

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 4146 of 1992  
T No. 2225 of 1989  
T No. 2311 of 1990

**IN THE MATTER OF** an application by the  
Australian Social Welfare Union to vary the  
Community Services Award

re making of a new award

COMMISSIONER GOZZI

HOBART, 28 September 1994  
continued from 27/9/94

**TRANSCRIPT OF PROCEEDINGS**

Unedited

COMMISSIONER GOZZI: Any changes in appearances this morning? No. Mr Paterson?

MR PATERSON: If the commissioner pleases, I would like to call our first witness for today, Ms Kate Lord.

5 COMMISSIONER GOZZI: What's her name?

MR PATERSON: Ms Kate Lord.

COMMISSIONER GOZZI: Thank you.

**KATE LORD, sworn:**

10 MR PATERSON: Kate would you for the Commission, outline your position and your organisation's functions, generally?... Yes. I'm coordinator with Stepping Stone Tas Inc. I've been in that position for the last 12 months and Stepping Stone is an organisation that is funded through the Supported Accommodation Assistance Programme and it is funded to work with young people up to the age of 25, to provide them short-term outreach support and assistance into finding and maintaining  
15 accommodation.

What's the level of funding that the organisation receives?... We receive \$108,000 from SAAP and we receive \$6,500 from the Emergency Relief Programme, which is a commonwealth funded programme.

20 And that programme allows you to do what?... That programme allows us to complement the SAAP functions of the service by providing emergency financial assistance, particularly to young people who do not have an established income or who are in financial crisis when they first come to the service.

25 What staffing do you have in Stepping Stone?... We have myself as coordinator, 35 hours a week and we have three housing support workers who work 30 hours a week each.

And is there any specialisation or differentiation within those three support worker positions?... One of the support workers also does some of the administrative tasks with the organisation.

30 But apart from that, they're across-the-board in tasks and functions?... Yes, they're fairly generic.

35 At various times that organisation has had other programmes running, has it not - youth work, outreach - ?... It has had other programmes. We've had a street workers programme which is street-based youth workers who are contacting young people in the streets of Hobart, in their own environment, giving them information about the types of services that exist that they may want to access, giving them information about Social Security incomes and benefits and just generally contacting young people in their own environment, getting a feel for the issues that they are facing and some of the problems that they're encountering.

40 And that service is not provided at this stage?... That service is no longer provided. The service restructured over 12 months ago and we moved to crisis short-term support for young people in a non-accommodation setting. We have also, over the last 12 months, piloted a crisis accommodation programme with a focus on couples and young men as there are particular gaps in those services for young people at the moment and prior to our restructuring we also provided long term follow-up and outreach support for young

45 people. We also were able to provide them with financial grants for bond and rent, for setting up into the private rental market.

The changes that brought about that restructuring, where were the motive force for those changes coming from?... The motive was external. There was a review of the Mortgage Rent Assistance Programme at a state-wide level and the recommendations  
50 as a result of that review saw the funding going to only one service in the non-government sector, as opposed to three services as it was previously.

Turning to your own position as coordinator, could you outline the range of functions that you have and the responsibilities that you have?... I'm responsible for the day-to-day operation of the service and providing support and, I guess, debriefing for other  
55 workers within the service. I am responsible for service development. I am responsible for identifying and implementing the service annual plan and also workers' performance appraisals and training needs analyses on an annual and ongoing basis. I am responsible for making sure that the organisation's aims and objectives and policies and procedures are implemented and reviewed and evaluated on an ongoing  
60 basis. I am responsible for the organisation's liaison and negotiation with the departments that fund us.

When you mentioned there, debriefing, what sort of incidents or circumstances is that appropriate, or necessary?... It is necessary - some of the young people that we see -  
65 most of the young people that we see come to us with fairly diverse and complex sets of needs. They are young people in crisis who are homeless, they have no income and they have a whole range of practical and emotional support needs. In a lot of ways we work together. They usually come into the service, they see one particular worker who would assess their needs and their current situation and that worker would then prioritise how they would begin to address those needs. But some of the situations  
70 that the young person finds themselves in, particularly in relation to how they are going to access accommodation in the short term and also to address their medium long-term needs are sometimes fairly insolvable, in that they have been around the range of services that exist. Sometimes they are not welcome to go back and sometimes we have to be fairly creative and innovative in the way that we address  
75 some people's needs. Workers also need to debrief about some of the emotional stuff that young people are facing at a particular point in time. They are wanting to get advice and some support and direction about how they proceed in dealing with the needs that the young person presents with.

Do those circumstances ever involve what I suppose would be called, critical incident -  
80 the sort of critical incident counselling that happens in post-trauma in, say, emergency services. Has that arisen in your experience?...I would say, yes. We see a number of young people who are fairly emotionally damaged because of the experiences they've had within their family, or just throughout their life in general. Some of the young people we see have been physically or sexually abused.

I will just pull you up there. When we talk about the work that your support workers do, are you saying there's an element of that type of counselling in the work they do?...  
85 There's counselling to get young people to a stage where they feel okay about accessing other professional services that can help them to deal with the issues that they have and that can actually be quite time-consuming. Young people have often disclosed their abuse to us and we may well be the first person that they have ever disclosed  
90 that history to. So there is a rapport, a confidence, a trust that is built up in the relationship between the worker and the young person. We would not get into in-depth counselling with those young people but we would support them in terms of telling them the options that are available to them for more ongoing counselling and support.

95 If we look at the people you employ to do that job, what would be the criteria that you would select somebody against to do that sort of job and what part do qualifications

play in that selection?... I guess when we employ workers, we look at their relevant qualifications and some of those may be a Associate Diploma in Social Science. Some of our workers have been social workers, some of them have had degrees in psychology, sociology, but we don't require that people have qualifications either. We look at people's previous experience, we look at people's values and attitudes about issues like homelessness, about issues of sexual abuse, about issues of how they see young people in society in general. So values and attitudes play a fairly important part in the way that we select the people that work for us and previous experience either in working with young people or working in housing related services.

What part, or to what extent has your service used the SAAP training services? I previously tabled a document and I will get Mr Hunter to give you a copy of it. It was ASU.17.

COMMISSIONER GOZZI: It's the training calendar.

MR PATERSON: The SAAP Training Calendar which has also a couple of modules attached to it of SAAP training. Using that as a guide, I'm not asking you to pick which course people did, but as an example of the SAAP training that is organised in this stage, to what extent would the employees of Stepping Stone access that training?... We regularly access the range of training that is provided through the SAAP Training Calendar. Some of that is SAAP specific, others of those are coordinated and put on by the Youth and Community Sector Training Council. Our current workers are actually working through the SAAP training module - the core model for SAAP training and we have just - well I have just taken part in the development of the SAAP outreach training module and that is just about to be retrialled in October and December and I would be encouraging most of our workers to attend that training as well.

When you spoke then about the core SAAP training - I am just looking at my industry profile to see if I can find the components of that. Just for the Commission's benefit, if I may interpose this comment, the Department of Community and Health Services some time ago invested some money in the development of SAAP specific training and there are five current modules in place and the one that Ms Lord just talked about, the outreach worker training. Two of those modules are identified on the flier attached to ASU.17, Self Management and Introductory Counselling. The other three are titled, Working Together, Assessment and Referral and Work Place Interpersonal Skills. The Self Management is a 15-hour module. The other modules are 12-hour modules and they are accredited as awards for vocational studies in the training system. So to recap there, you said that you would encourage your workers to participate through those five and now with the sixth, module development?... Yes.

How do you see that - say you had somebody who had the Associate Diploma, would you see them as already having those skills, or still be desirable that they undertake that SAAP training?... It wouldn't be a prerequisite. As induction training and in the restructuring that I was talking about a while ago, one of our workers made a transition from being purely administrative to being part time administrative and part time housing support worker. So, she obviously needed to develop some skills relevant to that housing support role and the training was very timely and very advantageous for her, that was core level basic skills. The other workers who have perhaps been in the service a while longer have found it very useful but have found it more a refresher of some of the skills that they already have, rather than developing some new skills which is why we have been keen to be involved in the outreach training, which is targeted at a more advanced level of training and some of our workers have actually been around for quite a while now.

How long would the longest serving employee have worked for Stepping Stone?... She is in her 11th year at the moment. The other worker has been there for 7 years.

150 And prior to working at Stepping Stone, what was your work experience in this industry?... I have been in this industry for 13 years now. I started as a shelter worker with McIntyre House. I then moved to being employed by Colony 47, who ran Gateway Youth Shelter. I was involved in the development and setting up of HYPO. I continued to be employed for about 7 years until I became redundant as a result of the restructuring of the MRAP programme, that I talked about earlier, and began working soon after at Stepping Stone.

155 The MRAP programme being the Mortgage Rent Assistance Programme and it was consolidated into the one service?... Yes.

And do you have formal qualifications?... No, I don't have any formal qualifications.

160 And in respect of appropriate training that you've undertaken?... I have undertaken a plethora of training over the years and that would include things like, I guess, conflict resolution, working with young people in particular target groups and who people who have drug and alcohol problems, young people who are angry and violent, young people who have mental health problems. I have done a lot of issue-based training around particular issues that are relevant to this industry. I have done a lot of the SAAP training.

165 That gives us a picture. Before moving on to look at the strategic directions, there is one other area that I wanted you to provide us with some insight into, not just in terms of a stepping stone in your own position but as a work function in the industry and that is representation of your organisation, or the organisation you are employed by, on external bodies, networks, committees, whatever. Can you give us some idea of what that function involves, from your own experience in your current position and previous involvements?... I guess, firstly, the organisation of Stepping Stone sees it as very important to not just work at a service delivery level but to be involved in the processes that occur around developing programme policy and guidelines, developing responses to gaps in service provisions and advocating around the issues that are affecting the young people that we work with as well.

180 What forums and networks are there available that you access for those sort of purposes?... There are a number of networks that I have been involved in at a local, statewide and a national level. I am currently involved in a forum called the Southern Regional Youth Issues Forum, which is just establishing to be an advocacy group, an active advocacy group around the issues that impact on young people. I have been involved with the Youth Interagency Group, which is a group that meets mostly around - I guess it was convened initially to perform a network of services that provided each other with information about what their services were doing, the changes that were occurring within these services, some of the problems that were being encountered and a regular feature of those forums is a guest speaker, which is invited around some of the issues that services are having to deal with, at a particular point in time. I am on a steering committee that is trying to establish a statewide peak body for the youth sector, called the Youth Network of Tasmania and we are just negotiating with the Minister for Education and the Arts at the moment for funding for that body and we are currently developing our strategic plan and our outcomes and performance measures and those sorts of issues for that group. I am currently the state delegate for the youth sector SAAP forums that are conducted at a national level and I have been that delegate for the last 5 years. I am involved in the Youth Housing Taskforce, which is a statewide body that represents youth housing issues across the state and I have frequently been the state delegate to NYCH Council. The Youth Housing Taskforce is affiliated with that at a national level.

195 And in respect of the SAAP programme, have you been involved in any of the higher levels of that development of the programme?... Yes. I was the youth sector delegate on the ministerial advisory committee for SAAP. For two years I was on the first SAAP

200 training committee that was representative of the various sectors in the SAAP  
programme and the relevant people within the department that were developing the  
SAAP training programme in its initial stages. I am currently on a SAAP mental health  
working party that is looking at developing protocols between SAAP services and  
205 Mental Health Services to effect better access for SAAP clients to Mental Health and  
vice versa. I have also been involved, over the last couple of years, in developing the  
protocols between SAAP services and the Department of Community Health Services in  
relation to working with under 16 year olds.

In what respect is that a different issue - or what does that issue of working with  
under 16 year olds involve?... I guess working with under 16 year olds is a fairly  
210 sensitive issue. There are all sorts of issues around whose care and control those  
young people should be in. There are all sorts of issues - it is a fairly politically  
sensitive issue around whether young people who are under 16 should be accessing  
the kinds of services that we provide anyway. There are all sorts of issues about  
whether they are able to live independently. Young people under 16 require a fairly  
215 high level, an intensive level of support.

Did you say that your service at the moment deals with those people, or not. Are those  
people within your target group at the moment?... Yes, they are. As part of our service  
agreement, we agree to work with young people under 16 and those protocols that  
have been developed between SAAP services and the department about how we notify  
220 the department we are actually working with under 16 year olds, it outlines who takes  
responsibility and how you get to a point where you decide who is the major care  
provider, I suppose, for those young people and it also gives us a way of deciding who  
is the person who most appropriately notifies parents and that sort of thing in working  
with those young people.

225 So when you have those clients - not when you have them but in order to service  
them, what's the training and/or instruction or supervision do you provide for the  
workers doing that work?... It's a fairly emotional issue, so we use the protocols as a  
guide. They are fairly clear in their instruction about how we proceed in working with  
those young people, but there are all kinds of issues about - a young person feels they  
230 are ready to live independently, so workers can assess whether perhaps that young  
person is ready to live independently or not. It is quite often a conflict between what  
the young person wants and what the worker feels that young person is ready for and  
in a sense, we have all sorts of dilemmas about setting a young person up to fail,  
setting a young person up without appropriate support and follow-up, and we've just  
235 gone through our annual planning process and it is one of the priority areas that we  
are going to be working on in the next 12 months about trying to develop appropriate  
service responses for those young people. So, workers need a lot of debricking and a lot  
of support and a lot of direction about how they proceed with that young person.

I take it from that you are effectively saying there are different levels of direction that  
240 you would provide to your workers, depending on who they're working with and the  
situation their client is in?... Yes, very much so.

What I wanted to do broadly to bring your evidence to some sort of conclusion is to  
take you to the document called strategic directions for the supported accommodation  
assistance program; are you aware of that document, do you have working knowledge  
245 of it -

COMMISSIONER GOZZI: Which -

MR PATERSON: it's ASU.13.

COMMISSIONER GOZZI: ASU.13 ?... I do. I'm fairly familiar with it.

250 MR PATERSON: What do you see as the impact of the trends that are identified in that, and - I mean from your point of view - the major - what are the major trends that will affect stepping stones and - and what sort of effect will that be ?... The document talks about case management; the document talks about professionalism, strategic planning, service evaluation, accountability, data - you know - increased data collection and it talks about -yes, I've got my list here -

255 Mr Hunter can provide you with the copy that was tabled in evidence ?... - and I mean basically the impact it's going to have on our service is, I guess, it talks about developing linkages with other program areas such as, you know, state care programs, particularly in relation to under 16 year olds, it talks about links with employment, labour market programs, other services such as health, mental health, drug and  
260 alcohol services, all of the issues that are quite often I guess a secondary factor in the lives of the young people that we see. It is going - I guess it's going to have a big impact in the management of the service. It's looking at services, I guess, looking forward to the future, planning - and planning strategically about the needs that they see, responding to the changing needs of the target group - yes.

265 In what way do you think it will impact on the skills and training requirements of the organisation ?... At a worker level?

COMMISSIONER GOZZI: Those - that documentation should only be an aide-memoir ?... Sorry?

270 I said the documentation should only be an aide-memoir - the documentation there should only be an aide-memoir - you shouldn't read from it ?... Well - I see, okay. Yes - sorry - what was the question?

MR PATERSON: In what way it will have an impact on the skills and training requirements of your organisation ?... I guess when we restructured ourselves, we restructured - we - some of the changes that were being flagged in the strategic  
275 directions document anyway and one of the - the most important areas was around client assessment and referral and looking at the client as a holistic sort of package of, you know, needs and problems that would need to be addressed. I - and that has been one of the priority areas for training in - for our workers in that more in-depth assessment of the needs of the young people that we see. And certainly it will mean a  
280 bigger concentration on the networks that we develop with other services as well and - and that service coordination of linking in and accessing other services for young people and also a fairly important role in advocating for the needs of young people. Our workers need to be very confident about their skills in putting forward a case for a young person to access particular service or resources and needs to be very competent  
285 in making sure that any blockages that get in the way of those young people accessing those services are overcome. And I guess at a management level it's going to require a greater level of accountability, a greater level of involvement from management committees in the forward planning and the management of this service - making sure that this service is meeting not only the outcomes and the aims and objectives that we  
290 set for ourselves but also to make sure that they are in line with the program objectives both at a state and a national level. And in a sense that's part of the reason why this service employed a coordinator because it recognised the difficulty that management committees have in maintaining that role at a remote level and having only infrequent contact with this service and the workers.

295 Prior to your employment there wasn't - there was no coordinator ?... There was no coordination position - no.

Are you - just turning very briefly to the Australian Services Union - this is for the classification structure - you've seen - you've been .... some - some extent of those; where would you situate within that - the support workers in your organisation ?... I

300 would see them probably at a level 3 and perhaps if we had specialist workers, you know, maybe around working with under 16 year olds, addressing the particular needs of a particular target group within, you know, of young people, then I might see them classified as a level 4. And for myself I sort of - yes - can't decide - it would be around a level 4 or a level 5. Probably at the moment it would be level 4, but as our service -  
305 yes - expands then we'd perhaps take on other program funding, then perhaps a level 5.

You mentioned the Youth Network of Australia - of Tasmania - ?... Of Tasmania.

release or a statement from - about the state government which referred to a grant of \$70,000 when its annual program and budget is finalised; has there been any - have  
310 you been involved in any discussions in that organisation as to what level - what responsibilities or functions an employer - that - to be exercised by anyone that that organisation would choose to employ - has the discussion gone that far ?... No, it hasn't.

Oh - oh, thanks ?... I'm sorry.

315 No, that's fine. I've no further questions, thanks, Ms Lord ?... Thank you.

COMMISSIONER GOZZI: Thank you, Mr Paterson. Mr Kleyn?

MR KLEYN:....No, I have no questions.

COMMISSIONER GOZZI: Mr Watson?

MR WATSON:....Thanks, commissioner.

320 Kate, are there any other organisations within this state that provide the same service as yours ?... Yes, there are to a degree. Do you want me to list those?

Yes, well, first to what - if you can just explain when you say, to a degree, what you mean by that ?... Yes. When our service restructured we decided to focus on the crisis and short term needs of the young people that we work with. We recognise that we  
325 didn't have the resources to provide the intensive follow up and support that some young people need and I guess that's where the other service in the south comes into being - which is HYPO - the Housing and Young Peoples Outreach - and they provide ongoing follow-up and support for their young people. They also have accommodation at their disposal and for young people that we feel need that ongoing follow-up and  
330 support, we would refer them - we would deal with their initial needs and then we would link them into a service such as HYPO if they had housing support needs or we would link them into other related services depending on what the need was. And also in our restructuring process we began talking with HYPO about it being more appropriate for them to refer their crisis short term - young people with only crisis and  
335 short term needs rather than them dealing with that group of young people.

Okay, now just moving onto your major client groups - did you say that it was young people below the age of 25 ?... Yes.

Yes, okay. So how many of those clients would you see per year ?... We probably register between 250 to 300 new clients a year. Our - the individual contacts that we  
340 have with young people varies from around 140, 160 to sometimes 250, 300 contacts per month. So it's - . yes - it's nowhere near consistent.

