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**AUSCRIPT**

## TRANSCRIPT OF PROCEEDINGS

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O/N 2718

### **TASMANIAN INDUSTRIAL COMMISSION**

#### **PRESIDENT P. LEARY**

**T No 12616 of 2006**

**T No 12617 of 2006**

#### **TASMANIAN TAFE TEACHERS AWARD**

**Application pursuant to the provisions of  
section 23(2)(b) of the Industrial Relations Act 1984  
by the Australian Education Union and the Minister  
Administering the State Service Act 2000 for the  
making of the above award**

#### **HOBART**

**11.30 AM, FRIDAY, 24 MARCH 2006**

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

**HEARING COMMENCED**

**[11.30am]**

PN1

MS R. MADSEN: I appear on behalf of the Australian Education Union.

PN2

MR A. MUTHY: I also appear on behalf of the Australian Education Union.

PN3

MR P. BAKER: I appear on behalf of the Minister Administering the State Service Act 2000. With me this morning is MS J. FITTON.

PN4

THE PRESIDENT: Thank you. Who would like to speak to perhaps the award first up?

PN5

MS MADSEN: I guess that is me, Madam President.

PN6

THE PRESIDENT: You have just volunteered I think.

PN7

MS MADSEN: As our application provides, Madam President, we are seeking to make a State award, namely the Tasmanian TAFE Teachers Award. I would like to offer up to the Commission a slightly amended version to what was previously lodged with our application.

PN8

THE PRESIDENT: Thank you.

PN9

MS MADSEN: I have provided a copy to Mr Baker. There are just a couple of minor amendments, if the Commission pleases.

PN10

THE PRESIDENT: Thank you.

PN11

MS MADSEN: In relation to this application, Madam President, I think it is important to put on the public record as to why the Australian Education is pursuing a move - pursuing the development of a State agreement for our TAFE teachers - sorry, in this instance a State award for our TAFE teachers, and that is because we believe that the State Commission in the near future will provide a safer option for retaining, and the conditions of our TAFE teachers. We believe that the Industrial Commission needs to remain fair and reasonable as the State Commission in our view always does, and provide fairness and equity.

PN12

Unfortunately with the posed legislative changes in the Federal jurisdiction we can no longer be 100 per cent sure that that will continue. So it is with that that we, on behalf of the TAFE teachers, that we request that the Commission make

a new award as provided. Would you like me to indicate, Madam President, the minor changes that have been made to the new award application?

PN13

THE PRESIDENT: No, I am familiar with those changes.

PN14

MS MADSEN: All right.

PN15

THE PRESIDENT: I guess all I need to know, and it is also relevant to the Federal matters when we do them, is that the members have been consulted and agree to the change of jurisdiction?

PN16

MS MADSEN: They have, Madam President, through - it has been a number of discussions ongoing for some time through formal decision making bodies such as our branch council, branch executive, broader with not just members but broader with employees in TAFE Tasmania, with our workplace representatives through workplace meetings statewide, various numerous articles in our publications in journals; so it is a well known and understood fact that this is actually occurring.

PN17

THE PRESIDENT: Okay. I have been through the award obviously and I don't have any difficulties with its content. Mr Baker?

PN18

MR BAKER: Thank you, President. I will be brief. This almost completes the transfer of employees from the Federal back to the State jurisdiction. As I have previously outlined in earlier submissions before the Commission on earlier occasions, the Government supports the transfer of the employees back to the State system and hence the making of the TAFE Teachers Award in the format that is before you. I should point out though that I have not had the opportunity of reviewing the content of the award as it was presented to the Commission this morning. That is not to say that there is anything untoward in the document, but I would reserve the right to just give it the once over.

PN19

THE PRESIDENT: The changes as I understand them are to the title.

PN20

MR BAKER: Yes, yes.

PN21

THE PRESIDENT: The operative date and something to do with night hours.

PN22

MR BAKER: I have been advised and I will just give it a 30-second glance.

PN23

THE PRESIDENT: All right. We will allow you 60 seconds to do that.

PN24

MR BAKER: Thank you, President.

PN25

THE PRESIDENT: But you have obviously been through the award and you have no difficulty with the content?

PN26

MR BAKER: No.

PN27

THE PRESIDENT: All right. Okay, obviously the Commission has been through the award and is satisfied that it meets the requirements of the Industrial Relations Act and the new award can be made. It will be known as the Tasmanian TAFE Teachers Award, will come into effect from today's date and welcome.

PN28

MS MADSEN: Thank you.

PN29

THE PRESIDENT: All right. The next application is the making of an agreement. The parties are the same. Who would like to speak to the agreement?

PN30

MS MADSEN: I think that is me again, Madam President.

PN31

THE PRESIDENT: Volunteered again.

PN32

MS MADSEN: Actually it is the AEU's application to seek a State agreement for Tasmanian TAFE teachers. The content of the agreement is pretty similar to what is in the award. There are some additional clauses, and that has resulted from the days of being - of award simplification and so forth. So there has been some changes there but wherever possible there is a commonality amongst the two documents apart from that. I would like to offer up to the Commission a slightly amended version. I believe just a slightly amended version from what was submitted. A copy has been provided this morning to Mr Baker. Actually, sorry, I will give you the original signed copy instead. As I indicated, there are just a couple of small amendments that have been made, nothing of major consequence to the content of the document as the Minister Administering the State Service Act would be aware from the Federal equivalent version.

PN33

And it is for similar reasons that the Australian Education Union is seeking to establish a State registered agreement on behalf of TAFE teachers in Tasmania. Once again as the accompanying statutory declaration provides, there has been widespread consultation with not just members but employees affected by the creation of a State agreement, and that has involved as the statutory declaration provides it being on the agenda and discussed and debated

at various branch council meetings, TAFE executive meetings of which the members are directly elected from - the members of those bodies are directly elected from the membership.

PN34

And as I said before, it has been broadly discussed by people that are employees, so not just AEU members. And that has occurred through workplace meetings where employees not just members have attended and had discussion about the reason for the creation of a State agreement. So we believe that that broad discussion and debate has occurred and that a significant - a valid majority of employees do want the creation of a State agreement, namely the Tasmanian TAFE Teachers Agreement. If it pleases the Commission.

PN35

THE PRESIDENT: Okay, that is fine. Thank you. Mr Baker?

PN36

MR BAKER: Well, again, President, we offer our full support for the matter. Again, I have just been quickly looking through the document. Perhaps at page 22 of the document we may need to just simply vary that in accordance with the change of jurisdictions. So no doubt the AEU can make available a replacement page for that, but other than that again we just offer our support in relation to the matter. I will end my remarks there.

PN37

THE PRESIDENT: All right, thank you. This is an application pursuant to section 55 of the Industrial Relations Act for the making of an agreement between the AEU and the Minister Administering the State Service Act. The agreement will be the Tasmanian TAFE Teachers Agreement 2006 and it comes into operation beginning 24 March which is today, and remains in force until 28 February 2007. The agreement is in accord with the Commission's principles and in accord with the provisions of the Act and will be referred to the registrar for something - registration I think it is under this jurisdiction. I keep getting confused. So that agreement is now made.

**ADJOURNED INDEFINITELY**