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Private sector rates of pay up 3.7% annually, 0.9% in quarter

Rates of pay excluding bonuses increased by 0.9% in trend terms in the December quarter and 3.7% in the 2011 calendar year, according to the ABS Labour Price Index, released today.

The annual growth in private sector rates of pay is the lowest since the 3.4% yearly rise in the September quarter of 2010, while the 0.9% quarterly rise is consistent with increases in 2010 and 2011, which ranged from 0.8% to 1%.

Growth in public sector rates dropped to a nine-year low of 3.2% in trend terms.

It is the fourth consecutive quarter in which private sector pay growth outstripped that of the public sector.

[Labour Price Index, Australia, December Quarter 2011, 6345.0](#)

Bandt says bill will help resolve bargaining disputes

Greens MP and IR spokesperson Adam Bandt says a private member's bill he will introduce to Parliament on Monday will help to resolve bargaining disputes involving essential services workers, such as that of the nurses locked in battle with the Victorian Government.

Bandt says that under the Fair Work Act, the nurses have limited options to take industrial action, while if the dispute is arbitrated, FWA is barred from including key issues such as nurse:patient ratios in a workplace determination.

He says that if the Government backed his *Fair Work (Job Security and Fairer Bargaining) Amendment Bill* (see [Related Article](#)), it would stop "dead in its tracks" what he asserts is an attack on the ratios by Victoria's Baillieu Government.

The ANF's Victorian branch has proposed in its submission to the review of the Fair Work Act that FWA should not be permitted to terminate industrial action on health and safety grounds unless there is an "effective and enforceable" way to determine matters "in issue"

The branch floats the possibility that a party seeking to terminate industrial action would be required to provide an enforceable undertaking about participating in finalising all matters in issue before industrial action could be terminated.

TWU fails to overturn order to pay Qantas \$700,000-plus

A Federal Court full court has today upheld Justice Michael Moore's order for the TWU to pay Qantas \$707,000 plus interest in compensation for wildcat strikes by baggage handlers at four airports in 2009.

Justices Peter Gray, Bob Buchanan and Neil McKerracher dismissed the TWU's appeal on February 14 and issued their reasons today.

The union appealed a single point – whether the former Workplace Relations Act's [s494\(5\)\(b\)](#)



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provision allowing a court to make orders or injunctions necessary to "stop the contravention or remedy its effects" provided the court with the power to order compensation over the unprotected action.

Justices Buchanan and McKerracher said the grant of power in the provision was "a very wide one" that included scope to order compensation (Justice Gray delivered a separate but supporting decision).

Justice Moore had dismissed the claims by Qantas that the union also breached s45D of the Trade Practices Act and committed a range of torts.

The company cross-appealed to pursue the TPA and torts matters.

The full court adjourned the Qantas cross-appeal, to give the company the ability to enliven it if the TWU wins special leave from the High Court and overturns the full court decision.

[Transport Workers Union of Australia v Qantas Airways Ltd \[2012\] FCAFC 10 \(22 February 2012\)](#)

Federal Court full bench reserves decision in JJ Richards

A Federal Court full court has reserved its decision in the crucial *JJ Richards* case.

During a hearing on Monday, AMMA, for the company, told Justices Chris Jessup, Richard Tracey and Geoffrey Flick that protected action wasn't available until bargaining commenced, while the TWU argued there was no basis in the statute for this position.

Meanwhile, in their [submission](#) to the review of the Fair Work Act, labour law academics Anthony Forsyth and Andrew Stewart say the FWA single member and full bench decisions were correct as a matter of statutory interpretation.

J.J Richards & Sons Pty Ltd & Anor v Fair Work Australia & Anor, VID812/2011

FWA issues directions for Victorian public sector workplace determination

The CPSU and Victorian Government have lodged their submissions for the workplace determination of their long-running dispute over a new enterprise agreement for Victorian public servants (see [Related Article](#)).

And while no hearing dates have been set, Fair Work Australia Vice President Michael Lawler has issued [directions](#) outlining the timetable for submission of documents.

Submissions were required from the main parties by last Friday, but Vice President Lawler has given the remaining 20 registered bargaining representatives until this Friday to serve their proposed workplace determination.

The Victorian Government has then been given until March 23 to serve its material, with the union and other bargaining representatives required to file their statements, evidence and arguments by April 20.

Victoria will then have until May 18 to lodge any documents in reply.

The CPSU has provided its members with an outline of the differences outlined in the parties' submissions, which include the Government wage offer remaining at 2.75% annually for four years while the union is seeking 12% over two years, with an additional 1.5% if a new agreement is not negotiated within three months.

The union says the Government is demanding the ability to negotiate individual flexibility agreements to cover all conditions, including hours, overtime, penalties and allowances and the elimination of clauses relating to the use of casuals, OH&S and union right of entry and training.

Rio Tinto forging ahead with automation plans

Rio Tinto will introduce driverless long distance heavy-haul trains in two years, it announced this week.

Train drivers employed by subsidiary Pilbara Iron were recently the first of the mining giant's Australian iron ore employees in more than 15 years to secure a collective agreement (see [Related Article](#)).

The company says the development will boost productivity by enabling more flexible scheduling and eliminating driver changeovers.

The company is also continuing with plans to introduce driverless trucks.

The automation program is part of the company's [Mine of the Future](#) program.

Rio Tinto Australia chief executive Sam Walsh said the company would "engage directly with those

affected as we gradually make the transition to automation over the next three years".

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