So when you say a contact - how long would a - I suppose it maybe difficult to answer, but how long would a contact - like, could a contact be half a minute or - ?... A contact



345 could be anywhere from a 10 to 15 minute phone conversation or even a 2 minute phone conversation with someone working with a young person for - or 2 days.

Right ?... You know, so it's - yes.

350 Yes, okay. Now just on the basis of your service, do you believe that your service meets the needs of the community ?... It doesn't address all of the needs of the young people that we - we see. It certainly meets the needs of those that we - that are able to access our service but there are needs over and above those that - that we address.

So what are - you said that your sources of funding are state and Commonwealth ?... Yes.

355 So is there any other income that you receive other than those two funding sources ?... We get the occasional donation but that's not - that's usually not very significant. We might get, say, three or \$400 a year through donations. We get a lot of in-kind donations of - yes - and people donate, you know, goods to us, you know, furniture and clothing and - yes - household goods that we're able to pass on to young people.

360 So do you believe that you have a shortfall in funding ?... I guess we would always argue that there is more - well, my perception of what we're providing at the moment is that we're - we're meeting the need within the resources that we've got and our service has been set up to deal with what we can deal with, but yes, there are obvious gaps in service provision that we would continue to advocate for more resources to address.

So just on that, how would you propose to address that shortfall then ?... I'm not quite sure what you mean by shortfall.

365 Well I suppose what I was getting at was the - ?... Like we don't have a shortfall in our budget, we budget within our resources and we provide a service within the resources that we have.

370 Yes ?... There are obvious gaps in the types of accommodation that are available for young people. Young people are unable to access various tenures of housing like private rental and public housing, but that has a lot to do with the policy of housing services and the young peoples level of income - it doesn't necessarily have to do with the shortfall in the - you know - any kind of shortfall in services that we provide.

375 Right, okay. Well if we can talk about those gaps that you talk about. The - I mean I take it from what you're saying that you believe that there is capacity to accept, if you like, further funding - is that - to meet some of those gaps - is that fair assessment on - ?... Yes - yes, particularly around physical housing.

Right ?... Yes.

380 So are there any other areas or any other mechanisms that you think that might be appropriate to meet the needs of those gaps other than government funding ?... I guess there's always private sector sponsorship, or you know, other areas of funding that - but they - you know - you need to put a lot of time and energy into accessing those sources of funding.

Right. So do you have the capacity in your organisation to charge out for services ?... To charge?

385 Yes ?... No. No. We'd be very reluctant to charge for services.

Yes. And you said before that you've been working in the sector for 13 years - do you think that's indicative of the sector ?... I think it's becoming more indicative of the

sector. When I worked at HYPO, the team that I was working with at the time that I left, there - workers had been there for three or 4 years or more.

390 No, sorry, sorry, sorry - I meant that when you said you've been in the sector for 13 years - assuming that you'd know a fair bit about it, is it indicative of the sector that organisations don't have the capacity to charge out?... Oh, sorry -

395 Yes - sorry - I didn't put it properly?... I guess, - yes - the services have different sorts of philosophies about whether they should or shouldn't charge for the services that they provide given that they work with a fairly disadvantaged and low income - yes - people mostly. It varies greatly. Some services charge rent or board for their accommodation services, but I'm not aware of any non accommodation services that actually provide - ask for a fee for service.

400 Right, okay. Now just in relation to the funding issue, do you have any direct discussions or negotiations with the government for gaining funding?... Yes, I do.

405 And have you had any indication from them as to whether or not there's any likelihood of looking at extra funding or any guarantees?... Well SAAP say quite regularly that there's - there's no - there's not going to be any growth funding in the foreseeable future - certainly the next two or 3 years - but it's my understanding that the minister has given some indication to meet the costs of an award if it was to become operable.

COMMISSIONER GOZZI: Which minister?... Roger Groom.

410 Has he said that to you has he?... He's said that to some colleagues in a meeting, I believe, and it was a statement in the paper, and our service is currently filling out a survey from the department about the costs that will be associated with implementing the award provisions that are operable at the moment and it's my understanding that we're doing that with a view to getting some funds around the costs of the award already - yes.

MR WATSON: So just on that point, are you positive that that's what he said?... That's my interpretation of what he said - yes.

415 Yes, okay. Alright. Now just going on to the - your staffing, you talked before about there's yourself and three other support workers, how are those support workers classified?... How are they classified? They aren't classified at the moment because there's no award to actually -

Right, okay - well -?... - no relevant award to actually classify them to.

420 Yes, okay, well how's their rate of pay determined?... Their rate of pay has been historical rather than through any -

Right?... - sort of planned - yes - or linking it to any particular award outside the sector.

425 So it's fair to say there's no real science to it then?... I believe that there was some - it has been linked to the SAAP funding formula, but the organisation has also been party to industrial agreements where the workers have negotiated a contract of employment with the management committee and we're also party to the CAT award which - and part of those agreements are increases like CPI and other - other increases that are passed on from time to time.

430 Right, okay. So you're saying that that process of classification is just an historical thing?... I think that it was linked initially to the SAAP funding formula but I can't be certain about that.

So were any other options considered for the classification of those positions other than just basing on the SAAP funding ?... No.

435 Okay. So will all of your staff in your view be affected by the award classification structure ?... Yes, I think so.

Do you have any volunteers that work for Stepping Stones ?... No, we don't.

Okay. Have you considered whether or not there would be any value in engaging or trying to promote volunteer work ?... We have a policy of not using volunteers.

440 Right. ?... The management committee believes that people that work within the organisation should be paid for the work that they do.

Right. Okay. So just in relation to the staff affected by the award, have you actually costed the ASU proposal against your staffing structure ?... It's been fairly difficult to do - the ASU proposal?

445 Yes ?... Yes, we have and, yes, some of - depending on how workers would eventually be classified, if we were classifying them at - housing support workers at level 3 - our service could - the costs would possibly be fairly minimal to the service.

Right. Okay. Now just in relation to your own position, who do you report to ?... I report to the management committee.

450 Okay. Just in relation to when Mr Paterson talked about the qualifications of staff that worked for Stepping Stones, did you say that it was really based on - you know, you just wanted somebody to do the work rather than necessarily having a qualification - was that - is that - did I remember that correctly or - ?... No, no that wasn't what I said. I - we have a certain standard and we have a fairly specific duty statement with a

455 clearly defined set of selection criteria and we have an interview process that is designed to give us a clear idea of the - the values and the attitudes and the skills and the range of experience that our workers - that - that our workers require - we have a fairly high standard of what we require.

Yes ?... Yes.

460 Okay. So you're really looking at values, attitudes and experience as the three major criteria ?... Yes, and I mean qualifications play a part in that - the kinds of qualifications or - yes - or further education that people have done.

So - ?... But it's not the only criteria - it certainly is a factor but it's not the only criteria.

465 So if somebody was to come along and respond to one of your adverts, who had, in your view, values, attitude and experience which fit the bill, but no qualifications - ?... Mm.

470 like which priority would you use in terms of selecting somebody in that case ?... It's not as simple as that. If someone had the qualifications but didn't have any experience then perhaps, yes, we wouldn't employ them.

So - ?... Experience in the sector is actually a fairly important criteria - yes.

So can we assume from that then that the qualifications is not necessarily the first and foremost criteria ?... No, no.

475 Okay. When you talked about the debriefing and the counselling that goes on within your organisation, is that - would you describe that as a stabilising role before they get referred to somewhere else or is it more than that do you think?... Debriefing of workers which is -

480 And - and also counselling of clients?... We don't actually counsel clients. I guess we - and I guess it depends on what your definition of counselling is, but we say - we do an assessment, and a fairly in-depth assessment of the needs of the young people that we see. We provide them with options, we provide them with information, we provide them with as many resources as we have access to, and we help them to access other resources and services in the service and we - yes - so depending on what the need of the young person is, but we don't get into any sort of heavy duty - you know - any sort of behaviour modification or in-depth counselling depending on - yes - what the problem is.

COMMISSIONER GOZZI: I thought you indicated that you did some critical incidence counselling.

490 MR WATSON:....Yes, I -?... Critical incident, I guess, debriefing in terms of a young person has presented with a particular problem and we worked through what that problem is, how it's occurred, you know, how - how they see themselves as - what they see as their options for addressing that particular problem, whether it be a housing problem, whether it be a mental health problem or a legal problem - we see a number of young people who have attempted or - yes - who have attempted suicide, and so that 495 - the counselling that we do wouldn't be about trying to find out what it is that precipitated that incident, but trying to find out where the young person is sort of at, at the moment, and what support we can offer them or what support we can link them into to try and help them to address that problem. We're fairly clear about not counselling young people, but we certainly have to deal with a lot of the emotional 500 turmoil that young people present with, and workers have to be fairly skilled in removing themselves and not becoming entangled in that situation.

All of the areas of service provide a stepping stone are provided by other agencies, and most who can offer perhaps a wider selection within that particular agency, so if stepping stones was not to exist would you see any people - with the exception of the 505 staff - being disadvantaged?... The young people who access our service, certainly.

So, on the basis that they could access other services?... As I said before, there has been some restructuring of our service, and we've attempted to more clearly define the boundaries between our service and other services and we have worked with other services in trying to make those boundaries more clearer. And so I would argue that 510 we perhaps provide some services that other services don't provide.

Now in relation to the classification of your people I think you said that your support workers would go into level 3. Is that your assessment of it?... At the moment, yes.

Now when we talk about support workers - just going back to what we said about the experience and the attitudes, etc. - it wouldn't necessarily follow that they need to be 515 qualified, is that right?... No.

No. So you would see them fitting into level 3 without qualifications?... Yes, I would, given that there are other training options that are also available to them once they become an employee of our service, yes.

Okay. Thanks. Thanks, Mr Commissioner.

520 COMMISSIONER GOZZI: Yes. Thanks, Mr Watson. Mr Kleyn, any questions?

MR KLEYN: No, Mr Commissioner.

COMMISSIONER GOZZI: Mr Paterson?

MR PATERSON: I just have three very small matters to clarify with you, Kate. When you spoke of industrial agreements you're presumably speaking small I small a, not registered industrial agreements?... Yes, in terms of the workers' contracts, yes.

And just to further clarify this issue of debriefing, has there been a need to debrief critical incident - debriefing of your employees, of your workers - after they have had to deal with difficult situations?... There have been a number of incidents around suicide where workers have needed to be debriefed, and I would consider those to be fairly critical incidents.

COMMISSIONER GOZZI: Who does that?... We have referred workers to services like the Occupational Assistance Service, and in some cases I have actually played that debriefing support role as well.

MR PATERSON: And the third point I just wanted to clarify relates again to the last couple of questions you were asked. Can we take it from your response to the questions to do with qualifications and employment at level 3 that -

COMMISSIONER GOZZI: I wouldn't ask a leading question if I were you, Mr Paterson.

MR PATERSON: I will frame it a different way.

COMMISSIONER GOZZI: You might try to phrase it a bit differently.

MR PATERSON: Do you believe that someone can operate at level 3 without qualification?... I do, yes.

Thank you, Ms Lord.

COMMISSIONER GOZZI: That was not much better, though. Alright, you can step down, Ms Lord, thank you.

Now, Mr Paterson, another witness now?

MR PATERSON: I have another witness who is due here at 12.00. I can check and see whether she was able to come earlier, but she knocked off work at 12.00 and -

COMMISSIONER GOZZI: In the meantime we will just have a very short adjournment.

SHORT ADJOURNMENT

COMMISSIONER GOZZI: Mr Paterson?

MR PATERSON: The next witness is apparently not here yet. I thought I might usefully use the time until she does arrive though to look at a particular issue that relates essentially to the classifications II and III to do with the entry and advancement of people with Associate Diploma qualifications

I think that's an issue that I can identify at least in the time available to us without opening up too big a project, if you like.

560 The union's position in ASU - or the ASUs position in ASU.11 - is that Class II is the appropriate entry point for an Associate Diploma without experience. Aligning that to an entry rate of 105% - an entry relativity of 105% for an Associate Diploma without experience.

565 Under the qualifications and training paragraph at the commencement of the descriptor of Class II an employee in the third paragraph with a relevant Associate Diploma and 1 year experience advances to the third level.

COMMISSIONER GOZZI: Where is that? I see it, yes.

MR PATERSON: Under 'Qualifications and Training for Community Services Worker Class II'.

COMMISSIONER GOZZI: Yes, I have got it.

570 MR PATERSON: Whilst I am on my feet and talking to this document, this document was prepared in a way that it could be handed to the employers and with the most recent changes clearly identified.

575 What appears in this document in bold italics does so for the purposes of that exercise, and it is not intended that that remain in bold italics. If you look at page 14 you will see a significant slab of page 14 that's in bold italics. That was just in order to facilitate the identification of changes to the document in its latter version.

580 The intent of having an advancement and a progression for the Associate Diploma is in effect to give what I believe is an appropriate effect to the kind of relativities that have been fairly widely established initially within the Metals Award framework that provides for the progression of an employee with an Associate Diploma according to their experience.

Tracking an Associate Diploma through Class II and III, an Associate Diploma with no experience would start at the first level of Class II, being 105%, with 1-year experience would in effect jump a level to the 115% - the third level of Class

585 The argument being that the Associate Diploma with 4 years experience is appropriately situation at that 145% relativity.

590 In part, the issue there, an issue related to that that we seek to have recognised is that in this industry people may enter the industry with an Associate Diploma and no experience or, conversely, at the other end workers with considerable experience may undertake the equivalent of the Associate Diploma qualification and/or its equivalent.

595 A number of these issues are very definitely open to future developments and trends. In this State my understanding of the most relevant TAFE courses to this industry are that they are not significant - there are not certificate equivalent qualifications currently in place. There are a range of lower ranked qualifications, awards for vocational studies and some particular in-service type programs like the one we have recently discussed with the SAAP. program.

600 Looking further to the question of that progression, and in order to put the position concisely at this point, I refer to page 28 of our document which provides a basis for the progression within all the levels, and I will just, with the time available to me, take the commission through the ASUs proposals in this level.

At community services Class I and II the union is proposing that the progression between levels occur after 12 months subject to satisfactory performance assessment.

605 Whilst I think that that is in principle sound, I believe - and our position acknowledges that that may or may not always happen - that the industry's track record in terms of these types of processes is not at a high level and, therefore, the qualification that where an assessment doesn't occur then the progression should be automatic.

610 The basis for that particularly - or the basis in principle for that position - particularly at classes I, II and III is the acquisition of skills by virtue of working in the industry, and I maintain that for at least the first 2 years of any worker's employment in the industry there is a demonstrable and quantifiable gaining of skills that that progression seeks to give effect to.

At the higher level of Classes V - and that should be corrected there, it should be at - if I can amend that on the run - it should be Community Services Worker Classes IV, VI and VII, that is the intention there.

615 COMMISSIONER GOZZI: Right, we'll amend it that way. We'll put IV, VI and VII.

MR PATERSON: The proposal is not one of automatic increments, but a proposal that gives effect to a requirement to review and demonstrate improved competency skill or effectiveness, which then creates an entitlement to effectively a 5% increment.

620 The 'In All Cases' section on this page basically seeks to do two things: one, to remind those people who are using the document that, in effect this is a minimum rates award and that there is no impediment to higher levels of pay where it can be justified or agreed.

625 And to then further effectively provide that the appointment of an employee will take account of previous experience to effectively allow for the portability of experience in this industry.

630 Turning to some of the detail in Class II and going back to page 10, the Class II: a worker who would be appropriately classified at Class II and the characteristics in this document that I believe are the significant characteristics, are the ones that type a worker at this position are in particular under the characteristics of the level, the scope to exercise initiative, but within procedures that are established; to provide that where employees exercise a supervisory responsibility that those employees commence on the second level.

And, further over on page 11 -

COMMISSIONER GOZZI: Where is the supervisory thing there?

635 MR PATERSON: The second paragraph of the characteristics of the level under Class II, the second sentence, provides that supervisory responsibilities may be exercised at this level.

640 And, to some extent, I believe that that is an unusual characteristic for the comparative rate of pay that we are talking about. But, again, it is a characteristic of the industry that those types of functions are carried on at what in other industries may be seen to be fairly low levels.

Turning over to the 'Indicative Tasks and Functions' they are very concisely stated there, basically to provide the first level of client support service in all its ranges of activities and particulars of service delivery.

645 The Class II worker may be involved in adaptation and interpretation but would only be assisting or participating in that process, which I expect in many respects is giving effect to the notion that at virtually any level there is a reasonable expectation that

employees will be fully involved in the design and development of their own functions and tasks and activities.

650 In relation to the responsibility the employee at Class II under the union's position would be working under general direction and general supervision; that the initiative and judgment that this employee at this level exercises would be within a fairly defined framework, and that the employee works under immediate supervision of a higher classified employee.

655 This, I believe, unless the employee's position is changed substantially from an earlier position put to the union, will turn to be one of the significant differences within our respective positions.

660 The employer's position as put to the union to date provided that under certain circumstances a community services worker at Class II may work without immediate supervision being available.

COMMISSIONER GOZZI: Yes, but don't you say that, though, in your 'Characteristics' - 'employer's supervisory responsibilities'? So, I mean, you contemplate at year 2 in Class II employees may have some supervisory responsibilities, so how does that sit with what you have got here?

665 MR PATERSON: They remain supervised themselves.

COMMISSIONER GOZZI: So you have got the supervisor being supervised?

670 MR PATERSON: They may in fact - the sort of situation that I would envisage here may in fact be that on the assumption that the - if we look at the evidence that was put to us yesterday, and if we assume that an administrative person does in fact - or a job is largely administrative - can also be constructed in a way that it falls to this award, then we could have an administrative officer employed at Class II responsible for supervising lower classified, but yet having their supervisor available to them.

675 And I guess the principle that seems to have permeated through a number of awards and certainly permeates through this position is that at any level there can be a responsibility for at least overseeing or guiding lower classified employees. A matter that I am going to raise in terms of Class III which I'll very briefly turn to now, that relates to the questions just - some of the issues just discussed and I wish to raise with our next witness, has to do with the development of the union's position which provides for a fourth level at Class III, within the time available before 12.00, I don't  
680 intend to pay a lot of detail - put detailed examination or presentation on Class III other than to draw the commission's attention to the union's proposal for a fourth level. As I previously mentioned that would be the level that an associate diploma - employee with an associate diploma would progress to.

685 The intention here is to provide that, as per page 13, the last asterisks under Indicative Tasks and Functions, but where there are specialised responsibilities, those employees will commence at level 3, being 135%. On page 14, to provide also, that an employee will commence at level 3 where they are required to exercise functions related to the management of an organisation or where they coordinate a relatively small service with the limitations on that function as spelt out there.

690 For those employees who - effectively for those employees who start at level 3 and for employees holding relevant qualifications there would be progression to the fourth level in the ordinary scheme of things, otherwise a Community Services Worker Class III unless holding a qualification exercising relevant functions, supervisory responsibility or engaged in work of a specialist nature would only advance to the third  
695 level.



