

IN THE TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No 2316 of 1990

IN THE MATTER OF an application by
the Association of Draughting,
Supervisory and Technical Employees,
Tasmanian Branch to vary the
Surveyors (Private Industry) Award

re Initiation of a program to
restructure the award

COMMISSIONER GOZZI

Hobart, 17 September 1990
Continued from 23 March 1990

TRANSCRIPT OF PROCEEDINGS

unedited

COMMISSIONER GOZZI: Any change in appearance in that matter.

MR K. BROTHERRSON: Yes, Commissioner. I don't believe I've appeared in this matter before, BROTHERRSON K., appearing for the Tasmanian Confederation of Industries.

COMMISSIONER GOZZI: Thank you, Mr Brotherson. Mr Baker, where are we at with this one?

MR BAKER: Well sir, we, in fact, have done a fair amount of work in respect to this award and I do so by indicating to you two exhibits.

COMMISSIONER GOZZI: You might be able to help me with this one too. Is that ADSTE.4?

MR BAKER: 5.

COMMISSIONER GOZZI: ADSTE.5. I've got two copies of ADSTE 5. Are they the same, are they?

MR BAKER: There should be one headed, 'Surveyors (Private Industry) Award Clause 8'.

COMMISSIONER GOZZI: Yes. We'll make that ADSTE.5 and the other one ADSTE.6.

MR BAKER: First of all I'll just take you through ADSTE.5. ADSTE.5, sir, arose out of a previous exhibit to the Commission, I think it was ADSTE.3, at an earlier hearing, where we spelled out a new career structure for the industry which incorporates people right through from the certificate level through to the associate diploma level and then finally through to the diploma and degree level.

COMMISSIONER GOZZI: Yes.

MR BAKER: We have a percentage-type structure which is consistent with the decision in the Metal Industry Award and we have an annual salary structure which again, sir, was based on that decision and it is also, of course, sir, based on the August '89 national wage case decision in print H.9100 which established minimum rates for various classifications. Notably, in this case, sir, of course the rate for the mechanical tradesperson.

The document also contains, on page 3, a broadbanding of classifications consistent again, sir, with those decisions. And on page 4, sir, there is a series of new definitions which in fact are to be inserted into the award. So, as you can see, sir, we've come a fair way with this award and I won't, sort of, go through all the bits and pieces of this morning, sir, because unfortunately the Surveyors Association have not yet responded to the document.

COMMISSIONER GOZZI: Well, that's unfortunate.

MR BAKER: It is more than unfortunate, sir. The last time that this matter was, in fact, listed for hearing I, in fact, did request that the matter be adjourned because at that stage the ACSA had not yet had a meeting. I understand, sir, that since that point in time they've had some difficulties in getting their industrial committee together or organised and at this stage of proceedings, sir, we're still in a position where they have yet to respond.

However, sir, there is a document before you which spells out in some detail exactly where we are going to go in this industry. There is a structure, there is a broadbanding of classification structure to be inserted, there are new definitions which have been proposed and together with that, sir, in ADSTE.6, there is of course, sir, the flexibility, the structural efficiency principles, the training clause and a settlement and disputes clause.

Coupled with that, sir, is my submission to you this morning that ADSTE as a respondent organisation to this award has, in fact, met the terms of the structural efficiency principle which states that the Commission should be satisfied that the parties to the award have cooperated to improve the efficiency of the industry and provide workers with access to more varied, fulfilling and better paid jobs.

That is the nature of the material which the association has prepared. It's the nature of that material which we have forwarded to the TCI, who represents the employers in this industry, and consistent with our position in this industry we believe that the association has, in fact, done enough at this point in time to determine that the 3% should be awarded.

And in saying that, sir, we believe that in awarding the 3% the Commission should impose a period in which time the employers should respond to the documentation which we have provided and a program be established under the ... under your chairmanship, sir. A short duration in which the matter, in fact, can be finalised and the award varied in accordance with the principles outlined in the national wage case decision of August of last year, which was subsequently, of course, sir, endorsed by this Commission, and to give effect to those principles.

And that we believe, sir, that we have in fact complied with the clause. It is simply not our fault that the employers have now spent something like 4 months, I think it is, considering the position we have put to them. I might add, sir, the position that we have put to them is consistent with the discussions which are being conducted under the Surveyors

Award, the private industry award in the Victorian State Commission.

The principles and also the definitions, the salary structure et cetera is consistent with that position which is adopted in Victoria. So what we have put forward, sir, is nothing radical or ...

COMMISSIONER GOZZI: No.

MR BAKER: ... miles apart from a national position. And as I said, sir, it would be our position that we have met our requirement under the principles and that the 3% should be awarded and a program established by this Commission in order that the matter be brought to some fruition otherwise, sir, I can see the matter dragging on till next year.

COMMISSIONER GOZZI: Well, we won't let that happen. Thank you, Mr Baker. Mr Brotherson?

MR BROTHERSON: Thank you, Commissioner. I've listened to what Mr Baker has had to say and unfortunately I can't respond to it in any great detail as it's not a matter in which I normally deal and, in fact, only came along to these proceedings today because I generally deal in the Draughting Technical Officers Award.

I think in fairness to Mr Baker it would appear that he has put a number of proposals forward which certainly need to be responded to. And I have been advised by Mr Abey that there has been some difficulty in getting hold of the employers in this area. And perhaps, as Mr Baker has suggested, if the Commission was to establish some type of timetable for the matter it may encourage all the parties to participate as appropriate to bring this matter to a conclusion.

COMMISSIONER GOZZI: Thank you, Mr Brotherson. Well, I'll adjourn this matter also to 11 October. If at that time there is still no improvement in the position as reported by Mr Baker today, I will listen to Mr Baker in respect of determining an operative date at that time. In other words, I'll take submissions on that point on 11 October. I think I should allow just a little more time for responses to be provided, but I think Mr Baker's point is well made. And we'll see what happens on the 11th.

In respect of documentation, Mr Baker, I just noticed that some of it could be perhaps reworded, particularly in ADSTE.5, to make it gender neutral, particularly in the definitions, I think. And I would appreciate too, that with these awards and, in fact, all structural efficiency awards, that if we are going to vary them to implement structural efficiencies, that general tidying up of the awards be undertaken at the same time. I think now that ... now is the opportunity for that.

And if you look at clause 7 - Definitions, you'll see what I mean.

MR BAKER: Yes.

COMMISSIONER GOZZI: The proposals, prima facie, seem to be in keeping with what's required under the structural efficiency principle. I look forward to hearing further comment on 11 October. And, as I say, Mr Baker, you can rest assured that if at that stage nothing further has happened, I'll listen to you in respect of operative date.

MR BAKER: That would be appreciated, sir, thank you.

COMMISSIONER GOZZI: Okay. These proceedings are adjourned to that time. Thank you.

HEARING ADJOURNED