



The Association of Professional Engineers, Scientists and Managers, Australia  
GPO Box 1272 Melbourne VIC 3001  
Phone: (03) 9695 8800  
Facsimile: (03) 9696 9312  
163 Eastern Road Sth Melbourne VIC 3205  
info@apesma.asn.au  
http://www.apesma.asn.au

## FACSIMILE TRANSMISSION

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To: Registry Fax: 03 9655 0401

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Organisation: AIRC

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Copy to: Date: Thursday, 17 July 2008

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From: Joseph Kelly Pages: 9 (including cover page)

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Re: 2008 Wages and Allowances Review - in the matter of: Information Technology Industry (Professional Employees) Award 2001

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Urgent       For Review       Please Comment       Please Reply

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Please find following documents relating to our application for the 2008 Wages and Allowances Review for the Information Technology Industry (Professional Employees) Award 2001:

- ♦ Statement of Service
- ♦ Form R19 – Rule 26 - Application to Vary or Revoke a Transitional Award
- ♦ R21 – Notice of Hearing of Application to Vary a Common Rule Award
- ♦ Form R62 Rule 73 - Application for an Order for Substituted Service
- ♦ Draft Order for Substituted Service

We have been notified by the ACTU that we should request these applications be directed to the President's Office.

Yours faithfully,

per Joseph Kelly  
National Legal Officer



*Workplace Relations Act 1996*

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**STATEMENT**

In the matter of:

**The information Technology Industry (Professional Employees) Award 2001**

**(C2008/\_\_\_\_\_)**

I Joseph Kelly of 163 Eastern Road, South Melbourne in the State of Victoria, state the following:

1. I am a National Legal Officer with the Association of Professional Engineers, Scientists and Managers, Australia
2. I am authorised to apply for the orders sought in the abovementioned application.

And I make this statement conscientiously believing the information herein to be true in every particular.

Dated 17<sup>th</sup> July 2008



**Joseph Kelly**  
National Legal Officer  
Association of Professional engineers, Scientists and Managers, Australia

**FORM R19 RULE 26**  
*Workplace Relations Act 1996*  
**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**  
**APPLICATION TO VARY OR REVOKE A TRANSITIONAL AWARD**  
**(SCHEDULE 6, CLAUSES 29, 30 AND 31)**

<b>IN the matter of:</b>	
	<b>INFORMATION TECHNOLOGY INDUSTRY (PROFESSIONAL EMPLOYEES) AWARD 2001</b>

**Applicant**

<b>Name of applicant:</b>	<b>ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS, AUSTRALIA</b>		
<b>Address for service</b>	<b>GPO BOX 1272 MELBOURNE 3001</b>		
<b>Contact Person:</b>	<i>Joseph Kelly</i>		
<b>Phone No:</b>	9695 8809		
<b>Facsimile No:</b>		<b>Mobile No:</b>	0434 072 174
<b>Email address:</b>	jkelly@apesma.asn.au		

Application is made for the variation of the abovementioned transitional award in the following terms:

1. To increase minimum wage rates to reflect the July 2008 Wage - Setting Decisions of the Australian Fair Pay Commission.
2. Any other variations that are deemed appropriate by the Commission.

Indicate the clause or clauses relied upon to make this application:

<b>X</b>	<b>Sch 6, cl.29</b>	<b>Sch 6, cl.30</b>	<b>Sch 6, cl.31.</b>
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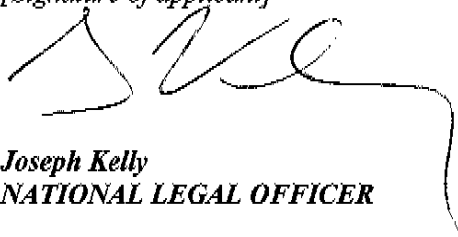
The grounds on which this application is made are as follows:

1. To give effect to the objects of the Workplace Relations Act 1996 ["The Act"] Schedule 6, Part 1 Section 1.
2. To give effect to Schedule 6 Part 2 Division 1 of the Act, section 8(2) and 8(3).
3. The application is consistent with Schedule 6 Part 3 Division 1 Subdivision B.
4. The application is consistent with Schedule 6 Part 3 Division 2 section 29
5. To provide for protection against inflation for low paid workers and to ensure low paid workers share in the growth in national prosperity, by varying minimum conditions of employment.
6. To provide simple, equitable and enforceable conditions.
7. To provide consistency with the decisions of the Australian Fair Pay Commission of 8 July 2008.