COMMISSIONER GOZZI: Yes, so effectively what you're saying, I think is, that from Class I to Class III level 3, there is automatic progression subject to the satisfactory performance in effect and you'd go to level 4 - Class III level 4 if indeed you had the associate diploma.

700 MR PATERSON: Or exercised some of those specialist functions.

COMMISSIONER GOZZI: Yes - as outlined there. So it's still an either/or situation even to level 4 Class III? You don't necessarily have to the associate diploma?

705 MR PATERSON: No, that's correct - don't necessarily to, but - but someone without the qualification wouldn't advance to level 4 unless they were satisfactorily performing those specialist functions in which case - well it is an either - it is an or there - that somebody without an associate diploma or relevant qualification could advance to the fourth level but in such cases they would be exercising functions related to management coordination, supervision or specialisation.

Just a -

710 COMMISSIONER GOZZI: So the progression is really from 19,904 - \$19,900 per annum through to 32,063 per annum over a period of one, two, three four, five, six, seven, eight, nine or possibly 10 years.

MR PATERSON: The other -

COMMISSIONER GOZZI: I mean that's correct isn't it? That's essentially -

715 MR PATERSON: Well no, I don't - I'm just looking at my numbers - we haven't provided in fact for any progression from Class I to Class II.

COMMISSIONER GOZZI: I thought you did - in your page -

MR PATERSON: Do we?

720 COMMISSIONER GOZZI: Yes, I think you do - I think in your page 28 - Appointment and Progression - you've got Class I, II, III - and subject to the descriptors you've got, the progression effectively does become one from - as I read it anyway - and that's why I'm asking the question - from 90%

MR PATERSON: It may be that we should -

COMMISSIONER GOZZI: - 90% through to 145%.

725 MR PATERSON: - it may be that we should have considered that, but to be frank that was not the intention.

COMMISSIONER GOZZI: But that's what this does.

MR PATERSON: The intention - well the intention is the levels within each classification rather than the levels between classifications, but I'll -

730 COMMISSIONER GOZZI: But you've -

MR PATERSON: - take that as a question on notice and clarify -

COMMISSIONER GOZZI: Yes.

MR PATERSON: - and clarify that after lunch.

735 COMMISSIONER GOZZI: Yes. The way I understand it at the moment is, that you can go across from one class all the way to Class IV- level 4 Class III.

MR PATERSON: I will take that on notice and it may well be that it's something we do need to consider, but the intention in the document and the - and page 28, as I drafted it was, an employee within a given classification shall proceed to the next highest level within the classification.

740 COMMISSIONER GOZZI: Alright, well I'm misinterpreting that.

MR PATERSON: But I'll take that on notice.

COMMISSIONER GOZZI: Yes.

MR PATERSON: I'll come back on that one. But certainly -

745 COMMISSIONER GOZZI: So you're saying that each class stands alone - that's the way you intend - it stands alone and the progression is within the class only.

MR PATERSON: Except in the cases of the progression from two to three for a holder of an associate diploma.

COMMISSIONER GOZZI: Yes, so -

MR PATERSON: That's the exception.

750 COMMISSIONER GOZZI: Alright, so - but - okay - but then -

MR PATERSON: But otherwise the classes in my understanding -

COMMISSIONER GOZZI: Yes.

MR PATERSON: - Class I to - through to seven -

COMMISSIONER GOZZI: Alright - yes - so the only barrier -

755 MR PATERSON: - are drafted as discrete.

COMMISSIONER GOZZI: - yes - the only barrier then to do what I'm suggesting you can do, is the associate diploma. If you get the associate diploma - or if you come with the associate diploma, you've then got automatic progression to Class III level 4.

760 MR PATERSON: Correct. Well automatic subject to satisfactory performance - yes. But -

COMMISSIONER GOZZI: Yes, but the only - the only impediment would be if you didn't have the associate diploma.

765 MR PATERSON: In which case - in which case there is still a possibility that someone could progress provided their employer said we want you to exercise these skills and if you can do it then we'll appoint you to a specialised position.

COMMISSIONER GOZZI: Where they apply for the job.

770 MR PATERSON: Or they could create - a position could be created which could embody that progression by virtue of specialisation in one of those identified areas, but in the generic course - in the generic - in terms of the generic position without those specialist functions then the Class III level 3 is the ceiling for that class. The other -

COMMISSIONER GOZZI: Where do the promotable levels come in - it's Class IV, V, VI and VII - is that - they - which are the promotable levels?

775 MR PATERSON: Promotable levels are really not a concept that I think has got widespread application in current terms in the industry. Class IV certainly is the first level of significant specialisation in what would be seen as a professional field and aside from the management functions identified with limitations within Class III, classes four through to seven also include significant management functions. The notion of promotion within this industry I believe is pretty underdeveloped and it tends to be more a question of appointment to particular levels of particular functions -

780 COMMISSIONER GOZZI: Oh well -

MR PATERSON: - the distinction being the management function as against a generic social welfare support, as against a specialisation in a field such as we heard yesterday from our two - two witnesses yesterday.

The other - just very briefly, I believe, our -

785 COMMISSIONER GOZZI: Right, well - I've got - I mean I think rather than sort of making it brief, I think we should just go through it and we'll leave it when the witness comes - he's not here yet I don't think.

MR .....:

COMMISSIONER GOZZI: Oh, he's here - oh well, right, okay.

790 MR PATERSON: Well there's just one further comment I wish to make, that there is a discrepancy between this scheme of things and other ways of doing this and what this position hasn't taken account of, and I think has to be left on - on notice, in a sense, is how an employee - how and whether an employee who is undertaking a qualification may progress, and that the metals framework clearly provides for progression through a number of levels for a person who is working and acquiring a qualification and has done 'X' or 'Y' percentage of an associate diploma course. That position has not - that has not been included in the ASU's position, however it may be something that we do need to return to.

800 COMMISSIONER GOZZI: I mean fundamentally awards generally work on the basis of what is required for the job and then the levels are - you've got - normally most awards start off with a career scale - what's called the automatic career scale then promotable positions after that.

805 Effectively I think what you're providing for here, if I understand it correctly, is that there is a capacity for any particular job, depending on what is required of the job, to be classified - you could have a level 1 Class I job, right - reclassify the job essentially. Is that what you're saying?

MR PATERSON: Well, yes, I think that would be the case, that if - if the job was being performed and significant new functions were added to it, it could in fact be either implicitly or explicitly a reclassification or a redesign of the job to a higher level.

810 COMMISSIONER GOZZI: Mm.

MR PATERSON: And taking the concepts and the functions and responsibilities and characteristics at one level, it could be tweaked up to create a job - the same job could be tweaked up to create a job at a higher level.

815 COMMISSIONER GOZZI: Yes, alright. I understand what you're saying, I think. See, your Class IV you in fact provide for appointment of Class IV even if they haven't got a - associate diploma.

MR PATERSON: Provided they can fulfil the responsibilities and functions at that level, yes.

COMMISSIONER GOZZI: Yes. So you don't see any prerequisite qualifications -

820 MR PATERSON: Not in an absolute sense - no.

COMMISSIONER GOZZI: No.

**JAI FRIEND, sworn:**

COMMISSIONER GOZZI: Please sit down.

825 MR PATERSON: To start the ball off, Jai, could you explain to the commission what your current position is that you're employed in?... I'm currently employed as a domestic violence crisis worker with the Department of Community and Health Services within their crisis unit.

COMMISSIONER GOZZI: Domestic crisis violence -?... Domestic Violence Crisis Service.

830 Yes - domestic - yes?... Yes.

MR PATERSON: That's a position that falls within the public sector -?... Mm.

COMMISSIONER GOZZI: Yes, that's the bit I was trying to clarify with the Department of Public - Health and Community Services, did you say?... Yes, yes.

835 MR PATERSON: And what's been your involvement both - oh, what's been your involvement in the community services industry as would be covered by this award?... I've been a worker at Annie Kenny Young Women's Refuge and also at the Hobart Womens Shelter and I've been on the management collectives of both those services for the last 2 years since I left employment with them.

840 COMMISSIONER GOZZI: Since you left employment?... With those two services - I've been on the management collectives of them both.

Right.

MR PATERSON: So you would have been the last -

845 COMMISSIONER GOZZI: I'm sorry, Mr Paterson, I'm just not quite clear - what's your current position?... My current position is with the Department of Community and Health Services.

Yes?... And it's within their domestic violence crisis unit.

Alright, and what's the title of -?... And I'm a crisis worker. I'm called a domestic violence crisis worker or welfare worker.

850 And what award does that come under?... The Public Services General Award - general conditions - at the moment they're doing translations to -

The - is it the - would it be the General Officers Award did you say or - ?... It's quite unclear - I think it's General Conditions of Service -

MR KLEYN: If I could be of some assistance ?... Yes.

855 General Conditions of Service Award at the moment, but it will come under the new Community and Health Services (Public Sector) Award.

COMMISSIONER GOZZI: Yes, but the General Conditions of Service Award hasn't got rates of pay in it.

MR KLEYN: No.

860 COMMISSIONER GOZZI: So what's the pay award - do you know? Is it the Welfare Workers Award or -

MR KLEYN: It would be the clerical or the - ?... Yes - welfare workers - if there is a category in that.

It would be either the Welfare Workers or Clerical Employees Award I would say - suggest.

865 COMMISSIONER GOZZI: Alright ?... Thank you.

So - so that's where you currently are ?... Mm.

And you've been there for 2 years ?... Yes.

And prior to that you were on the management committees ?... Prior to that I was a worker -

870 Yes ?... - at Annie Kenny Young Womens Refuge firstly, and then at Hobart Womens Shelter after that -

Alright ?... - which is a shelter for women and children.

Right. And - ?... And when I came to my present employment I then was on the management collectives of both those services.

875 Right. I've got it. Thank you.

880 MR PATERSON: Square. The questions I basically want to put to you through this - this session are those things that you know first hand, of course and obviously, but some of them I would like you to answer both in terms of the knowledge you've gained in your present job and some will be clearly more pointed towards your own experience either as an employee or as a committee presentive we can look at the Annie Kenny shelter, what sort of a budget does it run on currently ?... Right. It's funded to be a service with 24 hour attendance of a worker because they - part of their target group is under 16 year olds, so the legal requirements are that there is a worker there at all times and they're funded for 5.7 workers, I believe.

885 That's 5.7 full time equivalent positions ?... Yes. Yes.

And how many - how many workers would there be employed there ?... We have six full time workers working a 37.1/2 hour week on shifts covering day and night and weekends and two relief workers.

890 Is there any differentiation between the positions within that service?... It functions as  
a collective, which means that all the positions are paid equally and have equal  
responsibilities in peer supervision and peer accountability, but there's an  
administration worker whose tasks are primarily administration, filing, accountancy,  
budgeting and she also does crisis work on other shifts, and then there are positions  
895 delegated for people from certain backgrounds - we have two aboriginal workers  
positions and two positions for women from non English speaking backgrounds and  
one lesbian position.

So there's no coordinator as such in the organisation?... No.

900 And the Hobart Womens Shelter - what's its staffing structure?... It's a similar  
structure; there's no coordinator - there's an administration worker and four child  
support workers and four crisis workers and they are part time workers - permanent  
part time all of those, working a basic 20 hour a week with the option of extra shifts  
over the weekend and extra on calls at night, and there are also positions - there's an  
aboriginal women and non English speaking background women.

905 When you say child support workers - what does that position entail?... Mm. Their 20  
hours are spent counselling and doing support work with the children who have  
usually witnessed domestic violence or are victims of domestic violence and they also  
take on extra crisis work when they're on call at night, so they do work with the whole  
family situation with the adults also.

910 When you say counselling - what's your understanding of counselling as a - as a skill  
within those services?... Okay. Mm. It involves the support work of facilitating women  
to cope with the crisis situations that they've come with - come from - and listening,  
active empowerment counselling skills, it's quite specialised in the sense that workers  
need to have an understanding of the issues of domestic violence and the kind of  
counselling required for domestic violence, and also sexual abuse - they're the two  
915 primary issues. Mm.

Where would you look to find the appropriate training in those - in those fields that  
you've just mentioned?... We don't have - in either of our services we don't have  
requirements of formal training because we've found that those sorts of skills - those  
practical counselling skills in those areas and the other sorts of areas required in  
920 crisis shelter work are not available through any - any degree or diploma - there is not  
the wide range of skills taught in those particular degrees, so we draw very much on  
the experience that workers have had in their own communities or in their own family  
work and their experience - their life experience - and our selection criteria and  
selection process for employment is very much focused on that. We require women to  
925 have had extensive experience in community work of some sort.

If you had somebody who you decided for whatever reason was somebody who you  
were going to offer a job to, and they had some shortfall in their skills in that area of,  
say, sexual assault or specific domestic violence counselling, but for other reasons  
they were a highly desirable employee, how would you set about putting those skills in  
930 place?... That's a good point, because the people that we draw from the community  
don't usually have those specialised skills covering the wide range required, so we have  
intensive induction periods at the workplace for one to two weeks when the first comes  
to the position and ongoing through weekly staff meetings and weekly information and  
training plus - plus the regular, you know, yearly roster of training that we can get  
935 through SAAP and through other services and training bodies.

Turning, I suppose, slightly to a slightly different direction when we - in your job do  
you have contact with a range of shelters other than the two that you've been  
associated with?... Yes, my job involves shift work - crisis shift work from 9.00 am in  
the morning till midnight and a lot of my work in the after hours period is collecting

940 women from crisis situations and taking them to shelters, so I've had regular contact with all the shelters in Hobart that house women and children.

Well clearly I'm not about to ask you to comment on things beyond your own knowledge, but on the basis of that work you now do, is there a commonality in the work done by all those shelters serving that client group?... Mm - definitely. The role  
945 required of all shelter workers in that after hour period is the same. They're accepting women from difficult, dangerous crisis situations and settling them in for the night and doing the kind of initial assessment and counselling that's required in those night time hours.

And in terms of your young womens services, there - what would be, three or - three or  
950 four services that would take young women in crisis accommodation situations?... Mm.

Is there - is there any differences that are in the nature of work done or the nature of the service that those services provide or are they just different services servicing the range of clients?... Right. I think the services that house younger women in particular  
955 have different issues to deal with than services that take women and children. They can have crises more like drug and alcohol abuse, self mutilation, eating disorders, those kinds of issues can be more prevalent with the younger single women.

But looking to, I believe - what we have - Annie Kenny, Mara House and Caroline House would be three SAAP funded services that are set up to meet the needs of young  
960 women?... Mm.

Are there service delivery differences - are they -?... Between those services?

- had a lot to do with those services?... Only Annie Kenny.

But with respect to Annie Kenny, what would be the main functions of those crisis workers in a - you know, with the normal work setting?... Right. Right. The workers in  
965 Annie Kenny, as I said previously, have a wide range of issues to deal with from domestic violence through to all kinds of, you know, difficulties that homeless young women bring and also within the house at night time there are often very difficult dynamics or crisis situations to deal with such as theft or arguments or, you know, physical fights. Yes - so those kinds of issues come up.

Where, given that there are no coordinator in these services do those sort of delegate employer functions reside in the workplace, such as disciplinary matters or staff selection - what might otherwise be called management functions?... All the workers on the working collective exercise - those functions in a shared responsibility way - they're part of the selection process and interview panels and training in employment  
975 of new workers. They participate in regular peer evaluation and supervision and support counselling roles with each other at regular staff meetings and from day to day and in 6-month periods they do a more intensive one. When there's difficulties that one worker wants to have some additional support to make a decision she will go to other workers within that working collective - she will call them by telephone or  
980 speak to them in a crossover period or take the issue to the weekly staff meeting for resolution. The management collective isn't involved in the day to day running or week to week running of the shelter at all - the management collective are like a typical management committee in other services - they play more of a back role, changes of policies or changes of structures come to management committee. Any conflicts or  
985 undisciplinatory issues that haven't been able to be resolved by the working collective come to management.

So effectively you're saying there is - when you use the word collective - you're using it different ways or you're attaching different descriptors to it?... Mm - right.

A working collective and a management collective ?... Yes.

990 And they are ?... They're the equivalent of a working team of staff and a management committee.

COMMISSIONER GOZZI: Well they're the same thing aren't they ?... No, they're two different collectives. I'm -

995 Yes - but two - a management team and a team of - management committee - management - ?... Mm - they're two different teams - that's correct.

1000 MR PATERSON: Are there any distinctions you'd draw between your working collective and a team work approach that might be found in another setting ?... Mm. A team work approach where there was no supervisor or coordinator would be very similar to our collective approach. I believe there was - HYPO is a housing service that had that kind of team approach up until a few years ago, so - yes.

So when you use the work collective, at one level you're talking about work organisation day to day work ?... Mm.

1005 And at the other level it's effectively the corporate responsibility of the organisation - probably with the legal responsibility ?... Yes, definitely the workers need to have a full understanding of all the legal requirements and statutory requirements of the service.

Oh, sorry, I was meaning the -

COMMISSIONER GOZZI: Yes, you've got a management committee which is a management collective and you've got a collective -

1010 MR PATERSON: - that the management collective exercises those ultimate functions ?... Yes.

1015 But taking up that point that you did move onto, would you like to expand on that - the responsibilities of workers in terms of their knowledge and understanding that is required of them ?... Mm. Yes. They need to have a full understanding of the policies and protocols of the service because they are accountable to each other for those things from a week to week basis. They need to have a full understanding and knowledge of all the legal and statutory requirements, as I said before, which are quite complex with under 16 year olds in particular, and also when young children are in the care of the shelter around, you know, child neglect and abuse issues. They - they - they need to act within any set guidelines that are, you know, already - are made for the service. They also need to act outside of set guidelines in difficult crisis situations, so they need to be able to - yes - make their own decisions and judgments in those sorts of circumstances.

1020 What sort of frequency would there be of incidents that occur, well any time of the day really - what the frequency occurrence of incidents that are, you know, outside of the established guidelines or whatever that require that high level of discretion or initiative ?... Mm.

1030 Any estimate of how often that sort of thing would happen ?... It's difficult to generalise. Yes, they are. I think incidents would definitely happen weekly around leading to an exercise of that kind of critical judgment when a woman in crisis rings to come into the shelter and the worker needs to assess whether she is appropriate for the shelter, needs to assess the dangerous situation she is in, and the worker safety issues in picking her up. Needs to give her legal advice often - legal information, not advice, I am sorry - around issues of custody or property. And then, as I mentioned before, there are all sorts of crises that can occur within the shelter, particularly, you



1035 know, at any time of day but particularly around dinner time and night time when everybody is in the shelter together and arguments or stressful incidents tend to occur.

1040 So, in particular there, you are talking about the women's shelter?... I'm talking about both at the women's shelter around dinner time is crucial, because there are usually five families from crises with up to 20 or 25 children in the shelter. So it is -

COMMISSIONER GOZZI: Things come a bit frazzled?... Yes. And that requires a lot of work, mediation and conflict resolution skills, and counselling around parenting issues.

1045 Have you tried a roster?... Yes. Also in both shelters at night time there is often a very fearful atmosphere when there is intruders or prowlers - not intruders, sorry - when people fear intruders, and there is prowlers or nuisance phone calls coming from perpetrators that are out in the community.

