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PO Box 13038 George St Post Shop BRISBANE QLD 4003

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TRANSCRIPT OF PROCEEDINGS

O/N 79665

TASMANIAN INDUSTRIAL COMMISSION

PRESIDENT P.L. LEARY

COMMISSIONER T.J. ABEY

COMMISSIONER J.P. McALPINE (In absentia)

T No 12870 of 2007

ALL PUBLIC SECTOR AWARDS

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Minister administering the State Service
Act 2000 to review the currency of all Public
Sector Awards in accordance with Principle 13
– Award Review Process as contained in the
Tasmanian Industrial Commission’s Review of
Wage Fixing Principles July 2006**

HOBART

2.15 PM, MONDAY, 28 APRIL 2008

Continued from 23.4.07

**This transcript was produced from tapes
recorded by the Tasmanian Industrial Commission**

PRESIDENT LEARY: Thank you. You have two-thirds of a Full Bench this afternoon due to leave commitments, but we wanted to list this fairly quickly to find out what is going on, if anything. Perhaps we should take any changes in appearances to start with and then somebody can tell us the latest up to date information.

5

MR M. JOHNSTON: If it pleases the commission, Matt Johnston, appearing on behalf of the Community and Public Sector Union (State Public Services Federation of Tasmania Inc in Tom Lynch's stead. Thank you.

10 PRESIDENT LEARY: Thank you. Mr Jacobson appeared before.

MR T. JACOBSON: Yes.

PRESIDENT LEARY: Did you appear before, Mr Pyrke?

15

MR D. PYRKE: I think, President, that I did, but your clerk might be able to tell me if it's not the case.

COMMISSION OFFICER: Yes.

20

MR K. GREY: If it pleases the commission, Grey, K, appearing for the Minister administering the Tasmanian State Service Act.

PRESIDENT LEARY: Thank you.

25

MR BAKER: Thank you, President.

PRESIDENT LEARY: Mr Baker, I notice that the last time we had the pleasure of your company was in June and June is not that far away.

30

MR BAKER: No. I suppose it may have taken us a little time to actually get going in relation to the matter, and as I indicated I think when we were last before in June, it was certainly - it is, and remains our desire, and certainly the desire was expressed by the other unions who were either here on that occasion, that we would work towards one, perhaps two awards. One for the general public sector and one for the hospital, and we would try to incorporate into those awards conditions of employment that were common across the public sector.

35

I think, as I indicated at the time, we have still got some two dozen public sector awards and there's a multiplicity of agreements that have mushroomed and sprung up around them over the years. It is, and remains our intention to get rid of as many of those as possible. In the first instance we thought it was prudent to tackle, if you like, our key award which is the General Conditions of Employment Award and to that end the Public Sector Management Office and the unions concerned, and particularly the three unions that are represented here today, have set upon - have embarked upon an exercise in re-writing that award.

45

I mean, there were two issues, I suppose, as far as the GCOE Award is concerned. First of all, there is a "re-write", in inverted commas and, secondly, there is an adding to the award, as it is deficient in many areas. We have, I believe, just finalised - we have re-formatted the award - sorry, I'll go back a step: in order to take the process forward
5 both the minister and the unions concerned filed applications in the commission and the matters have been proceeding before Deputy President Shelley and I refer to, in shorthand terms, T13077 and T13083 of 2008.

10 And in those applications we have, in fact, dealt with Part VI, Leave of Holidays with Pay. We have re-written the holidays with leave provision. We have inserted a parental leave provision that incorporates the 2006 Full Bench decision in respect of parental leave. We did, likewise, with personal leave earlier this year. There is a new bereavement clause inserted into the award that provides for up to 10 days leave on any
15 occasion.

PRESIDENT LEARY: So this is just updating it, is it, with general standards?

MR BAKER: General standards. Incorporating general standards and, if you like, Deputy President, and member of the bench, what we have sought to do is actually
20 remove, I suppose, the discretionary component that currently exists in ministerial directions. We have actually taken those ministerial directions and put them into an award. So there is now obligations on the employer, and there are also responsibilities that are imposed upon employees, where one may have argued previously that it was a bit of a laissez-faire situation.

25 PRESIDENT LEARY: Right. So they now become award provisions that are enforceable?

MR BAKER: They're enforceable award provisions.

30 PRESIDENT LEARY: Good.

MR BAKER: That, of course, has - as you could imagine, President, that has caused us some - or, not us, but certainly some of the agencies some concern as there has been
35 a wide-ranging application of certain provisions that have applied to employees which have come about through a lack of award provision. So we are now in the throes of standardising those sorts of provisions.

We have also included into the award a jury service provision, which again is a re-write
40 of the ministerial direction that exists currently in ministerial direction number 2. We are back before Deputy President Shelley next week, the end of next week - it might be the week after, I'm not sure off the top of my head.

45 PRESIDENT LEARY: Soon.

MR BAKER: Soon; yes, where we will be again looking at certain matters. And just perhaps to give you a feel of where we're at, we need to re-write, in my view, the hours of work and overtime provisions. The hours of work are not specified in the award, but

we do need to have a look at the hours of work and the overtime provisions generally, particularly if they relate to shift work.

