

FORM 5

Industrial Relations Act 1984



13 MAR 2009

APPLICATION FOR FILING OF INDUSTRIAL AGREEMENT – SECTION 55(2)

The Registrar
Tasmanian Industrial Commission.


The undermentioned parties apply for the Legislative Council Staff Industrial Agreement, a copy of which is attached, to be filed with you and referred to the Commission.

This application is made by:


Names and addresses of parties

Signature and office or
Position of parties or agents

The President of the Legislative Council
Parliament House
Hobart Tas.


.....
The President of the Legislative Council

The General Secretary
Community and Public Sector Union
(State Public Services Federation of Tasmania)Inc
157 Collins Street
Hobart Tas.


.....

Date.....11/03/09.....



LEGISLATIVE COUNCIL STAFF INDUSTRIAL AGREEMENT 2009

- (1) **Title**
This agreement shall be known as the *Legislative Council Staff Industrial Agreement 2009*.

(2) **Arrangement**

	Page No.
1 Title	1
2 Arrangement	1
3 Parties to the Agreement	1
4 Employees Covered	1
5 Date and Period of Operation	1
6 Supersession and Savings	2
7 Terms of Agreement	2
8 Overtime Arrangements	3
9 Grievance Procedure	3
10 Signatories	4
Appendix Translation Review	5

- (3) **Parties to Agreement**
This agreement shall be between the President of the Legislative Council and the Community and Public Sector Union (State Public Services Federation Tasmania) Inc., hereinafter called the CPSU.

- (4) **Employees Covered**
This agreement is made in respect of all relevant persons employed under the provisions of the *Parliamentary Privilege Act 1898* in the Legislative Council.

- (5) **Date and Period of Operation**
This agreement is to come into effect on and from the date of registration until 31 December 2011.



(6) **Supersession and Savings**

This agreement embodies all rights and obligations accrued under all previous Industrial Agreements made on behalf of relevant persons employed in the Legislative Council. This agreement supersedes all matters covered by Industrial Agreement T13052/2007 mention of which may not be necessary for future agreements.

(7) **Terms of Agreement**

In accordance with the provisions of the *Industrial Relations Act 1984*, *Industrial Relations Regulations 1984*, and the *Parliamentary Privilege Act 1898* as subsequently amended, the President of the Legislative Council, as Controlling Authority of the Legislative Council and the CPSU agree that:

- (a) Such terms and conditions enjoyed by the relevant employees of the Legislative Council at the date of the making of this agreement shall not be reduced.
- (b) The President is authorised by the Tasmanian Industrial Commission to determine rates payable to Senior Parliamentary Officers of the Legislative Council and may revise rates from time to time, having regard for public sector wage fixing principles.

Notwithstanding that Officers of the Parliament are not State Servants, from the commencement of this Agreement the salaries payable to Senior Parliamentary Officers are drawn from the *Tasmanian State Service Senior Executive Salaries* as they reflect the strategic nature and high level of responsibility of the senior positions held within the Parliament of Tasmania.

- (c) As minimum conditions of service the President shall observe, as though bound by, the terms and conditions of employment of the following Awards and Agreements of the Tasmanian Industrial Commission:-
 - (i) *the Tasmanian State Service Award (S085)*;
 - (ii) includes the Tasmanian State Service Union Agreement 2008 and any previous or successor agreements however titled.
- (d) On this Agreement ceasing to have effect and for the purposes of this clause the conditions of employment means that the salary and classification assigned to an employee shall be in accordance with the Tasmanian State Service Senior Executive Salaries; the *Tasmanian State Service Award (S085)* or any other such Award or Agreement, as may be agreed between the parties in accordance with this Agreement.
- (e) Eligible Legislative Council employees shall continue to have access to a rostered day off on a monthly basis in accordance with conditions previously agreed and in place at the commencement of this Agreement.
- (f) Eligible Legislative Council staff required to work time greater than their normal hours shall receive payment for all such time worked in accordance with the rates prescribed in the *Tasmanian State Service Award (S085)*.

Staff may access a time-off in lieu condition having regard to appropriate overtime rates, in lieu of payment, subject to agreement between the employee and employer.



- (g) Classifications of employees of the Legislative Council shall be annually reviewed in joint consultation. Such review shall be completed prior to the end of December in each calendar year.

(8) Overtime Arrangements

In the event that the sitting times of the Legislative Council change during the life of this Agreement the parties agree to negotiate a mutually agreeable outcome in order to ensure that persons affected by a change to sitting times experience minimal financial loss.