8. Any other grounds that may be relied upon and that the Commission deems appropriate.

Dated 17 July 2008

*[Signature of applicant]*



**Joseph Kelly  
NATIONAL LEGAL OFFICER**

**To the persons and organisations bound by the abovementioned transitional award:**

You are hereby notified that the abovementioned application will be heard by \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_  
at \_\_\_\_\_ and that you may appear and be heard at the time and place so fixed.

Dated .

Member of Commission

*[or Registrar]*

**FORM R21 REGULATION 7.7 DIVISION 1, PART 7, CHAPTER 3**

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING OF APPLICATION TO VARY A COMMON RULE AWARD**

IN the matter of:

**INFORMATION TECHNOLOGY INDUSTRY (PROFESSIONAL EMPLOYEES) AWARD 1998**

AND in the matter of an application to vary the abovementioned award.

Notice is given:

(a) that this matter involves the variation of the term (or each of the terms) of the above-mentioned award referred to in the Schedule below.

(b) that the term (or each of the terms) so referred to is (or are) a common rule in Victoria for the information technology industry, in relation to employers and employees within the meaning of *section 858 of the Workplace Relations Act 1996*; and

(c) the matter will be heard at \_\_\_\_\_ on \_\_\_\_\_ before \_\_\_\_\_.

A copy of the award (or order) may be inspected free of charge at the Australian Industrial Registry at \_\_\_\_\_ or at the following places:

**SCHEDULE**

**TERMS TO BE VARIED**

Clause No.	Subject	Substance of variation
20	Salaries	

**FORM R62 Rule 73****Workplace Relations Act 1996****AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION****Application for an Order for Substituted Service****IN the matter of: Information Technology Industry (Professional Employees) Award 2001**

Name of Applicant	Association of Professional Engineers, Scientists and Managers, Australia		
Address	163 Eastern Road, South Melbourne		
Contact Person:	Joseph Kelly		
Phone No:	03 9695 8809		
Facsimile No:	03 9695 8846	Mobile No:	0434 072 174
Email address:	jkelly@apesma.asn.au		

Application is made for an order for substituted service for the service otherwise required by the Australian Industrial Relations Commission Rules in the above matter and that service upon the undermentioned parties be good and sufficient service and be effected by facsimile transmission on:

- Australian Industry Group, 51 Walker Street, NORTH SYDNEY NSW 2060
- Australian Business Industrial, Private Bag 938, NORTH SYDNEY NSW 2060
- VECCI, GPO Box 4532QQ, MELBOURNE, VIC 3001
- ACT Region Chamber of Commerce & Industry, 12A Thesiger Court, DEAKIN ACT 2600
- Master Builders' Construction & Housing Assoc of ACT, 241 Northbourne Avenue, LYNEHAM ACT 2602
- Trades & Labour Council of the ACT, 17 Woolley Street, DICKSON ACT 2602
- Australian Business Industrial, 7 National Circuit, BARTON ACT 2600
- Australian Council of Trade Unions, Level 2, 393 Swanston Street, MELBOURNE VIC 3004
- Victorian Trades & Labour Council, Ground Floor, Trades Hall, 54 Victoria Street, CARLTON SOUTH VIC 3053

ACT Region Chamber of Commerce & Industry  
12A Thesiger Court  
DEAKIN ACT 2600

Master Builders' Construction & Housing Assoc of ACT  
241 Northbourne Avenue  
LYNEHAM ACT 2602

