

AUSCRIPT AUSTRALASIA PTY LTD

ABN 72 110 028 825

Level 10, MLC Court, 15 Adelaide St BRISBANE QLD 4000

PO Box 13038 George St Post Shop BRISBANE QLD 4003

Tel:1300 308 420 Fax:(07) 3503-1199

Email: orders@auscript.com.au Website: www.auscript.com.au

AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 102288

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 13376 of 2009

AWU (TASMANIAN STATE SECTOR AWARD)

**Application pursuant to the provisions of section 23(2)(b)
of the Industrial Relations Act 1984 lodged by the
Minister administering the State Service Act 2000
to vary the above award re Part III, Clauses 1 and 2**

HOBART

2.30 PM, TUESDAY, 10 MARCH 2009

**TRANSCRIBED BUT NOT RECORDED BY
AUSCRIPT AUSTRALASIA PTY LIMITED**

THE COMMISSIONER: I'll take appearances, please: the applicant?

MR K. GREY: If the commission pleases, Grey, K., for the Minister administering the State Service Act 2000.

5

THE COMMISSIONER: Thank you, Mr Grey.

MR I. GREY: If the commission please, Wakefield, I., appearing for the Australian Workers Union Tasmania Branch.

10

THE COMMISSIONER: Thank you, Mr Wakefield. Mr Grey, what is this about?

MR GREY: Commissioner, if I could seek to amend the application for a start; that may make it slightly clearer.

15

THE COMMISSIONER: Yes.

MR GREY: The application says regarding Part III, subclauses 1 and 2, we seek to only change clause 2, subclause (c). I think when the application was made we perhaps boldly and ambitiously thought we would get further before today.

20

THE COMMISSIONER: No objections, Mr Wakefield?

MR WAKEFIELD: No.

25

THE COMMISSIONER: Right. Okay.

MR GREY: Commissioner, this application seeks to vary the AWU Award (Tasmania State Sector) 2009 by changing Part III, clause 2, subclause (3), by changing the title of the subclause from provision of payment of 4 per cent salary increase by deleting the words "of 4 per cent salary increase."

30

THE COMMISSIONER: Yes.

MR GREY: And adding the words "after 27 November 2008," and add the words "and by 1.5 per cent effective from the first full pay period, commencing on or after 5 March 2009."

35

THE COMMISSIONER: Right.

40

MR GREY: This legitimises payment of the salary increases that are payable under the Tasmanian State Service Award. No further changes are sought at this time, however, the Minister for one party at least is hopeful that we may be back here within the next few weeks with a revised award that is more consistent with the changed provisions of the Tasmanian State Service Award, but which has classifications and salaries that are applicable and relevant to the employees covered by the AWU Award, especially fire fighters, track workers and employees of the

45

Royal Tasmanian Botanical Gardens. However, everyone has got to work through that process for appropriate descriptions and appropriate salaries and appropriate conditions.

5 So when we come back, hopefully, we can, with an award change that the parties that
have agreed to that will have new salary tables and translation arrangements
consistent with those of the Tasmanian State Service Award, but in the meantime we
sought to simply make – legitimise the payment that the rest of the State Service is to
receive. So the Minister submits this change is consistent with the wage fixing
10 principles and with public interest provisions of the Act.

THE COMMISSIONER: All right.

15 MR GREY: And we don't see any harm by this becoming operative from the date
of decision.

THE COMMISSIONER: Today.

20 MR GREY: Today, because the agency with most employees covered by this award
are anticipating a change and have prepared preliminary pay schedules, codes or
whatever it is they do to – so that the payment could be made in time.

25 THE COMMISSIONER: Well, I'm in the hands of the parties, I note if you want an
operative date of 5 March, that's all right, but - - -

MR GREY: Well, 5 March it is now, Commissioner.

THE COMMISSIONER: Okay.

30 MR GREY: If that gets around any other obstacle - - -

THE COMMISSIONER: No, no, if I can see if it's by consent it's not a problem.
So we will make it operative from the first full pay period commencing on 5 March?

35 MR GREY: Yes.

THE COMMISSIONER: All right. Mr Wakefield, do you - - -

40 MR WAKEFIELD: Commissioner, we have nothing further to add, that just that we
support the application and we commit to sit down with the department and work
through - - -

THE COMMISSIONER: The new classifications.

45 MR WAKEFIELD: - - - the other matters.

THE COMMISSIONER: Yes. Very well, I'm satisfied that the application is consistent with both the wage fixing principles and the public interest requirements of the Act. The application is granted and will operate from the beginning of the first pay period to commence on or after 5 March 2009, and formal orders to that effect
5 will be issued in the immediate future.

MR GREY: Thank you.

THE COMMISSIONER: Thank you.
10

MR WAKEFIELD: Thank you.

THE COMMISSIONER: The commission stands adjourned.

15

MATTER ADJOURNED at 2.33 pm INDEFINITELY