

AUSCRIPT PTY LTD

ABN 76 082 664 220

Suite 25, Trafalgar Centre 108 Collins St HOBART Tas 7000
Tel:(03) 6224-8284 Fax:(03) 6224-8293



TRANSCRIPT OF PROCEEDINGS

O/N 8808

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER P.C. SHELLEY

T No 10411 of 2002

PROFESSIONAL ENGINEERS AND SCIENTISTS (PRIVATE INDUSTRY) AWARD

**Application pursuant to the provisions of
section 23(1) of the Industrial Relations Act 1984
by the Association of Professional Engineers,
Scientists and Managers, Australia to vary
scope, application and operation, salaries
and related matters, classification descriptors
and to insert a supported wage system clause**

HOBART

2.30 PM, WEDNESDAY, 18 SEPTEMBER 2002

HEARING COMMENCED

[2.30pm]

PN1

MR D. PYRKE: I appear on behalf of the Association of Professional Engineers, Scientists and Managers Australia.

PN2

MR J. O'NEILL: I appear for the Tasmanian Chamber of Commerce and Industry Limited.

PN3

THE COMMISSIONER: Thank you. Mr Pyrke?

PN4

MR PYRKE: Thank you, Commissioner. Commissioner, at the end of 2001 my association reached agreement with the Australian Industry Group representing employers nationally on a major change to the Federal Information Technology Industry Professional Engineers Award (1999). This change had the effect of extending award coverage and professional rates of pay to two groups of employees who had not previously enjoyed these entitlements and I refer here firstly to graduates other than engineers who have an information technology major, for example business students, commerce students, computer science students and information science students, and secondly people with sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society. So that is somebody who doesn't necessarily have a degree but who has got experience judged to be equivalent.

PN5

In making this application the objective is to ensure that the classes of employee that I have just described get the same types of benefits under the Tasmanian jurisdiction as do their counterparts who are subject to the new Federal Information Technology Industry Professional Employees Award (2001) and that award code is AW812692. A second objective is to include provisions regarding supportive wage rates in line with the Commission's requirements. I propose to address you now on each of the seven parts of the draft order that form part of the application. Commissioner, part one seeks to delete the existing scope clause and replace it with a new clause reflecting the extension of the award to professional information technology duties.

PN6

In writing the draft order I have endeavoured to assist you to follow the changes we seek by underlining the proposed additions to clause 3 scope of part one application operation of the award and so just to highlight those additions they are: firstly, the inclusion of a reference to professional information technology duties in the first paragraph; secondly, the inclusion of a reference to professional information technology employees in subclause (a) and the inclusion of a definition of professional information technology duties. Before moving on to the next part of the application I make two points. Firstly, that there is no overlap with any other award of the Commission and secondly

that the proposed clause is self contained and therefore complies with the Commission's current drafting requirements for this type of scope clauses.

PN7

Commissioner, part two of the application seeks to vary clause 7, general definition of part one application and operation, by the inclusion of a definition of professional information technology employee and it is in these terms:

PN8

The professional information technology employee shall mean an adult person qualified to carry out professional information technology duties as above defined. The term professional information technology employee shall embrace and include graduate information technology employee and experienced information technology employee as hereunder defined and the form of this definition is consistent with the pre-existing definitions of professional engineer and professional scientist.

PN9

Part three of the application seeks to vary clause 1, definitions of part three salaries and related matters by the inclusion of definitions for graduate information technology employees and experienced information technology employees and I read those into the transcript:

PN10

The graduate information technology employee shall mean a person who:

PN11

- (a) holds a university degree with an information technology major (3, 4 or 5-year course) accredited by the Australian Computer Society at professional level, or;

PN12

- (b) has sufficient qualifications and experience to be eligible for admission as a member of the Australian Computer Society.

PN13

It is proposed that the employee as comprehended by subclause (a) and (b) of this definition should be paid the same rates so I propose to expand briefly on subclause (b) and to do that it would help me, please, if I can table some exhibits?

PN14

THE COMMISSIONER: Yes.

