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## TRANSCRIPT OF PROCEEDINGS

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O/N 154911

### TASMANIAN INDUSTRIAL COMMISSION

### COMMISSIONER J.P. McALPINE

#### No. T13734 of 2010

#### MINISTER ADMINISTERING THE STATE SERVICE ACT 2000

and

#### AUSTRALIA EDUCATION UNION, TASMANIAN BRANCH

Re: Application under section 23(1) to vary the Post Year 10 Teaching  
Staff Award

#### No. T13735 of 2010

Re: Application under section 59(2) for approval of the variations to the  
Post Year 10 Industrial Agreement 2009

#### No. T13742 of 2010

Re: Application under section 23(1) to vary the Teaching Service  
(Tasmanian Public Sector) Award

#### No. T13743 of 2010

Re: Application under section 59 to vary the Teaching Service (Tasmanian Public Sector)  
Salaries and Conditions of Employment Agreement 2008

### HOBART

**9.30 AM, TUESDAY, 21 DECEMBER 2010**

THE COMMISSIONER: Okay. Can I take it that there will be the same appearances for the four of them?

5 MR T. KLEYN: Commissioner, I will be appearing for the first two, for the Post Year 10 Award and Agreement and Mr Watson will deal with the teaching staff, DoE matters.

THE COMMISSIONER: And you're doing them all by yourself?

10 MR M. WATSON: No, I'm – yes, well, I'm with my friends, as you can see, Commissioner, yes.

THE COMMISSIONER: Okay. Can I take the first one then.

15 MR KLEYN: Yes.

THE COMMISSIONER: So that's 13734, Post Year 10 Teaching Staff Award, renaming.

20 MR KLEYN: Okay. I had better put in an appearance, I suppose.

THE COMMISSIONER: Yes.

25 MR KLEYN: Tom Kleyn, appearing for the Minister Administering the State Service Act and with me is MARK WATSON and ALEX MILLISS.

THE COMMISSIONER: Thank you.

30 MR C. LANE: I put in an appearance on this matter, Commissioner, if I may. My name is Chris Lane. I appear on behalf of the Australian Education Union, Tasmanian Branch.

THE COMMISSIONER: Okay. Mr Kleyn, it's over to you.

35 MR KLEYN: Yes. Commissioner, can we deal with the award and the agreement in the one submission or - - -

THE COMMISSIONER: Yes. Yes, that was the intent.

40 MR KLEYN: Okay. Well, Commissioner, as you may be aware, but if you're not, I'm going to tell you: that, as a result of the changes to Tasmania Tomorrow, we now have a different scenario, starting from 1 January 2011. As you recall, in January – or about this time in 2008, we set up a new award, the Post Year 10 Award - - -

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THE COMMISSIONER: We did.

MR KLEYN: - - - and the new Post Year 10 Agreement. And it was at that stage, we envisaged that all the secondary colleges would become part of the post year 10 arrangements. However, as a result of the election and a fair deal of work between the election and now, it has been determined to do what is defined as a “refinement” or a “light-touch” restructure of post year 10 education. So what that means now is that - - -

THE COMMISSIONER: I think there’s an acrobatic term for it.

10 MR KLEYN: Yes, yes. With a pike, I think. The Academy and the Polytechnic, which were agencies in their own right will cease to be so from 31 December 2010 and will be incorporated into the Department of Education. The Skills Institute will remain outside of the Education Department as an agency in its own right. Now, as a result of negotiations and discussions between – which I think the AEU were a party to, it was determined that those teachers employed in the Academy would go back to the Department of Education or revert to the Teaching Service, Tasmanian Public Sector Award. However, those employees, teachers in the Polytechnic and the Skills Institute will stay on what we’re going to rename the Polytechnic and Skills Institute Award.

