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TRANSCRIPT OF PROCEEDINGS

O/N 0529

TASMANIAN INDUSTRIAL COMMISSION

COMMISSIONER J.P. McALPINE

T No 9925 of 2001

COMMUNITY SERVICES AWARD

**Application pursuant to the provisions of
section 23(2)(b) of the Industrial Relations Act 1984
by the Australian Municipal, Administrative, Clerical
and Services Union to vary the above award re wage
rates, work value changes and pay equity**

HOBART

10.30 AM, TUESDAY, 8 JUNE 2004

Continued from 16.4.04

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

HEARING COMMENCED

[10.30am]

PN256

MR I. PATERSON: I appear on behalf of the Australian Municipal, Administrative, Clerical Services Union.

PN257

MS J. THOMAS: I appear on behalf of the Tasmanian Chamber of Commerce and Industry Limited.

PN258

THE COMMISSIONER: Thank you.

PN259

MS THOMAS: If it pleases, I will remain on my feet and I will take the lead on the report back.

PN260

THE COMMISSIONER: Please go ahead.

PN261

MS THOMAS: As you know the parties were last before the Commission on 16 June [sic], at that time you issued directions that the parties confer with a view to reaching agreement and working towards a joint approach on the issues of funding etcetera. Now, in relation to the funding issues whilst the parties have been unable to formulate a joint approach nonetheless I think both parties have been most active, in particular at the State Government level in pursuing the issues of funding. Unfortunately those discussions were somewhat frustrating, but I think it is far to say that the State Government is well aware of these proceedings and is eagerly awaiting the outcome of any decision that is made and then they will review their position on funding.

PN262

In terms of the broader issues relating to this claim the parties have conferred and have discussed a number of matters on a without prejudice basis. I can say however that the parties have agreed to review a number of issues and continue their discussions. These issues revolve around issues at level 4 and at level 8. The parties have also agreed to review responsibilities of each of the levels in the award with a view to providing clearer boundaries between the levels. I think everyone would agree in using the award as it presently stands determining someone's classification between levels 4 to 6 can sometimes become quite difficult because there is a blurring of the boundaries between the levels, so we will certainly be working on that.

PN263

Yes, the parties have been discussing the issues of quantum and the relativities to apply at each level. So those matters are in their early stages and very much conducted on a without prejudice basis, so I don't want to go into too much detail now. As such we would request that this matter be adjourned, however the TCCI is not intending to prolong the final determination of this matter to a great extent and we have discussed that it would be beneficial I think if this

matter were determined, to some extent sooner rather than later so a hearing date of mid-July would suit the TCCI and we would be agreeable to that.

PN264

THE COMMISSIONER: Thank you. Mr Paterson, any comment?

PN265

MR PATERSON: Thank you, Commissioner. The matter that I think Ms Thomas alluded to in what we need to review we have also discussed is the timing and the phasing in of the increase. We certainly haven't reached any position on that, but we have indicated from the union's point of view a willingness to look at an outcome of a decision which has a prospective date that allows a window of time for organisations to take the outcome to their funding bodies, whoever they may be, government or non-government and give them time to work out how they would accommodate the changes. Similarly, I don't think it is particularly productive for us to - well, not productive - we don't have anything to put on the record in terms of the issues that Ms Thomas has identified, however I think it would be productive for us to sit down with you in conference for some time, half an hour or so and just look at both how - what the approach is we are adopting and the manner and timing of which we would intend to progress.

PN266

I think our biggest difficulty in this as probably been the case in many other jurisdictions as well as in this jurisdiction with the making of the award is that governments are unable to look at a process until there is an outcome. This puts us in the position of effectively taking a fairly traditional line of saying we want you to make a decision. On the other hand I appreciate that the way we have progressed this matter has been a default consent approach. Whilst the employers and the TCCI aren't in a position to give consent because they can't speak with one voice on behalf of the industry, this is a diverse and complex industry ranging from small single purpose services that might have one full time equivalent to an organisation like Anglicare with dozens of programs and probably in excess of 500 employees and budgets in millions.

PN267

On the other hand I do also pay credit to the TCCI, I think their approach in this matter has been very productive and has helped to get us where we are today. Nonetheless I also appreciate that if we were to ask for the matter to be fully arbitrated it may well be that there is whole other round of evidence that we need to present that goes to the quantum that should attach to the then Deputy President's word significant. I am happy and it may be useful for us to look at how we intend to use the evidence that was before Deputy President Watling and I think it would also be productive for us to look at the timing and manner in which a decision might be made. Apart from that we do have various positions on the table.

PN268

There are matters that we are looking at. I think a definite date of mid-July being four to six weeks out would give us time to nail down a position that the employers wouldn't oppose. They may not consent to it, but we may be able to arrive at a position that they can agree is a reasonable position given the

matters that have been before the Commission before today. So I think we are probably agreed on where we are going and not quite entirely sure about how we get to the end point.

PN269

THE COMMISSIONER: Well, we may have a bit of a chat about that. Well, let us go off the record.

OFF THE RECORD

[10.40am]

RESUMED

[10.50am]

PN270

THE COMMISSIONER: Okay, thanks for that. I do think that we are coming a lot closer together so I will adjourn sine die until 20th and 21 July where we will either have an agreed position or we will work through the situation. Thank you.

ADJOURNED UNTIL TUESDAY, 21 JULY 2004

[10.52am]