

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T Nos 2587 and 2473 of 1990

IN THE MATTER OF applications by
the Tasmanian Prison Officers
Association and the Tasmanian
Public Service Association to
vary the Prison Officers Award

re structural efficiency principle

COMMISSIONER IMLACH

HOBART, 4 November 1992
Continued from 14/10/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any changes in appearances?

MR NIELSEN: Not on behalf of the TPOA, Mr Commissioner.

MR K. GREY: Sir, there is a change with the TPSA. Myself, KERRYL GREY instead of ROD HUNT.

COMMISSIONER IMLACH: Thanks, Mr Grey.

MRS W. BURGESS: And WENDY BURGESS, appearing for the Minister administering the State Service Act, in lieu of MR WILLINGHAM, appearing with **MR BEN MARRIS.**

COMMISSIONER IMLACH: Thank you, Mrs Burgess. Now, who is starting?

MR NIELSEN: If I may, Mr Commissioner? Mr Commissioner, arising from our last hearing there was a suggestion - I think that it was actually off transcript - that the parties before you should have some discussions on those matters that had been suggested to you at the earlier hearing, such as training, and the desire of the TPOA to visit Victoria, and have the training facilities and the correctional services facilities to have a look at.

Mr Commissioner, I wish to report that our association has held discussions with the two other representatives, but may I say that I believe that they should address you as they see their organisation's position. Mr Commissioner, before asking the other parties for their comments, I wish to make the following comments on training.

I'd like to restate that the TPOA would request the commission to visit the mainland to see first-hand the training facilities that exist in that state for prison officers. In this way you will gain an appreciation of the types of correctional institutions, training facilities, and courses available for prison officers.

This would give the commission and the industrial advocates an opportunity to assess the facilities, both working and training, that exist in other areas. We understand that the correctional services management in Tasmania has had an opportunity to look at other correctional institutions in Australia. It would be most advantageous and opportune that the commission and the advocates in this case to do the same.

This is going to be an ideal opportunity to achieve those goals. The TPOA is prepared to structure this trip so that industrial advocates, and perhaps yourself, sir, can organise this visit to take place at a time that may coincide with another appointment of yours and their's to the mainland. In this way the commitments may be synchronised and the cost kept to an absolute minimum.

The TPOA would also like to inform the commission, in an effort to reduce the costs, that they would be prepared to provide the transport on the mainland for the delegation both to and from the hotels and the institutions to be visited. The TPOA would also be prepared to provide the midday meal for the delegation on these days.

This exercise, Mr Commissioner, is to assist our association's formal request for a correctional services training committee to be established with yourself as chairman, and representatives of the two union respondents and the government parties. And we don't see this situation happening overnight, Mr Commissioner. If this was successful we would like to see ultimately over a period of time a development that perhaps may be into the next 2 or 3 years, or even 5 years.

I'm aware of another organisation that I have had experience with that those particular emergency services personnel in those early days were sent to Victoria for training, and as the years went by and that particular agency became more experienced they then got their own training officers and eventually established their own training department. And it is some thoughts, or ideals, that our TPOA is looking in that direction. Just in concluding, Mr Commissioner, you are aware that our next position is, as I understand it, Friday the 13th, and that's where inspections are to take place at 9.30 at Risdon. That's all I have to say, Mr Commissioner.

COMMISSIONER IMLACH: Thanks, Mr Nielsen. Mr Grey?

MR GREY: Thank you, sir. Sir, in view of the award restructuring case that is still ongoing before the full bench of this commission, in view of the enterprise bargaining provisions of the new wage fixing principles, and because of this government's proposed industrial relations reforms, or laws, we've had discussions with government and the outcome of those discussions will be made clear to us, we understand, within the next week or so, and that outcome may well have an impact on this particular special case. And, as such, I do not wish to prejudice anything that may happen in this case, but don't wish to make any further submissions either.

COMMISSIONER IMLACH: Oh? So we may have a time bomb or we may not, Mr Grey?

MR GREY: Well we may have a different way of resolving the procedure. It may be that it complements what is already taking place. But it is a bit early to say.

COMMISSIONER IMLACH: Yes. That's fair enough.

MR GREY: And it's a relatively recent development, as of a couple of days, so unfortunately there wasn't much time to forewarn anyone when these times have already been established also recently.

COMMISSIONER IMLACH: All right.

MR GREY: Thank you.

COMMISSIONER IMLACH: Thank you, Mr Grey. Mrs Burgess?

MRS BURGESS: Well, in view of the non-submissions by the TPSA and in reply to Mr Nielsen from the TPOA, in respect of inspections on the mainland, I'll leave that up to my colleague, Mr Willingham to further progress that with Mr Nielsen.

