

## **TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act 1984*

s55(2) application for approval of an industrial agreement

**Minister administering the State Service Act 2000**

**and**

**Transport Workers' Union of Australia (Victoria/Tasmanian Branch)**

**and**

**The Community and Public Sector Union (State Public Services Federation Tasmania) Inc**

(T14502 of 2017)

## **MINISTERIAL DRIVERS INDUSTRIAL AGREEMENT 2016**

PRESIDENT D J BARCLAY

HOBART, 24 April 2017

**Industrial agreement - application approved - operative from date of 24 April 2017 - forwarded to Registrar for registration**

### **DECISION**

- [1] On 24 April 2017, 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), an Application to approve the Ministerial Drivers Industrial Agreement 2016 (the Agreement).
- [2] At the hearing in Hobart on 24 April 2017, Mr K Gray and Ms L Ross appeared on behalf of MASSA and Mr T Lynch appeared on behalf of the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU).
- [3] As members of the Transport Workers Union may have been affected by the Agreement, and no representative of that union was present my associate made enquiries of the organiser of the union. The union advised that no member of the Transport Workers Union was affected by the Agreement.
- [4] I was advised that the Agreement was similar to ones which had been in place for some time. I was also advised that the parties had not retired from the 2014 agreement. As such the Agreement was no less favourable than the previous agreement. Further clause 7(b) of the Agreement reinserted a clause relating to Industry Allowance which had been inadvertently left out of the 2014 agreement. I note the Agreement provides for an increase in salary during its life.
- [5] Additionally I was told that the Agreement (at clause 10(b)) placed the onus of prevention of fatigue suffered by drivers on both management and drivers equally.
- [6] Both parties submitted that the Agreement was in the public interest and that there was genuine consent to it. Indeed Mr Lynch told me that 100% of members had voted in favour of the Agreement.

- [7] I note however the commitment to consult in respect to 4 specific issues referred to in a letter from the Director of the State Service Management Office to the unions dated 15 December 2016 were integral to the consent to the Agreement.
- [8] 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.
- [9] Pursuant to s55(4) the agreement is approved with an operative date from the 24 April 2017 and shall remain in force until 30 June 2018. 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.



**Appearances:**

Mr K Gray for MASSA  
Ms L Ross for MASSA  
Mr T Lynch for CPSU

**Date and place of hearing:**

2017  
24 April  
Hobart