Australian Industry Group  
51 Walker Street  
NORTH SYDNEY NSW 2060

Trades & Labour Council of the ACT  
17 Woolley Street  
DICKSON ACT 2602

ACT Chief Minister's Dept  
Commr for Public Admin  
Attn: Pam Davoren Director  
Public Sector Management  
Level 4 Nara Centre  
1 Constitution Avenue  
CANBERRA ACT 2601

Australian Business Industrial  
7 National Circuit  
BARTON ACT 2600

VECCI  
GPO Box 4532QQ  
MELBOURNE VIC 3001

Australian Council of Trade Unions  
Level 2  
393 Swanston Street  
MELBOURNE VIC 3004

The Australian Industry Group  
20 Queens Road  
MELBOURNE VIC 3004

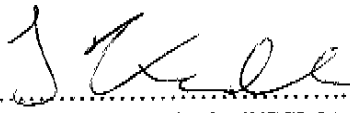
Victorian Trades & Labour Council  
Ground Floor  
Trades Hall  
54 Victoria Street  
CARLTON SOUTH VIC 3053

The grounds on which this application is made are as follows:

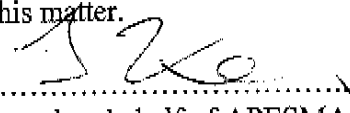
THAT because of the large number of respondents to the said award it is difficult to promptly effect service as prescribed on each and every one of the said respondents;

THAT the employers listed above are usually the only ones likely to enter appearances regarding variations to this award.

Dated this day: 17 July 2008

  
.....  
For and on behalf of APESMA

I, Joseph Kelly, am National Legal Officer of the Association of Professional Engineers, Scientists and Managers, Australia and I am authorised to act in this matter.

  
.....  
For and on behalf of APESMA

## Rule 73

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1996***ORDER FOR SUBSTITUTED SERVICE**

In the matter of:

**Information Technology Industry (Professional Employees) Award 2001**  
(C2008/\_\_\_\_\_)

Upon reading the application of Association of Professional Engineers, Scientists and Managers Australia, dated 17 July 2008 I order that service otherwise required by the Rules of the Australian Industrial Relations Commission be dispensed with and service be effected by facsimile transmission upon the undermentioned parties:

- Australian Industry Group, 51 Walker Street, NORTH SYDNEY NSW 2060
- Australian Business Industrial, Private Bag 938, NORTH SYDNEY NSW 2060
- VECCI, GPO Box 4532QQ, MELBOURNE, VIC 3001
- ACT Region Chamber of Commerce & Industry, 12A Thesiger Court, DEAKIN ACT 2600
- Master Builders' Construction & Housing Assoc of ACT, 241 Northbourne Avenue, LYNEHAM ACT 2602
- Trades & Labour Council of the ACT, 17 Woolley Street, DICKSON ACT 2602
- Australian Business Industrial, 7 National Circuit, BARTON ACT 2600
- Australian Council of Trade Unions, Level 2, 393 Swanston Street, MELBOURNE VIC 3004
- Victorian Trades & Labour Council, Ground Floor, Trades Hall, 54 Victoria Street, CARLTON SOUTH VIC 3053

ACT Region Chamber of Commerce & Industry  
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DEAKIN ACT 2600

Master Builders' Construction & Housing Assoc of ACT  
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Australian Industry Group  
51 Walker Street  
NORTH SYDNEY NSW 2060

Trades & Labour Council of the ACT  
17 Woolley Street  
DICKSON ACT 2602

ACT Chief Minister's Dept  
Commr for Public Admin  
Attn: Pam Davoren Director  
Public Sector Management  
Level 4 Nara Centre  
1 Constitution Avenue  
CANBERRA ACT 2601

Australian Business Industrial  
7 National Circuit  
BARTON ACT 2600

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GPO Box 4532QQ  
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Level 2  
393 Swanston Street  
MELBOURNE VIC 3004

The Australian Industry Group  
20 Queens Road  
MELBOURNE VIC 3004

Victorian Trades & Labour Council  
Ground Floor  
Trades Hall  
54 Victoria Street  
CARLTON SOUTH VIC 3053

BY THE COMMISSION