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TRANSCRIPT OF PROCEEDINGS

O/N 97847

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P. McALPINE

T No 13335 of 2008

POST YEAR 10 TEACHING STAFF AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Minister administering the State Service Act 2000, the Community and Public Sector Union (State Public Services Federation Tasmania) Inc. and the Australian Education Union, Tasmanian Branch for the making of the above award

HOBART

9.32 AM, WEDNESDAY, 24 DECEMBER 2008

THE COMMISSIONER: All right. Can I have appearances please?

MR M. WATSON: May it please the commission, Mark Watson, I appear on behalf
of the Minister administering the Tasmanian State Service Act. With me are
5 MR T. KLEYN, MR P. MAZENGARB, MR P. GOURLAY and MS D. CRESPLAN.
Thank you.

MR C. LANE: Mr Commissioner, I hope this isn't a democracy and we get to vote
10 on these things.

THE COMMISSIONER: You're entitled to your own cheer squad if you want.

MR LANE: If it pleases the commission, my name is Chris Lane. I appear in this
matter on behalf of the Australian Education Union, Tasmanian Branch. And
15 without wanting to pre-empt what my colleague from the CPSU might say, I don't
believe that that particular union is a party to this matter.

THE COMMISSIONER: Okay. Thank you.

MR M. JOHNSTON: If it pleases the commission, Matt Johnston appearing on
20 behalf of the Community and Public Sector Union (State Public Services Federation
of Tasmania) Inc. Mr Lane is correct, I don't think we have responsency to the
Teaching Award and so would seek to be struck out of that matter.

25 THE COMMISSIONER: Okay. Thanks.

MR JOHNSTON: Thanks.

THE COMMISSIONER: All right. Fire away, where are we starting, which one?
30

MR WATSON: Thank you, Commissioner. First of all I'd just like to thank you
very much for putting this matter on at short notice. I think Carol has done a
magnificent job, Commissioner, with a bit of stress, but it's Christmas, so we're here
Carol, so we thank you very much for that.

35 THE COMMISSIONER: Grovelling does help.

MR WATSON: Yes. Commissioner, just a bit of background which I think can be
taken to be comments in relation to all matters you have before you today, not just
40 the award. The government announced in 2007 major changes to – major reform to
education for post year 10, and legislation was passed late this year, which actually
created the new organisations of the Tasmanian Academy, the Tasmanian
Polytechnic and the Tasmanian Skills Institute. Now, one of the issues that was high
on the agenda for the government and the union, the AEU, was to actually ensure
45 that going into the new organisations that all employees were properly regulated in
terms of award and agreement. And the matters that are before you today are the
product of those negotiations.

The first matter is the new award which is a merging of the Department of Education Teaching Staff Award and the TAFE Tasmania Teaching Staff Award. The parties have sought to merge into one award provisions, as I say, from both. In some cases that's been easy, in some cases it's been a little bit tricky and in some cases it has
5 created some fairly frank and fulsome discussions, including yesterday,
Commissioner. But in terms of the final product we believe that we've been able to get together an award that doesn't disadvantage people, whether they come from Department of Education or TAFE Tasmania, and puts together one single document which will be the safety net, if you like, for employment for teaching staff.

10 I don't intend to go to the document in detail unless you have any questions,
Commissioner, but they are existing provisions with some changing around the edges. You'll see in there that there are a lot of references to some provisions only apply to the Academy, some only apply to the Polytechnic and the Skills Tasmanian
15 Institute. The reason for that is that is just maintaining existing provisions, and there are some things where it is not appropriate to apply right across the board, so that's why they've been separated out.

20 THE COMMISSIONER: Okay.

MR WATSON: No doubt, Commissioner, as time passes the parties will need to continually review the award based on practises that happen at the workplace, but we're confident that the document that is before you today provides an appropriate safety net for the agreements that will sit on top of this award. So that's all I wanted
25 to say, Commissioner, other than to say that the new award doesn't offend the wage fixing principles, and certainly in the public interest that we have an award for the new organisations. And as I say there's no disadvantage to existing employees. If it pleases.

30 THE COMMISSIONER: Thank you. Mr Lane?

MR LANE: Thank you, Mr Commissioner. Can I just say that I concur with the comments of Mr Watson on this matter. It has been a rushed process through which we've been working exceptionally hard to arrive at the outcome that we have done
35 so. And I apologise, actually, for the lateness in putting this before you. I understand it's a relatively large document and it must have taken you some time to go through them, and to come to some understanding of what it was all about.

We're pleased to see that we do have a document which regulates the conditions of
40 employment of these employees going into the new organisation. And we believe it is an appropriate document, an appropriate award to begin with, and I agree also with Mr Watson, that we'll probably be wanting to come back here at some stage and review certain aspects as we see how the new organisations operate, because there will be a need for changes, I'm quite sure, as we go on.

45 I don't believe this document in any way undermines the wage fixing principles. And I certainly believe, again, it is in the public interest that this award be registered,

hopefully from, I think its 1 January of 2009, so that there is a seamless transition from the current award to regulate these people's conditions of employment on the day that the organisations are created which is 1 January 2009. So I would ask that you give that your consideration and hopefully your approval. Thank you, Mr
5 Commissioner.

THE COMMISSIONER: All right. We're going to agree on this one first, and then we'll go through the agreements, and then we'll rescind the TAFE one; is that right?

10 MR WATSON: Yes.

THE COMMISSIONER: I've got the order right. Okay. Well, look this has been rushed, and I've got to say that on my cursory review of it, I certainly picked up the complexity of trying to blend three different organisations together, and make sure
15 you're not standing on anyone's toes. I do expect you to come back progressively over the next couple of years and just hone this into a single entity, which is probably expected. And I agree it doesn't offend the wage fixing principles, nor the public interest. I'm comfortable to approve this effective 1 January 2009. Okay.

20

MATTER ADJOURNED at 9.40 am INDEFINITELY