



# **PARLIAMENT OF TASMANIA**

## **TRANSCRIPT**

### **LEGISLATIVE COUNCIL**

### **ESTIMATES COMMITTEE A**

Hon. Felix Ellis MP

**Wednesday 7 June 2023**

#### **MEMBERS**

Hon Luke Edmunds MLC;  
Hon Nick Duigan MLC;  
Hon Ruth Forrest MLC (Chair);  
Hon Mike Gaffney MLC (Deputy Chair);  
Hon Dean Harriss MLC; and  
Hon Sarah Lovell MLC.

## IN ATTENDANCE

**Hon. Felix Ellis MP**, Minister for Police, Fire and Emergency Management; Minister for Resources; Minister for Skills, Training and Workforce Growth

### **Police, Fire and Emergency Management**

Donna Adams Commissioner of Police/Secretary, DPFEM  
Jonathan Higgins Deputy Commissioner of Police  
Adrian Bodnar Assistant Commissioner Operations  
Robert Blackwood Assistant Commissioner  
Glenn Keating Assistant Commissioner  
Mandy Clarke Deputy Secretary  
Mandy Denby Manager, Office of the Commissioner/Secretary  
Scott Wilson-Haffenden Director, Finance and Business Transformation  
Kathy Baker Executive Director, People and Business Services

Dermot Barry Chief Officer  
Jeremy Smith Acting Deputy Chief Officer  
Michael Lowe Acting Director, State Emergency Service and Volunteers  
Allan Garcia Chair, State Fire Commission

### **Skills, Training and Workforce Growth**

Kim Evans Secretary, Department of State Growth  
Mark Bowles Deputy Secretary, Business and Jobs, Department of State Growth  
Angela Conway Acting Deputy Secretary, Business Services  
Alex Paterson Acting General Manager, Skills Tasmania  
Stuart Hollingsworth Director, Jobs Tasmania  
Peta Sugden Director, Workforce Development and Strategic Relations  
Travis Boutcher Manager, Budget  
Grant Dreher Chief Executive Officer, TasTAFE  
Fiona Le Gassick Director Future Students and Industry, TasTAFE

### **Resources**

Deidre Wilson Deputy Secretary, NRE Tas  
Alastair Moreton Director, Forest Policy  
Brett Stewart Deputy Secretary, Resources, Strategy and Policy, Department of State Growth  
Ben Waining Acting Director Mineral Resources Tasmania  
Glenn Dean Director Finance  
Travis Boutcher Manager, Budget

**TasTAFE**

**CHAIR** - You have to introduce TasTAFE to the table for Hansard.

**Mr ELLIS** - We have Grant Dreher, the Chief Executive Officer for TasTAFE. Fiona Le Gassick, Director Future Students and Industry, TasTAFE. Fiona, we have not got you in your acting role on my list here.

**Ms Le GASSICK** - That is okay. We have Scott here representing that part of the business.

**Mr ELLIS** - Yes, Scott Adams in his Standing Role.

**Ms LOVELL** - I just wanted to refer back to the legislative change in 2021 and the debate in parliament where, there were guarantees made by - I will speak to the Legislative Council - being the Chamber we sit in. Guarantees made by the Leader of Government Business at that time that no existing staff or future staff would be worse off under the new structure. We have already had a decision through Fair Work Australia to say new staff need to be paid the same rates as existing staff. That decision was handed down earlier this year. Are you appealing that decision? Is my first question.

**Mr ELLIS** - Yes, there is an appeal underway.

**Ms LOVELL** - Why is that appeal underway? Why have you made that decision?

**Mr ELLIS** - I am not going to delve too much into the until court case itself. One of the things we are looking to do is provide teachers with higher wages and deliver more training. That has been a big part of the reform supported in this and the other place. By increasing the number of training hours our teachers are doing, means we can pay a more competitive wage in the market place. It also means a better output for Tasmanians and Tasmanian students. That comes this year with the number of training hours, but also through the changes we are looking to put in place. We are thinking about more flexibility because that is one of the things we have spoken consistently about in TasTAFE. Is the need to make sure our learners are at the centre of everything we do in TasTAFE.

When our teachers are more flexible, that enables people to get training in the hours that suit their lifestyle. For example, a mother with children that maybe has restrictions around the time she could potentially access training. If TasTAFE is more flexible, it means they can provide that training as part of what meet her needs. I might pass over to Grant to add to my answer on the process.

**Mr DREHER** - Firstly, I am assuming you are talking predominately about teachers. We would contend teachers are not being paid less. Our figures do not match other organisation's figures. We believe they are being paid more and they are being paid more annually, than people who transitioned on the copied state instrument. We chose to make a recommendation to appeal the Fair Work decision because we think the Fair Work decision was incorrect. We probably cannot say any more than that because we had a hearing two weeks ago and it is currently live, we don't have the result of that at the moment, so I can't say much more.

