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TRANSCRIPT OF PROCEEDINGS

TASMANIAN INDUSTRIAL COMMISSION

PRESIDENT P.L. LEARY

DEPUTY PRESIDENT P.C. SHELLEY

COMMISSIONER J.P. McALPINE

T No 13394 of 2009

T No 13411 of 2009

TASMANIAN STATE SERVICE AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Minister administering the State Service Act 2000 to vary the above award

HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

Application pursuant to the provisions of section 23(2)(b) of the Industrial Relations Act 1984 lodged by the Health Services Union of Australia, Tasmania No 1 Branch to vary the above awards re to formulate processes and procedures for the effective review mechanism as defined in Appendix 1 Translation Arrangements

HOBART

9.31 AM, MONDAY, 6 APRIL 2009

PRESIDENT LEARY: Thank you. The two matters are to be joined, as I understand it: agreement on that? Could I take appearances in both matters, please?

5 MR P. BAKER: President and members of the bench, I appear on behalf of the Minister administering the State Service Act 2000, P. Baker, and with me this morning is MR R. CLEGG and MR K. GREY.

PRESIDENT LEARY: Thank you.

10 MR C. BROWN: If the commission pleases, C. Brown, appearing for the Health Services Union of Australia, Tasmanian Number 1 Branch, and with me I have MR T. JACOBSON, MR C. STRINGER and MR P. AIKEN.

PRESIDENT LEARY: Thank you.

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MS K. JACKSON: If it pleases the commission, Kate Jackson, on behalf of the CPSU (SPSFT) Inc, and with me I have MR P. HORNE.

PRESIDENT LEARY: Thank you. Who would like to start? Mr Baker?

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MR BAKER: Thank you, President. President, the application before you this morning seeks directions from the bench insofar as the processing of the review flow process that's contained in both the mentioned awards this morning. That's to be found in clause 3, Review Process of Appendix 1 that's contained in both the Health and Human Services Award and also the Tasmanian State Service Award. What we seek from the bench this morning is directions and to that end we have between us – that is the parties to both awards, formulated what may be known as a classification resolution process, and to that end we will hand to the bench a document that is 99 per cent complete. As with all these matters, President and members of the bench, there is always one last-minute amendment to which my colleague, Mr Grey, will take you to shortly.

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PRESIDENT LEARY: Yes.

35 MR BAKER: President and members of the bench, the operation of the proposed classification resolution process is to really to do three things. Firstly, it places an obligation upon the employee who seeks a review of classification as to outline reasons in support of their position. Secondly, it also – it then proposes to place on the employer an equal obligation to outline the reasons why the employer believes that the current classification is correct.

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Thirdly, it then proposes a process that will be managed by the Public Sector Management Office in relation to dealing with those appeals and in that process we hope that we may be able to reduce the workload of the commission insofar as dealing with the matters. And finally, it does propose – it seeks a review of the matters that finally go to the commission itself. And in dealing with the matters before - - -

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PRESIDENT LEARY: Just take me through that again. It requires a review of what?

5 MR BAKER: I'm sorry, I'll rephrase my words there. What it finally does, it actually requires of the parties to the dispute to outline a list of those matters where we are agreed and it also then outlines those areas for disagreement prior to presentation of any dispute that goes to the commission. We would say that that process is consistent with the obligations that are imposed upon the commission at section 20 of the Act that talks about providing – and in particular, I refer the bench to section 20 – sorry, 20(1)(b) of the Act:

15 *Shall do all things, as appear to it to be right and proper for effecting conciliation between the parties, preventing and settling industrial disputes and for the settling of claims by agreement between the parties.*

15 President and members of the bench, the process that we are proposing, whilst it actually prescribes a process for the settling of these matters between us, it in no way of course can inhibit an individual's right in seeking direct access to the commission. However, we would urge the commission that certainly in the first instance that a process has to be outlined by the parties this morning should be followed in the first instant.

20 The other matter which we would seek from the commission is that as and when the applications are filed with the commission, that the parties be allowed a period of 30 days before they – before that matter is listed for conciliation before the commission, which would allow the parties sufficient time to evaluate the merits of the application that has been made.

30 PRESIDENT LEARY: Don't they have to go through the internal review process before they come to the commission anyway?

35 MR BAKER: Well, that's – that's why – well, that process has been completed. We're now to a situation whereby the employee says, "I disagree with your internal - - -

PRESIDENT LEARY: Yes.

