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AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 34538

TASMANIAN INDUSTRIAL COMMISSION

DEPUTY PRESIDENT P.C. SHELLEY

T No 12918 of 2007

PLUMBERS, DENTISTS, ELECTRICAL ENGINEERS AND HORTICULTURISTS AWARDS

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Minister for Justice and Workplace Relations
to vary the above awards re the apprentice provisions
to implement a fully competency-based training system
that allows for the shortening of a term of
apprenticeship where relevant competencies are
demonstrated in accordance with the Vocational
Education and Training Act 1994**

HOBART

2.30 PM, THURSDAY, 26 APRIL 2007

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

HEARING COMMENCED

[2.55pm]

PN1

MR J. EVANS: I appear on behalf of the Minister for Justice and Workplace Relations and also I understand you have a fax indicating that I have the blessing of Unions Tasmania to appear on behalf of that organisation as well. It is a document that just slightly off the record, Madam Deputy President, I intend to frame and cherish because I don't really see that I will get too many more opportunities to in writing represent Unions Tas.

PN2

THE DEPUTY PRESIDENT: Yes. You never know your luck.

OFF THE RECORD

[2.57pm]

RESUMED

[3.05pm]

PN3

THE DEPUTY PRESIDENT: We took appearances didn't we? Did I take appearances?

PN4

MS S. HAAS: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN5

THE DEPUTY PRESIDENT: Thank you. And as has been referred to I think I am in receipt of a communication from Unions Tasmania that means that Mr Evans is wearing two hats today. Mr Evans?

PN6

MR EVANS: Yes, thank you for that, Deputy President, I do recall once being chastised by a former union secretary and former Premier of this State about the, in his view, impossibility of me wearing two hats on another day.

PN7

THE DEPUTY PRESIDENT: You are a Tasmanian.

PN8

MR EVANS: I prefer not to comment on that slur on us. Yes, this application as indicated in the application by the Minister for Justice and Workplace Relations seeks to vary the apprentice provisions in four awards, namely: Plumbers, Electrical Engineers, Dentists and Horticulturalists. The intent is to implement a fully competency-based training system that allows for the shortening of a term of apprenticeship where relevant competencies are demonstrated in accordance with the Vocational Education and Training Act 1994 as is indicated in the application.

PN9

The draft orders that were attached to the application and provided to the Commission were also provided to TCCI and to Unions Tasmania. They seek to insert a proviso into the relevant subclause of the wage rates clause of those awards and my understanding, Deputy President, is the proposal will not be opposed by the TCCI and certainly as we have put on transcript is supported by Unions Tasmania. If I could use the Plumbers variation as an example, the proviso intended to be inserted reads:

PN10

Provided that an apprentice plumber who attains the relevant qualification in accordance with the relevant policies, procedures and provisions of the Vocational Education and Training Act 1994 is entitled to be paid the relevant tradesperson weekly wage rate as per subclause 1(b).

PN11

The provisos in the other award applications are identical save for the specific award references to classifications and clause numbers etcetera. I also think in one of them I sought to remove a specific gender reference, but apart from those they are identical. Madam Deputy President, briefly by way of background and I understand that you are keen for me to indicate that the application that I am making today on behalf of the Minister is in the public interest, I think if I provide some brief background - - -

PN12

THE DEPUTY PRESIDENT: No, I am actually wondering which Minister the Act is referring to when it says "the Minister can make application," whether it is the Minister administering the State Service Act - no, I don't know it is too hard.

PN13

MR EVANS: Yes, look if I could say that the Minister administering the State Service Act has specific responsibility as an employer in relation to public sector awards.

PN14

THE DEPUTY PRESIDENT: That are State servants.

PN15

MR EVANS: Correct.

PN16

THE DEPUTY PRESIDENT: Yes. Yes, the 24(1)(e) which is I take it the provision that you are bringing the application refers to the Minister. I am just trying to see if the Minister is anywhere defined. You are telling me that it is the Minister with the responsibility for Workplace Relations?

PN17

MR EVANS: Correct.

PN18

THE DEPUTY PRESIDENT: And I am just looking for something to see if there is something that just makes that clear and I can't find anything at this stage.