**Ms LOVELL** - I've got a follow-up question then. In terms of teachers being paid more annually, what's the hourly rate, what's the difference, are they being payed - and Minister, you mentioned this as well, you said at the beginning of your response that two of the goals were to be able to pay teachers higher wages and deliver more training, so my question is: by saying you want to deliver higher wages, how does that work in terms of the number of hours they would be required to work and their hourly rate of pay?

**Mr ELLIS** - It's also worth saying that we're going into enterprise bargaining arrangements at the moment and we look forward to working with our workforce. We want to provide competitive wages, conditions and arrangements because we want to attract more people to TasTAFE and that's been a big part of the reforms.

For the specifics, I might pass over to the team to see if they've got those specific figures to hand.

**Mr DREHER** - It's not quite as simple as the hourly rate because there seven classifications for a teacher and it's the level that you enter that determines how much you get payed at. What the changes to Fair Work have allowed us to do is to pay people at a higher level that we weren't allowed to do prior to that. So someone who might have had to come in at level 2 can come in at a higher level because the organisation can make that decision to do that.

Taking the entry level hourly rate as gospel, we don't bring teachers in at the entry level hourly rate anymore. Most people come in at level 2 or 3 or above, so that ensures that they are getting a higher salary and a higher rate when new teachers come in compared to what they did prior to the changes.

**Ms LOVELL** - Can I simplify the question then. The teachers that we're talking about in terms of the decision that was handed down earlier this year, are they working more hours to earn more money? I'm unclear on how you're delivering higher wages. If you're delivering higher wages, and people are coming in at a higher level and they're getting paid more, then this reporting of this Fair Work decision that was handed down mustn't be correct because this reporting says that they can come in under lower wages.

**Mr ELLIS** - What's the source of that?

**Ms LOVELL** - I'm looking at an article in *The Examiner* right now: 10 weeks leave instead of 11; 38 hours of work instead of 35 hours a week and different break times. The commitment that was given in the debate as part of that legislation, which was a critical commitment in terms of support for that legislation was that no teachers would be worse off under this new structure. That doesn't seem to match up now with the bits of information we're hearing.

**Mr ELLIS** - We've said that we wanted teachers to do more teaching so that we could train more people in Tasmania. We don't view providing more training and then being fairly compensated for doing that as being worse off, and, obviously we've got a process underway with Fair Work, but, one of the things that we find in the market - particularly because people who are vocational teachers often have come from industry - is that being able to get paid more and do more training is a better outcome for them. We need to attract people off building sites

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in Tasmania that are currently working 38 hours a week. If, under a new structure, they have to work less and deliver less training and provide less training for students. That means that they naturally get paid less.

**Ms LOVELL** - Not necessarily.

**Mr ELLIS** - But obviously, as I say, an interesting one, the AEU media release from Tuesday 29 March stated:

Dozens of TasTAFE teachers employed since July 1 2022 will see their pay remain the same but will have their hours dropped from 38 to 35 per week, bringing it in line with employees on the old agreement.

So yes. As I say, you're not worse off by doing more training and getting paid for more training, if that makes sense.

**Ms LOVELL** - It doesn't make any sense at all, because you are worse off if you have to work more hours to earn the same amount of money.

**Mr ELLIS** - Well, a lot of our people want to work more so that they can train more students.

**Ms LOVELL** - They want to work more hours and earn the same amount of money, do they? Is that what you're arguing?

**Mr ELLIS** - No. They get paid more, that's what we're saying, they get paid more and they do more training, that's the strategy we're looking to implement, get paid more, and do more training.

**Ms LOVELL** - Not by hour, though, that is not what you're saying. You are saying they will get paid more because they are working more.

**Mr ELLIS** - Correct. They are doing more training.

**Ms LOVELL** - Yes, so they have to work more to get paid more. That does not mean they are not worse off. We can move on from that.

I have a further question. The other relevant matter is the better off overall test which applies under the Fair Work Act. Can you confirm in the new enterprise bargaining agreement negotiations you are currently entering into, the better off overall test will apply to the modern award, not to the copied state instrument employees are currently paid under?

**Mr ELLIS** - Any new form agreement negotiated under Fair Work will be negotiated and voted upon by TasTAFE employees and approved by the Fair Work Commission. That will include the use of the better off overall test. Understand TasTAFE advised staff that formerly initiated bargaining for the two new enterprise agreements. TasTAFE remains committed to achieving a common set of conditions for staff through enterprise bargaining processes that reflect current market conditions and will see our people recognised for their efforts, contribution and commitment. The enterprise agreements will replace state awards,