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AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 3571

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER T.J. ABEY

T No 12854 of 2006

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 re apprentices**

HOBART

11.30 AM, THURSDAY, 21 DECEMBER 2006

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

HEARING COMMENCED

[11.30am]

PN1

MR P. BAKER: I appear on behalf of the Minister administering the State Service Act 2000.

PN2

MR T. KLEYN: I appear on behalf of the Health Services Union of Australia, Tasmania Number 1 Branch.

PN3

THE COMMISSIONER: Thank you. Mr Baker?

PN4

MR BAKER: Thank you, sir. This application is to do two things; firstly, it is to introduce into the award, school-based apprentices, which is consistent with the matter that was dealt with in matters T12817, T12818, and T12819 of '06, to vary the National Training Wage Tasmanian Private Sector Award. Now, for reasons which I won't go into this morning, that was a course of action that was adopted in the private sector, I should say, to give effect to training provisions for school-based apprentices. However, the same circumstances do not apply in the public sector, and accordingly we would move to vary the Operational Employees Award, to give effect to school-based apprentices. And that is the first part of - - -

PN5

THE COMMISSIONER: So you are saying it is consistent with, or it is different?

PN6

MR BAKER: It is consistent.

PN7

THE COMMISSIONER: All right.

PN8

MR BAKER: The award clause is consistent with the private sector variation.

PN9

THE COMMISSIONER: Right.

PN10

MR BAKER: However, for operational reasons - top operation - for reasons that are different, it was decided that we would vary the Operational Employees Award, as opposed to the Training Wage Award.

PN11

THE COMMISSIONER: Yes, okay.

PN12

MR BAKER: There is not the same political issues that surround the issue. And the second issue that we are talking about this morning, is to vary the

method of payment for apprentices, from time-based, to competency-based. You may or may not be aware, Commissioner, that at a Council of Australian Governments, COAG, it was agreed that the concept of time-based provisions in awards should be replaced with those reflecting competency-based outcomes, and the application that is before you today is consistent with that outcome.

PN13

The application itself, that is the structure of the clause, was in fact derived from a decision of the Federal Commission in the Metal Engineering and Associate Industries Award, in print PR968890, of earlier this year, and is consistent - the thrust of that application - of the clause that is before you today is consistent with the thrust of the Government's submission, again earlier this year, in respect of apprenticeship wage rates in the Australian Fair Pay Commission submission that we made to that organisation.

PN14

Without going into all the detail in support of competency-based training, which I am sure that you are more than familiar with, we would seek to have the award varied from the first pay - full-pay period on or after today. We would argue - would submit that it is consistent with the wage-fixing principles, and is also - does not offend the public interest at section 36 of the Act.

PN15

THE COMMISSIONER: Thank you, Mr Baker. Mr Kleyn?

PN16

MR KLEYN: Commissioner, we support the application by the Government; I don't have anything further to say, other than I concur with the submissions made by Mr Baker and we are happy for the award to be varied in this manner.

PN17

THE COMMISSIONER: Thank you. Having heard the parties, I am 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 the award will be varied, operative from the first pay period to commence on or after 21 December 2006, and a formal decision to that effect will be issued in the immediate future. It remains only, as this is the last hearing for me at least, for this year, to issue the compliments of the season, and we adjourn on that basis. Thank you.

ADJOURNED INDEFINITELY

[11.45am]