5 Again, the award is deficient in relation to shift-work provisions. Generally, agencies try to apply what they consider to be the best in all the circumstances. Whether they get it right, or not, it's not for me to comment, but what we need to do is actually have some form of regulation there that, in fact, does provide minimum standards in relation to shift-work provisions.

10 PRESIDENT LEARY: What, based on custom and practice, or - - -

MR BAKER: Custom and practice.

15 PRESIDENT LEARY: - - - is that specifically what you're going to rely on for - - -

MR BAKER: Yes.

PRESIDENT LEARY: Yes.

20 MR BAKER: Because there's no - there's absolutely - other than defining what an afternoon shift is, and a night-shift and providing a penalty, that is the 15 per cent for working the shift, there's absolutely nothing in GSOE Award at all. Some of those shift-work provisions are encapsulated into enterprise agreements, but if an agency tomorrow wanted to introduce shift work there's absolutely - there's nothing. There's no
25 regulation as to how, or why, or what should apply, so it's been a bit of a hit and a miss, and it's something that we need to tidy up.

30 There are ranges for some of these allowances that appear in the award, like, the electrical trades allowances, plumbers allowances, etcetera, were actually absorbed into the wage rates, the operational employees in 1996/97, and they still appear in the award, so it's time that I think they were removed. The higher duties allowance, together with the more responsible duties allowance, needs to be, I think, consistent - consistently applied.

35 Currently, we have four different standards that apply to four different groups of workers depending upon your occupational grouping. It's time that that was brought into a perspective as far as its operation is concerned. And one of the things that we will talk to you about in a moment in relation to the new classification model, we think that it's probably opportune that we actually did something about that because, as I said,
40 it's inconsistently applied across the service at the present time and we need to make that consistent with how it ought to be applied.

45 PRESIDENT LEARY: Is it going to end up as one allowance, or are they two separate allowances? I'd never heard of it until I was involved in another little exercise. In fact, a lot of the people that were also involved in it had never heard of it either.

MR BAKER: No, it's a - - -

PRESIDENT LEARY: I think it was called "murder allowance"?

MR BAKER: Yes. And it's used for all sorts of purposes.

5 PRESIDENT LEARY: Yes.

MR BAKER: None of which I - very few circumstances, I think, were - that it's used for today were ever envisaged as to why it ought to have been used in the first place.

10 PRESIDENT LEARY: You could well be correct there, yes.

MR BAKER: But I think a lot of that has to do with the fact that we have lacked award prescription.

15 PRESIDENT LEARY: Exactly, yes, there was a deficiency that had to be addressed, but now you know what the deficiency is.

MR BAKER: Yes.

20 PRESIDENT LEARY: And perhaps "murder" can go?

MR BAKER: We have definitely got to find a new name for it. So, yes, so there is - there's been a fair bit of work done, as I said, between our office and the unions that are represented here today. There's still a fair bit of work to be done.

25

In relation to the Community and Health Services Award, that award needs a re-write more than anything else, but there are provisions which apply to "health workers", in inverted commas, that do not appear in the award, or there are administrative directions that actually override the provisions of the award, so there is a benefit that is actually granted, if you like, by the employer that is in excess of the award prescription.

30

So some of those matters need to be actually incorporated into the award and the Department of Health and Human Services have set up a little team which is examining those provisions and we will be in a position to report back to Deputy President Shelley in the very near future, on our next occasion before her, as to what those matters are - - -

35

PRESIDENT LEARY: Good.

40 MR BAKER: - - - and how we sort of see that they - how we'll sort of see those - taking those forward. But we will have a discussion with Mr Jacobson prior to that occurring as to how we sort of see that - how we see that going. But there is certainly an opportunity for a general tidying up of the Community and Health Services Award. Again, it's the award that that has not had too much attention to it in the last decade, so

45 it's something that we need to address.

We re-wrote the on-call allowances last year, which was the first major change to that award, as I said, in a decade, and it sort of sits there in stark contrast to the balance of

the award. And there are provisions in there which we discovered when we were putting in the new personal leave provisions that, in fact, are contra-ed in, you know, one class, in fact, almost contradicts the one that's previous. We have got a - - -

5 PRESIDENT LEARY: It's always handy in an award, I find.

MR BAKER: Yes. Yes, and there's a classic in the Teachers Award which, one class says:

10 *This allowance shall be paid in these circumstances -*

and the very next clause says:

15 *This allowance will not be paid -*

in exactly the same circumstances. So we have had some interesting discussions about that clause, but nobody seems to have done anything about it, which probably is indicative of whether we - - -

20 PRESIDENT LEARY: I suppose because it cancels itself out, it's been omitted.

MR BAKER: Yes, well, that's fine, and nobody claims the allowance, so - - -

25 PRESIDENT LEARY: You just have to ask how that was allowed to happen?

MR BAKER: As I've indicated, President, and member of the bench, our aim is to finish up with one award and one of the things that we want to see occur is that the four four-stream awards, that is the Admin and Clerical, Operational, Technical and Professional Awards, the wage rates and those conditions of employment that are found in those four awards are incorporated into the General Conditions of Employment Award however it may be known into the future.