20 So the application today, basically, varies the Post Year 10 Teaching Staff Award and the Agreement. It renames them the Polytechnic and Skills Institute Teaching Staff Award and the Polytechnic and Skills Institute Teaching Staff Industrial Agreement. All references to the academy and any conditions or provisions that pertain to the academy have been removed from the award, but other than that the conditions for the Polytechnic and Skills Institute employees remain as they were up until today. The same arrangement with the industrial agreement that the only variations have been to remove any reference to the academy.

30 THE COMMISSIONER: So conditions, etcetera, just continue?

MR KLEYN: Yes. So we will administer – we will now have to administer both awards as will, I suppose, the Department of – we will all become part of the Department of Education. So, in my view, Commissioner, it’s consistent – the variations we are seeking are consistent with section 36 of the Act and I ask that you approve those variations, effective from 1 January 2011. And unless you’ve got any questions that’s all I need to say, I think.

40 THE COMMISSIONER: Okay. That’s fine. Mr Lane, anything?

MR LANE: Commissioner, the Education Union, Tasmanian Branch fully concurs with the submission put forward by Mr Kleyn. We believe that the changes are simply to reflect the structural changes within the post year 10 sector and the changes themselves are in the public interest, and we would support the changes being made, effective from 1 January 2011. If the Commission pleases.

THE COMMISSIONER: Okay. Well, if you're comfortable with both of them, I'm comfortable to approve both of them and they will both take effect 1 January 2011. Comfortable?

5 MR KLEYN: Yes.

THE COMMISSIONER: All right. The next two. Mr Watson?

10 MR WATSON: Thanks, Commissioner. So I just want to address you briefly in relation to 13742 and 13743. So just to follow on from - - -

THE COMMISSIONER: Sorry, just formally give me your appearance.

15 MR M. WATSON: I'm sorry. Yes. It's Mark Watson, Commissioner, appearing for the Minister Administering the State Service Act. I apologise for that.

THE COMMISSIONER: Okay.

20 MR WATSON: We love these Christmas weeks, Commissioner, when we come down here and - - -

THE COMMISSIONER: Yes.

25 MR WATSON: Two years ago we were here, as you recall, putting through awards and agreements and we're back again to make some changes.

THE COMMISSIONER: I can only say thank you for the work.

30 MR WATSON: So it's the spirit of giving, Commissioner, and Mr Lane will appreciate what I'm saying there. So anyway, back to business. So the variation is to the current Department of Education Teaching Staff Agreement and Teaching Staff Award. A very much light touch, Commissioner, as you can see from the draft orders that we put in. The fact that we have had three colleges that haven't  
35 had to make minimal change for the five colleges that are going to come back to the Department of Education to form what will be the Academy, with the eight colleges together. So I don't want to say any more, other than what Mr Kleyn has told you about the background. We don't believe that the application offends the public interest and is, in fact, very much in the public interest and we would ask that you  
40 approve the variations from 1 January 2011. If it pleases.

THE COMMISSIONER: Thank you. Mr Lane?

45 MR C. LANE: Commissioner, just to put on the record that my name is Chris Lane and I appear in these two matters on behalf of the Australian Education Union, Tasmanian Branch. The Australian Education Union, Tasmanian Branch concurs with the submission put to you this morning by Mr Watson. It is very much a light-

touch approach to both the award and the agreement, simply to recognise that there is a body called the Academy and that, in effect, is made up by the eight secondary college campuses and it's a state-wide organisation and it simply reflects what will be the structure in that area as from the beginning of next year. So we, too, support the notion, Commissioner, that these changes for both the award and the agreement come into effect as from 1 January 2011. If the Commission pleases.

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10 THE COMMISSIONER: Thank you. Now, all the work that was done on the stuff for the past couple of years, I hope you've kept copies of that so when we revert back to that, probably in two years time, at least it will save us a lot of work. Anyway, other than that, I'm - - -

MR KLEYN: Note to the Commissioner: we will see you in two years time.

15 THE COMMISSIONER: I'm more than comfortable to approve these, too. Have a good Christmas, if I don't see you.

20 **MATTER ADJOURNED INDEFINITELY**