

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

- T No. 2399 of 1990      **IN THE MATTER OF** an application by the Tasmanian Public Service Association to vary nominated public sector awards
- T No. 2511 of 1990      **IN THE MATTER OF** an application by the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch to vary the Boiler Attendants Award
- T No. 2504 of 1990      **IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the North West Regional Water Authority Employees Award
- T No. 2506 of 1990      **IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the Professional Engineers Award
- T No. 2508 of 1990      **IN THE MATTER OF** an application by the Hospital Employees Federation of Australia, Tasmania Branch to vary nominated public sector awards
- T No. 2605 of 1990      **IN THE MATTER OF** an application by the Federated Miscellaneous Workers Union of Australia, Tasmanian Branch to vary the Miscellaneous Workers (Public Sector) Award
- re structural      efficiency  
principle

T Nos. 2467, 2469, 2470  
2471, 2472, 2474, 2475,  
2476, 2477, 2478, 2479,  
2480 and 2481 of 1990

**IN THE MATTER OF** applications by  
the Tasmanian Public Service  
Association to vary nominated  
Public Sector Awards

T No. 2653 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award

re Ward Clerks

T No. 2655 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award

re Maintenance Staff

T No. 2656 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award

re Trade Instructors

T No. 2654 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award

re Laundry Machine Operators

T No. 2657 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award

re Attendants

T No. 1844 of 1989

**IN THE MATTER OF** an application by  
the Tasmanian Teachers Federation  
to vary the Teaching Service  
(Teaching Staff) Award

re recreation leave allowance

T No. 2264 of 1989

**IN THE MATTER OF** an application by  
the Secondary Colleges Staff  
Society to vary the Teaching  
Service (Teaching Staff) Award

re recreation leave allowance

T No. 3200 of 1991

**IN THE MATTER OF** an application by  
the Tasmanian Public Service  
Association to vary the Inland  
Fisheries Commission Staff Award

re Coxswain's                      Certificate  
Allowance

PRESIDENT  
DEPUTY PRESIDENT  
COMMISSIONER GOZZI

Hobart, 21 August 1992  
Continued from 20/8/92

**TRANSCRIPT OF PROCEEDINGS**

unedited

PRESIDENT: Are there any changes in appearances?

MR MAZENGARB: If the commission pleases, just to announce a slight change or alteration in that today, PAUL MAZENGARB is assisted by MR R. HUNT for the Tasmanian Public Service Association.

PRESIDENT: Yes, thank you, Mr Mazengarb. Mr Pearce?

MR PEARCE: Thank you, Mr President. When we met last evening, it was on the basis that this morning we would endeavour to further enlighten the bench in terms of the distinction between the role of the agencies and unions in respect of matters of job redesign and position descriptions as distinct from the centralised function of determining the benchmark and tasks against the classification standards contained in the model awards.

It might assist -

PRESIDENT: Workplace reform was tucked in there as well.

MR PEARCE: Workplace reform, yes, as well. It might assist that process if I were to tender an exhibit. It's a 2-page exhibit, Mr President.

PRESIDENT: Very good. Would you have any objection to this exhibit being given a different series?

MR PEARCE: No difficulty at all, Mr President.

PRESIDENT: We'll start with MATSSA on this occasion - MATSSA.1.

MR PEARCE: It will probably assist the situation if one is to read the first page or the lead page from left to right. It is a document prepared for internal consumption within the service. Items No.5 and 4 are functions the responsibility of the agency head. In our view they occur within the workplace reform functions in the manner of an - a review of the workplace activities leading to job redesign leading to the development of accurate job descriptions. There is no centralised direction to agencies or agency heads in respect to the performance of that task. It is an obligation placed upon agency heads by reference to section 33 of the act. They are unfettered in that approach.

How they perform that task and in consultation with whom is really how they have that - how they have performed those tasks in the past - it is nothing new. It has involved employees, it has involved the unions. And we say that the matters, the subject of 29th November decision do not alter the processes beholden to the agency head within items 5 and 4 on the front page.



