

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 Australian Workers' Union, Tasmania Branch (T14860 of 2021)

AWU BUSHFIRE SUPPRESSION OPERATIONS AND PLANNED BURNS AGREEMENT 2021

PRESIDENT D J BARCLAY

HOBART, 9 SEPTEMBER 2021

Industrial agreement – application approved – agreement applies with effect from the date of registration and will remain in force until 30 June 2024 - forwarded to registrar for registration

DECISION

[1] On 1 September 2021, 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), the AWU Bushfire Suppression Operations and Planned Burns Agreement 2021.

[2] The parties agreed that the Application was to be dealt with on the papers and they have filed written submissions.

[3] The Agreement has been renamed from the Bushfire Suppression Operations Agreement to the Bushfire Suppression Operations and Planned Burns Agreement. This name change takes into account that the scope of the agreement has been extended by the inclusion of positions in Schedule 2 that are activated for simple and complex prescribed burns.

[4] The Agreement cancels and replaces the AWU Bushfire Suppression Operations Industrial Agreement 2018 which was registered on 20 August 2019.

[5] Helpfully the MASSA's submissions detail the nature of the changes and I attach a copy of those submissions to these reasons.

[6] The Australian Workers' Union (AWU) submits that the Agreement provides for improved conditions of employment for employees, particularly in respect to new and increased access to higher remuneration for undertaking planned burning operations and the addition of some new wild-fire operational roles.

[7] The Agreement arises from extensive negotiations between the parties. The parties commend the Agreement to the Commission. I am satisfied that the Agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and 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.

[8] Pursuant to s55(4) the Agreement is approved with an operative being the date of registration and shall remain in force until 30 June 2024. 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.



Parties Representatives:

Mr K Midson for AWU
Ms E Reale for MASSA

Date and place of hearing:

Determined on the papers

Attachment (MASSA submissions dated 6 September 2021)

TASMANIAN INDUSTRIAL COMMISSION

Matter T14860 of 2021

SECTION 55 *INDUSTRIAL RELATIONS ACT 1984*

MINISTER ADMINISTERING THE *STATE SERVICE ACT 2000*

Filing of the AWU Bushfire Suppression Operations and Planned Burns Agreement 2021

OUTLINE OF SUBMISSION

INTRODUCTION

This Agreement has been filed with the consent of the parties and replaces the AWU Bushfire Suppression Operations Industrial Agreement 2018.

This Agreement has been finalised following an extensive negotiation period. The registration of this Agreement is provided to the Commission, by the Minister administering the *State Service Act 2000*, and the Australian Workers Union.

Below are submissions outlining the changes to the Agreement that have been agreed to as part of negotiations. A number of clauses have been carried forward from previous agreements with no change and as such are not mentioned below.

Clause 1 – Title

The Agreement has been renamed from the Bushfire Suppression Operations Agreement to the Bushfire Suppression Operations and Planned Burns Agreement. This name change takes into account that the scope of the agreement has been extended by the inclusion of positions in Schedule 2 that are activated for simple and complex prescribed burns.

Clause 4 – Date and Period of Operation

Clause 4.1 cancels and replaces the AWU Bushfire Suppression Operations Industrial Agreement 2018 which was registered on 20 August 2019.

No employee will be worse off as a result of cancelling the 2018 Agreement.

This Agreement operates for a period of three years.

Clause 7 – Definitions

A separate clause has been included in the Agreement to provide definitions of planned burns including the characteristics of both simple and complex burns. The definitions for bushfire incident levels, including Level 2 and Level 3 bushfire, have been included under this clause carried forward from the 2018 Agreement.

Clause 8 – Bushfire Suppression Operations

This clause has been carried forward from the 2018 Agreement. However, clause 8.4 provides a change that provides that the Deputy Secretary, Parks and Wildlife Service (or Delegate) will determine the bushfire level based on the criteria defined for bushfire incident levels in this Agreement and will appoint the Incident Controller.

Clause 9 – Bushfire Suppression Roles

An expanded table (at Schedule 1) has been included recognising the full range of positions, and salary levels, available for activation by an Incident Controller at Level 2 and Level 3 incidents, effective from the date of registration of this Agreement. Noting that inclusion of roles in the table does not imply that roles are required or appointed for every bushfire.

Employees will not be appointed to bushfire suppression roles unless they have the necessary skills, qualifications and expertise required to perform in the role.

This clause is consistent with the application of the Australasian Inter-Service Incident Management System (AIIIMS) and applies to permanent, fixed term, fixed term casual and seasonal employees.

Clause 10 – Planned Burn Operations

This is a new clause to provide for inclusion of positions that are activated for simple and complex prescribed burns as prescribed under the Planned Burn Operations Role Table at Schedule 2 of this Agreement.

Schedule 2 prescribes the salary level applicable for planned burn roles as appointed by the Incident Controller effective from the date of registration of this Agreement. Inclusion of roles in the table does not imply that roles are required or appointed for every planned burn.

Clause 11 – Planned Burn Roles

Clause 11.4 includes a provision for appointment or higher duties allowance to be paid to employees who undertake higher level roles for planned burns operations for four hours or more in the same way as bushfire suppression operations.

This clause applies to permanent, fixed term, fixed term casual and seasonal employees.

Clause 12 – Salary and Classification Structure of Schedule 1 and 2

Clause 12.2 provides for the incorporation of the Band 7 and Band 8 classification descriptor as set out in Schedule 3.

Clause 12.3 provides that any future salary increases during the life of this Agreement are to occur in line with the increases made in accordance with the AWU Public Sector Union Wages Agreement including Band 7 and 8.

Clause 13 – Working Party - Winching

The parties have committed to establish a working party to review the introduction of winching into fire operations.

CONCLUSION

In summary, it is submitted that this Agreement is made with the consent of all the parties, is in the public interest and does not disadvantage any employee covered by the Agreement.