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## **TRANSCRIPT OF PROCEEDINGS**

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O/N 1852

### **TASMANIAN INDUSTRIAL COMMISSION**

**PRESIDENT P.L. LEARY**

**T No 10640 of 2002**  
**T No 12090 of 2005**  
**T No 12091 of 2005**

**INFORMATION TECHNOLOGY AWARD**

**BUSINESS SERVICES AWARD**

**PROFESSIONAL ENGINEERS AWARD**

**Applications pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Tasmanian Chamber of Commerce and Industry Limited  
to vary the above awards re Part 1, Clause 3 - Scope**

**HOBART**

**11.00 AM, WEDNESDAY, 15 JUNE 2005**

**Continued from 14.4.05**

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

**HEARING COMMENCED**

**[11.00am]**

PN123

MR R. ROLLINS: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN124

MR D. PYRKE: I appear on behalf of the Association of Professional Engineers, Scientists and Managers, Australia. I appear in matters T10640 and T12091.

PN125

MR I. PATERSON: I appear for the Australian Municipal, Administrative, Clerical and Services Union. I appear in matters T10640 and T12090.

PN126

THE PRESIDENT: Okay, thank you. Both of the parties - yes, all of the parties provided me with some written information following the last hearing, and any issues that were raised then appear to have all been sorted out. Mr Rollins, what is the current state of play?

PN127

MR ROLLINS: Thank you. The purpose of today's hearing is to amend a number of awards - the scope of a number of awards so that the IT - new Tasmanian Information Technology Award can cover the field in terms of the industry. So there are currently some awards that - the scope clause covers those services, and we are amending those to make the IT Industry Award the total award. Firstly, to the Business Services Award, if I could - the scope clause of the Business Services Award Part 1, Application and Operation of the Award, Clause 3, scope B at point 8 lists internet services.

PN128

Our application is to delete that wording, and the intention of the parties is to provide the Commission with an updated page from the Information Technology Industry Award with those words included in that scope clause. Obviously internet services, being one of the key types of activity in the field, and the new IT Industry Award having a classification structure that actually better addresses the type of work, we feel that it is better placed in the new award. Changing - deleting these words from the scope, we believe will not have any negative impact in terms of terms and conditions of employment, as the IT Industry Award is largely similar.

PN129

THE PRESIDENT: So no employee changing awards will be disadvantaged?

PN130

MR ROLLINS: No. The classification structure in terms of wages and terms and conditions in general are very similar.

PN131

THE PRESIDENT: Yes, okay.

PN132

MR ROLLINS: The second change is to the Professional Engineers and Scientists Private Industry Award, and in that we are seeking to amend Part 1, Application and Operation of the Award, Clause 3, scope A. In there, under the list of awards that are excluded from coverage under this award, we wish to insert the words, "Information Technology Industry". So the Professional Engineers and Scientists Award, being an occupational-based award covers the field.

PN133

However, the new Tasmanian Information Technology Industry Award provides classification structure for professional engineers and scientists in the IT field. And so once again we are making this change so that the industry is gathered as one; the employees are gathered as one under the correct award. Once again, we have discussed with the applicable union this change and any impact it will have on existing terms and conditions, and we believe - - -

PN134

THE PRESIDENT: Because that was raised on the last occasion.

PN135

MR ROLLINS: Yes.

PN136

THE PRESIDENT: Yes.

PN137

MR ROLLINS: And we have covered those off under the new award.

PN138

THE PRESIDENT: Good. So no employee will be disadvantaged?

PN139

MR ROLLINS: Correct.

PN140

THE PRESIDENT: Good.

PN141

MR ROLLINS: That is certainly the understanding - my understanding that the parties have. That is about - well, that is roughly what we are seeking today. We are also just seeking clarification that when the orders are issued for these changes, we will have the new award coming into being, if you like, and these two changes happening at the same time so there is no gap, I suppose, if you like, for people that might be taken out of one award and into a new one. So my understanding is that it will all happen at the same time.

PN142

THE PRESIDENT: Yes. The best way to do it is that there will just be one decision that covers everything - - -

PN143

MR ROLLINS: Yes, bring the new award into being and - - -

PN144

THE PRESIDENT: - - - which means that the new award comes into effect and the variations to the other awards are consequential and on the same date.

PN145

MR ROLLINS: Thank you. That is the nub of my submissions at this point.

