

## **TASMANIAN INDUSTRIAL COMMISSION**

### **Industrial Relations Act 1984**

s.61J - application for the approval of an enterprise agreement

### **Minister administering the State Service Act 2000**

and

**All employees of the Department of Education who undertake overseas work arranged by the Government Education and Training International Unit (GETI) on a voluntary basis**

[TE1480 of 2017]

### **GOVERNMENT EDUCATION AND TRAINING INTERNATIONAL OVERSEAS WORK AND TRAVEL ENTERPRISE AGREEMENT 2017**

PRESIDENT D J BARCLAY

HOBART, 19 September 2017

**Enterprise Agreement– agreement approved - operative date from approval– operative until 31 July 2022**

#### **APPROVAL OF ENTERPRISE AGREEMENT**

[1] This application concerns the *Government Education And Training International Overseas Work And Travel Enterprise Agreement 2017* (the Agreement). The parties lodged the agreement on 15 August 2017 pursuant to s.61H of the *Industrial Relations Act 1984* (the Act).

[2] The employer party to the agreement is the Minister administering the State Service Act 2000 (MASSA).

[3] The employee parties are employees of the Department of Education who undertake overseas work arranged by the Government Education and Training International Unit (GETI) on a voluntary basis.

[3] The agreement will commence operation from the date of approval and remain in force until 31 July 2022.

[4] At the Hearing of this matter the Registrar waived the necessity for the parties to hold a secret ballot in accordance with s.61ZD(1A) of the act and I satisfied myself having regard to the materials before me, that:-

- (a) the agreement contains the matters referred to in s.61E of the Act;
- (b) the conditions of employment fixed by the agreement, where relevant, are not less than the minimum conditions of employment set out in s.61F of the Act;
- (c) pursuant to the provisions of s.61I(2) of the Act, the parties to the agreement satisfied me that they are aware of (i) their entitlements and obligations under the agreement and under Part IVA of the Act; (ii) the

changes to existing conditions of employment which will result from the agreement taking effect; and (iii) that they were provided with written statements to that effect at least two weeks before the ballot to approve the agreement;

- (d) in terms of s.61J(1)(ca) of the Act, there is no reason to believe that the bargaining process adopted by the parties to the agreement was not appropriate and fair;
- (e) in terms of s.61J(1)(d) of the Act, there is no reason to believe the agreement was made under duress;
- (f) in terms of s.61J(1A) and (1B) the agreement does not disadvantage the employees covered by the agreement; and
- (g) in terms of s.61J(1)(f) of the Act, there is no reason to believe the agreement is not fair in all the circumstances.

**[5]** In the circumstances I approve the agreement pursuant to s.61J(1) of the Act. I hereby notify the parties and the Minister of that approval and, in doing so, inform the parties of their right to withdraw from the agreement under s.61K of the Act, which provides that:-

- "(1) A party to an enterprise agreement, within 14 days after receipt of a notice under section 61J, may give written notice to the other parties of the intention to withdraw from the agreement.*
- (2) A copy of the withdrawal notice is to be lodged with the Registrar within the period referred to in subsection (1).*
- (3) If the parties to an enterprise agreement (other than the employer) include individuals or an employee committee, notice of withdrawal from the agreement by those parties may only be given if at least 60% of the persons employed in the enterprise in the one or more classes of employment to which the agreement is to apply agree to it."*



**Appearances:**

Ms R Wilkie for The Minister administering the State Service Act 2000

Ms E Reale for The Minister administering the State Service Act 2000

Mr J Burrows, Ms M Toya and Ms J Burt – employee parties -Government Education and Training International Unit (GETI)

Ms A Ripper – Director Government Education and Training International Unit (GETI)

**Date and place of hearing:**

2017

September 9

Hobart