40 MR BAKER: - - - the findings of the internal review process." So this is the next phase.

PRESIDENT LEARY: So are you saying that the agency doesn't know whether they've come here or not?

45 MR BAKER: Well, the only way we would know that is if the employee actually files the application. So what we're saying is - - -

PRESIDENT LEARY: We advise you?

MR BAKER: Yes, you advise us.

PRESIDENT LEARY: That's what I'm trying to establish. Okay, there's no internal process where the - - -

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MR BAKER: Other than for the - - -

PRESIDENT LEARY: - - - employee says, "Well, I'm now going to take it to the commission."

10

MR BAKER: Yes. But we would then say to the commission that if you would allow us then 30 days in order to conciliate the matter between us - - -

PRESIDENT LEARY: Yes.

15

MR BAKER: - - - prior to the matter coming to the commission - - -

PRESIDENT LEARY: Yes.

20 MR BAKER: - - - at which point in time hopefully we would have an agreed set of facts, those areas upon which we disagreed, which would hopefully streamline the process.

PRESIDENT LEARY: Yes.

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MR BAKER: Having said that I'll defer to my colleague, Mr Grey, who will take you through the documentation that has been prepared by the parties and we have an exhibit to that effect.

30 PRESIDENT LEARY: I will mark it A1.

EXHIBIT #A1 DOCUMENTATION PREPARED BY THE PARTIES

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PRESIDENT LEARY: Thank you.

40 MR GREY: Thank you, President. President and members of the bench, this document is the result of agreement by the parties. However, there is an amendment that – well, I guess I'll have to read into the transcript – that will be a new point 7, so the current point 7 will be 8, and renumbered thereafter.

PRESIDENT LEARY: So delete the current clause point 7, and there's a new point 7; is that what you're saying?

45

MR GREY: Yes. Yes. Not deleted.

COMMISSIONER McALPINE: It's just moved to number 8.

MR GREY: There will be a new clause inserted - - -

5 PRESIDENT LEARY: Okay.

MR GREY: - - - that will be 7, and the current 7, 8, the current 8, 9, etcetera. The new clause 7 will say:

10 *The outcome of a dispute by an individual employee, which results in duties being reclassified, is to be applied to other employees within the same work group, with the same generic statement of duties, from the same operational date, regardless of whether those employees lodged a dispute application for reclassification.*

15

PRESIDENT LEARY: We've got that in writing, have we?

MR GREY: Yes.

20 PRESIDENT LEARY: So the first one up is a test case.

MR GREY: I have now.

PRESIDENT LEARY: Okay.

25

MR GREY: As Mr Baker said, this process is much more to streamline the internal process to be followed by the parties, than it really is anything to do with how the commission deals with it. It is an order that the parties are satisfied by the time a matter comes here for resolution that all the facts are known, and it's only a matter of
30 whether they're agreed or accepted, I suppose, which is what the commission will no doubt determine. The idea is that after an internal agency resolution process is completed, an internal review process, that the parties get agreed documentation and examine it, and examine the role of any witnesses or any other evidence that needs to be provided, and seek to, I guess, agree on the matters that are to be agreed, and to
35 try and address the matters that aren't agreed, and find out why.

And I suppose the reason that we need this extra process formalised is because of an enormous backlog for quite a number of years of employees who were aggrieved, but it didn't necessarily have a mechanism – sorry; they had the mechanism, they didn't
40 necessarily have the means, in terms of the tools in which to get their classification grievances addressed. And so this is a matter of trying to – we expect it will be, you know, a reasonably large exercise, in terms of the agencies, who are mostly towards the end of their internal processes. We don't know how many there will be, but there could be quite a few hundred, if not more.

45

PRESIDENT LEARY: So there are in fact going to be then two internal processes?

MR GREY: One internal - - -

PRESIDENT LEARY: There's the agency review - - -

5 MR GREY: One internal with an agency, and this is - - -

PRESIDENT LEARY: - - - and then one through the PSMO.

10 MR GREY: I guess, yes. It's an external agency review process before it comes here.

PRESIDENT LEARY: So is it reviewing the same sort of stuff?

15 MR GREY: Perhaps quality control might be an issue.

DEPUTY PRESIDENT SHELLEY: At point 5, is that limiting somebody who – or either party to the dispute to – in what they can bring before the commission?