We say that items 5 and 4 are not encompassed per se in the H.27 documentation. If I take you to items - the items on H.27, we say that workplace reform consists of conditions of service. We say that workplace reform consists of the agency-specific items and we say that workplace reform consists of matters contained within items 5 and 4 on MATSSA.1.

Conditions of service to which I refer forms part of H.27. Agency-specific items, which encompass workplace reform are covered by H.27. And H.27 in terms of the development of benchmark functions centralises that in respect to item 3. Item 3, under listing of the four occupational award says: The role of these working groups will be to develop standard benchmark functions and tasks. That translates across to the exhibit MATSSA.1 to item No.2, the development of benchmark functions and tasks. That is the only centralised role in respect to the development of the job redesign, position description, benchmark functions task. It is only the benchmark functions task which is centralised to the working group which has that specific responsibility.

If there is agreement at the end of the day, then the body charged - the working group - which is charged with the responsibility of assigning the benchmark functions and tasks to the specific levels classification standards within the model awards that they will then be distributed to the various organisations and where there is agreement upon those levels, there presumably is no difficulty.

Clearly, one can realistically assume that there will be difficulties in some areas in terms of the respective views of the organisation as against the employer, as to the value which is placed on a particular task or function. We see that area of disagreement as coming back to this commission for adjudication.

Once that process is completed, and I take you to item 1 on MATSSA.1, once those issues have been determined, then it goes back to item 3, which is the role of the head of agency to assign a classification standard to each of his employees - that is the translation process. There may be disagreements arising from the translation process affecting individuals, an individual would then have recourse to the Commissioner for Review, or through his organisation to the commission. One would suspect that the predominant number of them would go to the Commissioner for Review, insofar as if there is an accepted benchmark level for a particular task, that would then be reflected on the job description. It would then become only an argument as to whether a particular employee was or was not performing the task which was or was not included in these position descriptions. It would be a matter of fact.

The - page 2 of the exhibit, MATTSA.1, is what I understand agency heads are then asked to do in relation to developing the required information relative to job families. And reading from left to right, they identify the specific functions and tasks having regard to responsibility and accountability, direction and supervision received and the qualifications including the knowledge skill and experience required in respect of the task. And with a pencilled in one of them say task to be graded against the classification level. That is an internal function. That presumably will, at the end of the day assist the working group to determine the benchmark task against the classification level in the model award.

Presumably that is where the most areas of disagreement will arise - but it is to be expected and anticipated.

COMMISSIONER GOZZI: Mr Pearce, the columns across the page are for function and task; they are really the classification standards teased out, are they?

MR PEARCE: They are functions which would be identified taken directly from the position descriptions. Because the - the classification are generic, they don't go to specific tasks per se. It's really presumably a matter of subjective judgment as to what a particular task - a physical task -

COMMISSIONER GOZZI: So these - they represent job tasks?

MR PEARCE: That is correct, yes.

COMMISSIONER GOZZI: With the qualifications required.

MR PEARCE: That is correct.

COMMISSIONER GOZZI: And when that information has been graded it'll be assessed against the classification standard?

MR PEARCE: Yes. And presumably that the - how the head of agency is going to list those tasks, whether he's going list them in descending order as to the most responsible of the tasks because it will be - the primary task which presumably would determine the level - or the highest - the highest rated function which would determine the level against which the employee - in each job.

COMMISSIONER GOZZI: Mr Pearce, has this information generally been made available to the TTLC and TPSA and other unions? I mean is there any understanding about this document at all?

MR PEARCE: Not on any formal basis as I understand it, Mr Commissioner. Yes, as I indicated, it is - it has been an internal document, but it - every one - it really just expands



upon the - the statutory responsibility of heads of agencies by reference to the various sections of the act.

COMMISSIONER GOZZI: Yes.

MR PEARCE: So I mean it -

COMMISSIONER GOZZI: So, consistent with what you said last night - yesterday afternoon - there is impediment on the unions being involved in areas 4 and 5 of MATSSA.1?

MR PEARCE: None at all.