PN146

THE PRESIDENT: I don't think I had any other questions. Mr Pyrke, in respect of the Professional Engineers Award?

PN147

MR PYRKE: Yes. Thank you, President. Throughout these negotiations, our aim has been to ensure that no one has been disadvantaged. I guess there are a number of parts to that, one of which is the provisions of the Engineers Award - Engineers and Scientists Private Industry Award - which should go forward as much as possible into the IT Industry Award, and I am happy to say that we have achieved that. Secondly, to ensure that any accumulated benefits are not lost on the translation, and again those words - there are words in the new award cover that.

PN148

THE PRESIDENT: Yes.

PN149

MR PYRKE: So I am pretty comfortable therefore in the IT Industry Award being included in the number of awards listed in the scope of the Engineers Award as being exclusions.

PN150

THE DEPUTY PRESIDENT: All right.

PN151

MR PYRKE: But only one question, I suppose, while I am on my feet is to - just the mechanics, I suppose, of phasing in the pay rates into the new IT Industry Award. In the draft that we have got here, you can - basically, the phasing-in arrangements are shown. For example, at Clause 5, Salary Rates, it refers to rates on commencement, rates after the first six months and after the second six months. I suppose my question is, do we need to do a separate application to give effect to the numbers under the second six months, or is that just going to be automatic as part of this application?

PN152

THE PRESIDENT: It may be that what we should do - I don't think you need to make a separate application. Perhaps once the award is made and all of the other things that are required to be done are finalised, rather than having "on commencement of award" and "the first six months", we just put the actual dates?

PN153

MR PYRKE: Right.

PN154

THE DEPUTY PRESIDENT: And that should then suffice.

- PN155 MR PYRKE: Thank you. And then that would obviate the need for a further application.
- PN156 THE PRESIDENT: No, no. I am a great one for not having additional paperwork if we can avoid it.
- PN157 MR PYRKE: Yes.
- PN158 THE PRESIDENT: But if it has the dates there it is quite clear then, there is no argument about when the first six months and when was the second six months - - -
- PN159 MR PYRKE: Thank you, yes. That makes sense.
- PN160 THE PRESIDENT: Yes. Are you happy with that, Mr Rollins, as a way to go?
- PN161 MR ROLLINS: Yes, I am happy with that, and I suppose the only thing we would look at is obviously - safety net decision. We will have to obviously factor that into it.
- PN162 THE PRESIDENT: The what?
- PN163 MR ROLLINS: State wage case.
- PN164 THE PRESIDENT: The what?
- PN165 MR ROLLINS: I assume you are having one.
- PN166 THE PRESIDENT: We get invited.
- PN167 MR PATERSON: We were putting in one every three months.
- PN168 MR ROLLINS: And the only other thing I suppose - - -
- PN169 THE PRESIDENT: Well, what happens, of course, in this jurisdiction with safety net - or State wage cases - is the Commission varies the awards. So that will be picked up in that process. But I see the point that Mr Pyrke has raised, and it may be if we have specific dates, that then gets rid of any queries.

PN170

MR ROLLINS: Yes, that is what I was foreshadowing.

PN171

THE PRESIDENT: Yes.

PN172

MR ROLLINS: And the only other thing that I would like to raise is that at some point - once these dates have become obsolete, we might seek to simply vary the award to put in one final rate when we get to the end point - - -

PN173

THE PRESIDENT: Yes.

PN174

MR ROLLINS: - - - as a tidying-up exercise.

PN175

THE PRESIDENT: No, I wouldn't have any problem with that. And it may be that as part of today's proceedings we can agree on a date when all this is going to happen, and then the dates can be put in accordingly. That solves that particular problem?

PN176

MR PYRKE: I think it does, thanks, President. I guess the point needs to be made that there could well be a State wage case of the - Mr Cocker for the Labour Council has suggested to me that that will happen, and we certainly make application for it.

PN177

THE PRESIDENT: Surprise. My goodness.

PN178

MR PYRKE: So yes, I mean, assuming that that goes forward and that it finds a favourable decision, there will be a need for the numbers to be adjusted for that.

PN179

THE PRESIDENT: Certainly. And as I say, in this jurisdiction, we have this fantastic press button, whiz-bang computer IT system that does that automatically.

PN180

MR PYRKE: Very good.