(9) Grievance Procedure

Subject to the provisions of the *Tasmanian Industrial Relations Act 1984* any dispute or claim arising from the terms of this Agreement shall be dealt with in the following manner:-

(a) The matter shall first be discussed between the CPSU Workplace Representative and the appropriate representative of the President of the Legislative Council.

(b) If the matter is not resolved by (a) above, discussions may be held between the General Secretary or any other appropriate official of the CPSU and the appropriate representative of the President of the Legislative Council.

(c) If the matter is not settled following discussions prescribed in (b) it shall be submitted to the Tasmanian Industrial Commission which shall endeavour to resolve the issue between the parties; and


(d) Where the above procedures are being followed, work shall continue normally. No party shall be prejudiced as to final settlement by the continuance of work in accordance with this subclause.



(10) Signatories

This Agreement is made at Hobart, this Eleventh day of March 2009.

SIGNED FOR AND ON BEHALF OF
President of the Legislative Council



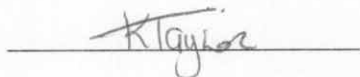
IN THE PRESENCE OF :


D.T. PEAKE

SIGNED FOR AND ON BEHALF OF
Community and Public Sector Union (State Public Services Federation of Tasmania)Inc



IN THE PRESENCE OF :



This Agreement is registered pursuant to Section 56(1) of the Industrial Relations Act 1984



Appendix A – Translation Review Process

(a) Introduction

- (i) The President is to develop a plan for identifying and implementing translation to the new structure as early as is practical up to 5 March 2009.
- (ii) Timeframes indicated below should be met by the parties. However, where extenuating circumstances can be demonstrated the parties can agree to an extension of time.

(b) Employee Notification (Initial)

- (i) Employees to be notified of the classification band to which they are to be translated and the translated salary level, or of the timeframe for this advice, prior to 27 November 2008. Notification of the translation outcome is to be provided no later than 5 March 2009.
- (ii) Where necessary Statements of Duties are to be reviewed and assessed by 5 March 2009.
- (iii) Employees are to be notified if the timelines of 5 March 2009 will not be achieved in relation to Statements of Duties review and timelines for completion.
- (iv) The date of effect will be the first full pay period commencing on or after 5 March 2009 for outcome from any review, review process and translation to new classification structure.

(c) Review Application Process

- (i) Where an employee has issues or grievances with their duties and responsibilities or translation classification band, they have 14 calendar days to initiate a discussion at a local level with their manager, with reference by the manager to the appropriate representative of the President of the Legislative Council.
- (ii) To initiate this discussion an agreed template to record key details of the role, responsibilities and duties is to be used. Outcomes to be notified to the individual employee based on the template and reasons for this outcome by the appropriate representative of the President of the Legislative Council within 14 calendar days.
- (iii) If dissatisfied, an application for review may be lodged by the employee within 28 calendar days of receipt of notification of the outcome under subclause (c)(ii) above.
- (iv) The application for review is to be in accordance with the agreed template and is to specify the grounds for review, either:
 - Actual duties and responsibilities were not agreed; or
 - Disagreement with the assessment of classification band.
- (v) Application for review to be submitted to the appropriate representative of the President of the Legislative.



(d) Internal Agency Review Process

- (i) Internal Agency review is to be undertaken and signed off by the appropriate representative of the President of the Legislative Council, providing recommendations to the President of the Legislative Council.
- (ii) The employee is to be notified of the outcome of internal review within 28 calendar days of receipt of review application.
- (iii) If the 28 calendar days timeframe is not achieved the employee is to be advised of the timeframe.

(e) External Review (If Dissatisfied With Internal Review)

- (i) Reviews in relation to disputes relating to actual duties and responsibilities to be referred to the Tasmanian Industrial Commission within 14 calendar days of the notification of the outcome under(d)(ii) above and a Commissioner will be appointed.
- (ii) Initial employee application and the internal review report to be supplied to the Commissioner.
- (iii) After the Commissioner's decision/outcome is notified, employee may seek review of the classification band to the Tasmanian Industrial Commission within 14 calendar days of the notification of the outcome.
- (iv) Reviews in relation to disputes about the assigned classification to be referred to the Tasmanian Industrial Commission within 14 calendar days of the notification of the outcome under subclause (d)(ii) and e(iii) above.

(f) Date of Effect

The date of effect for changes to classification in this process is to be the first full pay period commencing on or after 5 March 2009.

(g) Translation

Reclassification of a substantive level as a result of the Review Process is regarded as a translation change and the employee is translated accordingly with effect from the first full pay period commencing on or after 5 March 2009.