20 MR GREY: No. The idea is that by the – the material that ought to be available to the commission should be available internally to resolve the process. The idea is to put the onus on the parties to not withhold evidence internally that would be examined by the commission.

25 DEPUTY PRESIDENT SHELLEY: Okay. But this is – it does say the parties are not to introduce additional material, so that is - - -

MR GREY: That's because they should have introduced it already.

30 PRESIDENT LEARY: Because when it comes to the commission it's the review only. It's not a hearing de novo. So you need to get pretty clear what it is you're asking the commission to do. And as has just been said, you're limiting some of the procedural fairness. We're reviewing - - -

35 MR GREY: This is not in any way intended to fetter or inhibit the commission in any way. This is only to establish a process for the parties to deal with it before it's dealt with here.

40 PRESIDENT LEARY: All right. So what happens when it comes to the commission if the internal agency review has disagreed with the employee? The – what do you call yourself – the PSMO review has disagreed with the employee; what do we do? Do we go back and review the PSMO review, or do we go back and review the internal agency review, or do we forget all about that, and the applicant comes with a new claim basically?

45 MR GREY: Could we perhaps go off the record and resolve all of these things before we - - -

PRESIDENT LEARY: They're pretty important issues, because - - -

MR GREY: Yes. Exactly.

5 PRESIDENT LEARY: - - - what you're saying here is that certain things can't – you can't bring stuff in at a later date.

MR GREY: It's not intended - - -

10 PRESIDENT LEARY: But that's your review.

MR GREY: It's not intended that it can't be brought at a later date. It's intended that it already be dealt with.

15 PRESIDENT LEARY: Okay. All right.

MR GREY: That's the intention. Perhaps it's poorly expressed.

20 PRESIDENT LEARY: We've got to be very careful with the words, because they are the things that we hang ourselves on.

MR GREY: Yes.

25 PRESIDENT LEARY: Now, do you want go to off the record?

MR GREY: Yes, that might be best. Yes.

PRESIDENT LEARY: All right. We'll just go off the record.

30

OFF THE RECORD **[9.44 am]**

35

RESUMED **[9.56 am]**

PRESIDENT LEARY: Right we are back on the record and what is now agreed is clause 5 – or is point 5 rather than clause 5. Okay? Thanks.

40 MR BROWN: Thank you, President. The proposal is to amend the current clause 5 to now read “full disclosure by the parties of all the particulars of the dispute as required for the PSMO conference”. Witness statements, if available, are to be provided at the PSMO conference.

45 PRESIDENT LEARY: Okay. Now, we all agree that that is the new point 5?

MR BAKER: Yes, agreed.

PRESIDENT LEARY: Good, thank you. All right. Anything else you want to put at this stage, or will we let Mr Grey continue?

MR BROWN: Not at this stage. We will let Mr Grey continue.

5

PRESIDENT LEARY: All right. Thanks.

MR GREY: Thank you, President. There really isn't much else to say other than because we now have a new classification structure, and we have uniform standards, doesn't alter the State Service Act requirements of section 34 for heads of agencies to assign duties and assign classifications. It's a point we want to place on the record, that the organisational design and structures that may be applicable in one agency are not necessarily the same in another agency, and that there is no expectation – sorry, there ought to be no expectation that a classification applying to a job that looks the same that might have similar wording, is necessarily the same.

So we would just like, to, if you like, quarantine it. We can't subvert the State Service Act either. Look, apart from that we think this process is for the better management of potentially a large group of classifications so the parties are clear on what they are obliged to do before anything comes here to be resolved.

PRESIDENT LEARY: Is there a consistent approach within the agency? And I have a reason for asking, and I can tell by the look on your face that there's not.

MR GREY: There's a consistent process outlined in the awards.

PRESIDENT LEARY: That wasn't the question. I've got two applications already. I'm not too sure whether there are any more. One is the Department of Infrastructure, Energy and Resources, and the other is from Police and Emergency Services. The police one has quite a comprehensive questionnaire that the employee has to fill out in support of the claim. The other one is half a page, so is there going to be - - -

DEPUTY PRESIDENT SHELLEY: Is that form 5?

35

MR GREY: Yes.

PRESIDENT LEARY: - - - a consistent approach?

MR GREY: Madam President, that is referred to as form 5 in clause 1.

PRESIDENT LEARY: Yes.

MR GREY: That is what all agencies are supposed to follow.

45

PRESIDENT LEARY: Okay.