MR PATERSON: By 'perpetrators' you mean those who have .... of violence?... Domestic violence, yes, sorry. I should be more clear.

1050 When you talk about dangerous situations, what can you - well, I suppose without being graphic about the worst possible, what sort of range of dangerous situations would an employee might have to confront?... Okay. First of all, just within this shelter we have had incidents of workers being assaulted by residents, so that really points to the issues of case management and assessment, particularly around women with  
1055 psychiatric or behavioural difficulties. So that requires a lot of management within the shelter. And then going back to the other situation of picking a woman up to bring her into the shelter from a crises situation. We've had incidences in the past where workers have been set up and assaulted by people that held grudges against the shelter for helping women in the past. And there is the constant danger involved in  
1060 domestic violence issues that the perpetrator of the violence is in the house or in the area and is very much aware of his victim's movements. Often perpetrators experience stalkers, so we've had incidences of shelter workers being assaulted or the perpetrator charging in from nowhere. We have strict safety guidelines around when to call the police but there is always room for, you know, surprise circumstances.

1065 In respect to those sort of issues, how do you - how have you sought to work with the police on those issues - and does that involve any particular training of the police or your workers?... It is really important that the shelter workers have a good liaison bond with the police. We rely on them a great deal time-wise and safety-wise. So work is put into that from the working collective, that there is a responsibility to liaise  
1070 positively with police and other and other .... holders, and that can often be very difficult because of the attitude towards shelters and domestic violence issues within the community and within other institutions. So quite a high level of tact and mediation and, yes, communication skills are required of our workers. Also, if I can just mention community education is something that has always been an important  
1075 part of our job descriptions, particularly for the workers who have positions of non-English speaking backgrounds or aboriginal, because part of their job description is to liaise with their community and do education on issues of domestic violence and sexual abuse and children's rights. And that requires, that kind of liaison in community education and training requires a high level of tact in communication and  
1080 understanding from those workers also.

1085 There are a number of questions you have raised for me in what you have just said, but starting at the end have you accessed, or have those shelters accessed the sort of cross-cultural training that is provided by the Migrant Resource Centre?... Definitely, and I will go as far as to say that we over the years have lobbied for that sort of training before it was available and we have organised for those sorts of training

sessions to be made available because we have had the equal opportunity positions for many years. It is something that came from the mainland refuge movement.

1090 And, looking the other way, do you provide training services, if you like, to other SAAP or community organisations?... Not as yet. We would be looking towards that. We do it in an informal way in places like neighbourhood houses - well, that is a SAAP service, isn't it, sorry. No?

No, that is state funded separately?... Oh, right, okay. Neighbourhood houses, the Tasmanian Aboriginal Centre, groups of women in other sorts of community organisations in the outlying suburbs, that kind of thing. In schools and colleges.

1095 And the other question I had, going back a step or two, is what work has been done in terms of that liaising with the police? Has there been any training of police officers or - ?... We've participated over the year in attending the Police Academy and being involved in sections on youth issues, and also domestic violence issues. More recently the domestic violence area has been taken over by a coordinating committee, so we are  
1100 part of that committee but we are not wholly responsible.

Your - well, now talking to you as an employer representative - your employees in both the women's shelter and Annie Kenny, are they required to be involved in other forums around particular issues and does that become a significant part of their work?... Yes, it is a significant part of their job description to be involved in information, dissemination within the community on the issues that the shelter deals with, as I  
1105 have mentioned before, and they are required to attend training and peak bodies within Tasmania on those issues and to participate, yes, confidently, and represent the service.

1110 Going back to where we sort of started from to some extent, you have mentioned a little bit about the role or the place of qualifications, given all that experience that you have got both employee management and now in a public sector unit working in a comparable area, how do you see the role of qualifications and the skills that may or may not come with qualifications?... I myself don't have any formal training and through working in the two community organisations and now in the public service,  
1115 there is a career path available to me because of my skills that I had before I entered the employment in this field and now the experience and training I've had within the field, and I believe - I mean I have the opportunity available to be to gain formal qualifications now, but I believe that the training within the sector and the experience that I have is more appropriate and more adequate to the job required of me than the  
1120 formal qualifications available and as I said before, I believe that's so because of the wide range of communication, interpersonal skills, family mediation, and understanding of people from many different backgrounds that's required by the position.

1125 Yet at the same time, you seem to be saying before that in some areas of work there becomes a quite higher degree of specialisation?... Yes, and that specialisation I believe is something that you can - either you gain in the field. There's no - I don't know of any course that gives good training in domestic violence, crisis management and counselling skills, but that's something I think that is unique to experience within the area and within my job at the public service, the selection criteria for that is fairly  
1130 unique because it requires shelter experience as - and not formal qualifications.

... throws up the question, say, within the Hobart Women's' Shelter as to how, as an employer, at the end of the day, being the employer, you assess and determine whether people in fact have developed those skills and then if you identify any gaps what procedures you'd get put in place?... The management body has a representative  
1135 who participates in the whole employment selection criteria and interview process and also who participates in the regular 6 monthly evaluations of workers, so we're

constantly gauging - with the help of - with the advice really of the peers who have been working with that person, we're gauging their level of skill and where the training gaps and as I mentioned before, these two shelters have always been a major part of  
1140 organising for training in the specialised areas by people from the mainland because that expertise hasn't been in Tasmania for a long time and we've always imported trainers in, you know, the particular specialised type of empowerment crisis counselling training skills and sexual abuse and protective behaviours with children. I think the counselling levels required to work with children coming from those sorts of  
1145 situations is very high.

To conclude then, I wondered if you could give us some sort of overview, potted I suppose, given we're not really asking for a history lesson, on how - in terms of size, service numbers, number of people seen, the respective shelters have changed over, say, the past decade, and what if any sort of strategic directions there are, alternative  
1150 services, or you know, any extension or growth planned or - basically the projected future for the two shelters you are involved in. First .... break it down, so firstly, what sort of growth - what sort of changes have there been over the last 10 years?... When the shelters were first formed and funded, the collective structure was much looser and there weren't as many written policies and protocols in place and sometimes it  
1155 was a very successful work place when the workers had good skills and at other times it wasn't so successful and because of those sorts of teething problems with the collective structure we've very much honed it into being a structure that has, in many cases, more written and clear guidelines than other services and it needs to have that because there is no coordinator, so the structure is very much developed during the  
1160 history of the two shelters to being an effective working structure now with a lot more accountability lines in place.

What about out service outlets and diversity of services?... All right. Okay. The services - sorry, run that by me again?

Well looking, say, particularly to the Hobart Women's Shelter, has it got into other  
1165 than its main shelter, any other service - provision service outlets, .... service activities?... Right. The out reach components of both services have always been very important to us and they're always areas that we've been lobbying for more funding for because there isn't adequate enough funding and it's a very - I - I mean, that is a strategic direction that's very important for all services in the field in trying to cut  
1170 down .... and develop people's independent living skills so that they don't need to return to the shelter, so that's an area that we're always wanting to developing and always struggling to do adequate work in. I mean, it's an area of service provision which is lacking and always has been.

Do you run halfway houses or outlets - other - ?... Yes. We have halfway houses which  
1175 we do manage to out reach within the worker roster time.

What does that work involve?... Okay. That involves visiting the halfway house, supporting the people living towards independent living, decreasing dependency that may have been set up on the shelter environment and the shelter workers, yes.

And just briefly, future directions for the vast services, is there major changes on the  
1180 horizon, either internal or arising out of government policy such as the strategic directions for SAAP?... As I mentioned before out reach is something we would like to develop further because it's sadly lacking. For many years our workers have done unpaid training and that's another area that's difficult because the whole direction of SAAP is you know, to increase the level of training and to, you know, make sure that  
1185 it's comparable throughout the field, but no services have adequate wages and funding to attend the type of training offered. The Women's Shelter is also looking towards developing the children's - the whole area of expertise within children's work which is

something that needs to develop within the SAAP area. I can't be more specific about strategic directions, that hasn't been my area of work on the management at this time.

1190 Thanks, Jai, I think you have covered most of what I wanted to draw out. Mr Watson -

COMMISSIONER GOZZI: Mr Watson? Just for the record, Mr Kleyn, no questions?

MR KLEYN: No.

COMMISSIONER GOZZI: Thank you. Mr Watson?

1195 MR WATSON: Thanks, commissioner. Jai, your - just to clarify your position; you're employed under the State Service Act. Is that right?... I believe so. It's - because we're in the process of translating from a general conditions award to something more specific, it's all very unclear, and my unit consists of four people, so within the public service, we're often overlooked in making those types of things clear to us.

1200 So, just in relation to - when you talk about you're on the process of translation, what does that mean on - Is this the translation to the new four stream structure you're talking about?... Yes.

Okay. So which stream do you go into?... That's unclear to us also -

Okay?... - because -

1205 Things haven't changed?... No, it's all very unclear and as I mentioned before because we're a bit a unique unit within the public service and qualifications - formal qualifications aren't so important, our coordinator in our unit is having difficulty fitting into these streams.

Right. Yes. Okay?... .... professional workload but we don't have formal qualifications.

Yes, okay, alright, that's fine.

1210 COMMISSIONER GOZZI: That's going to give you something to think about because Mr Kleyn will be involved in that exercise - or his union will be anyway ?... I'm actually -

1215 You're really translating from your Welfare Workers Award or a - or a Clerical Employees Award or some other public sector award to the new Community Health Services Award which has four streams, and the four streams are: technical operational, clerical and professional ?... Yes, the choices offered to us have been either technical or professional.

And it seems - yes - and the professionals of course - the prerequisite is that you are professionally qualified ?... Mm.

1220 So now doubt that will present - and technical means that you have to have a technical qualification, and operational is normally the trade area which leaves you the clerical which doesn't seem to be appropriate either, but - ?... No. That -

It's not our problem at this point, Mr Watson.

1225 MR WATSON:...It's mine at a later point ?... Yes. If I could just say that that stretches towards a broader grouping in the public service of the child welfare officers, also many of whom come in on their experience and not formal qualifications.

COMMISSIONER GOZZI: Well there isn't a child welfare officers award per se is there in the public - is there ?... I don't know.

MR WATSON:....No, it would be covered by welfare workers I would say.

1230 COMMISSIONER GOZZI: Welfare Workers Award - yes.

MR WATSON:....Well - happy to - happy to leave to that to you, Tom?

MR KLEYN: Yes.

COMMISSIONER GOZZI: Alright, well we won't get too far down that -

1235 MR WATSON:....Okay. So - so just in relation to the organisations, the Annie Kenny and the womens shelter - they're separate establishments are they ?... Yes.

Okay. So is there any difference between the two ?... They both work on a collective structure which makes - which gives them many similarities.

Right ?... They have different target groups.

1240 Okay, well can you just explain what the different target groups are ?... Okay. Annie Kenny works with single women - no dependants with them - and they cover under 16s up to older single women. The women's shelter only accepts women with children.

1245 Right. And do you need to be a different type of person to work in the separate places, or can you change, or - ?... For myself, I went from one to the other because my career path started in youth work and developed into domestic violence and family work but there are very different selection criteria for the two shelters because one involves that whole component of youth work and the other involves a component of family work and domestic -a much higher component of domestic violence.

Right. So are you - do you have any idea as to the clients that come in per year to the - ?... I'm sorry, I'm not a statistics woman.

1250 Okay. Right. ?... I can't say.

Yes, alright. This is a question that we've been asking each of the witnesses, but do you believe that your - or those services meet the needs of the community ?... Good question. I think they -

1255 Thanks. ?... - I think that we do a very good job with the facilities and the funding that we have available and that we address a lot of needs of a lot of the target groups, but that there are major areas where service provision is lacking because of lack of funding.

1260 Right. So - so does that then follow that the problem is funding ?... Yes, I believe so. Could I just add too, as a domestic violence crisis worker, when there is no room in the shelters we put people in motels, which is highly unsatisfactory because they have no support and they are alone and there's not much safety in a motel and we have to do - when - when - you know, very often we have to do that, so that just shows that, you know, the shelter provision within Hobart is often not enough for the needs of the community, and as community education is increased, more and more women are asking for help and, you know, escaping domestic violence situations. So that sort of covers the field addressing the needs of the target group.

1265

So when - when you say you put somebody in a motel, what would happen? Would somebody stay with them or do you just sort of lock them up and - ?... No. Mm.

1270 - and you go back to the shelter ?... Well I don't work at a shelter any more, I work until midnight only from an office. I'm a roving crisis worker, as it were. So the shelter workers do not - they don't have any extra, you know, outreach hours available to outreach those women in the motels. They're, you know, full up doing their own work within the shelter.

1275 So where does the money come from to pay for the motel bills ?... A small budget within the public service of our unit.

Right. ?... And we can only do that for a weekend - that's our limit - and we'll only do it if all the shelters are full and if the woman doesn't have any relatives or friends to go to. So - Mm.

1280 Yes. So of the total income for those establishments, how much is government funding ?... Of Annie Kenny and the womens shelter?

Yes ?... Total.

A hundred percent ?... Mm.

Okay. So, just going back to what you said before about the - the services that can't be provided because of lack of funding - ?... Mm.

1285 - is there any other way that money can be raised to address those problems other than more government funding ?... Mm - I don't believe so, because we've been attempting to do that throughout the history of the two shelters because we've always had many hours - many unpaid hours that our workers contribute and we've never been happy with that kind of work practice. So we've worked very hard to try and do  
1290 fund raising and donations and not got very far, plus - plus the fact that it's very time consuming and time is not available in a shelter worker's day - yes.

So do you have the capacity to charge out for services ?... Our two services have not ever charged rent and - which is different to the rest of the field - and we've had very specific reasons for doing that and because of that fact we've addressed the needs of a  
1295 large target area that hasn't been able to go to the other shelters and that's the families and individual women who have very little money and who have huge debts, so it's been very empowering and useful to getting their lives on track and starting new lives, if coming from domestic violence, to be able to save their money and pay off debts, which are often incurred by perpetrators - it's terrible - yes - the amount of debt  
1300 women will have because of domestic violence. And that also allows to us to do, you know, a high level of budget training with them around saving.

The last witness that we had said that - it was her interpretation that the minister had said that he would fund any award increase - is that your understanding ?... Yes, it's  
1305 my understanding that he's intimated that - yes - but there is fear within the sector that that funding won't be immediately forthcoming or fully forthcoming and there's been a lot of pressure for services to rationalise and restructure where I don't believe there is any room to do that within the fact that they're already very stretched.

So in relation to your collective structure, how many staff are actually employed at both places ?... Altogether? It's a little bit different because the single women's refuge  
1310 has six permanent full time workers working a 37.1/2 hour week and the womens shelter has nine permanent part time workers doing 20 hours.

Right. Okay. ?... And that's - yes - again something that's been done according to the needs of the workplace - the women's shelter workers believe that they need to have a shelter working week because of the stress levels involved in working with families.

1315 Right. And how are those positions classified - like how are the rates of pay determined ?... Just historically what we could pay, and trying to, you know, have small raises with inflation and indexation when it came through. We're funded for, you know, a component of so many workers - I think it's 6.2 - at the womens shelter and 5.7 at Annie Kenny, and because we're a collective we've always divided that amongst the amount of workers we thought we needed to do the workload and we've used national shelter guidelines to try and you know, set the standards years ago.

1320 So your rates of pay have been linked to the funding then have they ?... Yes. We're paid as much as possible; because we don't have coordinators we've - we've tried to pay our workers what we believe, you know, the most we can, because we believe that they're job requirements deserve a lot higher pay.

1325

COMMISSIONER GOZZI: And you pay them all the same ?... Sorry?

You said you paid them all the same - earlier -I understood that correctly ?... That's true - yes.

1330 What is that ?... At the moment it's \$11.55 an hour at the womens shelter and \$12.55 for relief - so we're not - we're not putting an adequate increment in there for relief - and I'm not clear about Annie Kenny - I'd say that it's similar - perhaps \$12.00 - I'm not in a money role at the moment there.

1335 MR WATSON:....Okay, so- so that was the only consideration was it, .... the funding and then determining the pay rate ?... Mm. Yes. And if I could add that at Annie Kenny they've been doing you know, a 24 hour service on a flat rate, night time and weekends and public holidays.

Right. ?... And at the Hobart Womens Shelter, about 18 months ago, we attempted to bring in part penalty payments by cutting in other areas but that again has limited service delivery. Mm.

1340 So how many of the staff within the Annie Kenny and the womens shelter will be affected by the new award classification structure ?... All of them.

1345 Okay. Has that new structure - like, if we can use the ASU's proposal, has that been costed ?... At Annie Kenny I believe it has because they were part of a pilot done by the department as representative of a 24 hour youth service. The womens shelter has not yet costed the classification rates.

Right. Do you know what the answer is ?... I don't - again, because I'm not the money person, I know that it was a large figure, but that's all.

Yes. Now just -just talking about the - the collectives, have you looked at where you see those collective positions fitting into the structure ?... Yes.

1350 The ASU proposal ?... Yes.

1355 And where's that ?... We've - we believe really strongly that it's got to be somewhere between three and four - that a flat level 3 is not adequate because of the management tasks undertaken by workers on a day-to-day basis and because there's no supervision at all. So in talking with ASU we identified a level 4 within Class III and we - and also with .... we've talked about trying to .... the collective into one of those levels so that it's clear that they start at that rather than at the bottom of Class III.

Okay. ?... Initially a position was put forward of a class between that to suit in the Neighbourhood Houses, but that's been, you know, taken away within negotiations.

1360 COMMISSIONER GOZZI: So just to repeat that, then you see yourself at level 4 - Class III level 4 ?... Yes.

MR WATSON:....Is that .... yourself or all the collective positions?... No, the collective positions.

COMMISSIONER GOZZI: Yes, I meant the collective - ycs - okay, thank you.

1365 MR WATSON:....Yes. So just in relation to that collective type situation, how did you - or how did the management committee come to a position to establish that ?... With a lot of advice and consultation with the workers and looking at the descriptions of the classifications and looking really clearly at the job descriptions of workers and the day-to-day tasks required by them.

1370 What about the - like - I suppose you could say it's what we would call a flat structure because everyone's on the same level - ?... Mm.

- what I mean is, how did you come to the position where you have a flat structure rather than, say, a contemporary management structure ?... Sorry - rather than?

1375 Just a normal management structure ?... It's a very historical structure that refugees working on the feminist empowerment model of counselling and service delivery to domestic violence throughout the mainland have used for years, so it's something that came from that and it -as I've mentioned before - it's a structure that gives us a specific service delivery that is appropriate for a large group of women who won't get that in other services. There's always been a very strong emphasis on the user's rights and user participation, and user participation in any kind of case management or contracting or eviction, so, yes, it's a particular structure suited to the model of empowerment.

1380 The classification structure that's being determined through these proceedings is about building a career path -?... Mm.