35 And one of the issues that we have been working on quite extensively since about September of last year, has been a new classification model, and we would like to present to the commission this afternoon an overview of the classification model that has been developed which we would see as a document that would take the service forward.

40 Now, I might indicate, before Mr Grey presents that overview that not all that - well, certainly, the classification standards, I believe, there is general agreement between the parties as to the structure of those standards, but there are other issues that go to wage rates, which we will not touch on this afternoon because they're still being negotiated between the parties, so this afternoon I thought we would take the opportunity of giving the commission an overview of the new classification model and descriptors as we see
45 them.

MR JACOBSON: Before we go on, Madam President, can I just say that I'm more than happy for Mr Baker to go through the information that he is about to provide you

in relation to the classification model. I would stress, however, that what you will be provided is the government's proposal that is subject to - - -

5 PRESIDENT LEARY: That's a matter for discussion, as I understand it?

MR JACOBSON: There is a significant amount of discussion still to come in relation to that - - -

10 PRESIDENT LEARY: Yes.

MR JACOBSON: - - - and I wouldn't want it to be seen that there is some general agreement - - -

15 PRESIDENT LEARY: We won't rubber-stamp it, no.

MR JACOBSON: - - - across the board in relation to the position that the government is about to put.

20 PRESIDENT LEARY: No, I understand that.

MR BAKER: Yes, that's accepted.

PRESIDENT LEARY: It's a discussion document, yes.

25 MR BAKER: It's a discussion document but, yes, and it is the model that's been developed by the government and Mr Grey will now speak to the document.

PRESIDENT LEARY: Okay, thanks. Have the unions seen this before today?

30 MR GREY: Yes, Madam President. I inadvertently said "a revised copy". What I meant was an edited copy that is without salaries, so that we wouldn't get into areas of great contention.

35 PRESIDENT LEARY: So it's just into descriptors?

MR GREY: Yes. Except you will find we do have - there are two coloured charts there. I've left them in simply for illustrative purposes - - -

40 PRESIDENT LEARY: Yes.

MR GREY: - - - so that it's easier to perhaps understand, but following from what Mr Baker and Mr Jacobson have said, this isn't to indicate agreement, it's simply to illustrate the basis of how these were developed.

45 PRESIDENT LEARY: We might just mark the document so that whoever wants to know what it is in future - we'll mark it A1.

EXHIBIT #A1 DISCUSSION DOCUMENT PREPARED BY THE GOVERNMENT

5 MR GREY: It's a bit difficult to know where to start with something - - -

TAPE MALFUNCTION

10 MR GREY: I understand there are people around who don't quite like this kind of work and are not coping with it. However, due to a vitamin deficiency I really quite enjoy it and I understand that. It's - - -

15 PRESIDENT LEARY: Well, try and help us understand that.

MR GREY: Yes, look, it is difficult to know where to start, but I think the idea is probably best to start with how this happened and that is, we developed job components that you will find on page 3. The seven components are intended to look at work from seven different perspectives and this was an iterative process. These were refined over a period of time.

20 Existing phrases and existing descriptors from current awards were analysed to see what they said similar to each other, whether they actually described one of the aspects of these components, and were put into a series of large A3 spreadsheets and, not surprisingly, most of the current descriptions don't describe aspects of all seven of these job components, they concentrate primarily on what we have called here "the context and the frame-work", that is the operating environment and the decision-making environment for work. They tended to also say things about expertise. Occasionally, communication was mentioned, but in essence not that many comprehensive descriptors were related to other factors.

25 So when these phrases and descriptors were put into their various components of what they said similarly, where there was no description, we drafted one for what it would have said had it said it originally consistent with the rest of that language. And over a period of time continually we find those factors are, and those components, and those descriptors that were then continually cross-referenced back to what the original descriptors and classification standards were, and then when examined the - what we thought were the natural hierarchies of work value in different levels, that is what current descriptors said similarly to each other and what ones were different, and what of the new proposed descriptors, what ones were similar and what were different so that we could work out - so the idea was, in fact, to - so that similar work requirements were aligned regardless of the existing classification standards, or the existing salary levels, it was so that work of equivalent value was aligned regardless of the occupation, or the previous award stream.

45 When we examined the hierarchical levels between bands they fell into distinct categories, so it was easy to align existing different classifications and it was easy to

separate where they ought to be separated. And on that basis we then re-wrote all the descriptors so that they all said similar things in a similar language; they were consistent and uniform, and where there are differences the differences were supposedly real, and where there are similarities they are aggregated.

5

And in that we have 28 existing Admin and Clerical Technical and Operational levels combined into 10 new levels for the single spine, as it's currently termed, with the exception that they're not really into 10 levels they're into eight, because two new levels, 9 and 10 - bands 9 and 10 are new levels. They are new levels to create - to cater for new and existing work which are currently - there is no mechanism to pay in the state service except the - - -

10

PRESIDENT LEARY: So this is at the top of the tree.

