

Annual Wage Review 2021-22

Relevant Instruments

State Transit Authority Bus Operations Enterprise (State) Award 2018 as a Copied State Award on and from 1 July 2018

State Transit Authority Senior and Salaried Officers' Enterprise (State) Award 2018 as a Copied State Award from 1 July 2018

State Transit Authority Bus Engineering and Maintenance Enterprise (State) Award 2018 as a Copied State Award from 1 July 2018

**RESPONSE OF TRANSIT SYSTEMS TO QUESTION RAISED BY THE
COMMISSION AT TODAY'S ORAL HEARING**

1. Transit Systems provides the following response to a question raised by Commissioner Hampton toward the conclusion of today's hearing, which we understand to be in effect, will the wages of the transferred employees covered by the *State Transit Authority Bus Operations Enterprise (State) Award 2018* (**the Copied State Award**) decrease if the Commission grants, either in whole or in part, the relief sought by Transit Systems in these proceedings?
2. The short answer to this question is yes, unless Transit Systems is willing to give an undertaking that it will not decrease the wage rates of its transferred employees covered by the Copied State Award. Transit Systems does provide that undertaking to the Commission.
3. In a further brief explanation of this answer, attached to the submissions filed by Transit Systems on 1 April 2022 are three tables that set out various rates of pay applicable in 2019, 2020 and 2021 in various scenarios.
4. The rates set out in the third column from the left of the table headed "2021" are the weekly rates that Transit Systems currently pays to the employees covered by the Copied State Award. For example, the current weekly rate paid to a Bus Operator Level 1 is \$1,101.80.
5. The rates set out in the fourth column of the same table are the rates that Transit Systems says should apply if the Commission revokes or varies its earlier 2018-19 and 2019-20 Decisions and in effect adopts the tiered approach. The rates are

lower. For example, the weekly rate for a Bus Operator Level 1 would be \$1,077.50.

6. Notwithstanding that the wages rates would be lower if the Commission varied or revoked its earlier decisions, Transit Systems undertakes to the Commission that it will not reduce the existing pay rates of the transferred employees covered by the copied State award in the event that the Commission accedes to, either in whole or in part, Transit Systems' application, or otherwise makes a decision which affects Transit Systems' existing liabilities in respect of the 2018-19 and 2019-20 Annual Wage Review decisions.
7. It follows from this undertaking that there would be no decrease in the take-home pay of the transferred employees as a consequence of any decision by the Commission to retrospectively vary or revoke the determinations made in the 2018-19 and 2019-20 Annual Wage Review decisions.
8. Transit Systems further notes that Justice Rares made orders on 28 April 2022 (which have been provided to the Commission) that if the Commission accedes to, either in whole or in part, Transit Systems' applications or otherwise makes a decision which affects Transit Systems existing liabilities in respect of those Annual Wage Review decisions, the parties are to approach the Federal Court within two business days to have the matter relisted for the purpose of making further orders. In this regard, Transit Systems refers to Order 10 of the orders made by Justice Rares on 28 April 2022.
9. Transit Systems submits that the Federal Court's procedure set out in Order 10 for the parties to have the matter relisted before the Court remains the appropriate course of action for determining what further orders ought be made if the Commission were to grant Transit Systems' application for a variation or revocation of its earlier decisions.



Matthew Moir
Sir Owen Dixon Chambers

3 June 2022