1385 - so that - how - how do you see - or if we accepted that that's the position - how do you see that collective structure fitting into a new structure which is basically a career path with certain steps based on increased responsibility, et cetera ?... We - we would offer new employees the opportunity of a high level of skills and training to be gained and a high level of responsibility, so because of our philosophy of collectivity, equal pay for equal work and equal responsibility between workers, the workplace desire is very much to have just one level - one flat level. It's something that is very important to the philosophy and structure of the services. So we would offer - we do offer women coming into the services a very good career path in training and skills and that can be seen- there's a lot of non English speaking background and aboriginal working within their communities now that had training in our services and couldn't have got that

1390 training anywhere else.

1395

So on the basis of that is there any value for a career path for your service then ?... In terms of money?

No, in terms of a career structure - of structured levels ?... Structured levels of pay?

Mm. ?... Can you ask me again - sorry?

1400 Well, you're talking about the flat structure and the reasons why that's in place - you know, why it will continue. Is there any - is there any need for a career path classification structure which goes up with certain levels based on your service - I mean is there any need for it in your service ?... No, not within the model of the service - no - because of the issues that I've mentioned.



1405 COMMISSIONER GOZZI: Mr Watson, you've got a few questions to go?

MR WATSON:....Just about to conclude, commissioner, I think, so -

COMMISSIONER GOZZI: Otherwise we'll bring Ms Friend back - will you be available this afternoon?

MR WATSON:....No, I think I'm just about concluded so - yes.

1410 Just in relation to what you talked about before about community work, can you just explain briefly what you mean by that ?... Community education?

I think - I just wrote down that you said community work ?... That -

COMMISSIONER GOZZI: Community education is what I wrote down.

MR WATSON:....Oh. ?... I think - I think that - yes - sorry - what I meant was that -

1415 COMMISSIONER GOZZI: Educating - you were talking in the context of educating the broader community - I'm not sure whether you're on the same - you might be referring to something else, Mr Watson, but - or are you talking about volunteers in that context, or

MR WATSON:....You know, I'm talking about -

1420 COMMISSIONER GOZZI: - or wide community work.

MR WATSON:....- the work within the community that your workers do ?... Right. Yes, that's on the level of community education and liaison within - particularly within the aboriginal community and the non English speaking background communities there's been a lot of inroads into making access for those communities to the shelter available

1425 because they know that it's a user friendly place for them and that racism is addressed and different cultural needs are addressed, so workers go out and speak at different community group functions and they're on different committees within those organisations- yes.

Thanks. Thanks, commissioner.

1430 COMMISSIONER GOZZI: Mr Watson, the wide community work phrase that Ms Friend used, related to the selection criteria that -

MR WATSON:....Oh, was it.

COMMISSIONER GOZZI: - they would look at people who have had wide community work experience, I think was the context in which it was put ?... That's correct, yes.

1435 I've just got - you're proposing, Ms Friend, that the level 3 - Class III level 4 should apply which equates to \$32,063 per annum, and just doing a bit of a rough calculation on what you have been paid - or what your colleagues are being paid at the moment - \$11.55 an hour - that's about \$427.00 a week, which represents an estimate increase of \$189.00 a week by six employees, which is around about \$1000.00 a week -

1440 \$52,000 a year plus 30% on costs, about \$70,000 per annum extra. What impact would that have on, say, the women's shelter - sorry, that relates to the Annie Kenny Shelter - I use that figure ?... The impact will be that -

You can use them for both ?... Mm. I mean, I see the impact on all services within the field that we will need to do a lot of lobbying. It is a political issue to gain the funding

1445 to pay workers what they should be paid for the role that they play in community

work, you know, that the service plays within the community and, as I said, I believe that a high level of skill is required by shelter workers in order for them to be paid for that.

So you think - have you looked at the classification standard for level 3 ?... Yes.

1450 And do you feel that the shelter workers that you are talking about fit into that level ?... They fit into some parts of level 3 and some parts of level 4.

Class IV ?... Sorry, some parts of Class III and some parts of Class IV in the descriptions. We were talking about salary just then.

Yes ?... I am sorry.

1455 No, that is right. In terms - I get the levels and classes mixed up, too. I'm talking about have you looked at the descriptors for Class III ?... Mm.

And do you think that the women in the women's shelter would fit into the descriptions for Class III ?... I think that some of the descriptors of Class III and some of the descriptors for Class IV fit because of the management functions that they do.

1460 But you would settle at Class III, level 4 ?... Yes.

Alright ?... They don't fit wholly into Class IV.

Yes. Fine. Why did you leave the shelter area to join the community services area ?... Pay.

1465 So what level of pay are you on at the moment ?... I'm on \$17.70 an hour, which I am hoping will increase when I am translated, because I believe that's not adequate for the job I am doing, either.

So, about \$27,000 a year, around about ?... I'm not sure of that, I am sorry.

Well, yes, whatever ?... I do 25 hours a week, so I am a permanent part-timer where I am.

1470 How many places are there available in the women's shelter ?... For residential workers?

Residents ?... Residents - the women's shelter takes a maximum of five families, so -

Five families ?... Five families, so that is five women with how many children come with them. Sometimes they might have five children each, so -

1475 Right. So you have got accommodation sufficient enough to cope with one adult with a number of children ?... Mm.

So, five families ?... Yes. And they can only take eight single women as a maximum. That doesn't include our halfway house accommodation.

Right. Okay. Thank you very much. Mr -

1480 MR PATERSON: When you say you have situated positions against the ASUs proposals was that a whole of management collective exercise, or who undertook that exercise ?... No, there was a subcommittee of myself, a few other management members and workers, and then it was reviewed by the management body and the full working body.

1485 You mentioned a government pilot. What was that again? Can you clarify again what that pilot was?... I'm sorry, I can't clarify it a lot because I didn't have a lot to do with it. I am aware that Annie Kenny and Stepping Stones took part in it, and it is a different representative services and they have had forms to fill out of the cost impact of the CSA conditions of July 1st, and of the cost impact of the proposed classification rates. I believe they had two.

That's the Australian Services Union proposed classification rates?... Yes, I believe so.

Thank you.

COMMISSIONER GOZZI: Thank you, Ms Friend, you have been very helpful. You can step down, thank you.

1495 We'll adjourn until 2.15.

LUNCHEON ADJOURNMENT

COMMISSIONER GOZZI: Mr Paterson?

1500 MR PATERSON: Before I proceed to further go through our proposed classification structure and the relativities, there are a couple of typographical mistakes and a couple of clarifications that were acknowledging and requesting that they be considered as amendments.

The first and easiest one to deal with is that the back page of the ASU.11 is not intended as part of the award. It is intended as an interpretation document that assists in converting relativities to hours per week, per hour, and per annum.

1505 It is not proposed that that be part of the award.

COMMISSIONER GOZZI: Right.

MR PATERSON: Going -

COMMISSIONER GOZZI: But you see all the other remaining parts as part of the award, do you? Well, I suppose they are.

1510 MR PATERSON: In the body of the award or in some guides it's proposed as an appendix to the implementation timetable and process, yes.

1515 Going back to the matter we left before lunch on page 28, I put on the record the clarification that the appointment and progression for Classes I, II and III is intended to be within each class, and perhaps the appropriate amendment is in the second line for the text to read: 'Shall proceed to the next highest level within that classification', and after the end of that sentence, 'Subject to satisfactory assessment, and further to progress until attaining the top of the level';

The intention is that a person who starts at level 1 would advance to -

1520 COMMISSIONER GOZZI: Can we just start again there? Sorry, Mr Paterson, where are we here? On page 28 -

MR PATERSON: On page 28, the first substantive paragraph.

COMMISSIONER GOZZI: Yes.

MR PATERSON: The second line. 'Shall proceed to the next highest level within that classification'.

1525 COMMISSIONER GOZZI: Yes.

MR PATERSON: And at the end of that sentence at the words, 'and progressive after each subsequent 12 months until' -

COMMISSIONER GOZZI: Well, subject to satisfactory performance, isn't it? Until?

1530 MR PATERSON: Subject to satisfactory performance, 'until the level 3 is attained'.  
And the progression to -

COMMISSIONER GOZZI: Until?

MR PATERSON: Until reaching the third level. The progression for level 4 is dealt with -

COMMISSIONER GOZZI: Yes, Class, you mean. Until Class III?

1535 MR PATERSON: No. What I am saying is, until they reach the top level within that classification, so if somebody starts at I would go to II and then III.

1540 COMMISSIONER GOZZI: Yes, but this is - you see, you have got Community Service Worker Class I, II and III. You are saying, 'Subject to specific provisions and classifications an employee appointed at a given level within a classification will proceed to the highest next level within that classification after each 12 months, subject to satisfactory , progress there until?'

MR PATERSON: The third level when that classification is reached.

COMMISSIONER GOZZI: Yes, it is not quite right, because Class III has got level 4.

1545 MR PATERSON: But you don't - that is dealt with within the body of that definition. So that is the sort of thing that is subject to the specific provision within the classification being classification 3.

COMMISSIONER GOZZI: Mr Watson?

1550 MR WATSON: Excuse me, Mr Commissioner, I don't have any problem with the amendment, but I think it would assist everybody if we could get a replacement page as soon as possible.

COMMISSIONER GOZZI: Yes. Certainly, we will.

MR PATERSON: Well, I will certainly undertake to do that.

COMMISSIONER GOZZI: Yes. I think that is the easiest, if you can give us a replacement page. I was going to suggest you do that.

1555 MR PATERSON: And to put on record the clear intent at this point that that document will give expression to, yes, that an employee appointed at a given level shall progress annually, subject to performance, and that progression annually will take them to the top level within that specific classification.

1560 COMMISSIONER GOZZI: But you take the point that the appointment and progression proposed clause, the clause that you are proposing will be contrary to what's in the wages part of the award?

You see, your classification provisions enable progression through each of the classes up to Class III - in fact, beyond that - but you have got automatic progression, as I understand you, subject to attaining the Associate Diploma to Class III, level 4.

1565 So, what I don't understand is what you are really trying to do, because the body - your classification structure - your classification standards - for Classes I, II and III permit automatic progression to level 4, subject to - subject to - attaining the Associate Diploma.

1570 MR PATERSON: That being the special case, if you like. The special case provided for within the body of the classification standards is that someone with an Associate Diploma has a progression through Class II to the top of Class III.

There is no progression otherwise between levels.

COMMISSIONER GOZZI: Yes, but -

1575 MR PATERSON: And the point, and as a further position, this progression is effectively how anybody else would progress within a specific classification.

COMMISSIONER GOZZI: Yes, but -

MR PATERSON: So an employee appointed to a position which is classified as Class I commencing at Class I, level 1, will progress to levels 2 and 3.

1580 An employee appointed to Class II at a given level, say level 1, will progress to level 2 and 3.

COMMISSIONER GOZZI: That's why the progression clause really is misleading.

MR PATERSON: But that's what the progression clause says.

COMMISSIONER GOZZI: But the progression clause allows the person to go on. The classification standards allow a person to go on. They are not -

1585 MR PATERSON: Only in the case of an Associate Diploma.

COMMISSIONER GOZZI: They don't stop at a particular -

MR PATERSON: Only in the case of a holder of an Associate Diploma.

COMMISSIONER GOZZI: Yes, but it is a requirement.

MR PATERSON: It is not a requirement.

1590 COMMISSIONER GOZZI: Well, it's an option at Class II.

MR PATERSON: And/or equivalent experience is given expression through the entire classification structure.

1595 COMMISSIONER GOZZI: Well, you amend it the way you would like to amend it. It is not up to me to argue the toss with you about how you want to amend it. I am simply indicating that the way I see it the appointment and progression clause is a specific clause and if it was an Act of Parliament, if you like, legislation, that would be ultra vires, or the wages clause - the classification clause - would be ultra vires a specific clause to the appointment and progression clause.

1600 MR PATERSON: Well, if the easy way to do that is to amend each classification to say that within this classification advancement to levels 2 and 3 shall be automatic, blah, blah, blah, then we will do that.

COMMISSIONER GOZZI: Subject - well it is. It is automatic, subject to -

MR PATERSON: There is nothing in the body of the document that says that.

COMMISSIONER GOZZI: Well, yes it does.

1605 MR PATERSON: There is nothing in the body of the document that provides for any progression other than for an associate degree holder -

COMMISSIONER GOZZI: That's right.

1610 So the intention is that the body of the document should give expression to that and if that is the appropriate way to amend it, I will do so. The intention is to provide for, effectively, increments in Levels 1, 2 and 3.

1615 COMMISSIONER GOZZI: Okay. Well, you can amend it that way. I know what you're saying. It's a case of whether you put in the appointment progression clause, a proviso in other words, provided that an employee classified at Class 2 who holds, what you have here, Associate Diploma and 1 year's experience at that level shall be employed at the third level and shall progress to Community Service Worker Level 2 after a further 12 month's service. That's the proviso, isn't it. That's the proviso to the progression clause.

So you've got the progression within the classes you've indicated, provided that, and it takes it out of -

1620 MR PATERSON: Yes. I look at it and it gets -

COMMISSIONER GOZZI: Because it is progression for a person who has got that. Have a think about it and you can play around with it.

1625 MR PATERSON: I will look at that and undertake certainly to get that as soon as possible. I will get some advice on the drafting to give intent. But to put on the record the intent - I mean the general intent is that where there are levels identified 1, 2 and 3, subject to assessment and performance or whatever, that shall be effectively an automatic progression up those levels within that classification and then there are special provisos that apply to Associate Diplomas.

1630 I will get some advice on how to state the general and the proviso in the appropriate way. I think the issue is a drafting issue rather than an intent issue and I will get advice on it to make sure the drafting gives expression to the intent.

COMMISSIONER GOZZI: Yes, fine.

1635 MR PATERSON: The other matter that I will have to take away and bring back, on the understanding that the submissions made by Mr Watson in respect of the wage rates, the safety net \$8 a week adjustment and the relativities. I will undertake to come back on that in that format if that is considered to be the way that you would give expression to the wages.

1640 COMMISSIONER GOZZI: Well, put it this way, at the moment the awards of the Commission are set up the way that Mr Watson has indicated. We've got the base rate, we've got the minimum rates adjustment and we've got the \$8 at both supplementary columns and the relativities are on that base rate.

MR PATERSON: I advance the proposed wage rates on the classification and final relativities column. At this point in time, I will amend this document by deleting the dollars per week column -

1645 COMMISSIONER GOZZI: Well, let me just say to you, what I am putting to you is how awards are currently set up. It is a matter for you how you want to handle it in this case. We are making a first award and if your submissions to me are that it ought to be included, then obviously Mr Watson is entitled to make his submission. I'm not saying you should do it that way. I'm just simply indicating that that's how the awards are currently set up. We are here in a first award process and it could well be that you might want to argue a different position to Mr Watson. It's really up to you. I'm not instructing you or directing you in that way. You and Mr Watson might want to talk about some more perhaps.

1650  
1655 MR PATERSON: Well, in that case on the basis of those comments, I will leave that document unamended.

COMMISSIONER GOZZI: Don't read anything into it.

1660 MR PATERSON: No, I'm not. What I will put on the record is that at an earlier stage in negotiations and proceedings we were talking with the employers about a base rate of \$425.20 on the basis of those discussions and a document that was provided in those negotiations to us. I've drafted it in this way. I will probably will endeavour to have discussions with Mr Watson in the interim but I will leave that page unamended.

The other two amendments I wish to make to the ASU's proposal are on page 12 -

COMMISSIONER GOZZI: Just while we're there, page 27 - I think we will just remove - 3(a) - remove the (a).

1665 MR PATERSON: Remove the (a).

COMMISSIONER GOZZI: Page 12.

MR PATERSON: I seek to amend the document to provide for a position in respect to a four year degree, under Qualifications and Training.

1670 The first line of qualifications and training at Class 3 I propose to amend to read, three year degree or four year degree, in which case commencement shall be at Level 2.

COMMISSIONER GOZZI: So, Associate Diploma comes out, does it?

MR PATERSON: No. This is amending the first line of Class 3 which says, three year degree. It would read, three year degree or a four year degree, in which case commencement shall be at Level 2.

1675 COMMISSIONER GOZZI: Yes. Well you see -

MR PATERSON: And I will take that on board with the other comments previously made in terms of the amendments appropriate to give intent to the progression.

COMMISSIONER GOZZI: Right.

1680 MR PATERSON: The other amendment and I believe this is a typographical and editing mistake on my part. Page 15, Qualifications and Training, the first asterisk to read, A relevant three or four year degree with relevant experience. It is not intended there that a four year degree with no experience would generate the entry to Class 4.

COMMISSIONER GOZZI: So a relevant three or four year degree, -

1685 MR PATERSON: Delete the comma. So it would just read, relevant three or four year degree with relevant experience; and the rest unchanged.

If I can proceed now to table the balance of the documents that I wish to put before the Commission. I will do them in one exercise as they will be of relevance to the submissions I wish to make to the rest of the classification structure. In the first instance I have a collation of State awards.

1690 COMMISSIONER GOZZI: What you put to me in ASU.11 really should be tidied up as you've indicated, but also you should at least have in mind - you have defined it very heavily and when you look at the experience factor, the definition of experience, which becomes a component when you determine where you place people in the scale, then I don't know how you define between experienced and considerable experience in  
1695 the context of the distinction that you draw there, because the distinction relates back to, worked in a relevant field for sufficient time in both areas.

Now, who's to say what is sufficient time. I mean, you and I could argue that 12 months is sufficient time, whereas somebody else may say 6 months might be sufficient time, or 2 years. If that becomes a distinguishing feature, then really you  
1700 need to be clear that the rest of it allows you to make that distinction, otherwise you're going to be back here every two seconds.

MR PATERSON: It's my submission that it does and both in the terms of the union's position here and now and also in relation to the genesis or derivation of this as a standard. One of the things that has been deliberately avoided is the quantification of that, in terms of 1, 2 or 3 years.  
1705

COMMISSIONER GOZZI: I've noticed the absence of quantification.

MR PATERSON: And I think that is quite a deliberate thing in terms of paralleling current developments in competency type approaches to the acquisition of skill. I think at the end of the day some of these variables, hopefully, will be overtaken by - not  
1710 overtaken but supplemented by parallel developments in the training reform field and the definition of competencies and skills and their acquisition.

COMMISSIONER GOZZI: I wouldn't hold your breath, Mr Paterson.

MR PATERSON: No, I won't hold my breath, it's the work I'm going to do when we finish this work, so I've got another 10 years ahead of me.

1715 COMMISSIONER GOZZI: All Right. What have you got there?

MR PATERSON: The document I just tabled, which is ASU.19, consists of a collation of private sector awards, The Professional Engineers and Scientists Award, The Surveyors Private Industry Award and the Drafting and Technical Officers Private Industry Award. I will return to those within my submissions as I go. The inclusions  
1720 basically relate to the classification structures and rates and relativities within those awards.

The second document I wish to table at this stage is a document that was made available within the negotiation stages. It is headed the Social and Community Services Award. It is the South Australian Award as is operative at this time.

1725 COMMISSIONER GOZZI: I think I tried to do something about that award at one stage. ASU.20. Why does that ring a bell?



