

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

The Community and Public Sector Union (State Public Sector Federation Tasmania) Inc

(T14667 of 2019)

LEGAL PRACTITIONERS AGREEMENT 2018

PRESIDENT D J BARCLAY

HOBART, 19 AUGUST 2019

Industrial agreement – application approved – agreement to effect salary increases - no change to other terms and conditions – agreement operative from 1 August 2018 until 30 June - forwarded to registrar for registration

DECISION

[1] On 12 August 2019, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984* (the Act), Legal Practitioners Agreement 2018 (the Agreement).

[2] At the hearing in Hobart on 14 August 2019, Ms Louise Mills and Ms Jane Fitton appeared on behalf of MASSA and Mr Tom Lynch appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

[3] The Agreement is notable in that it relates to a period entirely in the past. Ordinarily I would take some persuading to approve an agreement which is essentially of no operative affect for the future. However the Agreement has had a difficult birth.

[4] It is the product of protracted negotiations involving, in some instances, industrial disputation. The Agreement is brought for approval effective from 1 August 2018 until 30 June 2019. The Agreement also provides for back pay from 1 July 2019. It is intended that negotiations for a new agreement commence almost immediately.

[5] The pay increase is of 2.1%. It is slightly higher than the Governments Wages Policy. The Unions had wanted more. However the Agreement reflects a compromise by both sides to effect a modest pay rise and back pay. The Agreement also provides for an additional 0.25% increase from the date of registration. Finally the Agreement provides for effectively a one off sign on bonus of either 0.15% for salary earners earning less than a full time equivalent salary of \$80,000 per annum or \$120 for those earning more.

[6] The sign on bonus for those who do not work full time is payable on a pro rata basis. A protocol has been developed which will see part time workers who regularly work a part time pattern under their instrument of employment will have their pro rata entitlement

based on that normal pattern that they work. Part time and casual workers who work a variable work pattern will have their actual hours worked as a proportion of full time hours calculated back to the date to which the first increase of 2.1% comes into effect. That is the hours worked will be calculated in real terms of what they actually worked as a proportion of full time hours.

[7] The Agreement does not alter any other conditions of employment.

[8] I note that the parties do not retire from previous agreements which contain provisions relating to terms and conditions of employment. Accordingly no person is deprived of a benefit from an existing agreement.

[9] Given the circumstances in which the Agreement has been made, I am satisfied that the agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and obviously the term of the agreement does not exceed 5 years. I am satisfied that there is genuine consent to the Agreement by the parties to it.

[10] Pursuant to s55(4) the Agreement is approved with an operative date 1 August 2018 and shall remain in force until 30 June 2019. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s56(1) of the Act.



Appearances:

Ms Mills and Ms Fitton for MASSA
Mr T Lynch for CPSU

Date and place of hearing:

2019
14 August
Hobart