PN19

MR EVANS: No, look, whether or not the Industrial Relations Act defines the term Minister or not, without the Act in front of me I am not entirely sure. I take it from your questioning of me that it doesn't. Certainly as far as the Industrial Relations Act is intended all references to the Minister is the Minister responsible for administering the Industrial Relations Act, and certainly can't be - - -

PN20

THE DEPUTY PRESIDENT: That is right and that is the Minister who is notified of disputes and the like.

PN21

MR EVANS: Correct and certainly that can't be the Minister administering the State Service Act 2000.

PN22

THE DEPUTY PRESIDENT: Yes, that is right. Okay, I am happy to have you put all these submissions on the record.

PN23

MR EVANS: As you are aware the training system that underpins apprenticeships is already in-principle competency-based, however the award provisions in question currently limit the application of genuine competency-based training because those provisions provide that completion of an apprenticeship is based on years of service. The provisions simply don't accommodate progression or completion other than on that basis. This amendment seeks to remove the current restrictions to a fully competency-based training system and allow an apprentice to be certified as a tradesperson earlier than would currently be the case, provided that all the required competencies have been demonstrated and the required skill level achieved.

PN24

Obviously there will be a need to have appropriate safeguards in place to ensure that apprentices progress through their training in an appropriate rate and that the progression is occurring in line with competency. Those safeguards are provided by OPCET, that is the Office of Post Compulsory Education and Training. Disputes in relation to assessments will, as is the case now, be referred to OPCET for resolution. OPCET will also monitor completion patterns and analyse any significant variance from the normal expected completion time.

PN25

In addition to the support that I am - we are all now aware of will be forthcoming from both the employer and employee organisations in relation to this amendment, I would like to inform the Commission that the proposal reflects an agreed position reached late last year by the Council of

Australian Governance, COAG. As such, Madam Deputy President, this proposal has Government support both at a State and Federal level, it has the support of employer and employee organisations and is indeed supported by all other State and Territory Governments and, where necessary, similar amendments will be introduced into other jurisdictions to ensure that a nationally uniform approach to apprentice training is in place throughout Australia.

PN26

That was all that I intended to put to the Commission this afternoon, but of course I am cognisant of the discussion that has ensued in relation to various aspects of this application and quite happy as best I can to deal with any other issues that the Commission may wish to raise with me.

PN27

THE DEPUTY PRESIDENT: Yes. Look, I think that I am - subject to hearing from the TCCI, I think I am fairly satisfied that the application can be brought under 24(1) - 24(2)(b) - 24(2)(e) and that the Minister is the Minister that administers the Industrial Relations Act and that the application is I think properly brought subject to what Ms Haas has to say.

PN28

MS HAAS: Thank you. If the Commission pleases the Tasmanian Chamber of Commerce and Industry Limited consents to the applications in their form presented to the Commission and we also consent to an operative date today. If the Commission pleases.

PN29

THE DEPUTY PRESIDENT: And you have got nothing to add as to - - -

PN30

MS HAAS: No, we think it is in the public interest and we don't think it offends the principles of the Commission. We consent to the application.

PN31

THE DEPUTY PRESIDENT: You have nothing to say in relation to the application being properly made according to section 24 of the Act?

PN32

MS HAAS: I take it on call from her Honour that if the true form should be 24(2)(e) then we consent for the amendment for it to be made under that section of the Act.

PN33

THE DEPUTY PRESIDENT: Do you want to add anything Mr Evans? No?

PN34

MR EVANS: No, thank you, as I said unless there is anything in which you require me to attempt to clarify, I am happy to.

THE DEPUTY PRESIDENT: Okay. Well, having heard from both of the parties and having also been informed that proposals such as this have been agreed by COAG, governments at all levels, employers and employee bodies from the highest to the lowest, then I wouldn't like to be in a minority of one in that sort of line-up. So not just for that reason but also because it is in the public interest and doesn't offend the wage fixing principles and the parties are in agreement, I will be varying the awards in the manner sort and you will be receiving a decision in writing and the orders in due course.

ADJOURNED INDEFINITELY

[3.15pm]