MR GREY: And I suppose, you know, you have really touched on perhaps the most important reason for the parties trying to have a mediation or dispute resolution set in through the offices of public sector management office - is to ensure the internal consistency required by the Act has been followed enough before it comes here.

5

PRESIDENT LEARY: That was my understanding.

MR GREY: But potentially things may not need to come here.

10 COMMISSIONER McALPINE: So can we expect then that from whatever agency, we would receive a similar amount of data?

MR GREY: Yes.

15 COMMISSIONER McALPINE: In a similar form?

MR GREY: Yes.

PRESIDENT LEARY: Thanks.

20

MR GREY: That's the intention.

PRESIDENT LEARY: Okay. I think one of them – my very quick reading of it may be one of the ones that fall into point 6, which is a test-case-type arrangement?

25

MR GREY: Yes, it could be.

PRESIDENT LEARY: Yes. Okay. So are they also going to be done through the PSMO first?

30

MR GREY: Yes.

PRESIDENT LEARY: Yes. They are? All right. Okay.

35 MR GREY: Thank you, Madam President.

PRESIDENT LEARY: Mr Brown?

40 MR BROWN: Thank you, President. I just want to make a couple of – just quickly go through some of the points that are in the resolution process that's been – as Mr Baker put it – 90 per cent agreed between the parties. That is probably the – the first one is the matter you just raised, which is in clause 1, which relates to the information that an employee is required to make available when lodging the application, and that includes the statement of duties and a completed form 5 job
45 evaluation questionnaire, so every application that comes before the commission should have that information.

The agency is then required to also produce a current SOD, just in case – or statement of duties, just in case there is some dispute over what the actual statement of duties that’s being referred to.

5 DEPUTY PRESIDENT SHELLEY: So is the agency required to give reasons?

MR BROWN: They are, and part of, I guess, our concern – and it’s the difference between what some agencies might do, is that the level of reason that they give for making the decision may vary very significantly, and my colleague from the CPSU
10 may want to comment on that a bit further, but we would expect that full information about the reason as to why the agency has made a decision, and particularly if it has knocked back an employee request for reclassification, then that information would be fully available to the employee, if not immediately, and it should be, but if not immediately at the time the decision is made and the employee is notified.

15 It would be made available at the time of the PSMO conference under clause 5, about full disclosure, or failing that, and there shouldn’t be a failure of that, the application that’s lodged with the commission under clause 2, requires that the employer provide an explanation for the classification of assigned duties, including reasons for
20 rejecting the employee’s claim, and we would expect that to be in full if they are to rely upon that in the hearing. So somewhere along the line there I’m sure we’re going to get, you know, the full explanation.

PRESIDENT LEARY: Lots of paperwork.

25 MR BROWN: Yes. Item 3 or clause 3, that the TIC, in consultation with the parties, will determine a date for hearing that allows for the conference to be conducted by the public sector management office.

30 DEPUTY PRESIDENT SHELLEY: Thirty days.

MR BROWN: I mean, obviously the commission will receive applications and, you know, would go through its normal process of listing those for hearing. I guess what we are requesting is that consideration be given to allowing time for the PSMO
35 conferences to actually take place in order to try and resolve the dispute before it actually does get to the commission, and I think Mr Baker was suggesting that 30 days from when you receive the application to when the matter is listed will be an appropriate timeframe for us to be able to have those conferences.

40 PRESIDENT LEARY: That will depend a lot on how many there are, I gather.

MR BROWN: It will, and I think, you know, this whole thing is a bit like how long is a bit of string, because we are not fully aware of how many applications will actually even get through to that third stage, ie, coming to the commission. We
45 would hope that it would be as minimal as possible and this whole exercise was really designed, if you like, to overcome the problems we had back in the ’94, ’95 and onward translation process to the new classification structure, where that whole

process dragged on for literally years and years and was, you know, probably best described as a dog's breakfast, and this is designed to, without limiting the rights of the employee to genuinely, you know, have their cases examined, or the decisions by the department to classify them, examined, but keep it within a fairly tight both
5 timeframe and process.

PRESIDENT LEARY: Yes. And I think that's important.

MR BROWN: We have been through the conference stuff. Number 6 allows for a
10 notification of a dispute made by an individual employee on behalf of a group of employees, so that we're not, you know, dealing with dozens and dozens of applications which are essentially about exactly the same argument, so it allows for one person to put in an application, and that that person can virtually be, as it was described, a test case for a group of employees.