COMMISSIONER IMLACH: Thanks, Mrs Burgess. Well, Mr Nielsen, I'll make a couple of points in relation to your submissions. The commission is really in the hands of the applicant in this matter and so long as the inspections are within the ambit of the substance of the claim being put to the commission, as far I'm concerned we all have to go. So that in the context of training and inspections in that regard, so long as the substance of this claim either between the parties or whatever does include that concept.

In other words, as I see it, so long as the claim includes restructuring I presume all parties would accept training - settlements as to training would be a part of restructuring. So long as - I repeat myself - those inspections are related to the substance of the claim, as I see it, really we have no choice if the applicant requests that we go. So I think, Mr Nielsen, and the other parties there's no more to be said about all that at this stage.

MR NIELSEN: Well I can assure the commission that they will be and we appreciate the commissioner's comments.

COMMISSIONER IMLACH: Right. And we'll wait and see what happens in relation to other matters that have been raised.

MR NIELSEN: Yes, Mr Commissioner.

COMMISSIONER IMLACH: Now, understand someone else has got something to say. No? Oh, I see, so - I'm sorry, I'm leaping ahead of myself. I thought the TPSA was going to say something today but they've already said it.

MR GREY: Yes.

MR NIELSEN: Well, Mr Commissioner, if I may just comment. We've got an open mind what the TPSA have said and we will

just take them on board as their own comments have said in regards to what the future developments are. What we are concerned about - and with respect, the TPSA supported that situation - that the itinerary, I suppose, may be the word, that we've mapped out should continue and we're very desirous that the case proceeds on and very heartened by your own comments on training. And, as I said, repeating myself, we assure you, sir, that they will be in regards to the matters before you.

But in light of the new industrial relations and that matter, well that becomes to the forefront, well, I would assume not only our association but all the other organisations that have issues will give consideration to that position as it develops.

COMMISSIONER IMLACH: Yes, all right. Well that's also my view, Mr Nielsen, that depending on what arises from what the TPSA has put to us, if it's that significant, well then we'll come together again and see where we go from there. But at the moment, as far as I'm concerned, we are proceeding as originally agreed. Mr Hughes?

MR HUGHES: Mr Commissioner, before the proceedings today wind up could I ask for a short adjournment so that I can have a talk with my colleagues because of the developments that have happened from the other interested party in this case?

COMMISSIONER IMLACH: You may, yes.

MR HUGHES: I appreciate that, sir, thank you.

COMMISSIONER IMLACH: We'll adjourn until I hear from the parties, then we'll resume.

SHORT ADJOURNMENT

COMMISSIONER IMLACH: Well where are we?

MR NIELSEN: Mr Commissioner, thank you for the opportunity of having the adjournment. My president and secretary of the TPOA have instructed me to advise you that they have some concerns with the development this morning in so far that our association is very desirous and keen, as you're only well aware, in our earlier submissions to proceed with this case. And we don't wish to involve ourselves in the other advocates' affairs or their desires as to what their associations may or may not do, which is their prerogative.

I've been instructed to place on record before you, sir, that the TPOA is and will address all the classifications within the Prison Officers Award. And why do I make that statement?

It is, sir, in regards to very, very early days when we first appeared before the president, I think, in the Anomalies Conference, and I, myself, appeared there along with the Trades and Labour Council that presented the application for the special case in those days along with the TPSA, and I think there was a few other applications at that time, and there was an indication, I suppose, for the want of a word, that the TPOA would specialise or emphasise the probation officer, the prison officer and the senior prison officer. And that the TPSA then would proceed with the following classifications of the award.

But in discussions - and I'm not wishing to embarrass the TPSA - both organisations are mindful, as we understand the position, Mr Commissioner, that either employee organisation has the ability to respond to any classification within the Prison Officers Award. I was instructed to advise you accordingly, sir.

COMMISSIONER IMLACH: Thanks, Mr Nielsen. Anyone else?

MR GREY: Sir, I suppose I'd just reiterate what I said earlier. The main reason for not making submissions today is not wanting to waste anyone else's time. It's a very quickly changing world and what was appropriate last week may not be appropriate next week.

COMMISSIONER IMLACH: Or it may be, we don't know.

MR GREY: Or it may be, sir, it may be. Yes, that's right.

COMMISSIONER IMLACH: All right.

MR GREY: Thank you.

COMMISSIONER IMLACH: Well, as far as I'm concerned we're due to meet on the 13th, so we'll adjourn to that day - and where are we going that day?

MR NIELSEN: Risdon, Mr Commissioner, 9.30 am.

COMMISSIONER IMLACH: Right, well we'll adjourn -

MR NIELSEN: Morning tea and lunch will be provided for the whole of the delegation.

COMMISSIONER IMLACH: Right. We'll adjourn till then. Thank you.

HEARING ADJOURNED