MR PATERSON: That includes two components to that. There is one component that goes to the questions that we were in fact just talking about, the glossary or descriptions of work and that question of experience is dealt with in a comparable way there and whilst not relying on that in any way as precedent, it is cited as a workable -  
1730 apparently, to all intents and purposes, as far as I can ascertain, the award is in place in that form.

COMMISSIONER GOZZI: How's it working?

MR PATERSON: I did enquire of our industrial officer in South Australia as to  
1735 whether there had been any problems and the single problem that was identified to me, and this of course is from a union point of view and I cannot speak whether the employers have got any problem with it, the award - and I'm not sure whether there's been any change since the time I spoke with him. The award did provide for solely qualifications based entries at higher levels with the grandparenting in of those people  
1740 currently in positions and this was being seen as an impediment to recruiting in some areas where there were appropriate people that organisations wanted to engage at high levels who were without qualifications. That's the only feedback I've had in response to my request.

I also wish to table - not relying on these awards and their standing in any way as  
1745 precedent but more or less as guidance to what has been done or what is being done in other sectors in other jurisdictions. The classification structure from what is commonly known as the Skill Share Award, more formally known as the Community Employment Training Support Services Award, a federal award which is paid rates award.

1750 COMMISSIONER GOZZI: ASU.21.

MR PATERSON: For these purposes I will also table in connection with that, a document that the National Skill Share Association provided to its affiliates on the conclusion of the process which put in place those particular rates of pay which identifies the internal relativities. The 100% figure at that time is identified as the  
1755 second level in the project assistant.

It is my understanding, without having any greater detail on it, that the 100% figure was in fact derived from the Commonwealth Public Service Standard.

COMMISSIONER GOZZI: ASU.22.

MR PATERSON: Again, I will return to that in my submissions.

1760 I also wish to table at this point a number of - again, different industry to some extent, but some of the classifications in this bear relevance at least. It is the federal award for Municipal Officers Tasmania, which in particular I will be drawing attention to the classification for the professional stream on page 29.

COMMISSIONER GOZZI: That's ASU.23.

1765 MR PATERSON: And finally, the collection of documents I wish to present relate to this Commission's decision in respect to the Public Sector Wage Case of October 1989 and again I will draw some but certainly not binding and precedential status to these documents, but I wish to table them and draw them to your attention.

COMMISSIONER GOZZI: That will be ASU.24.

1770 MR PATERSON: There's other separate documents and I will present them that way. ASU.24 will be the cover sheet of the case in the matter of November 1991 and the

1775 Technical Employees stream model award attached. Now I've cleared out 90% of the trees I can put down the last two in one bundle for Mr Hunter, being 25 and 26. ASU.25 the Administrative and Clerical Employees Award and ASU.26 being the Professional Employees Award from that same decision.

COMMISSIONER GOZZI: We'll mark those documents that way.

1780 MR PATERSON: The Commissioner and the parties now having that collection of documents before them, I shall proceed in relation to balance of the classification structure. I believe that where I left it, before our last witness, that I had effectively covered the definition Community Services Worker Class 2, document ASU.11. To a large extent, the issue of progression in Class 3 has been dealt with. I will now proceed to pay some attention to the characteristics, requirements, tasks and responsibilities at that level and in so doing, to put the argument that notwithstanding difficulties in terms of quality and quality measures put alongside issues such as experience, the intent is to create a hierarchy in these classifications that is reflected in the way knowledge, experience and responsibility are defined.

1790 As I pointed out in my distribution of evidence, the South Australian award has considerable similarity to this. The genesis of this document does owe considerably to developments in South Australia over the years before the standards were in the process of being developed there were picked up by the union in Tasmania.

Level 3 really is, and this is drawn attention to in the characteristics of the level, a level which substantial scope is exercised. It is the first level of significant supervisory responsibility as opposed to supervisory responsibilities being a component of the work. In the third paragraph of the Characteristics of the Level, the second sentence:

1795 *Employees with supervisory responsibilities may undertake some moderately complex operation work and may undertake planning and coordination of activities within a workplace.*

Under the Requirements of the Job, employees with supervisory responsibility should have a working knowledge or principles of human resource management.

1800 Moving to the Indicative Tasks and Functions and taking into account the evidence that was given to us today by Ms Lord you will note that under Indicative Tasks and Functions, there is the first mention of assessment and case management duties, within established guidelines. Clearly, as with descriptors of services such as counselling and functions such as councillor or counselling, there is a lot of room for interpretation as to what level such a function or activity should take place or is taking place, thus the qualification here that we're talking about basic assessment and case management duties.

COMMISSIONER GOZZI: It would be helpful, Mr Paterson, if you'd just direct me to where you're reading that from - where the references are. I just can't pick it up.

1810 MR PATERSON: I have moved to page 13, Indicative Tasks and Functions, the fourth asterisk down.

COMMISSIONER GOZZI: Yes.

MR PATERSON: I will take care to note:

Participates in the adaptation track myself through the document.

1815 COMMISSIONER GOZZI: It just helps a bit.

MR PATERSON:

1820 *Similarly at this level we find the first expression under the next asterisk of, Plan and coordinate-ordinate client services. Under the subsequent dot point, the participation, which is an important thing to, modification and interpretation and development of practices, procedures and guidelines ...*

1825 The intent there is that these workers engaged at this level are likely to be involved in those processes but they will be participating in them, not driving them, not being the sole director of such a process and such a process is quite properly under the guidance of a higher classified employer. Within the ASU's proposal, this level as indicated under the next dot point, is the first level at which the function is commonly known as coordination. The limitations under this dot point are that the coordination is of an elementary service programme, or a single programme at a more complex level under the guidance of a higher classified employee.

1830 It also provides under Indicative Tasks and Functions for a range of activities or functions to be undertaken by employees working within a responsibility within a specialised field, such a was indicated by I think both of our witnesses this morning, working with under 16 year olds may in fact be a specialised field within a group of workers functioning at this level. There is listed some of the tasks or functions that might be undertaken. The ASU's proposal has such employees commencing at the  
1835 third level of this structure in recognition of the fact that that specialisation is above the basic entry to the basic entry level for this classification.

1840 The next bold heading, Responsibility, basically talks and goes to, as it does with each of the classification descriptors, the level and extent of direction and supervision, freedom and initiative and here we find that the ASU's proposal has employees at Class 3 still working within fairly well established guidelines, procedures and practices. On page 14, similarly whilst there is freedom to act and scope for considerable initiative, that too is within the frame work of established practices, policies and procedures.

1845 However, this proposal does provide for a sole employee in a single programme area to be engaged at this level, provided they do not exercise delegated management functions. The intent here is to provide appropriate level of classification for employees in very small services, or small agencies, often agencies which are in an early state of development. A number of the neighbourhood houses around the State would fall within this category. I don't believe we visited any sole employee services in our  
1850 inspections. However, the fact that somebody is responsible for the whole of a programme without assistance, I believe brings into play factors to do with the conditions and nature of their work that justify a higher than basic entry level within this classification and consequently where - those positions would be classified as Community Services Worker Class 3.

1855 Where such a person did exercise functions related to the management of an organisation, then they would commence at the third level and in those cases they are more than likely to be coordinators of small or single programmes or services.

1860 Sorry, I'm muddling myself here. An employee who commences at Level 3, where they are required to exercise functions related to the management of an organisation, but the coordinator of a small service or programme would not be so required.

COMMISSIONER GOZZI: Yes, I see that.

MR PATERSON: The progression to Level 4, as I have outlined before, applies as indicated at the bottom of page 14.

COMMISSIONER GOZZI: Right.

1865 MR PATERSON: Community Services Worker Class 4, in a very broad and descriptive term, I think can be characterised as the first level of significant specialisation and apart from the characteristics just mentioned in relation to coordination and management, is the first substantial level of coordination. The requirements that relate to both specialisation and coordination or management, find  
1870 expression in the characteristics, requirements and other descriptors of this class.

Under Qualifications and Training, the entry to this level is outlined in terms of, effectively, a 3 or 4 year degree with relevant experience, an Associate Diploma with considerable experience to the extent that it's relatively quantified here, the lesser the qualification, the greater the requirement of experience to attain the same level of skill.  
1875 Alongside the fourth point which provides for recognition of an equivalent level of skills attained through - other than formal qualifications.

In terms of general characteristics of this level, the contribution to knowledge in establishing procedures under Characteristics of this Level, in the second sentence is one of the key features:

1880 *Employees will be expected to contribute knowledge in establishing procedures in the appropriate work related field and to exercise considerable discretion and initiative. In addition, employees at this level may be required to supervise various functions within a work area or activities of a complex nature.*

1885 A substantial component of supervision of employees or volunteers appears at this level.

At the end of this section:

*Employees will be expected to set outcomes and further develop work methods where general work procedures are not defined.*

1890 The Requirements of the Job go to deal on the hierarchy that I mentioned from the previous levels and the intention that purpose of this is to provide for, effectively, a written codification, if you like, of a higher level of knowledge and understanding.

1895 Under Indicative Activities and Functions on page 16, these effectively seek to spell out in an indicative way, as with all of the classifications, an indicative description to the broad characteristics as previously defined. Without going into detail on every point there, the fourth asterisk down, the contribution and development of policies and practices where there are no clearly established procedures, I think is critical.

1900 Moving further down to the seventh dot point, recruiting, training and coordination of volunteers, is also an important characteristic of this level. At the bottom of that page, within the specialised field, the planning and coordination of a community programme of a complex nature is of significant interest at this level. Moving quickly to page 17 under Responsibility, it is provided for here that the employee does work under broad direction but that direction may be from a committee or a board, in the case of a coordinator or a manager.

1905 One of the comments I make at this point is that in developing these standards at an earlier stage, I sought to distinguish between a coordinator and a manager and effectively to provide that one worked at a higher level, although the more I looked at that and the more I looked at how those terms are used, the more of an impediment it became rather than a useful distinction. What I have sought to do throughout this classification structure is to avoid classifying according to the number of employees or

1910 the size of an organisation. In other awards, such as the Child Care and Childrens  
Services Award, there is a distinction between different levels of director, according to  
the number of clients - that is children in child care. However, I maintain that this is a  
vastly different industry covering a much more diverse range of services, as we've seen  
in just four witnesses, and that the numbers of clients are not a key indicator in a less  
1915 regulated framework.

You will not here at the bottom of the last paragraph on page 17 the:

*- coordinate/manage a single programme service or a small local service  
community service with a - range of related programmes, -*

1920 - is the characteristic here and there is probably the - one of the key features that  
would be relied on to distinguish a coordinator/manager at class 4 from a  
coordinator/manager at class 5. The other principle that flows through the document  
from here on relates the highest level of employee classified, although - and therefore  
the proposal provides from here on, that at a given class those lower classified  
organisation - lower classified employees should be at a lower - should be at no higher  
1925 than the next lowest classification.

Moving to class 5 on page 18, again the - the hierarchy between 5, 6 and 7, both in  
terms of qualification and training and the requirements of the job effectively build on  
that which is established from the lower levels, so the degree holder at this level  
requires a higher or a more extensive experience than the degree holder at the  
1930 previous level, but again, at this level as with all the levels the attainment of an  
equivalent level of skills is noted as an entry - an alternate entry requirement.

In line with proposals put to us by the employers within the negotiation processes, it is  
recognised in this document that an employee without formal qualifications or training  
or equivalent skills may be required to undertake training or study at this level and  
1935 higher. I think that it's no point - no gain from stating that in any stronger way than  
that. It is effectively an indicative rather than a prescriptive character of the  
qualifications and the training frame work and perhaps as sort of the higher level  
counterpart of the on-the-job training at level - class 1.

1940 Going to the characteristics of this level the higher level of knowledge and skills and  
initiative and discretion is outlined under the characteristics. The key distinguishing  
feature at class 5 is essentially outlined in the third paragraph of the characteristics of  
the level, that is, the establishing of programs and procedures working across a range  
of work functions or programs including supervision, and the providing of expert  
advice at this level, and also the final paragraph on that - on page 18, being  
1945 responsible for projects and/or functions which require the employce to establish,  
monitor and evaluate outcomes in relation to organisational goals.

Over the page, to page 19, again the intention and I believe the - what this proposal  
does in this format is indicate under requirements, activities and functions and  
responsibility the next highest level of employment classification providing for  
1950 moderately complex work, looking to indicative activities and functions. Under the  
second and third asterisk, moderately - responsibility for moderately complex projects  
and a phase of a board or more complex professional assignments. Around the -  
looking at the asterisk dot point there with the bold type in it:

1955 *Plan, develop, co-ordinate and administer the operation of a service with a  
range of related programmes, -*

At this level we begin to see the development of a range of programs that may  
including specialist services and it is the union's position that once a person becomes

1960 responsible for the management of specialist services, given that those specialist employees are likely to be at level 4, that level 5 is the appropriate level for - class 5 is the appropriate classification for such persons.

1965 Under the prime responsibility in professional services as opposed to the earlier levels which provided for in a similar format for responsibility in a specialist field, it's worded slightly different here. The prime responsibility being discussed here is that of being in professional services and I think we had some indication from Ms de Vries from the Migrant Resource Centre of some of the professional services that her employees provided that I would argue fall to this classification. The exercise of professional judgment for instance and the last three dot points in particular, this page 19, professional judgment, planning studies, including design, formulation of policy and implementation of procedures and presentation and a high level of interpersonal skills would be characteristics of this job. In addition to the first asterisk point on page 20, being effectively the planning and development of a community services organisation.

1975 One of the positions that was mentioned from the Migrant Resource Centre - well, in fact, two of them, the community development position and the ethnic elderly position have involved those employees in setting up programs, for instance, one of the HACC workers has been involved in setting up an elderly Italian organisation which has subsequently sought and got its own funding from the Home and Community Care Program.

1980 Under responsibility, again, to a large extent, this classification states, I believe in an appropriate way, the next highest level of initiative, judgment, responsibility and under the last dot point of the responsibility section the characteristics of the organisation that may be managed or coordinated by a community services worker class 5. The significant characteristic there is that such services may include specialist services.

1985 Turning to class 6, class 6 and 7 really I suppose are the two - clearly are the - obviously are the two highest levels of employment within this award structure as proposed by the union and to some extent there is a level of - classification standard seeks to give expression in different ways to higher levels of community services worker. In another sense, the class 6 worker - class 6 community services worker would normally be in a management position, would normally - as indicated in the characteristics of the level - first paragraph - would exercise managerial functions and 1990 - or operate as a specialist. One of the issues in proposing this kind of classification structure from the union's point of view, is that a deliberate decision to not go down the path that was chosen by a number of other unions and employers in other awards of distinguishing different streams. The intent here is to provide a pathway that does allow, to a fairly high level, a specialisation of a worker in a specialist field, without 1995 putting a prerequisite of management, but combining it into a single classification stream, hence, the provisos at class 6 that it may be a management position or the operation of somebody at a specialist professional type of level.

2000 Under - in the second paragraph here, the scope to influence the operational activities of an organisation; the involvement in establishing all operational procedures which impact on the organisation are key characteristics of this level. The employee's involvement in formation of programs, work practices and negotiations on behalf of the organisation would also be, I suggest, key features of this level. As indicated in the fourth paragraph, management of employees is normally - and I believe that's another typing mistake there - that it should be:

2005 - *management of employees is normally a feature at this level and employees are responsible for larger organisation -*

*Work may span more than one discipline.*

2010 Again, the issue here too for the union and for me in the person largely responsible for developing or refining, adapting, modifying positions put to us through the union was a desire to avoid a numeric differentiation between levels on the basis, as I mentioned before, of number of employees or number of volunteers. The complexity of the tasks, functions and programs being delivered I believe is an indicator that it is of more benefit and more characteristic of the distinctions between these levels when we're talking about management from levels 5 to 7. The final paragraph on this page particularly the identification of positions at this level by the impact of activities undertaken and the responsibility, judgment, authority and delegation is again a key characteristic.

2015 COMMISSIONER GOZZI: Mr Watson, did you get that amendment on that page - page 21? Third paragraph up from the bottom:

2020 *The management of employees is normally a feature -*  
- on page 21 - page 22.

MR PATERSON: After 'normally'.

MR WATSON: Thank you.

2025 MR PATERSON: Page 22 effectively gives, again, expression to - in an indicative way, to those general characteristics of the level.

COMMISSIONER GOZZI: Right.

2030 MR PATERSON: Again, without detailing and going through the document which I hope has some capacity to speak for itself, the exercise of managerial control under the third indicative function, I believe that and the subsequent points down to the control and coordination of a work area are significant characteristics, and again, under the prime responsibility in a specialised field - and I - the characteristics there, particularly the ones that indicate a higher level, are the provision of a consultancy service for a range of activities. That provides that - the sort of organisations that grow to an extent that they engage specialists who they, either on a fee-for-service or as part of their programmatic responsibility use as consultants with other organisations would be a characteristic.

2040 Under responsibility at this level I think it almost goes without saying that the direction, initiative and judgment are at a very high level. The managerial responsibility indicated at this level is in respect of a major single program or a multi program or specialist organisation and those functions would include responsibility for implementation, evaluation and planning and strategic operations.

2045 To move to class 7 on page 24, 25 and 26, this effectively is the highest level within this classification. For the record, I - there was, and I suggest still is, a position that we put earlier on for a higher level at a class 8. We're not proceeding with that as part of this award making process although it was part of our earlier proposals.

COMMISSIONER GOZZI: How are you going to look after that position?

2050 MR PATERSON: In the event that we find there are significant people in a position that is higher than class 7, and in the event that they join the union, we'll look after them .... may seek to vary the award, but I believe that the higher levels of classification are national positions. They are positions of national responsibility for national peak organisations and the like and I don't believe that there are any positions that I'm aware of that would operate at a higher level or a level that's not encompassed by class 7 in this state. To the extent that there are, I would think that

2055 those positions border on being - well most of those positions I think would be embraced by class 7, at least at this point in time given it's open ended statement of the higher levels of classifications, the issue I suppose would be one of whether there was a work value issue that related to the work of a higher class and sufficient evidence to justify the additional classification on work value principles. It's my understanding - or my position that I don't believe that there are persons at that level  
2060 although there would be people who are earning for class 7 responsibilities in excess of what proposed in this document. But I do not believe that there - the descriptors that could be applied to their work would easily be - would not be seen to be above the descriptors embraced here.

2065 In terms of the integrity of the classification and the coherence of the structure as a whole, the employers and the unions have for some time, with a number of variance and variations, been working to a 7-level classification structure which gives expression to the range of positions from the entry level to this class 7 comparable position and I believe that we're still, with our differences, talking about broadly comparable seven classes of employment with seven classes of occupation of  
2070 community services worker within the award.

COMMISSIONER GOZZI: Right.

MR PATERSON: Key features in - at this level are clearly articulated in this document including, for instance, under qualifications and training substantial post graduate experience or qualifications normally beyond those through a degree. Again,  
2075 the employee without qualifications may be required to undertake relevant study or training. Under characteristics of level the general features in the second paragraph I believe probably are key characteristics as well as those in the third and the last two paragraphs.

2080 The development at a high level of strategic - planning and development of higher strategies and strategic operational planning is a characteristic of this level and again the last two paragraphs in particular the description of the employee as having significant impact on policies and programs, the ability to formulate, implement, monitor, evaluate and the identification by significant independence and critical impact of action would be key characteristics.