15 DEPUTY PRESIDENT SHELLEY: But how does the commission know that that is the case?

MR BROWN: We would notify – certainly at the time of the PSMO conference, if
20 it is intended that that would be the case, that an individual employee was, in fact, representing the group. That would be agreed to basically, between the parties, or not necessarily agreed to, but it would be clear between the parties that this is actually coming up as that, and I guess when we get to hearing we would then notify the commission of that. And I guess there's also an issue here about if it is a test
25 case and it is about a group, then the commission's ability to either seek or hear evidence which goes simply beyond that individual's case in that individual's matter, because it is representative of a group.

30 PRESIDENT LEARY: Would that also go across a number of agencies in some cases?

MR BROWN: I think it probably could, although I would suggest that whilst that
35 may be the case it would also be important to take account of the specific nature of the agencies and in particular I think health and some of the other agencies, given that there's two separate awards, and whilst the classification structure might be the same, the nature of employment within those agencies is quite different.

PRESIDENT LEARY: But there is a possibility that it – that one may - - -

40 MR BROWN: I wouldn't rule out the possibility.

PRESIDENT LEARY: But it's based on a generic statement of duties, and I suppose they are agency specific, are they, the statements of duties?

45 MR BROWN: They would be. There would be very few, if any, and I'm not aware of any, that would actually go – generic statements that would go across agencies. So the last part of that 6 that:

When notifying a dispute that may affect similar employees the details of the employees affected are to be provided.

5 Now, that's not necessarily the names of the employees, it's basically which groups, or which work areas it's likely to affect, again so that there's no surprises. The new clause 7 that Mr Grey read into transcript – which has conveniently disappeared, so I'll do it from memory – is basically trying to address a situation where – if we go to the purpose of this, it's to ensure that the employees have been classified correctly.

10 Now, we may get a situation where one employee believes that they're not, that they apply for reclassification, that they're successful in that reclassification, which essentially means that the original translation is incorrect. But you've got more than one employee that's doing basically exactly the same job under exactly the same statement of duties, therefore it follows that if the classification was originally
15 incorrect for one employee, then it's incorrect for all those employees that are operating under that. Now, I guess there's two ways we could handle this one. We'll say, you know, tough, and every one of those employees then would have to lodge an application for reclassification, which would be, you know, a silly way to go.

20

PRESIDENT LEARY: Possibly a bit unrealistic if what you say - - -

MR BROWN: Yes. So basically what we've got to is a situation where, if it's established for one employee then that decision, or the reclassification decision
25 essentially will then flow on to all those other employees, where they are doing the same job under the same statement of duty, and who are employed within the same work area.

PRESIDENT LEARY: That would come out in the proceedings though, surely.

30

MR BROWN: Probably, yes.

PRESIDENT LEARY: Yes.

35 MR BROWN: But we just - - -

PRESIDENT LEARY: So you would have the opportunity either through the review processes or through the commission process - - -

40 MR BROWN: Yes.

PRESIDENT LEARY: - - - to look at the other people at the same time?

45 MR BROWN: I guess it's probably safe to say that the audience for this document is also the agencies themselves, so that they understand how this process is going to work.

PRESIDENT LEARY: I think that's important.

MR BROWN: Yes. So that's 6. Seven arises from a situation where there might be an outcome from a dispute. That is to say, you know, the application is successful,
5 and an employee is reclassified as a result of that, that then has a consequential effect on other employees.

PRESIDENT LEARY: The flow on.

10 MR BROWN: Yes. And, particularly, I guess we envisage that, you know, someone might be supervising at a certain band and the employee is classified at that lower band, and they get reclassified to the higher band, well, obviously then the supervisor can't supervise if they're at the same classification as that employee. That would involve a job-reassigned situation, where it may be that the supervisor, or the
15 consequential effects, if you like – the classification was, in fact, correct at the time, based on their statement of duties, but it may require their statement of duties then to be redesigned to accommodate that. So that's what 7 envisages.

Eight I think is fairly straightforward, and 9 I think just simply raises the issue of
20 procedures about whether we use witness statements, or whether we put witnesses on the stand. I guess what we're trying to do is streamline this process as much as possible, to ensure that, you know, things – if we did have large numbers of applications we're able to deal with those as efficiently as possible.

25 PRESIDENT LEARY: Well, witness statements that are not challenged you don't need to examine - - -

MR BROWN: That's right.