15 MR GREY: - - - senior executive service.

PRESIDENT LEARY: Top of the tree, yes.

MR GREY: Top of the tree in rarefied air. So that's the simplest explanation for what took some time. When that was done, the whole process was repeated for the professional stream, with the variation - the difference is there are a range of current agreements in place that have a six-level professional structure, whereas the professional award currently has five.

20

We thought it made a lot of sense from the government's perspective to align to a six-level structure that a range of parties seemed comfortable with, and that those work value considerations and descriptions were similarly treated and lined up, so that regardless of whether it's professional, or technical, or operational, or admin and clerical work, the pay scales, whatever they will end up being, will be similar for work described similarly, regardless of how - yes, what the work time is.

25

30

I suppose one of the original intentions of the parties was to have a single award or spine covering all that kind of work. That's proved too difficult at the moment to align the professional work because of its fundamental difference in the way professional employees work - the hierarchy of their chains of command, and because of a range of other issues in relation to other professional employees, however called, but the alignment and the similarities are very clear and distinct and the differences again between the levels reflect different levels.

35

I suppose if - perhaps I could take you to the features and simply rung through what we believe the job components are - what they're supposed to describe. I won't go through the notion of advanced assessment points because that's really much more in relation to salary progression and subject to negotiations. I'll simply concentrate on what the seven components are. The first component is job focus, and the description for that is intended to describe the primary purpose of work at each band, including the range of objectives and activities.

40

45

The context and framework is intended to describe the operating environment and the decision-making framework for work at each band. Expertise is the qualifications, knowledge and experience required for work at a particular band. Interpersonal skills is not just oral and communication skills, it's also the ability to lead people and manage relationships. The judgment required is about the critical thinking/problem solving and decision-making requirements of work at each band.

The influence of outcomes is the influence, in effect, of work of a satisfactory standard would have, by a person competent at a particular level, would have on the outcomes required for work of that level, and responsibilities for the outcomes are self-evidently, the principal responsibilities of work at each band. We believe these 10 bands fall into four distinct broad levels of work, and this isn't a comment about personal qualities, or capacity, or performance. It is simply the natural hierarchy of work in large organisations especially.

In the bands 1, 2 and 3 typically the work involves the application of practices, methods and standards according to existing guidelines, systems and processes. Work at bands 4, 5 and 6 typically involves the maintenance and modification of the guidelines, systems and processes according to defined policy and regulatory operating environment. The operating environment generally is agency-specific in terms of its organisational design, its planning, its structures and interpretation of government objectives.

Bands 7 and 8, the work again there typically involves the interpretation and modification of the policy and regulatory settings according to operational requirements, the internal requirements of how we work and service delivery demands which are external about what we do. The context is also a broader whole-of-agency and a whole-of-government perspective.

And for work at bands 9 and 10, or the new emerging work, it is that significant new strategic policy and decision-making frameworks that apply to specific areas of specialisation of extremely high sensitivity, or wide strategic importance and which are far-reaching implications for government, or beyond, and have a whole-of-government, a whole-of-community, or a whole-of-discipline perspective.

There are probably a range of positions currently that would fit into bands 9 and 10, but as I said before, they are currently catered for, somehow, by the senior executive service, however appropriate that may be, and there's certainly a need for a framework, and a structure to cater for a whole range of work that I'm certain we will see emerge very shortly.

PRESIDENT LEARY: Is the award going to bring in the SES people, or are they still going - - -

MR GREY: No. No.

PRESIDENT LEARY: The people in 9 and 10 are in a - - -

MR GREY: Will be humble employees like myself, Madam President.

PRESIDENT LEARY: At the top level?

5 MR GREY: Not executive officers, yes.

PRESIDENT LEARY: Okay. So SES remains in place and you're just putting in a buffer between what you have got now and SES?

10 MR GREY: And, in fact, an overlap.

PRESIDENT LEARY: Yes, to pick up - - -

MR GREY: Yes.

15

PRESIDENT LEARY: - - - some of those positions. Okay.

MR GREY: The reference framework that we decided - - -

20 PRESIDENT LEARY: Can I just ask you - - -

MR GREY: Yes?

25 PRESIDENT LEARY: - - - the seven components that you're looking at, is there any particular weighting, or are they different weightings - - -

MR GREY: No.

30 PRESIDENT LEARY: - - - or it's just - - -

MR GREY: No.

PRESIDENT LEARY: No. Okay.

35 MR GREY: There's no weighting.

PRESIDENT LEARY: Good.

40 MR GREY: I thought you might ask about plagiarism or something, but there is no plagiarism.

PRESIDENT LEARY: No.

45 MR GREY: There's no monopoly of ideas.

PRESIDENT LEARY: No, I asked about weighting, not plagiarism.

MR GREY: No, no, I understand. I just get - I just get nervous.

PRESIDENT LEARY: Obviously.

MR GREY: The reference framework: the reference framework that we decided to adopt is that the current standards have a range of definitions that are not always
5 consistent and when interpreting how a standard will apply, and referring to a definition, they say sometimes quite contrary and unhelpful things in trying to define how a particular description may be applied and in what context.