2085 And again, without going into any further detail on the specifics under the indicative functions, they build and articulate a higher level of functioning than that of community worker class 6.

2090 The negotiation on the indicative functions, beginning on page 26, that relate to the negotiation on behalf of the organisation at a high level is indicative of positions such as the executive director of Tascoss, such as the director of Marriage Guidance Council, such as I would argue the executive director of Family Planning Association, that that significant involvement, particularly in those larger organisations operating at a high level of speculation, in the case of Marriage Guidance Council which was the service which showed up on the survey at the 233 per cent relativity which I think was  
2095 something like \$60,000 package for that job. The Marriage Guidance Council runs out of three or four locations and its counselling services, the requirements it places in terms of qualifications on the people that can gauge as counsellors indicates probably the highest level expression of that function within Tasmania that I'm aware of. Those  
2100 people perform work that is comparable to family court counsellors and a number of people doing that kind of work have - at least have opportunities to be employed in that other sphere. In terms of family planning.-

COMMISSIONER GOZZI: I'm not sure we can just let than slide through to the keeper. What makes you say that they would perform work to family court counsellors? I mean, what's before us to suggest that? I wouldn't have a clue what



2105 family court counsellors paid for instance or what they do, apart from what the title might.

MR PATERSON: Other than knowing - other than the information in their return on the survey which indicated professional qualifications at higher level of psychologist and the like and other than my personal experience of people who have worked in both  
2110 jobs, no, there's nothing before us that further argues that point or supports that point.

In terms of the Family Planning Association, I think - apart from the range and extent of their services and the professionalism that the - the key distinguishing feature there is in fact that Mr Duncombe's responsibility ranges across a clinical service which is  
2115 obviously at a professional level even though his responsibility is administrative. He's managing an organisation that effectively crosses into at least one other industry.

COMMISSIONER GOZZI: Yes.

MR PATERSON: There are other - one other example that we went to in the inspections that of the Northern Suburbs Neighbourhood House, whilst not quite at  
2120 class 7, the director there has significant responsibility for a child care program as well as a community support organisation.

COMMISSIONER GOZZI: I suppose the thing with Mr Duncombe that wasn't clear to me totally and you've sort of rekindled the thought that I had at the time, was that he is an administrative person. I just wonder what sort of directional role he would have  
2125 in the context of the clinical aspects of that organisation. I suspect minimal.

MR PATERSON: Yes. It's my understanding from both his evidence and from the inspection that we had at the Family Planning Association - and I would submit that in terms of monitoring standards of work - of clinical - of his clinical personnel, very  
2130 minimal, but in terms of identifying priorities and training needs and the like, identifying, for instance, with the emergence of sexually transmitted diseases such as AIDS as a priority area, and identifying training needs and putting in place policies and procedures that relate to a specific policy area. A number of those things were identified by him as some of his responsibilities.

COMMISSIONER GOZZI: Fair enough.

2135 MR PATERSON: To move to the question of wage rates -

COMMISSIONER GOZZI: Yes, just on - just before you get onto that, page - the last page of your document which is the - intended to be a translation and interpretation document, you've got 215 per cent on that, whereas the - page 27 stops at 210.

MR PATERSON: That's what I say, this document is not intended to be related to the  
2140 relativities as they are .... within the classification structure.

COMMISSIONER GOZZI: Yes, but you're proposing that people be transferred over to a level that is not in the award.

MR PATERSON: There's nothing that relates - in fact those bracketings are fairly  
2145 arbitrary. There is no 140% in the award either. There is no 120%.

COMMISSIONER GOZZI: Yes. So, how can you use it as a translation document then.

MR PATERSON: It's not intended as a translation document.

COMMISSIONER GOZZI: Well, even using your words, an interpretation.

2150 MR PATERSON: It is there as a guide for the conversion of a relativity at a given percentage into a dollar amount, either on a per hour per week or per annum basis.

COMMISSIONER GOZZI: Yes, but people out there when this award comes down will be translated into this award.

2155 MR PATERSON: As I submitted earlier on, it is not intended that this final page should be part of the award.

COMMISSIONER GOZZI: Yes, but I'm just wondering what you had in mind with some of these final numbers.

2160 MR PATERSON: The numbers are just meant to illustrate and be the reference points that take one from 90% relativity to 215% relativity and to enable the user to convert those into dollar figures. I suppose the answer to your question is, if somebody wanted to pay 5% more than 210 they would know it was 47,540. I'm proposing that this not be part of the award.

COMMISSIONER GOZZI: No. But if you did have somebody on 47,540, that's where they would stay until 46,436 caught up.

2165 MR PATERSON: Or unless they were able to negotiate something above it in respect of their own capacity to wheel and deal in the marketplace.

2170 COMMISSIONER GOZZI: That would be an over-award payment, over the 46,436. If it's not part of these proceedings, well that's fine. I don't know whether you're on the same wave length in the context of how this would apply. I mean what happens, in the normal course of events, is that when the award is handed down with the rates, people are transferred into it according to the work that they do and there would be swings and roundabouts in that process normally. The salaries that are below what's in the award got up to the award rate and those above are saved on the higher rate until the award rate catches up, depending on the job they do.

2175 MR PATERSON: That's right.

COMMISSIONER GOZZI: This implies to me that there is some award-frcc work out there that might produce 215. On the other hand you're saying, oh well, it might be an over-award payment. Well, if people pay over the award, that's their business.

2180 MR PATERSON: I believe it would be an over-award payment, taking for instance the marriage guidance director at \$60,000 package. Clearly, her translation into the award would produce a significant over-award payment.

COMMISSIONER GOZZI: Depends on what the package is.

MR PATERSON: Yes. They may in fact reconstruct it to be that rate, plus 110 plus package.

2185 COMMISSIONER GOZZI: Okay. Well, we'll forget about that page then. What's next?

MR PATERSON: Maybe before turning to the wages position, I'll turn to the User Guide on page 33, just to briefly canvass that. Clearly, there is a lot more that could be done in this area and probably a lot more that both the union and the employers need to do and for the record, there has been a loose commitment about the

2190 proceedings that the parties would endeavour cooperate on a public document to supplement the award.

The intention of Appendix I however is to provide some guidelines to the introduction and the implementation of the award. It proposes effectively two separate processes, one which is about position analysis and position evaluation and then outlining three  
2195 key steps in the translation process.

Again, the implementation proposal that we have tabled -

COMMISSIONER GOZZI: Just before you get to the implementation, where will you show the hours of work. Is there an hours of work clause in the award yet?

MR PATERSON: Yes, a 38-hour week clause in the award.

2200 COMMISSIONER GOZZI: Yes. So for the purpose of translation, employees working 35, and I note there are a few working 35, that can't find its way into the award because 35-hour week is prescribed by the wage fixing principles. I know that there are people working less than 38 hours even in the public sector where the hours are prescribed by regulation and so on and so forth, 36.75 or whatever they are, but how  
2205 will you handle the hours of work issue where your award provides 38. Does that now mean employees will work 38 hours where they currently work 35.? Just take that on board. It just reminded me, at the bottom of page 33, the second line up, you talk about 35 hours.

MR PATERSON: I will take that on notice if I may and come back on that one. To  
2210 some extent, provided there's full proportionality of pro rata entitlements, for instance in the conditions field of a person's appointment, it's a non issue.

COMMISSIONER GOZZI: Yes, it is though. It is an issue in respect of proportion at 38 hours as per the award of proportion at 35. I mean, 35 is 35/38ths of the full-time entitlement. It's not 100% entitlement.

2215 MR PATERSON: I'll take that on notice and come back on that.

COMMISSIONER GOZZI: For the purpose of this exercise anyway, I think you should at least, between Mr Watson, Mr Kay, Mr Kleyn and yourself, just have a view about it because you might want to put it in a document as to how the whole thing is going to be implemented at the end of the day. You might be able to agree on how you treat  
2220 that situation. They might want to play hard ball, I don't know. Probably after 2 days sitting here, they'll want to play hard ball.

MR PATERSON: We might do it tomorrow morning. In terms of the implementation proposal, what is here is the proposal that is basically an effective date for the first rate as per the award, of 1 January next year, a second instalment, if you like, on 1  
2225 July, with the final rates put in place on 1 January 1996. Those rates effectively go in three steps given for a number of organisations 1 January will be a step. For some organisations it may not be. Effectively in three steps covering 15 percentage points of the base.

COMMISSIONER GOZZI: What's the funding cycles. Do they go 1 July to 30 June, do they?  
2230

MR PATERSON: Funding cycles are very difficult for me to get a handle on. Perhaps it might be a question the employers can come back on. There are a number of services that work to, say, the State's budget funding cycle of July to June. There is still some programmes that work on a calendar year and the reality is that their  
2235 budget cycle is dependent on the passage of the budget before the next allocation

comes down. So whilst it might notionally a financial year, there's been slippage over the years, which makes it a September to August year, or something like that. I think in practice there is a considerable range and a number take their initial date from when a programme is first put into place. We have people talking to us now who have submitted and got money for a time, so it depends on whose budget you're talking about.

The commonwealth certainly are moving to align all their programmes to the financial year, whereas some of them previously had been calendar year funded and that has been consequent upon earlier federal budgets, May budgets. I don't know there's been any particular changes in state arrangements.

COMMISSIONER GOZZI: The reason I'm asking is simply to see how these dates would fit in with the funding cycle.

MR PATERSON: The other point I have from much earlier, probably going back to the mid '80s when we were asked by funding bodies to take into account funding cycles, I believe there is in most programmes a capacity for a mid cycle adjustment one way or another, that budgets remain budgets, that they're not locked into place, this is all there is and all there ever will be.

They are budgets and those budgets themselves embody review processes within the budget cycle and budget year.

COMMISSIONER GOZZI: Mr Paterson, how are you going for time?

MR PATERSON: I think I can adequately cover the remaining principles within the hour or so remaining to us, in terms of the documents before you.

COMMISSIONER GOZZI: So, you think you will finish today.

MR PATERSON: I intend to finish my submission-in-chief today, which probably leaves me a little bit short for flowery comments at the end of 14 years but I'll forego that.

COMMISSIONER GOZZI: I was going to suggest that if you needed some more time, 12 October would be available, for at least to finish your submissions, without necessarily impacting on the time lines we've set down for - because you've got some submissions to make, Mr Kleyn?

MR KLEYN: Yes, I do.

COMMISSIONER GOZZI: So we don't adjourn today to whatever date we're going to fix afterwards, just reconfirm dates and so on - I think there might be problems with a public holiday or something, that we try and get you and Mr Kleyn finished which doesn't then disturb the times - allowing Mr Watson to have a look at the transcript and so on. So, if you can't finish today - what I'm really proposing is that perhaps we could reconvene just to finish your part fairly quickly. We don't need, from what you're saying and what Mr Kleyn's indicated, a great deal of time to finish that. It then allows us still to meet the time lines there.

MR PATERSON: In response to that, Commissioner, I would still like now to talk to the documents that I have tabled and the principal issues they raise. If that leaves me to make final remarks on the 12th, I think that's an appropriate course of action.

COMMISSIONER GOZZI: Yes. Whether it's the 12th or not, we can work out afterwards.

2280 Right, let's continue then with what you want to say.

MR PATERSON: In principle the relativities we've proposed, and that is page 27 of ASU.11 - the relativities are proposed as being, firstly appropriate in the notion to the issues raised and identified by the union in its submission and its witnesses, appropriate relativities for appropriate classifications for this award for this industry and in so doing and to also recover some of the genesis of this position, note has been taken in the development of the union's position of a number of other exercises that have taken place in other jurisdictions or other awards.

The central feature that I draw attention to is that this proposed relativity between the seven classifications effectively puts in place in this industry a structure that is comparable to that found in other industries that have gone through comparable exercises, especially in relationship to this jurisdiction, the evidence I have tabled contained in ASU.19, is what I draw specific attention to. Whilst the industry is not that of surveying or drafting, or professional engineers or scientists, the key qualifications are aligned. The Associate Diploma in Community Services, that which was tabled in ASU.18 has been accredited as an Associate Diploma. It is of a standing equivalent to any other Associate Diplomas - or to comparable Associate Diplomas. Noting in particular the hours of the Associate Diploma in ASU.18, the course work hours are something like 924 with a further 400 in field work placement.

It is my understanding that this Associate Diploma, when it was reaccredited in January 1992 it was accredited at ASF 5-6. The other key qualification that I haven't any specific information on or detail as to its content, but the other key qualification clearly is the Bachelor of Social Work run out of the university in Launceston. The social work courses around the country tend to be 4-year qualifications. The key points that we draw from the relativities in these awards, and they consistent one to the other. In the first instance, looking at the Surveyors Private Industry Award, the relativities that they're in can be identified are an entry level of 82% progressing to 100% with 3 years experience. Whilst the lower points on that entry are not aligned to this, my primary submission there is that it is my understanding at this stage that the employers and the union are at least agreed on the first two levels of the Community Service Worker. The issue there is that this classification, Community Services Worker Class 1 peaks in the union position at 100% as does the Technical Assistant Survey after 3 years experience. So, the point of the argument is that therein the 100% level can be found at the top of the level below that which commences at 105%.

What the union's proposal does above 100% is to create one classification, one class that embodies three levels from awards such as the Surveyors Award which effectively gave expression to the Metals Award restructuring. So the 105, 110 and 115% in the union's proposal for Community Service Worker Class 2 bear a correspondence to the C3 level 1, 2 and 3.

COMMISSIONER GOZZI: Mr Paterson, you'll find lots of examples like that, but the real test in all of those is that the value is attributed to the work that's performed. So for that position to be sustained, you've got to really say the characteristics of that work equate in work-value terms to the characteristics of the work in the Community Services Award. You're really saying, from your perspective, that it's a comparable situation and I'm not sure whether you can say that in respect to all those, without going through the details. You can find 100% level anywhere and what ought to be consistent is the worth that's attributed to the 100%.

MR PATERSON: That's taken on board and the point that I'm seeking to make in the first instance is to establish those relativities as comparable points of reference at least on the basis of relativity and to then proceed to that second question that you've put by having a look at, in particular, the classification standards that are aligned to 105, 125 and 130% -

COMMISSIONER GOZZI: That's right. Just let me clarify that -

MR PATERSON: So, in the first instance I'm drawing attention to alignments relativities and then in the second instance to compare classification standards.

2335 COMMISSIONER GOZZI: All right. The 100%, as I say, in various awards will be at different points but what will be consistent, or ought to be consistent, is that the 100% represents i.e. the tradesperson's rate because the 100% is in fact the tradesperson's rate in every award. It'll be at different points in the award, depending on what work is required below and above that particular amount of money. Do you agree with that?

2340 MR PATERSON: I agree with that in principle, yes.

COMMISSIONER GOZZI: You know 100% in one award might be the top level, for argument sake, not that it is but it might be the top point with a whole lot of levels below it, but what will be consistent between each of the awards, or should be, is that the 100% is the 417, or 425, or going way back to \$356 as it was and then the minimum rates adjustment bringing it up to \$407 and then \$417.

2350 MR PATERSON: Two points being relevant to that. One being that the alignment of and structural efficiency type principles as they relate to career path development and skill development have tended to align all trade qualifications to a comparable standard, that the distinction and the difficulty that we have, both as players in this industrial jurisdiction and ourselves more specifically as a union, and I think it is probably contributed to why we are only just getting her now is that it is difficult and has been historically difficult to come to terms with a trade equivalent qualification in this industry, or a trade equivalent position.

2355 Now, there are ways and means and the moves in the training fields to align and develop those is evening that out. What is apparent and comparable here, in my submission, is in fact not so much the 100% point but the 105% point or the 125% point, that the entry level for an Associate Diploma with no experience is consistent across these standards that I've tabled and bearing in mind that a number of jurisdictions adopt 100% figures, that also the 125% and 135% levels for skills that

2360 equate to degree entry or degree with no experience at 3 and 4 years, the reference points are much more clearly identifiable in relation to this industry as compared to a trade rate or a trade qualification.

It's from that basis that I produce - the union submits a position that has a Community Service Worker Class 2 at 105, 110 and 115%.

2365 It is on that basis and it is one of the key distinctions between the union's position and the employer's position, that the skills and responsibilities that I outline for Class 3 are aligned at the first of the professional levels.

2370 If I can take the Commission now to what I think is probably the clearest statement of this Commission and I don't rely on this in terms of the dollar figures put alongside the relativities, but it is my reading of -

COMMISSIONER GOZZI: ASU.24, is it?

2375 MR PATERSON: ASU.24, but also a subsequent decision of this Commission of 23 April 1993, a Full Bench of the President, yourself and Commissioner Watling, a decision in relation to the October Wage Case reasons for decision that go to the developments, or lack of developments in the State Wage Case. In particular my attention was drawn to the second page of that decision and I quote:

2380 *The classifications set out in the decision of 29 November 1991 which were derived in the main from standards proposed by the minister, have been work-valued by the Bench. In the event that these standards remain unaltered, the rates of pay previously determined will have relevance.*

2385 The point I draw attention to is that those standards were not relying on the quantum of money put alongside each standard have been work valued and in ASU.24, 25 and 26, I submit that the professional level - in the first instance, in the Technical Employees Award, it is my understanding that level 2 being the fully qualified Technical Practitioner level, page 3 of the model Technical Award, appendix 4, third paragraph down, level 2 being the fully qualified Technical Practitioner level with a minimum qualification of an Associate Diploma, that that aligns to the descriptors that we have put alongside Class 2.

COMMISSIONER GOZZI: Do you think so?

2390 MR PATERSON: In particular the application of the conventional practices, methods and standards performed under general direction and supervision -

COMMISSIONER GOZZI: I want to ask you something. Let's have a look at Class 2. Let's look at Level II and your Class 2. Do you know what the provisions of Section 37 are?

2395 MR PATERSON: No, I don't.

COMMISSIONER GOZZI: In your Class 2 you have an appropriate Associate Diploma without experience, so you're aligning that with a Level II in ASU.24.

MR PATERSON: That's correct.

2400 COMMISSIONER GOZZI: I thought that you were using - this is a fully qualified Technical Practitioner level.

2405 MR PATERSON: My understanding that that level in the public service would equate to that Class 2 and given the differences and the distinctions between the appropriate rates and trying to deduce what relativities were applied in either case, my research and reading into the position would indicate and suggest, in terms of relativities and in terms of the descriptors, yes they do align.

COMMISSIONER GOZZI: I mean, you're talking here about characteristics as moderately complex.

MR PATERSON: And the qualification within our position is that employees with supervisory responsibility may undertake some moderately complex operational work.

2410 COMMISSIONER GOZZI: Work may include or highly consist of complex technical work at that level.

2415 MR PATERSON: I submit there is a comparability between those classifications and reiterate that it is my understanding of the industry and my belief that to a significant extent a number of the skill and practice regimes in this industry have been very poorly developed and that the key characteristics at this point in time, which shape an appropriate classification structure are in fact the direction, supervision, initiative and discretion, particularly at levels 1, 2, and 3, and - but taking into account principles of work value in developing this position, the union is of the mind and the position is developed on the basis that as much as anything else, the conditions of the work are  
2420 key and critical determinants.