COMMISSIONER GOZZI: So that seems a bit contrary to the position advanced on a previous occasion. Well I'm pleased to hear that that is now clear, but it certainly seems contrary to what we've said previously and the understanding that certainly I had, and following representations by the TPSA that they were precluded from having discussions with agency heads -

MR PEARCE: Depending on the extent - and I don't wish to bring semantics into it - depending on what it was that the organisations are seeking from respective agency heads. But, clearly, and as I have indicated, there is no impediment. Agency heads are not fettered in any way to their responsibilities under items 5 and 4, and that has always involved joint consultation.

COMMISSIONER GOZZI: Well let me be quite clear on what you are saying. You are saying there is no impediment on union involvement in the context of discussing conditions of service - item 1 in H.27? There is no impediment -

MR PEARCE: Yes, within the -

COMMISSIONER GOZZI: There is no impediment on union involvement in discussing item 2 in H.27 - agency specific items?

MR PEARCE: Correct.

COMMISSIONER GOZZI: There is no impediment on unions being involved in discussions with respect to production of accurate position descriptions to reflect work requirements, and there is no impediment in unions being involved on job redesign in keeping with the structural efficiency principle set out in item 5 of MATSSA.1?

MR PEARCE: No impediments.

COMMISSIONER GOZZI: And those matters can now go ahead as the subject of consultation, negotiation, with the agreement of the minister?

MR PEARCE: In relation to your last comment, Mr Commissioner, could you repeat it for me, please. I am sorry.

COMMISSIONER GOZZI: Well I am saying, there is now no impediment on those negotiations, consultations, going ahead between the appropriate unions and the agency head, and that is the position of the minister.

MR PEARCE: That is the position of the minister. But, in relation to conditions of service in agency specifics, it would be in accordance with the decision and the processes outlined in H.27.

COMMISSIONER GOZZI: Yes.

DEPUTY PRESIDENT: Mr Pearce, when you say there is no impediment to agency heads involving employees and unions in those matters nominated, is it, though, the discretion of agency heads as to whether or not they do or do not involve employees and unions? Is it entirely at their discretion? May they refuse to involve unions and employees if they wish, if they feel -

MR PEARCE: I understand there is discretion, but I understand that that discretion is underpinned by government policy which is that they should consult.

I just want to clarify - sorry.

PRESIDENT: Sorry, Mr Pearce. Yes, Mr Pearce?

MR PEARCE: The only point that I wanted to clarify unless there be some misunderstanding is the agency specific and conditions of service and agency heads don't have - they are subject to the centralised approach - as documented in H.27.

PRESIDENT: Yes. We understand the conditions of service issue. That is proceeding, and whilst there is always going to be some concern about that at least it is going along in accordance with directions.

MR PEARCE: Yes.

PRESIDENT: Agency specific is partially proceeding, but it seems fairly clear that only about three of the agencies have been involved properly in agency specific deliberations.

MR PEARCE: There is a specific - well, that's being done specifically from internally - in the sense that the areas which are being tackled are predominantly the area where there are the greatest difficulties.



PRESIDENT: I understand that they are the problem areas, but there must be issues that can be addressed in the remaining 15 agencies.

MR PEARCE: Well, if you take agencies such as DPAC, such as Treasury, such as Audit, there are not a great number of problems and we believe that what problems there are are basically administrative or management which, presumably, will be resolved in the general conditions of service type issues.

So we have the three major agencies. We have a number of agencies who are before the commission in respect of special case matters, and there is a distinction between agency conditions which are discrete to those special case matters. So, they are being developed within the environment of those particular cases.

Then we have what we call, for want of terminology, the softer agencies, such as DPAC, such as Treasury, such as Audit, where the problems are such that we believe that the natural processes of conditions of service and/or changes in management decisions will overcome them. They are not - they don't impact to any significant degree upon the nature of the operations of those organisations.

So we have tackled - we are tackling the hard ones first.

PRESIDENT: Could I ask a question about item 2 on MATSSA.1, which is headed 'MASSA and the unions', and it says 'unions consulted', is that past or present or future, or what? To be consulted or have been consulted?

