. Thank you.

10 MR GREY: This application is simply to rescind the Tourism Tasmania Award, because all of the provisions in this award are now at equal or better in the new Tasmanian State Service Award. So as a consequence of the rescission of recent other awards, this award is no longer necessary. There is – apart from one provision relating to the mainland allowance, all the other provisions are as in the former
15 General Conditions of Employment Award. The mainland allowance is an allowance that has not been indexed for many years. It was payable as a one-off payment for employees who were recruited in Tasmania and sent to mainland travel centres. There are no longer any mainland travel centres.

20 There are regional sales managers, all of whom have been recruited on the mainland, and therefore not eligible for the allowance, and if at some stage in the future any such provision was required, we would sit and negotiate an appropriate rate indexed for that period. But apart from that there are no provisions of any kind.

25 THE DEPUTY PRESIDENT: How would anybody ever know that that was there to be negotiated if it's not in the award at some stage in the future.

30 MR GREY: Because we've already got relocation allowances and a range of other provisions that are all subject to review consistent with the district-allowance review that's due to be - - -

THE DEPUTY PRESIDENT: In the GCOE award – sorry – in the TSS award.

MR GREY: Yes, yes.

35 THE DEPUTY PRESIDENT: Right.

40 MR GREY: The range of those things that are already there, they need to be reviewed and updated as well. No one foresees that there's any possibility that this will ever be required again. It would require a substantial change - - -

THE DEPUTY PRESIDENT: So you're submitting that it's obsolete. It's an obsolete provision.

45 MR GREY: Yes, it would require a substantial change in the operation of Tourism Tasmania for this to ever apply.

THE DEPUTY PRESIDENT: Okay. That's it?

MR GREY: Thank you, yes.

THE DEPUTY PRESIDENT: Thank you.

5 MR GREY: Well, it's consistent with, we believe, the public-interest provision of section 36.

THE DEPUTY PRESIDENT: Okay. Ms Serra?

10 MS C. SERRA: The CPSU agree with the decision to rescind the award because it is outdated and still contains the four streams. We would, however, like to be able to deal with any unintended consequences that should arise if and when they do, so we would like that put on the record, and also in relation to the mainland allowance, if there does appear to be one person popping out of the woodwork, then we would
15 have to take that into consideration for the allowance as well.

THE DEPUTY PRESIDENT: Okay. My point again is if it's removed from existing awards, which is what people at the time would deal with, it's quite possible that there would be no reference back to the pre-existing mainland allowance,
20 nonetheless, you know - - -

MS SERRA: If someone is getting that allowance now, should it be an unintended consequence?

25 THE DEPUTY PRESIDENT: Well, that would be an unintended consequence, yes.

MR GREY: Look, I could commit the minister to dealing appropriately with any unintended consequence that flows from this. The Tourism Tasmania Department has recently moved from one agency to another. It may well be that teething
30 problems do arise and that human resource areas are not as aware and as familiar with the operation as previous departments, however we've been given the assurance that this is not paid currently to anybody. It hasn't been for many, many years, and quite apart from which, the rates are a decade out of date. However, if any provision of any kind arises, we will sit and negotiate in good faith to restore what it should be.
35

THE DEPUTY PRESIDENT: Okay. While this is on transcript, it's probably unlikely that people would even refer back to the transcript of what happens during these proceedings. Maybe you could just send a letter so that the CPSU could put that on their records in addition.
40

MR GREY: Yes.

MS SERRA: Thank you.

45 THE DEPUTY PRESIDENT: I'm assuming that it would be more likely to come to the attention of people if you've actually got it in correspondence as well.

MR GREY: Yes.

THE DEPUTY PRESIDENT: Okay.

5 MS SERRA: Thank you.

MR GREY: Agreed, Deputy President.

THE DEPUTY PRESIDENT: Okay, now the operative date of the recision?

10

MR GREY: I would submit from the date of decision, today perhaps.

THE DEPUTY PRESIDENT: Do you agree with that?

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MS SERRA: Yes, I would agree with that, thank you.

THE DEPUTY PRESIDENT: Okay. Well, I indicate that the award will be rescinded with an operative date from today, which will be confirmed in writing in due course.

20

MR GREY: Thank you.

MS SERRA: Thank you.

25

MATTER ADJOURNED at 10.45 am INDEFINITELY