2425 The nature of the work and the skills are recognised as part of the package that make up the value of the work, but in this industry it's the union's submission that the conditions under which the work is performed, are perhaps more significant given the under development of aspects such as skill, development and the poorly developed and articulated training regime that applies around this industry.

2430 To turn, if I may, to ASU.25. With - with lesser - with lesser reliance on this - on this particular stream in that there is not a clear basis of qualifications within this structure - this stream - that the administrative and clerical work in my reading of this classification standard is in fact not a - a qualified stream and therefore qualifications tend not to find expression, but taking into account the observations - or the observation that, and the comparison one to another, I draw - I draw parallels with the hierarchy that is expressed particularly between levels 3, 4, 5, and 6, and believe that they reflect comparable hierarchies in terms of supervision and direction.

2435 COMMISSIONER GOZZI: See, I think - you're certainly entitled to do that and I've got no problem with it, but the problem you run into with all this is that - and I know what you said about not looking at rates of pay - but one of the problems you run into is that the worth of the work and the standards were assessed even back in '91 - you know, level 2, going back to your Class II - a level 2 went from 24,739 - that was in 1991 - to 24,452. Now that's a significant difference in terms of what was assessed to be performed at that level compared to your Class II - right - where you're lining up a Class II with a level 2 in that ASU.24 - I mean your Class II is - page 27 there - goes from 23218 to 25418 into today's dollars per annum compared to the range of salaries available in '90/91 ascribed to that. Now, you know, if you look at it that way, the full bench must have got - been very generous or you're marking it way down. I mean, why do you think the full bench ascribed those values to those - to that standard?

MR PATERSON: Well I'd suggest that -

COMMISSIONER GOZZI: It had to do with the work - the work value - as the full bench .... at work value, the streams .... up with those numbers.

2450 MR PATERSON: Including the differences, apples and oranges, to some extent, one being paid rates, one being minimum rates - there's a variable that comes in there - one being public sector, one being private sector .... the variable that comes in there.

2455 And again, whilst particularly drawing attention to the classification characteristics and not to the full range that - of the salaries that apply to those - those rates - because they do bear on a particular industry being the private sector. But - I mean I submit that those have relevance if - if limited, as indicators of appropriate classifications for appropriate levels.

2460 COMMISSIONER GOZZI: Mr Paterson, look I - as I say, that's quite appropriate for you to make those submissions of course, but how appropriate is it to use a technical employee standard to this sort of work. And do you say that they're the same or, you know, is it appropriate to use that standard?

2465 MR PATERSON: Well, on the basis that those exercises in restructuring, where they take technical standards relate them to associate diplomas, and the key - one of the two key qualifications in this field is an associate diploma that aligns with associate diplomas in more conventional trade terms - there is an alignment that flows from that.

COMMISSIONER GOZZI: Yes. Alright. You see, if you look at the - well let me say, I recognise that you've designed it on the basis of the associate diploma, and looking at where that fits in the metal industry standards, and looking how that fits in some of these other awards that you've got here - but you know, if you look at lining up the



2470 words in the technical employees standards in ASU.24, then if you go to ASU.25, which is the admin clerical standard - look at level 2 there - you know -

MR PATERSON: Sorry, I - just excuse me for a minute.

COMMISSIONER GOZZI: Mm.

MR PATERSON: I've got a reference document that I'd like to refer to.

2475 COMMISSIONER GOZZI: See, you get different - you get a different picture of that, and you might say that that doesn't equate at all.

MR PATERSON: What was the -

COMMISSIONER GOZZI: Well, ASU.25 -

MR PATERSON: - comparison you were seeing to make?

2480 COMMISSIONER GOZZI: - level 2.

MR PATERSON: Level 2 in the -

COMMISSIONER GOZZI: ASU.25 which is the clerical - Admin & Clerical Employees -

MR PATERSON: Mm.

2485 COMMISSIONER GOZZI: Right, - now here it talks about:

*Routine work generally by specific direction undertaken under direct and/or routine supervision.*

And so on.

MR PATERSON: Mm.

2490 COMMISSIONER GOZZI: What's your view about that vis-a-vis Class II?

MR PATERSON: It would be my assessment looking at - looking at the - the internal relativities between those four public service streams, it appears to me, on my analysis, that Class II in the Admin & Clerical Award appears to me to be equivalent to a relativity of 90%.

2495 COMMISSIONER GOZZI: Alright.

MR PATERSON: Those routine functions, specific direction, established guidelines, I believe would equate to Class I.

2500 COMMISSIONER GOZZI: Alright. And the other question I have for you - and then I'll let you move on through what you've got - how appropriate is it to make the sorts of comparisons we're making now? Shouldn't the emphasis be on evaluating the worth of the work within the award that you're proposing be made? In the context of the sort of disciplines and principles that apply to wage fixing, how appropriate is it to make the sorts of comparisons that you're seeking that we do make?

2505 MR PATERSON: I've - I acknowledge and believe have acknowledged that there is limitations to those - to those - to the application of virtually all of these documents.

2510 The very real difficulty that we have is that there is not a comparable classification structure and a comparable award in this jurisdiction which leads me to advance as guides and indicators to the supporting documents that are supporting the material gathered through inspections - or the information gathered through the inspections and processes debate. The submissions I've made - what I've put forward and what we've drawn out from the witnesses that these standards are valid for this industry and that these documents that I've recently tabled in relation to other awards are put forward as supporting documents that support a particular position as valid.

2515 I mean, I go no further than that. I don't seek to rely on them or insist or even - I couldn't insist - but to even suggest that you rely on them in your decision making. I mean they're put there as indicators of appropriate measures and standards that have been put in place by other jurisdictions with all the qualifications that are inherent on the comparison between paid rates and minimum rates between state and federal jurisdictions, and between state - different state jurisdictions.

2520 Probably, I think, to advance a little further on this question, in particular I'd draw attention to ASU.20, the South Australian award, and without going through the same exercise with this award that I have with our own proposals, the comparison - the comparability of the classification descriptors and the consistency of the rates applying at each level, notwithstanding some differences, is very close.

2525 You'll note that in particular to the - in relation to the question, that we are at this point considering going through to the Schedule 2. Rates Of Pay - which I think is the third sheet of this sheet, and then onto page 2 of that schedule, just above requirements of the job, you can see it as 'Employees who have completed an appropriate diploma' - and further, looking under the - where it reads Requirements of the job, Level 2, and then the second column on the right of page 2 'entry point for diploma without experience', and further, progressing over the page to page 3 under 'Community Services Worker - Level 3 we find the 125% being the entry level for a degree holder.

2535 So again, with all the limitations of comparison from a different jurisdiction in another state, being South Australia, I submit that there is a guide - at least a guide in the decisions of that commission as to the nature of the work and it's my submission that these - the industries covered by these awards are comparable with the reservation, or with the - the - the observation that the Social and Community Services Award in South Australia excludes SAAP services, but with that exclusion the balance of services over there covered by this award, it is my submission are very comparable to what this award covers.

COMMISSIONER GOZZI: Yes, our level 3 is the degree, as you were saying.

MR PATERSON: Level 3 provides for the 125% being the established relativity for a degree holder -

2545 COMMISSIONER GOZZI: Yes.

MR PATERSON: - coming in at level 3 -

COMMISSIONER GOZZI: Right.

MR PATERSON: - and I'd submit with comparable responsibilities and characteristics as to our proposals.

2550 Levels 4, 5, and 6 are different but contain within them, or are fairly close to the relativities that have been aligned. There are differences there which derive from the

union's position of putting up a single rate instead of the three more or less automatic incremental levels, so they approximate mid points, if you like.

2555 And in respect to that question, and knowing that I run the risk of the same qualifications or observations from yourself on the application of it, I'd submit that the professional responsibilities and the professional entry levels, both in ASU.26, being the model - model award for professional employees, level 1. In respect of the Municipal Officers of Tasmania Award, the professional - the first professional level being level 1 in the professional stream, that those professional descriptors align  
2560 reasonably well and are reasonable - and are supporting - supporting material for the alignment of responsibilities and characteristics in ASU.11 under Community Services Worker Class III.

2565 COMMISSIONER GOZZI: Well I can't - I just want to note again the Class III - you know - you're looking at rates of pay from 27,638 per annum to \$32,063 per annum, whereas level 1 in the professional scale, back in November '91 proposed 25,917 to 38,287.

2570 MR PATERSON: My submission in respect to the public sector award is that the descriptors put alongside the entry level for a degree holder are appropriate and comparable to the descriptors put alongside the entry level for a degree holder in the Community Services Award. In respect of the rates, my submission is that the relativities ought be that which is derivable from the metals framework of 125 for 3 year degree holder, and a 130 for a 4 year degree holder, which is consistent with the other private sector awards that I've drawn attention to, and in drawing attention to -  
2575 in drawing attention to the professional standing, professional descriptors in local government and the state public service, I'm seeking to draw attention to the appropriateness of descriptors of responsibility on skill level, given that -

COMMISSIONER GOZZI: Classification standards -

2580 MR PATERSON: - the classification standard itself - I'm not seeking any - or seeking to lead any evidence that argues for the appropriateness of the rates of pay that are aligned in those environments, and in particular with the professional stream in the public sector where there are eight levels. You have an entry - you have an entry point at something like, I believe you said, 117% - is that -

COMMISSIONER GOZZI: In the professional one?

MR PATERSON: From my recollection -

2585 COMMISSIONER GOZZI: ASU.26 you mean?

MR PATERSON: No, no the public service - yes - yes - yes.

My analysis puts -

COMMISSIONER GOZZI: Well, we can work it out, I haven't got - we can work it out easy enough.

2590 MR PATERSON: It is certainly below - on the assumption that - my information certainly appears to be lower than the 125%, but there is to some extent a compensation by virtue of having eight levels at which a professional employee can advance.

2595 So that, and together with the paid rates regime against the minimum rates regime, public sector against private sector, I'm certainly not looking to that as supporting the relativities.

2600 It's a principal issue that we will no doubt revisit in the rest of these hearings, because it is my understanding that the employer's position aligns classification standards comparable to our Class III within an Associate Diploma, and it is my submission that that alignment is, in fact, aligning Associate Diploma qualifications with degree level skills and responsibilities.

2605 And I believe that that's a fundamental floor in the employer's position. And what I am seeking to do with both the technical and professional standards and classification standard documents that I have tabled from local government and the state public service exercise is to establish appropriate descriptors that reside alongside respective qualifications.

COMMISSIONER GOZZI: I understand that.

MR PATERSON: In relation to - I have presented the skill share award, ASU.21 and 22, the Community Employment, Training Support Services Award -

2610 COMMISSIONER GOZZI: Which exhibit is that again?

MR PATERSON: ASU.21 and 22, being the pay structure that attaches to it.

2615 The particular circumstances of this being a narrow single program effectively, although not strictly speaking. The award - strictly speaking - the award covers community based labour market programs, and has been extended beyond purely skill-share services, but the core of the coverage in this award is skill-share services which produces a unique and special classification structure.

This is currently going through a restructuring exercise to put in place generic classifications.

2620 My point in tabling this document, and again acknowledging the difference in the fact that it is a paid rates award in the federal jurisdiction is to point in particular to the internal relativities and therein to the entry level effectively to this classification of project assistant at 95%.

2625 Now, clearly for particular reasons to do with negotiation processes and wheeling and dealing between employers and funding bodies, certain outcomes were achievable here in a particular and peculiar set of circumstances.

The point that I make is that it was not inappropriate within this award to situate what would otherwise appear to be a relatively high rate of pay along side project assistant responsibilities, and project assistants I think would essentially in a non-skill share service would probably equate to a Community Services Worker Class I.

2630 COMMISSIONER GOZZI: Well, Class I, well doesn't that sort of highlight the problem? I mean, if you are saying that - if I understand you correctly - in ASU.21 the project assistant because of peculiarities you have referred to, is at a higher level than what he or she might ordinarily be at. Is that what you are saying?

2635 MR PATERSON: A higher level than what they would be at if that person was under this Community Services Award, and effectively to say that given the peculiarities of that which extended that classification up to an internal relativity of 105%, that there is still, notwithstanding a commonality of 95% to 100% level is contained within a position, that it is called a project assistant.

2640 COMMISSIONER GOZZI: Where is that 90 to - project - oh, that is on the ASU.22, is it?

MR PATERSON: On ASU.22, the internal relativities of the column second from the right., and -

COMMISSIONER GOZZI: Yes, I have got it, that's the three levels, 23 - well -

MR PATERSON: In terms of -

2645 COMMISSIONER GOZZI: Yes, I have got it here.

MR PATERSON: Right. I do have another document which is in more detail on the current weekly annual rates of pay, if you -

COMMISSIONER GOZZI: But the project assistant according to this document here finishes up around about 115.

2650 MR PATERSON: Project assistant.

COMMISSIONER GOZZI: Well, you see if you look at the project assistant in the award, in ASU.21 on page 12, you have got a project assistant - oh, well -

MR PATERSON: No, no, the relativities are maintained.

2655 COMMISSIONER GOZZI: No, Stage 2. You see, you are looking at the project assistant Stage 1. But the full-time annual salary for Stage 2, so there must be an increment there somewhere, goes to 23753 and 23753 on your conversion chart here, ASU.22 - yes, I am sorry you are right.

2660 MR PATERSON: The critical difference is that the 100% figure is, in fact, at the end of this restructuring process which is what - the weekly rate we need to look at is the Stage 2 weekly rate - which is the 1, 2, 3, 4, 5th column from the left headed, 'Stage 2 Weekly Rate'. The 100% base figure aligns to I believe a commonwealth metals public service relativity at 433.65, which therefore distorts the comparability of the dollar rate at the end of the day.

COMMISSIONER GOZZI: So, why are we talking about that?

2665 MR PATERSON: As evidence of the fact that it is not inappropriate to have a 90%-95%-100% rate in a classification such as a Community Service Worker Class I; that this exercise alongside a comparable position with a comparable relativity in place.

That the relativity for a project assistant covers a comparable range as to what is proposed in ASU.11.

2670 COMMISSIONER GOZZI: I'll have to read the transcript. I don't follow you on that point, Mr Paterson.

Let me tell you what I think and then you can tell me where I am wrong.

2675 The reason I don't think the two things are relevant - the project assistant to the Class I - is the relativity for the project assistant was assessed as you rightly point out on a 100% which is a metal trades person's rate in the commonwealth public service of 433.00. So it gives you a higher rate of pay at 90% relativity to 433.

The relativity you should be looking at, I think, is \$417.00 or \$425.00 or whatever you come to, and the relativities to that which means you are overpaid.

2680 So, but given those two disparities, I don't see how you can make the connection. That's the problem I have got.

MR PATERSON: I suppose in those terms then. I mean, the approach that I took was one of not looking to the dollar value put alongside the work value, but looking to the internal relativities in and of themselves.

COMMISSIONER GOZZI: I see. Right. Yes, I see.

2685 MR PATERSON: Now if your argument to me is that that's not relevant and cannot be separated from the dollars at the end of the day, then I have to accept the very limited relevance of this matter.

2690 COMMISSIONER GOZZI: Well that is really encapsulating the sort of discussion I am having with you about some of these other awards where you are looking at things that don't sort of mesh and saying, well, okay, I am going along with you saying that in terms of descriptors I understand what you are saying, but when you put the money next to them you get obviously different outcomes. But if you are simply saying, look, here is another document that shows within the award 90-100-105, well that's fine, but I am not quite sure what that means on its own.

2695 I mean, you have to come back, don't you, to saying well, 99-100-105 represents a worth of work based on something or other.

2700 MR PATERSON: I suppose my submission is that the exercise has been largely driven in this case, and I draw conclusions, comparable conclusions, in other cases that I have tabled that the key criteria in those restructuring exercises was that requirement of the structural efficiency principle that required classifications to be set with appropriate relativities one to another, and I'm not entirely sure on where I read the comma, but one reading of that principle would have a cross award comparison as well as an intra award comparison.

2705 But, notwithstanding that, the submission relates to that requirement of the structural efficiency principle that has to do with the consistency and appropriateness of internal relativities.

And the other argument that I was advancing -

COMMISSIONER GOZZI: Yes, I don't disagree with you.

2710 MR PATERSON: - previously was about the appropriateness of descriptors and, yes, we lose the plot somewhat when we try and relate those two things to dollars because in different jurisdictions or different sectors being public or private I would submit that effectively there is a different valuation criteria. That when I look at a commonwealth metal tradesworker, a state metal tradesworker and a private sector tradesworker doing metal trades work - which may in fact be very, very comparable - I can find three  
2715 different rates -

COMMISSIONER GOZZI: You can.

MR PATERSON: - at alongside the same relativity, which suggests to me that there is not a universal work-value yardstick, given the three differences that emerge in those three examples.

2720 COMMISSIONER GOZZI: Yes, but you have got to go back. The reason that you get the same outcome, you get the same work-value standard, the reason you have got the difference is because you have got a private sector rate which is, for argument's sake, 417 and 425, you have got a public sector rate because it has got an attraction component in it going right back to the service incremental payment scheme which, as  
2725 you know, was way back then when it was difficult to get tradespeople into the public sector, so they paid that, and that has all been rolled into now the base tradesperson's

rate, and of course you have got public service rates which have been independently set by the public service arbitration system as it used to be and carried forward.

2730 So - but the genuine rate, the genuine rate, is the one that was used, the 356.00 in the national wage case back whenever it was, '89, worked up with minimum rates adjustments to 407 which was increased by a further \$10 for a national wage case to give it the 417, and you two can argue about the \$8, whether you want to make it 425 or not.

But that's - and

2735 MR PATERSON: Any my principal submission, which I will end today's proceedings on, is that what we take here and what this exercise is appropriate about is finding a fusion of three variables, if you like. A proposal from the union for a classification standard. A relativity - an internal relativity - which frames the seven levels against each other, and the location of a reference point, be it 100%, 105% or 125%. And to  
2740 conclude, I'll reserve my right to come back on the next day we're back to present a further winding up submission.

But it is my contention that ASU.11 effectively and in a way appropriate to the industry, provides for a fusion of those criteria to put in place a structurally efficient first award.

2745 If the commission pleases.

COMMISSIONER GOZZI: Yes, thank you, Mr Paterson.

And I just want to say that, look, I recognise that that's what you have done, and you needed to draw things together to get it into a document, and the reason I'm having this discussion with you is to get my own thoughts on the way through as well.

2750 I think it is very useful to expand on those, and I think it allows Mr Watson to take on board some of the issues as well, and it allows you to, you know, perhaps further develop where you're at.

I fully recognise the exercise that's been done here, and you have to start somewhere to put some stick in the ground and build around it, and at the end of the day you try  
2755 and narrow down the differences, which you have tried to do. And so I understand that.

We'll just go off the record for a minute.

OFF THE RECORD

We will adjourn to 10.30 on the 12th of October. Thank you.

2760 HEARING ADJOURNED