MR PEARCE: Certainly to be consulted. To be consulted, and the develops as a result of the working group having finalised from their perspective a position in respect to the classifications. It then goes to the unions.

PRESIDENT: Yes. Do you want to take that further, or should we hear from the unions on that submission?

MR PEARCE: As I was - if the bench is satisfied in terms of what our perception of it is in terms - then I am happy to sit down.

PRESIDENT: Well, we think we have, we think we have it clearly.

PRESIDENT: Yes, there is nothing that I would wish to add relative to this particular aspect.

PRESIDENT: Right. Thank you. Mr Mazengarb?

MR MAZENGARB: Thank you, Mr President, and members of the bench.

Certainly an observation I make from this morning's deliberations are that it has certainly been enlightening to myself. For one, I have a number of agency responsibilities in addition to my overall responsibilities as assistant secretary for the Tasmanian Public Service Association, and I can assure the bench that I have not been involved nor have I been invited to be involved in consultation with those agencies for which I have responsibility with regard to look at position descriptions or to look at a review of jobs, keeping in mind the structural efficiency principle. So, certainly that is news to me, and it is welcome news.

I am aware that to the best of my recollection at least there are no other members of the association staff involved with agency responsibilities that are also in that position or in a position of having those negotiations. For the association's part we will be sending out a letter extremely urgently today to all heads of agencies advising them of this process, documenting this, or in actual fact, distributing a copy of this exhibit MATSSA.1, and advising heads of agencies that as a matter of urgency - bearing in mind the requirements of your decision of the 29th of November last year - that we wish to enter into negotiations and discussions with regard to items 4 and 5.

I have to say, Mr President, and members of the bench, that Mr Pearce has quite correctly indicated that under the State Service Act there are statutory requirements on heads of agencies under the various parts, and in particular he's referred to section 33 of the State Service Act. There is also a statutory responsibility of heads of agencies and DPAC to classify positions within the state sector.

In numerous instances - and I could nearly go and say 100% of instances - in the last 6 months there have been situations where there have been requests from individuals for a review of their classification internally, in accordance with the act, and the response that has come back has always been, 'Well, look, we are in this process of award restructuring, therefore everything is on hold'.

So whilst there have been statutory responsibilities from heads of agencies with regard to classification issues, those issues have been held in abeyance because of the award restructuring process, but at the same time Mr Pearce is saying that they, the heads of agency, have a statutory responsibility to draw up new position descriptions.

Whilst it has been enlightening to myself and the PSA I think it is going to be more enlightening to heads of agencies that they have this responsibility to draw up these position descriptions. It is a mammoth task, and I will be surprised if it is under way. Certainly it will be extremely



surprising, but enlightening to my membership, and I certainly will be advising them of that situation. So, in light of that, I am relatively happy from what has fallen from my colleague on my left this morning.

I would take in effect to task the process that has been outlined in Exhibit 1 to the extent that I believe it would be more appropriate, as we indicated yesterday, that with regard to item 2 on the first page of that exhibit that we actually be involved in the consultative process now.

I understand that the central government, or central organisation, is getting its facts and figures together. I don't want to impede in that, but I believe that it is of paramount importance if we are going to be involved, as has been indicated we will be, in items 4 and 5 on that exhibit. It is now imperative that we do get involved in that process of proper consultation.

I do have a concern, and I think it was alluded to by my friend Mr Cooper yesterday afternoon, I have a real concern that we get to a situation that in effect what is put on the table is a fair accompli and we have no input into it.

Your decision, and again it was referred to on a number of occasions yesterday, indicated that 'the parties should innovatively apply themselves to the tasks of job redesign', etc., etc. I believe that that process is not being followed. The indications given in that November decision of -

COMMISSIONER GOZZI: I am sorry, Mr Mazengarb to interrupt, that commitment has now been given. I mean the job redesign process should comprehend the classification standards that we have endorsed. And it seems to me now that there is no misunderstanding that that process should go ahead and go ahead with your involvement.

