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TRANSCRIPT OF PROCEEDINGS

O/N 69927

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 13053 of 2007

OPERATIONAL EMPLOYEES AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 by the Minister administering the State Service Act 2000 to vary the above award to include additional apprenticeship provisions

HOBART

11.00 AM, WEDNESDAY, 5 DECEMBER 2007

**MR P. BAKER appears with MS J. FITTON for the Minister administering the State Service Act
MS C. SERRA appears for the Community and Public Sector Union, Tasmania Branch**

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

THE COMMISSIONER: Could I take appearances please?

MR P. BAKER: Commissioner, I appear on behalf of the applicant, P. Baker and with me this morning is MS J. FITTON.

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THE COMMISSIONER: Thank you, Mr Baker.

MS SERRA: Good morning, Commissioner. I am Christina Serra and I'm representing the Community and Public Sector Union, Tasmania Branch.

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THE COMMISSIONER: Thank you, Ms Serra. Mr Baker.

MR BAKER: Thank you, sir. Sir, this application is part 2 of a process that we started last December and when we introduced competency based training outcomes for apprentices into the award. That process followed agreement reached at a ministerial level in relation to the COAG initiatives in relation to apprenticeship training. This is part 2. It was to be done earlier in 2007, which has now become late 2007.

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20 THE COMMISSIONER: But it's still 2007.

MR BAKER: But it's still 2007. So perhaps if I simply describe the application - - -

25 THE COMMISSIONER: Yes.

MR BAKER: - - - as it recognises the growing diversity of prospective applicants for apprenticeships by modernising the wage structure in order to accommodate the diversity of age, maturity, educational achievement and vocational experience with a demographic that will form the future of the industry, and indeed that is industry with a plural. And the basis of the application that is before you today arose out of a review of training packages that was conducted by the Australian National Training Authority in 2003 and 2004, which was subsequently endorsed by ANTA, that is the Australian National Training Authority ministerial council in 2005 and subsequently by the Council of Australian Government Organisations in 2006.

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The application is also consistent with the decision of the Federal Commission, that is the Australian Industrial Relations Commission in the matter C2568, sorry I beg your pardon, in print C20054731 in the Metal Engineering and Associated Industries Awards 1998 in a decision by Senior Deputy President March in February of 06.

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The application is also consistent with the submission that was made by the Tasmanian Government in 2006 in respect to the Australian Fair Pay Commission, the submission that we wrote for and on behalf of the government concerning the issue of wage rates and apprenticeship rates in particular. The application itself, sir, goes to a number of things and perhaps if I just take you through the application and explain the changes that are proposed.

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THE COMMISSIONER: Yes.

MR BAKER: The changes are in clause B, and in the first instance we provide for apprentices both at certificate III, certificate IV, and at certificate V and to compensate for that you will see under the percentage increases for apprentices, which retain the competency-based training outcome, you will see there, sir, that we
5 have added two provisos in relation to the higher tradesperson and the advanced tradesperson who actually undertake the apprenticeship trades and we provide for higher salary outcomes for employees engaged in those occupations.

10 And then over the page, sir, on page 10 we also then provide for increased rates of pay for students who have completed years 11 and 12 at high school, which provides them for, again, an increase in salary which is commensurate with their learning outcomes, because, sir, the current learning provisions go back 50 years to when students - young people who undertook apprenticeships were 13 and 14 years of age, and of course that is no longer the case and young people entering apprenticeships
15 these days can be aged between 18 and 20.

In addition to that we also provide - we vary the award to provide for adult apprentices for the very first time and their salaries are constructed to reflect a level of competency and then we provide for the various levels of - the new levels of
20 apprenticeship for the higher tradesperson in special class. There is a special class tradesperson in the advanced tradesperson diploma. It is competency based and they provide for various exit points along the way and also for the qualifications that are issued. Sir, we view this as consistent with the changes that are currently afoot within our own areas of employment within the State Service.

25 Currently we actually are obliged to employ - well, we don't actually employ them, we actually engage apprentices through group training companies because there is no award prescription for the special class tradespeople - that is the apprenticeships - so we engage them through Northern Group Training and the like. This will provide us with opportunity as from next year to do two things. Firstly, engage apprentices in
30 the higher classifications, and secondly, to provide to the apprentices, for those who will have years 11 and 12 of schooling, and I would imagine that they will all have year 12 schooling, a higher rate of pay at their commencement rate and again a higher rate of pay through their progression.

35 We would say to you, sir, that again we emphasis that it is a competency-based progression structure through the apprenticeship and again it de-emphasises progression on time served. We provide multiple entry points to apprenticeships with recognition of skills, knowledge and qualifications acquired and we provide
40 multiple points for persons to provide exit from apprenticeships with formal qualifications. And again, sir, just in conclusion, it also ensures that the additional education and training which is relevant to employment is recognised in the classification and pay structure applicable to employees under the Award.

45 And as I previously pointed out, sir, it does provide now for increased rates of pay for young people who have obtained additional educational training at years 11 and 12. We would say, sir, that the application meets the requirements of the Act in relation to the public interest. Indeed, what it does provide is increased training

opportunities, increased employment opportunities for young people and perhaps for the not so young, and will provide greater opportunity for the Minister as the employer to offer a diverse range of apprenticeships both in the traditional level 3 and in the new level 4/level 5 apprenticeship structures.

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So subject to any comments from yourself, sir, I would seek that the Operational Employees Award be varied in the manner sought, effective from 1 January 2008 – or the first full pay period on or after the day, whichever is the most convenient, I am not sure which - it is probably one and the same.

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THE COMMISSIONER: January 2008.

MR BAKER: 1 January.

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THE COMMISSIONER: Yes, we can certainly accommodate that. I was just wondering if 1 December this year might have been a convenient date, because we are putting out a consolidated award.

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MR BAKER: Of course, yes, sir. Yes, that would be very convenient. So yes, that would be fine. And I apologise. We have just had sort of an overlap in the applications. It is one of those things I wanted to get cleared up before December. Last year we had the imperative of the Minister saying that the first part of it had to be done by 31 December, and this year it was my imperative, but as I said, sir, it has been rather late in the year rather than mid-term. So we say, sir, that it conforms with the wage-fixing principles, and as I said it certainly conforms with public interest in that it opens up further career training, educational and salary opportunities for employees generally.

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THE COMMISSIONER: Yes. Well, that certainly sounds very encouraging Mr Baker. Ms Serra.

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MS SERRA: Thank you, Mr Baker. The CPSU support the application to vary the Operational Employees Award with respect to apprenticeship provisions dated from – did we agree on 1 December - - -

MR BAKER: Yes.

MS SERRA: - - - 2007. Thank you.

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THE COMMISSIONER: Having heard the parties, I am satisfied 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 that will commence on or after 1 December 2007. A formal decision to that effect, together with a consolidated award, will be issued in the immediate future. The Commission stands adjourned.

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MATTER ADJOURNED at 11.10 am INDEFINITELY