30 PRESIDENT LEARY: - - - the author, but those that are you may have to think about.

MR BROWN: Yes. So, you know, I guess we're suggesting that witness statements is probably – the use of witness statements is probably a good way to go in this
35 matter. I think the other questions or issues that I have that aren't specifically addressed here, that raise about – in terms of procedures, are around the commission sitting in other regions to hear matters, and how we might cluster like applications in from departments, to just streamline the process so that we can get through them as efficiently as possible. I mean, just some matters – some, like some discussion
40 around those sort of things, but those discussions might be better had off the record, rather than formally. That's, I think, all the comments I've got to make about the document, and the resolution process.

45 PRESIDENT LEARY: All right.

MR BROWN: Yes. Just the other matter, which I think Mr Baker touched on briefly, was the whole matter of how this is actually dealt with. I mean, the

applications before you seek to vary the awards. Our view is – and at the time that we lodged the application we thought that that might actually be the – you know, the direction that we needed to go. I guess our view is that, given that we’ve now got what is essentially an agreed document here, that there may not be the need for this to be inserted into the award. In fact, we would suggest that there probably isn’t the need for it to be inserted in the award, and that this basically becomes a direction of the commission to the parties, in terms of the procedures.

10 PRESIDENT LEARY: It’s a procedural document - - -

MR BROWN: That’s right.

PRESIDENT LEARY: - - - rather than a variation; is that what you’re saying?

15 MR BROWN: That’s correct, yes. If the commission pleases.

PRESIDENT LEARY: Right. Did you want to add anything else?

20 MS JACKSON: Only a couple of very minor things. At point 2 the agency has provided the TIC with following – within five working days. I haven’t got the latest copies. It may already say this, but we would like it to say, provide the TIC with copies to the public sector management office and the relevant union. The reason for this is that we may not always have seen the agency’s explanation for the classification of the assigned duties. In fact, in some cases we know that we haven’t, and we would like an opportunity to have a look at those before the PSMO conference. Yes, thank you. I’ve just been provided this by the PSMO, and that’s in there now. So that concludes our submission, thank you.

30 PRESIDENT LEARY: So you’re happy?

MS JACKSON: Yes, thank you.

PRESIDENT LEARY: Excellent. Mr Baker?

35 MR BAKER: And we’re happy too.

PRESIDENT LEARY: It’s too much on a Monday morning.

40 COMMISSIONER McALPINE: Can we get that on the record?

PRESIDENT LEARY: It’s on the record.

45 MR BAKER: Now, look, it certainly will provide, I think to all of us, a challenge in dealing with them. But, you know, there is good faith between us, and we’ve got to the stage where we are today. There are some procedural things which I’m sure will occur, which we haven’t claimed or envisaged, but I’m confident that we can work

through these processes. The processes, in fact, have already commenced within the agencies - - -

PRESIDENT LEARY: Yes.

5

MR BAKER: - - - as a result of the translation exercise as at 5 March. There have been people who have been reclassified, and, in turn, having reclassified certain individuals other people have, as a consequence of that, been reclassified. So that process is in place. There is certainly a message that we need to give to our agencies about being consistent and ensuring that the information is provided back to the employee, as to why precisely the reclassification has not occurred, and that's a challenge for us, as it is, I think, for the union to ensure that – the unions to ensure that the employee has all the details as to why the reclassification is sought. But as I indicated, President and members of the bench, there is a spirit of co-operation between us which will carry us forward, and hopefully there won't be too many of these matters that find their way to your deliberations.

PRESIDENT LEARY: We'll deal with them if they do. But it's certainly far too big and an important exercise to blow it at this stage. So certainly the commission will be available, and flexible to deal with whatever happens along the way. So if there are any problems I think possibly if you bring it back here and we can talk our way through it to make sure the process works.

MR BAKER: And we will forward to the commission an amended document, as discussed this morning.

PRESIDENT LEARY: Thank you. And do you want me to make available to you the two copies that have already been filed here?

MR BAKER: I do have a copy of those applications, President.

PRESIDENT LEARY: Do you? All right. Okay. And I take it the unions have got copies as well?

MR BROWN: Appropriate.

PRESIDENT LEARY: All right. On that basis we'll just issue a statement once we get a copy that I can read of the procedural document. Thank you.

40

MATTER ADJOURNED at 10.15 am INDEFINITELY