10 So we decided to do away with them because they don't seem to serve any useful purpose, and to adopt as simple a definition of the meaning of each word as possible, and where it isn't a dictionary definition it's probably one of these, and this is also designed to not describe work in terms of current organisational branches and division structures which may or may not be relevant any more, and even when they're relevant for internal decision-making purposes they're quite often now irrelevant for the way
15 people actually do their work because they're much more fluid across the organisation or across agencies in team-based structures. So they don't necessarily reflect the way lots of things are done and certainly increasingly won't.

20 So I'll just briefly run through this framework: strategy is supposed to mean the implementation of policy. It's what, how, by whom, when and where. It shouldn't mean anything other than that. Policy is to create, design, develop, model, trial, test, modify, adopt, or implement a course of action. It is not intended to be a passive activity of, you know, a musty person covered in dust sitting, making up promises. It's designed to describe work that involves action.

25 A function is a related and aligned area of activities that are combined to form a unit which is currently and typically a branch within the structure of the division. A program may stand alone or be located within a functional unit. It typically involves related disciplines within the function of an agency or related fields that range across
30 functional areas. It may have a defined lifespan and includes a project.

35 Activities of working actions and related fields are typically combined within a functional - that is branch or program area. A field is an area or sphere of operations or activities, for example, the fields that are described there. The discipline is a simple branch of instruction and a task is a defined piece of work which defines a part of a unit of an activity. We have provided some examples over the page to illustrate those. I don't think there's any point in me going through them, and if you turn over to page 8 you'll see the beautiful, colourful page there - - -

40 PRESIDENT LEARY: With the very small print - - -

MR GREY: Yes. Yes, sorry about that. It's really, I suppose, again, it's simply an illustrative thing. The salaries are not meant to be instructive in any way except, of course, the four bands on the left do reflect existing salaries. It's simply to highlight that
45 that's what the current arrangements look like, and the middle column is - that's proposed - I think we have called it General Stream at the top of there. I keep changing these titles because I don't think single spines is a particularly attractive term. I think

we ought to change it to a thing, and I did it, but I forgot to change it back, to describe things.

5 And a professional stream, on the right-hand side and, again, that's simply to illustrate how these new classification proposals line up against each other and how they line up against existing arrangements in terms of simplification. In the absence of any questions or any other thing, I think that - - -

10 COMMISSIONER ABEY: What's the significance of the little yellow overlaps on the - that appear at - say if you look at - they had the general stream, the green box has got a little yellow stripe over the top of it?

15 MR GREY: Could be running out of ink in the printers. I don't think it has any great significance.

COMMISSIONER ABEY: I'm shattered. I'm absolutely shattered.

MR GREY: These were done, like, at 10 to 2.

20 PRESIDENT LEARY: Here was the economist going to come up with something significant.

MR GREY: Yes. No, sorry.

25 PRESIDENT LEARY: The shadowy figure - - -

MR GREY: Your vision is greater than mine. You can see things in the page that I haven't done. Sorry.

30 PRESIDENT LEARY: On the current award structures and salaries the red part, I presume, is what would be 9 and 10. They're the - - -

MR GREY: The red part represents senior executive service - - -

35 PRESIDENT LEARY: Yes.

MR GREY: - - - salaries only.

PRESIDENT LEARY: Right.

40

MR GREY: And, yes, they were put there for - - -

PRESIDENT LEARY: It brings in those people who really have nowhere to go.

45 MR GREY: Yes, or reference how these - the yellow and pink - - -

PRESIDENT LEARY: Yes, where they will fit in.

MR GREY: - - - how they fitted.

PRESIDENT LEARY: Okay.

5 MR GREY: Well, if I could say, the description - the bands on the left-hand page, the blue, green, yellow and orange, and the red, I would describe as fields of - the rainbow of disappointment, whereas the shades of pastel colours are fields of hope, Madam President.

10 PRESIDENT LEARY: I don't think we'll go any further on that. That's terribly deep and meaningful for a Monday afternoon.

MR GREY: Thank you.

15 PRESIDENT LEARY: But you have destroyed Commissioner Abey's questions.

MR GREY: Sorry.

PRESIDENT LEARY: We don't want to know any more about it, do we?

20

COMMISSIONER ABEY: No. No. That's it. That's it.

PRESIDENT LEARY: All right.

25 MR BAKER: There's just one thing that I just wish to add. One of the other things which we intend to do, at the bottom of band 1 we intend to introduce a comprehensive structure that will provide for apprentices, apprenticeship entry into the service. In addition to that we would also introduce what we term "technical officer in training", for want of a better terminology, which will also be added to the bottom of the
30 structure. And the third - - -

PRESIDENT LEARY: So what does that cover?

MR BAKER: Well, that will be for people who undertake - - -

35

PRESIDENT LEARY: Adult apprenticeships? Those sorts of things?

MR BAKER: No, VET training and the like.

40 PRESIDENT LEARY: Okay. Yes.

MR BAKER: Advance diplomas, diplomas, and so on.