PN181

THE PRESIDENT: But that wouldn't change the dates.

PN182

MR PYRKE: No.

PN183

THE PRESIDENT: It might just change the figures.

PN184

MR PYRKE: Yes.

PN185

THE PRESIDENT: Yes.

PN186

MR PYRKE: I suppose the only other point then is to - in terms of ensuring that there is no disadvantages - to make sure that the applications both take effect on the same day, and clearly if we exclude people from the Engineers Award and - - -

PN187

THE PRESIDENT: Yes.

PN188

MR PYRKE: - - - the other one is not made on the same day, there is a potential there for some kind of hiatus which we want to avoid.

PN189

THE PRESIDENT: No, I think that makes sense.

PN190

MR PYRKE: If the Commission pleases.

PN191

THE PRESIDENT: Okay, thank you. Mr Paterson, the Business Services Award?

PN192

MR PATERSON: I don't believe I have anything further to add to the submissions in relation to the Information Technology Award in particular, other than I note that the listing is for the IT Industry Award, and it has been titled Tasmanian Information Technology Industry Award. I am not sure which acronym you want to have in the Commission.

PN193

THE PRESIDENT: We are just being very possessive, I think.

PN194

MR PATERSON: In terms of the Business Services Award, I believe it is the logical consequence of this decision with the Information Technology Industry Award to bring the internet services providers across to it. So we consent to that variation on the same terms and with the same provisos that have been mentioned already. I am quite happy with the protections that have been incorporated into the document. If the Commission pleases.

PN195

THE PRESIDENT: Good. And your correspondence indicated that the superannuation issue had also being resolved or - - -

PN196

MR PATERSON: Set aside. Yes.

PN197

THE PRESIDENT: You have an agreed position. Do you want to call it the Tasmanian Information Technology Industry Award or just the Information Technology Industry Award? Mr Rollins, it is your baby and your document.

PN198

MR ROLLINS: I believe, although the industry is not here today, I believe that their preference would be for it to be called the Tasmanian Information Technology Industry Award.

PN199

THE PRESIDENT: Very well. It shall be known as the Tasmanian Information Technology Industry Award. That can be done. Are we looking for - what, a prospective date, or do you want to make it effective 1 July or the first pay period on or after 1 July?

PN200

MR ROLLINS: I think that would be a suitable date.

PN201

THE PRESIDENT: Yes.

PN202

MR ROLLINS: It seems to be quite popular on a range of matters.

PN203

THE PRESIDENT: Well, there are lots of things happening, apparently.

PN204

MR ROLLINS: So I am quite comfortable with that to be the effective date.

PN205

THE PRESIDENT: All right. Are you happy with that?

PN206

MR PYRKE: Yes. Thanks, President.

PN207

THE PRESIDENT: Yes, okay.

PN208

MR PATERSON: On the proviso that the State Commission is still in operation. If it goes any earlier - - -

PN209

THE PRESIDENT: This year, I am saying. Yes.

PN210

MR PATERSON: We should be safe.

PN211

THE PRESIDENT: Yes. No, I think we will be pretty safe. I think we will be pretty safe for quite a while. I am more positive than most people, it would appear - and I know nothing. All right. On that basis, we will make the new Tasmanian Information Technology Industry Award as per the final draft that



was forwarded, subject to a replacement page in respect to the scope, and the salary rates will show actual dates rather than reference to first and second six months, etcetera.

PN212

MR ROLLINS: If I may, President, just one minor matter. Can I ask that the draft, when finalised, is emailed to the parties, given that the website doesn't seem to be working?

PN213

THE PRESIDENT: Doesn't it?

PN214

MR ROLLINS: It hasn't been effective since about April, I think.

PN215

THE PRESIDENT: Okay. We shall arrange for that. Seeing as it is the Information Technology Award, I am sure we will be able to email it. Okay. The Professional Engineers and Scientists Private Industry Award will be varied in accord with the application to include reference to the Tasmanian Information Technology Industry Award in the scope clause. Likewise, the Business Services Award will be varied to remove reference to internet services - I think that was the expression - internet services, which of course is now covered by the new IT Award. Each of those variations and the making of the new award will come into effect from the first pay period on or after 1 July. Copies will be emailed to the parties and a decision will be issued also. Those matters are adjourned, thank you.

**ADJOURNED INDEFINITELY**