



Scope Order win for Tasmanian Unions against TasWater

Date: Thursday October 29, 2015

Seven Tasmanian unions – the CEPU, AMWU, CFMEU, AWU, CPSU, Professionals Australia and the ASU had been negotiating with the Tasmanian Water and Sewerage Corporation (TasWater) since around April 2014 to replace three regionally based enterprise agreements. TasWater was created in mid 2013 through consolidating three regional water corporations, inheriting their enterprise agreements.

TasWater proposed a single state-wide enterprise agreement to replace the three regional agreements. By the end of 2014, it became apparent that the negotiations were not progressing efficiently due to difficulties associated with consolidating differing terms and conditions contained in the three regional agreements.

Hall Payne Lawyers filed an application for a scope order on behalf of the CEPU with the support of the others unions. The application was opposed by TasWater.

On 25 June 2015 the Fair Work Commission handed down a decision in favour of the unions, ordering TasWater to re-negotiate the three regional agreements. TasWater appealed the decision.

Immediately following the hearing on 13 August 2015, The Full Bench of the Fair Work Commission did not grant permission for TasWater to appeal, finding that no appealable errors had been identified. TasWater were encouraged by the Full Bench to continue their negotiations to replace the three regional enterprise agreements.

Negotiations continue, and the CEPU and other unions are confident that agreement will be reached in the near future.

The scope of an enterprise agreement can affect a party's bargaining position. This is a reminder that unions do not automatically have to accept the employer's proposed scope of an enterprise agreement and can argue for what works for their members.

If you require any assistance in relation to scope orders please do not hesitate to contact HPL Principal [Luke Tiley](#) (Brisbane), HPL Associate [Joseph Kennedy](#) (Sydney) or HPL Associate William Ash (Hobart), all available on Free Call [1800 659 114](#).

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