PRESIDENT LEARY: Yes.

45 MR BAKER: So we'll put in some entry levels into that. And the third step of that will be in relation to the National Training Wage Award. Currently, that award cuts out at the cessation of the traineeship. Where permanent employees - sorry, permanent employment is offered to an employee at the commencement of their traineeship, there

will an exit point put into the award, which will translate back into the single structure. So people will actually have ongoing employment rather than ceasing their traineeship and then having to put up their hand for a job somewhere within the service.

5 PRESIDENT LEARY: Good.

MR BAKER: So that's the final part.

PRESIDENT LEARY: That sounds good. All right. Mr Jacobson?

10

MR JACOBSON: Thank you, Madam President and member of the bench. I won't comment in any real way in relation to the presentation that you were just provided, other than to say that this whole process is guided, in our view, by an agreement that we reached with the Minister, PSU, Public Sector Union Wages Agreement 2006 - 2007, sorry, and what I would do is draw your attention to the provisions contained within that agreement and those matters that this process was seeking to resolve.

15

We would say, from our perspective, that not all of those issues have been addressed in the context of what you have been presented today. And whilst Mr Grey made well call the current structure "a rainbow of disappointment", and I may or may not agree with him there, I'm certainly not content that he is, in fact, correct in relation to calling the structure that you have before you, fields of hope, because I think it has - certainly, based upon some consultation with our membership, created a significant amount more of disappointment.

20

25

But by referring to Mr Baker's earlier submissions, what I would say, and I'm not sure if I actually picked it up correctly in the beginning, but I think Mr Baker did resolve it ultimately when in fact he did say that we had done some significant work, not only in relation to the GCOE, but we have done some work in relation to other public sector awards and, more notably, the Community and Health Services Public Sector Award, where we picked up a range of provisions that don't currently exist, a number of matters that should have existed in the award previously and we have gone some way to addressing those.

30

35

Where we end up in the context of this process is yet to be seen but what I would say is that the parties, but for a few hiccups along the way, I think have worked relatively productively to achieving some of those outcomes that Mr Baker has presented today.

40

If we go right back to the very beginning of this process, I think we have managed to jump over some significant hurdles particularly in relation to dealing with ensuring that wages - those wages that are outlined in the award, reflect wages that have been paid, and we have done some in relation to that, and we have moved beyond that point which, clearly, was a significant issue for many, many years.

45

As Mr Baker said, there is still a fair bit of work to be done and we're continuing to do that work. The only other thing that I would mention is that behind the scenes, and I think this was mentioned at the previous hearing, that there is also significant work that

has been done, that is towards being finalised, with respect to the Tasmanian Ambulance Service Award.

5 That is all but finalised, as I understand it, but for picking up a couple of the most latest provisions that have been put, that have been buried in the Community and Health Services Public Sector Award and the GCOE, so, but for resolving those, it's hoped and anticipated that we'll be with the commission shortly to make those changes to that award. But unless the commission has any further questions I'll end my submission there.

10 PRESIDENT LEARY: No, I accept that the document for discussion is not agreed and the, whatever the expression which was used, reflects what is the current situation. Whether it is hopeful or not is beside the point. Could I just say to you that the exercise that you're undertaking - and I don't think anybody - well, we certainly didn't
15 underestimate the complexity of it, but it would certainly be wonderful training for you for when you start to award modernise in the federal system.

MR JACOBSON: I'm glad you have mentioned that, Madam President. It's something that, yes, every time I think about I shudder - - -

20 PRESIDENT LEARY: So do I.

MR JACOBSON: - - - and I think we're all going to have a fair bit of pressure put on us very, very shortly.

25 PRESIDENT LEARY: There's no doubt about that, but this is a good training ground.

MR JACOBSON: I think the politics will be interesting to watch from the sidelines.

30 PRESIDENT LEARY: Yes, I'm just concerned with the documents. I'm leaving the politics to other people.

MR JACOBSON: From the sidelines.

35 PRESIDENT LEARY: Yes. Thanks. Mr Johnston, did you want to add anything?

MR JOHNSTON: Thank you, Madam President, Commissioner Abey. We have nothing further to add particularly to the submissions of Mr Jacobson for HACSU. Suffice to say at this stage that the CPSU is content with the way in which we're fairly
40 collaboratively going around the GCOE and CASA with the government, and hope that it will provide a template for approaching the others when we can. Thank you.

PRESIDENT LEARY: Good. Thank you. Mr Pyrke?

45 MR PYRKE: I think, President, it's mostly been said. Mr Baker has given you a comprehensive summary of what's happened in relation to conditions of services matters in the GCOE and we would take no exception with anything that's been said there.

In terms of the singles spine or, sorry, the classification descriptors which are before you I think it can be sheeted back to Mr Grey, but I didn't want to go into them in any great detail, but I guess the feedback that we have received from members would be that they are very generic and it's very hard to be clear about where a particular job description might actually slot into the structure. People can sort of see themselves in - - -

PRESIDENT LEARY: I can understand that, because it's quite a different approach.

