



## TASMANIAN INDUSTRIAL COMMISSION

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**CITATION:** Filing of the Firefighting Industrial Agreement no. 2 of 2022 [2023]  
TASIC 27

**PARTIES:**

Minister administering the *State Service Act 2000*

United Firefighters Union of Australia, Tasmania Branch

**SUBJECT:** *Industrial Relations Act 1984*, s 55(2) application for filing of Industrial Agreement

**FILE NO:** T15025 of 2023

**DATE REASONS ISSUED:** 20 June 2023

**COMMISSIONER:** President Barclay

**CATCHWORDS:** Industrial agreement – application approved – effective from 1 July 2022 and will remain in force until 30 June 2025.

Matter determined on the papers.

## **FILING OF THE FIREFIGHTING INDUSTRIAL AGREEMENT NO.2 OF 2022 [2023] TASIC 27**

### **REASONS FOR DECISION**

**20 JUNE 2023**

**[1]** On 5 May 2023, the Minister administering the *State Service Act 2000* lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984* (the Act), an application to file the Firefighting Industrial Agreement No.2 of 2022 (the Agreement). The parties also apply for the cancellation of the Firefighting Industrial Agreement 2022 (the Previous Agreement).

**[2]** The Agreement is sought to be approved in place of the Previous Agreement because errors were identified in that latter agreement.

**[3]** The matter proceeded by way of written submissions. It is convenient to set out the Applicants submissions which are self-explanatory.:

“1. On 6 March 2023, the Firefighting Industrial Agreement 2022, was registered in the Tasmanian Industrial Commission.

2. Following the registration of the Agreement, it was identified that a drafting error existed at Clause 4.1.5 which incorrectly excluded employees classified as Fire Equipment Officers and Senior Fire Equipment Officers from being eligible to receive the ‘one-off’ State Fire Commission Fire Fighter Supplement Payment of \$1300 (prorata). It was, however, agreed during negotiations that all employees covered by the Agreement would receive this payment. Attached with these submissions is the offer letter from Government provided to the United Firefighter Union Australia as part of these negotiations.

3. A second drafting error was also identified at Clause 4.1.4(i) of the Agreement relating to the effective date of the (first) one-off Lower Income Payment. It was agreed during negotiations that this payment would be payable on the first full pay period commencing on or after (ffppcoa) 1 December 2022 however the Firefighting Industrial Agreement 2022 incorrectly specified this payment to be effective from the ‘date of registration’.

4. As a result of the two drafting errors detailed above, a replacement Agreement is required to ensure all matters agreed to as part of the Government’s offer are included in the Agreement.

5. It is of note that a number of clauses in the Firefighting Industrial Agreement 2022 reference effectiveness from the ‘date of registration’. In redrafting the Firefighting Industrial Agreement No.2 of 2022 these references had to be carefully considered and in most instances were replaced with ‘6 March 2023’ (or a nuanced reference to ‘6 March 2023’) being the date of registration of the Firefighting Industrial Agreement 2022. Doing so ensured that clauses of the Firefighting Industrial Agreement 2022 which were enlivened as at 6 March 2023 remained so, with the registration of a new Agreement.

6. The Agreement has been filed with the consent of all parties, to provide the one-off State Fire Commission Fire Fighter Supplement Payment to employees classified as Fire

Equipment Officers and Senior Fire Equipment Officers, whilst also changing the effective date of the (first) one-off Lower Income Payment for employees covered by the Agreement.

7. The title of this Agreement is changed from the Firefighting Industrial Agreement 2022 to the Firefighting Industrial Agreement No. 2 of 2022.

#### Clause 1.3 – Date and Period of Operation

8. This clause specifies that the Agreement cancels and replaces the Firefighting Industrial Agreement 2022 which was registered on 6 March 2023.

9. This Agreement applies with effect from 1 July 2022 and will remain in force until 30 June 2025.

10. The parties agree to commence negotiations for a replacement Agreement on or before the 28 February 2025.

#### Clause 1.6 – Definitions

11. This Agreement changes clause 4.1.4(i) - the effective date of the (first) one-off Lower Income Payment date payable. Change 'date of registration of this Agreement' to '1 December 2022'.

12. This Agreement also changes to Clause 4.1.5 - the State Fire Commission Fire Fighter Supplement Payment to allow this one-off payment to be payable to Fire Equipment Officers and Senior Fire Equipment Officers. This Clause now reads 'State Fire Commission Fire Fighter Supplement Payment: All Employees covered by this agreement, receive a one-off State Fire Commission Fire Fighter Supplement Payment of \$1300 (pro-rata) in Year 1 FY 22/23 effective ffpccoaa 1 December 2022'.

#### Schedule 1 – Salaries

13. Salary tables have been amended to reflect the updates with respect to the (first) one-off Lower Income Payment and the State Fire Commission Fire Fighter Supplement Payment. Specifically the salary tables are updated to reflect effective date of payment as ffpccoaa 1 December 2022, and ffpccoaa 1 December 2022 respectively. Note: the salary table in the Firefighting Industrial Agreement 2022 incorrectly stipulated 'ffpccoaa date of registration' as effective date whereas it was agreed during negotiations that effective date was to be 'ffpccoaa 1 December 2022'. As such salary tables with reference to payment of the State Fire Commission Fire Fighter Supplement Payment are amended from 'ffpccoaa date of registration', to read; 'ffpccoaa 1 December 2022'.

#### Conclusion

14. In closing, it is submitted that the new Agreement does not disadvantage the employees covered by this Agreement, there is genuine consent of the parties, and consistent with s 55 (4C)(b) of the Industrial Relations Act 1984 the public interest is satisfied. Further, it is submitted that the cancellation of the current Agreement does not disadvantage employees covered by that Agreement."

**[4]** The Union agreed with the submissions.

**[5]** The parties submitted that no employees covered by the Agreement would be disadvantaged by the Agreement, the approval would be in the public interest and it is made with the consent of the parties.

**[6]** Having regard to the submissions of the parties and the terms of the Agreement, I am satisfied that the agreement is consistent with the public interest, and it does not disadvantage the employees concerned. I am satisfied that there is genuine consent to the Agreement by the parties and that the Agreement is not for a period of more than five years.

**[7]** In respect to the cancellation of the Previous Agreement, no employees to whom that agreement applies will be disadvantaged from its cancellation. In light of the terms of the Agreement I accept those submissions. Accordingly the Previous Agreement is cancelled.

**[8]** Pursuant to s 55(4) of the Act, the Agreement is approved, effective from 1 July 2022, and will remain in force until 30 June 2025. The file will now be referred to the Registrar for registration in accordance with s 56 of the Act.