MR MAZENGARB: I understand that, Mr Commissioner, but I want some clarification in regard to that actual item 2, or that issue there, because my understanding from what Mr Pearce has said is that that will be put on the table at some time in the future.

What I am requesting is that we be involved in it now, if only to be briefed as to what's been happening. I mean I have seen the second page of Exhibit 1, but I believe it would be appropriate for my organisation and other organisations to actually be advised and involved in that process now; because we might get down the end of the track where we've been involved with agency heads with regard to the drawing up of position descriptions etc., etc., that they in actual fact don't meet the benchmarks that have been determined in that process.



COMMISSIONER GOZZI: There is no capacity for that. The only argument about that that would arise there - I mean, there might be argument about the actual benchmark - and I understand if that's not resolved it comes here, but there should not be any argument about job redesign and the benchmark. The two things are mutually exclusive. The job redesign process will simply design jobs to fit in with the 1 standards and people need to be innovative about that and try to make them as broad as they possibly can to take full account of the value of the standard that's been determined. That's point one.

The translation aspect will have regard to the issue of the benchmark, and you may disagree as to where the benchmarks are slotted as to the value of the benchmarks.

And I can understand that that could be a problem, but there should not be any disagreement about the job redesign process because you are going to be involved in that from day one.

MR MAZENGARB: I hear what you're saying, Mr Commissioner, but I believe it would be more appropriate - I don't think that they are mutually exclusive, despite what you say. And I believe that it would be appropriate for us to be involved in that process now. It's been going on, as I understand from Mr Pearce's comments or submissions yesterday, for something in excess of 6 to 7 months.

And I also understand that, in effect, we've only got to wait - and I hope we only have to wait another 6 weeks. But bearing in mind that it's been going on that long, I think it would be appropriate now if we started to - just sit down to together and cooperatively look at this approach to see what we can achieve within the next 6 weeks.

I'd hate to see at the end of 6 weeks we're now up here or we're up here again in another blue. We might be able to address those problems in the interim and cooperatively approach the issue with a view to a mutual agreement on the position. But I don't think I can add any more to that, Mr President, members of the bench. As I said I, and I repeat, will be immediately getting in contact with heads of agencies and advising of their requirements and the - and the process that is expected from central government.

I am not quite sure and possibly I should ask the question, if it hasn't actually been addressed by Mr Pearce, as to whether or not heads of agencies have been advised of this process, but certainly we'll be advising them, as I said, urgently today. If the commission pleases.

PRESIDENT: And, just before you sit down, if - given these circumstances, does that assist your organisation to overcome some of the problems which brought this matter to the commission?

MR MAZENGARB: It certainly addresses some of the issues and it certainly addresses some of the problems. I think I go and say that all of our concerns and all of our problems would be addressed if we were involved in item 2 now.

PRESIDENT: Yes.

MR MAZENGARB: Thank you, Mr President.

PRESIDENT: Yes, thank you for that. Mr O'Brien?

MR O'BRIEN: If the commission pleases, the position we put yesterday doesn't change. The document appears to be a - a recitation of the explanation of the process that was put late yesterday afternoon.

There is a bit of a difference between what the document says and the explanation of it, in that the document implies that there will be consultation in items 4 and 5. In MATSSA.1 it's qualified by a statement; that's a discretion of the department. Nevertheless, we hear what is said about government policy and I think we would indicate that if the department is not prepared to consult, well, that will be a fairly fundamental breach of the process as far as we're concerned.

Secondly, we say that - and harkening back to our statement about the continuation of this process - that we want to work through the problems that are there and we're not sure whether this approach will give us the opportunity to do so completely. Nevertheless, we will try it and see. Thank you.

PRESIDENT: Yes, thank you, Mr O'Brien. Mr Lane?

MR LANE: Mr President, I simply endorse the remarks of my colleagues.

PRESIDENT: Yes, thank you. Mr Cooper?

MR COOPER: Mr President, members of the bench, I endorse the remarks of my colleagues as well, but I do highlight the points that Mr Mazengarb dwelt on, that is with respect to item 2.