10 MR PYRKE: Yes, and there's a preference there for something a bit more clear, a bit more, perhaps customised. And the only other broad comment would be, and this would not be a surprise to Commissioner Abey, project managers. Project management is a new way of doing work which has come into the service and I think it would be good to see a career path for people working in that kind of capacity, and I can't see it there and, you know, so if we can try and move in that direction over the next few months that would be great. If the commission pleases.

15 PRESIDENT LEARY: Yes. No, that's good. No, I was going to ask Mr Grey to explain to us how a position descriptor would apply to a truck driver, but we'll save that for another day - I think.

MR GREY: Thank you, Madam President.

20 PRESIDENT LEARY: But certainly it's a very interesting approach and I applaud the efforts that you have put into it.

25 MR BAKER: Deputy President, just a couple of quick things. First of all, yes, look, I take Mr Jacobson's point in relation to the Ambulance Award. There's just a few bits and pieces that we just need to tidy up on that. I have to say that was a major re-write in itself. It's taken a considerable amount of time and effort, but there will be a modern document that we can all read and understand which will be - - -

30 PRESIDENT LEARY: That will be refreshing, won't it?

35 COMMISSIONER ABEY: Do I take it from that, Mr Baker, that the objective is not to replace specific awards such as the Ambulance Award, and there are others, Prisons, etcetera? They're not going to be subsumed - - -

40 MR BAKER: No.

COMMISSIONER ABEY: - - - into this one or two - - -

45 MR BAKER: No, Commissioner. There are two things: one is, I think, occupational specific awards such as ambulance drivers, will continue - not ambulance drivers, I beg your pardon, ambulance officers will continue.

COMMISSIONER ABEY: Yes.

MR BAKER: But on the other hand, it's certainly our desire that the conditions of employment, wherever possible, should be consistent across the service - - -

COMMISSIONER ABEY: Yes.

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MR BAKER: - - - so we don't have these little things that are slightly different here because - - -

PRESIDENT LEARY: These little aberrations.

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MR BAKER: Yes. Now, some of those things will go on because, you know, that's the way it is but, certainly into the future, you know, if we're going to introduce 10 days bereavement leave in the general state service, you know, as far as we're concerned, you know, those 10 days bereavement leave goes into the Ambulance Employees Award - - -

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COMMISSIONER ABEY: Yes.

MR BAKER: - - - goes into the Nurses Award etcetera.

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PRESIDENT LEARY: It becomes a state standard.

MR BAKER: Yes.

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PRESIDENT LEARY: Yes, and everyone should get it.

MR BAKER: And just in relation to the future programming of this exercise, the award process itself, that is the modernisation of CASA and of the GCOE is progressing before DP Shelley, and what we have done there is, that when we created the files we have left the files open, so that we're simply progressing the changes through that process so DP Shelley issues, or has been issuing an interim decision for the last - each month for the last four months, and we see that process - - -

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PRESIDENT LEARY: As things have changed.

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MR BAKER: As things have changed, we'll keep changing them. In relation to the document that my colleague addressed the bench on earlier, we would be of the view that, sooner rather than later, that this matter should come back before the commission because there are issues that we want to have addressed. Now, we understand, or are advised, that there's a series of stop-work meetings commencing as at May 6, to discuss the document and the salary structures that are associated with it.

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Now, in the event that, if you like, as far as the government is concerned if those stop-work meetings are not favourable, we would request that this bench be re-convened to hear a report from the parties as to where the process is likely to go into the future. We are concerned about time-lines. We do have pressure on us in relation to finalising the structure because the translation from the old structure to the new structure is point 1,

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but then the subsequent wage increase that then flows from that is also dependent upon the balancing of the time between the two.

PRESIDENT LEARY: Is one contingent on the other?

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MR BAKER: Well, one will become dependent upon the other because we can't impose a significant increase in financial terms on the agencies, in one hit, or that the time-line between the two increases is shortened by the debate that may occur between the parties.

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PRESIDENT LEARY: All right. So what's the next step for the parties? You have got some meetings - - -

MR BAKER: Well, we have - - -

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PRESIDENT LEARY: - - - presumably set down fairly quickly?

MR BAKER: Well, the unions have organised a series of stop-work meetings - - -

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PRESIDENT LEARY: Yes.

MR BAKER: - - - commencing from May 6.

PRESIDENT LEARY: Right.

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MR BAKER: At the conclusion of those meetings I would believe that the parties will come back together again. So following that meeting, if progress can't be made, I would seek that this Full Bench be recalled to hear a report from the parties.

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PRESIDENT LEARY: All right. Well, perhaps what I would do is just ask Mr Jacobson - he is going to volunteer - the purpose of the stop-work meetings - I take it it's in relation to complete discussion?

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MR JACOBSON: Well, can I just raise a couple of things? I was more than happy for the minister's representatives to provide a report-back today in relation to the review of the classification standards that's being conducted at the moment.

PRESIDENT LEARY: Yes.

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MR JACOBSON: But I draw the line where the minister seeks that this matter now be included in the ongoing discussions before the commission. This issue arises out of an agreement that we had with the State Government.

