



FAIR WORK  
AUSTRALIA

# STATEMENT

*Fair Work Act 2009*

s.240— Applications to deal with a bargaining dispute

**CPSU, the Community and Public Sector Union**

v

**State of Victoria**

(B2011/3233)

**State of Victoria**

v

**CPSU, the Community and Public Sector Union**

(B2011/3206)

State and Territory government administration

COMMISSIONER SMITH

BRISBANE, 17 NOVEMBER 2011

*State of Victoria (Department of Treasury and Finance)/CPSU Bargaining.*

[1] Since the notifications by both the CPSU, the Community and Public Sector Union (CPSU) and the State of Victoria (Victorian Government), a number of conferences have been conducted in relation to the renegotiation of the enterprise agreement. These conferences have led to a narrowing of the issues between the parties although it would be inappropriate to go into any detail. Regrettably, there are a very small number of outstanding issues which have not been resolved; the most important of which is salaries.

[2] On 27 October 2011 a protected action ballot, conducted by the Australian Electoral Commission, was declared and a majority of Victorian Government employees (members of the CPSU) voted in favour of taking industrial action in support of their claims. As a result, employees of the State of Victoria have, during the last two weeks, been imposing bans and limitations on the performance of work to seek to persuade their employer to improve their position on salary increases. These bans and limitations will have an increasing impact upon the services provided by the Victorian Government.

[3] Whilst it is true that an application can be made to end that industrial action on the basis provided for under the *Fair Work Act 2009* (the Act), it would be regrettable if this very serious state of affairs was reached between the bargainers and therefore I have given consideration to how that may be avoided.

[4] Against this background I propose to reconvene the conferences which concluded some weeks ago when it appeared that a stalemate had been reached and that the processes

provided for under the Act could take their course. The aim of the conference is to further explore with the parties options for possible resolution before the matter escalates further.

[5] In convening a conference I propose to invite those persons with the highest authority to negotiate a resolution. This is not a criticism of those who have been at the front line of negotiations to date, but given the seriousness of any escalation of the matter it is appropriate that all those who are necessary to reach agreement be participants directly. I am confident that there is a mutual desire to reach an amicable settlement and so it would not be necessary to do anything other than invite participation.

[6] A conference will be held at Fair Work Australia at 11.00 am on Monday, 21 November 2011. It would be appropriate for the Secretary of the CPSU, Ms Karen Batt to attend and also the Deputy Secretary of the Department charged with the responsibility of negotiating the agreement – the Department of Treasury and Finance. It would be appropriate for Mr Dean Yates to attend. Of course the parties should bring their respective advisors so that the conference may seek to address and finalise all outstanding issues. Sufficient time will be set aside to seek to bring about an amicable agreement.

[7] In light of this conference I ask both sides not to escalate the dispute. In particular I invite the CPSU not to impose or strengthen the bans and limitations which have been approved by the secret ballot. Hopefully a pause may provide a more conducive environment in which to seek resolution.