And I reiterate what I - well, stated yesterday, is that that is a fundamental part of the process and that we should be involved in the development of those benchmarks as soon as possible. And we are prepared to make people available to be involved in that process.



And being as though it is fundamental to the whole process, as outlined by Mr Pearce in exhibit MATSSA.1, we believes that item 2 does say: MATSSA/unions develop benchmark functions, tasks et cetera, but that was qualified by Mr Pearce in that the working group, which is a government appointment, will develop the position and then consult with the unions.

We don't have any problem with that process excepting that I think it will be better and more lasting if we were involved in the development of that prior to it being given to us. And so I simply endorse and dwell on the comments made by Mr Mazengarb in respect of item 2.

And I understand the difficulty that may put the bench in, in that request, but I do suggest that it is a fundamental part of the process. And our involvement would only assist the longstanding of the resolution to that. If the commission pleases.

PRESIDENT: Yes, thanks, Mr Cooper. Do you want to add anything, Mr Pearce?

MR PEARCE: No, but I'd like to respond to a couple of the points, Mr President.

I think we have displayed, from the employer's perspective, a - a measure of what it is that is being done to pursue the matter in conformity with the 29th of November decision. I don't believe there's anything before the commission tabling from any organisation relative to what their specific view is in relation to agency specifics or conditions of service or job redesign or benchmarks.

We did hear from Mr Vines once again, yesterday, who was promoting the view that standard translation ought to occur. That we ought to put in some interim arrangement where we reclassify, temporary classify people, and then we'll come back to the process. We've been down that track. We've paid up. They haven't come back. We are now taking a different view.

And if there are delays because we're going to get it right, then we plead guilty. But we are still working to the time lines as - as prescribed by the decision and as we have indicated within H.27. Now, the processes are known to heads of agencies, they have this information.

We are more than happy if an organisation was to approach an agency, and if that agency was to suggest that it is not a role for organisations to play in respect to items 5 and 4, then we would be more than happy, or the Department of Premier and Cabinet would be more than happy to have that brought to



attention, because we would then ensure that there was the cooperation that the organisations are entitled to expect.

All we hear from the other end of the table are that: I've rung someone - we don't know who it is. If perhaps they might like to indicate who are these nameless people who suggested they know nothing of the agency - of the processes, because it would be my understanding that heads of agencies and officers involved in the process do know.

But if there is any -

PRESIDENT: We've been down that -

MR PEARCE: If there is any -

PRESIDENT: We've been down that track before, Mr Pearce.

MR PEARCE: We certainly have. If there's any obstruction from agencies - and I suggest that it might be in the best interest of the organisations to write.

COMMISSIONER GOZZI: Mr Pearce, why wouldn't the minister consider, having regard to what's being said this morning, it's become a lot clearer what the intention is, why wouldn't the minister consider the issue of some sort of instruction? Some sort of advice to heads of agencies along the lines, and why couldn't that, indeed, be developed jointly with the unions in the - in this hearing.

I mean, I don't see it as absolutely desirable that one organisation might suddenly send out a notice saying: This is what's to apply. I see a lot more value if that was done jointly. I mean, it seems to me that there is a process in here that can be taken hold of and work on, and working groups can start involving unions in this process. And a joint set of words would facilitate that no end, I'm sure.

MR PEARCE: Well, we - we don't have a difficulty with that proposition.

COMMISSIONER GOZZI: So -

MR PEARCE: And if it's to further and assist the process in relation to items 5 and 4, then we would accord with whatever it is that you suggest.

COMMISSIONER GOZZI: So, you would be prepared, say, perhaps this morning to try and work out a joint set of words about the process, leaving the issue of item 2 to us to deliberate on.

MR PEARCE: I don't know that it's necessarily a matter of a joint set of words, Mr Commissioner, I think it is a matter,

if you have any lingering doubts that agency heads, perhaps, mightn't know what it is that they're supposed to be doing. Then from the employer's perspective we're more than happy to reinforce that items 5 and 4 can involve both employees and organisations, and should as it has in the past.

PRESIDENT: Or should involve.