PRESIDENT LEARY: So this is the 2008 wages agreement?

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MR JACOBSON: That's right. That's right, separate - - -

PRESIDENT LEARY: Separate and apart to - is that what you're saying?

MR JACOBSON: Separate and apart from the award review process. And we don't see that - and it's entirely up to the minister to bring the matter before the commission in some other way - - -

5 PRESIDENT LEARY: Yes.

MR JACOBSON: - - - but we don't think that it's appropriate that it - and I'm not sure that the commission would want this particular process to get - - -

10 PRESIDENT LEARY: Well, that's what I'm trying to clarify.

MR JACOBSON: - - - to get caught up in, in essentially an award review process because - - -

15 PRESIDENT LEARY: Sometimes we don't have much choice.

MR JACOBSON: Well, that's - that may well be the case, however, we see them as two entirely separate matters.

20 PRESIDENT LEARY: Well, can I then just clarify: the stop-work meetings are in respect to the new wages agreement?

MR JACOBSON: Which includes - - -

25 PRESIDENT LEARY: Some discussion?

MR JACOBSON: Well, significant discussion - - -

30 PRESIDENT LEARY: Right, I meant the document.

MR JACOBSON: - - - because this is part of the negotiations - - -

35 PRESIDENT LEARY: So the wages agreement, or these processes are part of the wages agreement?

MR JACOBSON: That's right.

PRESIDENT LEARY: Okay. Now - - -

40 MR JACOBSON: And that's why initially, and I would urge you to - and, unfortunately, I didn't know that the submission was going to be made in relation to these matters today because it would have been nice to have had the public sector - the current Public Sector Union Wages agreement with me because it provides some detail and I would urge you to go back and read that - - -

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PRESIDENT LEARY: Yes.

MR JACOBSON: - - - that decision, some detail in relation to the processes that we were embarking on which included this.

PRESIDENT LEARY: This; yes.

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MR JACOBSON: This isn't a part of the discussions that are happening in relation to the award review, they are entirely separate.

10 COMMISSIONER ABEY: I'm not quite sure what you're taking objection to from Mr Baker?

15 MR JACOBSON: Well, I guess what we're saying is that we are negotiating with the State Government, matters in relation to wages and conditions, that include a revamped career structure which is contained in this document as a part of a wages outcome. The context and the environment within which that occurs is a different environment within which I would suggest this process was initially established to determine.

20 What I'm not saying is that we don't believe that it is a matter that may well come before the commission at some point, but I'm not entirely satisfied, and I'm concerned today that the minister may well have sought an opportunity to bring this matter up today, to take some opportunistic approach to bringing it before the commission sooner than in fact it might needed to have been.

25 PRESIDENT LEARY: So your concern is that the award review process is going to be used as part of the wages agreement negotiations?

30 MR JACOBSON: Well, that is the concern that I have if the matter is brought on and, you know, it may well be that either of the parties bring this matter before the commission at some point, but in some other way.

PRESIDENT LEARY: Sure. Well, that obviously needs some discussions between the parties to clarify - - -

35 MR JACOBSON: That's right.

PRESIDENT LEARY: - - - just what it is you're talking about and which direction you're going to go.

40 MR JACOBSON: Yes.

PRESIDENT LEARY: Certainly, if the commission can assist we can always make somebody available to do that.

45 MR JACOBSON: Yes.

PRESIDENT LEARY: And if the matter needs to be brought on again by either - any of the parties - we can list it fairly quickly if that's necessary, rather than you getting nasty with each other.

MR JACOBSON: Yes.

PRESIDENT LEARY: Is that all right with you, Mr Baker?

5 MR BAKER: Yes.

10 PRESIDENT LEARY: Perhaps you can clarify, for the purpose of the unions = you don't have to do it with us - clarify for the unions just what it is that you're going to be talking about, whether the award review process is going to be part of the state wage case bargaining arrangements, or whether they're two separate issues. I think that's where there seems to be some confusion.

MR BAKER: Yes, they're two separate issues, but they're linked together.

15 PRESIDENT LEARY: They crash somewhere along the way.

MR BAKER: Yes. Yes.

20 PRESIDENT LEARY: Well, maybe you need to mark out the crash point so you know where you're going to go off the rails?

MR BAKER: But quite frankly - I'll take your guide on the matter and, if necessary, we'll file a separate application.

25 PRESIDENT LEARY: Yes, that may well be the way to do it, and that should clarify it for everybody, yes. All right. Unless there's anything anyone else wants to add, could I thank you for that information. I'm a little more comfortable now to see there has been a lot of work done and, as I said, I applaud the efforts that you have put into it. I certainly never underestimated the size of the task in front of you but I think you're
30 heading in the right direction. Well done.

If we don't hear from you, we'll possibly re-list it for a report in about four or five months just to find out where it's going, but we would like to hear back from you first with an agreement and documents, etcetera, are all ready to be registered, or certified, or
35 approved, or whatever expression we're going to use. We live in hope for that. On that basis we'll adjourn the proceedings. Thank you.

MATTER ADJOURNED INDEFINITELY

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