PN15

MR PYRKE: How many do you want? One or two copies?

PN16

THE COMMISSIONER: Now, do you want these marked as one - - -

PN17

MR PYRKE: No, separate please, Commissioner, yes.

PN18

THE COMMISSIONER: Okay.

PN19

MR PYRKE: So the first one is the one headed Australian Computer Society Application for Membership.

PN20

THE COMMISSIONER: Okay, we will mark that A1.

EXHIBIT #A1 AUSTRALIAN COMPUTER SOCIETY APPLICATION FOR MEMBERSHIP

PN21

MR PYRKE: And the second one is headed The ACS Core Body of Knowledge for Information Technology Professionals.

PN22

THE COMMISSIONER: We will mark that A2.

EXHIBIT #A2 THE ACS CORE BODY OF KNOWLEDGE FOR INFORMATION TECHNOLOGY PROFESSIONALS

PN23

MR PYRKE: Commissioner, as you can see at page 3 of exhibit A1, which is the membership application form:

PN24

A person who aspires to be a Member of the Australian Computer Society must either have an appropriate information technology qualification or have an equivalent core body of knowledge as assessed by the society's membership board together with at least four years' relevant professional experience.

PN25

In other words the society is reflecting modern workplace practice in recognising prior learning. I understand that the application is proceeding by consent. This means by implication that the TCCI accepts the appropriateness of recognising prior learning in this context so I don't intend to address you in detail on the core body of knowledge but what I do want to say is this, that exhibit A2 has been downloaded from the Computer Society website and I table it as evidence that the core body of knowledge is real rather than just something from my imagination.

PN26

Commissioner, part four of the application deals with the all-important matter of pay rates. As you can see, we propose that the pay of information technology employees be aligned with the pre-existing pay points and relativities for professional engineers and scientists. Thus we have a 3-year

trained graduate on 125 per cent of the trades rate, the 4-year trained graduates on 130 per cent of the trade rate, experienced information technology employees on 160 per cent of the trade rate and so on up the scale. Part five of the application sets out new classification descriptors. As you can see, it is proposed that each of the three streams within the award be integrated into a single descriptor at each pay level and so we thereby achieve a degree of streamlining and save some paper.

PN27

Part six of the application is the Commission's standard clause regarding supported wage rates and part seven updates the cross reference to the supported wage clause. That can be found in subclause (b)(ii) of clause 7, minimum wage of part three salaries and related matters. Commissioner, I submit that the application conforms with the current wage fixation principles, in particular principle 11, first award and extension to existing awards. This being the case, I further submit that the application is consistent with the public interest. As indicated earlier in my submission, the application has been discussed with the TCCI and I believe it has the consent of the employer representatives.

PN28

On the basis of this submission I believe it is open to you to make an order in the terms set out in the application and I ask you to do so and on the question of date of effect I propose the first pay period commencing on or after today's date. Commissioner, that is my submission subject to your questions.

PN29

THE COMMISSIONER: I don't have any questions at this stage, thank you.
Mr O'Neill?

PN30

MR O'NEILL: Thank you, Commissioner. Well, I will be very brief. As Mr Pyrke indicated, this is a consent matter. The - agree entirely with the submissions put to you by Mr Pyrke. This application is in accordance with the Commission's wage-fixing principles and it does not offend the public interest and therefore it should be approved with the operative date as put, if it pleases.

PN31

THE COMMISSIONER: Thank you. Very good. Well, I indicate to the parties that the award will be amended in the manner sought with an operative date the first full pay period on or after today's date and a decision and orders will issue in due course. The matter is adjourned.

ADJOURNED INDEFINITELY

INDEX

LIST OF WITNESSES, EXHIBITS AND MFIs

**EXHIBIT #A1 AUSTRALIAN COMPUTER SOCIETY APPLICATION
FOR MEMBERSHIP**.....PN21

**EXHIBIT #A2 THE ACS CORE BODY OF KNOWLEDGE FOR
INFORMATION TECHNOLOGY PROFESSIONALS**PN23