MR PEARCE: Should, yes.

COMMISSIONER GOZZI: Yes. And to that extent that the process should start immediately and working groups could be established.

MR PEARCE: I'm informed that the heads of agencies have already had it in writing twice. So -

COMMISSIONER GOZZI: Well, yes, I understand that. But we're getting the comment from the other side, and I'm simply trying to put a proposal to you to respond to, as to whether you would consider it appropriate to sit down and work out some words going to the establishment of working groups with respect to items 4 and 5.

MR PEARCE: Just a moment, Mr Commissioner. Yes, it's - the point is made once again, that - that - well, first and foremost, and I think Mr Mazengarb would be the first to agree, that in respect of his particular role and the role of his industrial officers, they are consistently involved with agencies and employees in respect to matters of tasks and job descriptions. So, this items 5 and 4 and nothing new in respect of that process.

PRESIDENT: Well, we hear what you're saying, Mr Pearce -

MR PEARCE: We have not - we have not had one skerrick of evidence of a head of agency who has been approached and rejected the notion that there should not be union involvement.

COMMISSIONER GOZZI: Mr Pearce -

MR PEARCE: We see the processes continuing -

COMMISSIONER GOZZI: Mr Pearce, my concern goes right back to when agency heads were nominated in this commission and the minister responded very strongly to - to that. The minister had real concerns about some agency heads negotiating with the TPSA, and when those names were going to be nominated I think at that time some action was being threatened against those agency heads by the employer.

Now, you know, you have to excuse me for thinking that today really is a dramatic change in approach to what has been said



previously in this - in this forum. So, I mean, if you're now saying that that's been available at all times, well, that's - that's good to hear. And I'm just trying to put to you a mechanism whereby perhaps that can be given some more impetus.

MR PEARCE: We'd be happy to help the process if it - in the sense of redistributing MATSSA.1 and 2; although item 2, as I would understand it, is - is being relied upon by agencies right at this point in time.

PRESIDENT: Are you talking about -

MR PEARCE: To remind them of -

PRESIDENT: - you're talking about the document headed 'Benchmark standard function'.

MR PEARCE: Yes, yes.

PRESIDENT: I just gave that the one number.

MR PEARCE: To remind them of - I'm sorry, Mr President?

PRESIDENT: I gave it - both papers the one exhibit number.

MR PEARCE: Page 2 of MATSSA.1.

MR O'BRIEN: I'd like to interrupt, if I may, just on the point that Mr Commissioner Gozzi makes.

I think, trying to be helpful, the suggestion I make is that we don't need to be involved in the drafting of the document. We would like a copy of it, perhaps so would the commission, to be satisfied that what goes to the agency heads is - is our understanding of what the government's position is. And if there's any difficulty we - we can go on with it after that.

COMMISSIONER GOZZI: That's reasonable.

PRESIDENT: Yes. Thanks, Mr O'Brien. Well, are you - sorry, Mr Pearce, I thought you had concluded.

MR PEARCE: I had, but I was - in relation to the specific concerns of Commissioner Gozzi, I don't know that we want to expand into development of further working groups within agencies. If - if an agency chooses - if an agency head chooses to do that - because, as I say, this is not part of the centralised function. This is a role - these are roles and responsibilities which are already inherent in the agency head.

If he - if he deems a process by which he will involve unions or unions will be involved in the process of reviewing existing jobs and preparing accurate job descriptions, then



whatever process, presumably, has occurred in the past will continue into the future.

PRESIDENT: Well -

MR PEARCE: This is not an area of assent of - part of the centralised process, but we are more than happy to write to agency heads to inform them of - of developments, if that's the right word, in relation to an opening up of the processes of job redesign and position description.

PRESIDENT: Perhaps the commission ought to provide something for you to send?

Yes. Thank you very much. Thank you for your contributions. It's been a most enlightening couple of sessions. We will now adjourn sine die. We'll provide you with a written decision which might help go around some of the problems which I think have been unblocked through these 2 days of hearing.

HEARING ADJOURNED SINE DIE