

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 2323 of 1990 and  
T No. 4287 of 1993

**IN THE MATTER OF** applications by  
the Tasmanian Public Service  
Association to vary the General  
Conditions of Service Award

re workplace representatives and  
payment of wages

DEPUTY PRESIDENT

HOBART, 28 July 1993  
continued from 15/7/93

TRANSCRIPT OF PROCEEDINGS

Unedited

DEPUTY PRESIDENT ROBINSON: Any changes in appearances?

**MRS. S. STRUGNELL:** If the commission pleases, MRS SUE STRUGNELL, with **MR ROD HUNT** for the Tasmanian Public Service Association.

DEPUTY PRESIDENT ROBINSON: Thank you. Any others?

**MR D. PYRKE:** Yes, Mr Deputy President. I haven't appeared before in these matters, **DARRYL PYRKE** on behalf of The Association of Professional Engineers and Scientists. We seek leave to intervene.

DEPUTY PRESIDENT ROBINSON: Thanks, Mr Pyrke.

MR McCABE: No change from this end of the table, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: No, so I have noted, Mr McCabe. Right. Who is the lucky shooter?

MR McCABE: I believe it's my go, and what we would like to put to the commission this afternoon is that the - is a report on the - what has happened in the meantime since the last hearing here and the position is that since the last hearing we've, as indicated, developed a way of addressing the issue of payment of wages in the Tasmanian public sector as a whole. We believe that the process we have developed has the potential to address the concerns on pay which have led to the TPSA making an application to have an award variation in the GCOS Award and we believe that the process that we've developed will address the issues in a wider context than the proposed amendment as has been put forward by the TPSA.

DEPUTY PRESIDENT ROBINSON: Have there been any discussions with the TPSA?

MR McCABE: Yes, I was just about to come to that.

DEPUTY PRESIDENT ROBINSON: Right.

MR McCABE: And we say that it will - what we've developed will help to ensure that employees under State, Federal and award-free employees are paid properly, not just the employees under the State awards who may be affected by the General Conditions of Service Award. So, as indicated to you at the last hearing, we sought to meet with the interested unions to discuss a mutual resolution. Now, unfortunately, we were not in a position to meet with the unions until this morning at 9.00 am. That meeting was held, but there was no resolution as the TPSA requested changes to certain documentation which we put before them at that meeting this morning.

The discussions seemed to hang up, if I could put it that way,

Mr Deputy President, on those requested changes. Now what we've done since the meeting this morning is to make certain changes to the document in question and we have further proposals to put to the unions.

The unions indicated that there was potential for agreement with our proposals and the position now is that we think that further discussions with the parties to see if our further offers are acceptable, as a settlement to the dispute or to the award application, would be in order and we would seek your indulgence to hold those further discussions to take place, perhaps now or at a time suitable to the unions in the immediate future. If necessary we may, or could call upon the commission, as constituted, to assist with those discussions.

As I have said, previously, to our knowledge, no employee is being disadvantaged at the moment because of the absence of this proposed clause, so on that basis, we would ask to - that we proceed with discussions to see if we can get an agreed settlement. If the commission pleases.

DEPUTY PRESIDENT ROBINSON: Thank you. Mr Hunt?

MR HUNT: Mr Deputy President, my first response is, of course, well here we go; here's another delay, in what is a really long running matter. I think we could agree to the request from the minister if we could be assured that discussions will take place this afternoon and the matter could be back before the commission possibly tomorrow, but obviously that depends on your schedules, et cetera.

DEPUTY PRESIDENT ROBINSON: And others, no doubt. Well let me respond first of all. I have another matter for - another hearing at 10.30 tomorrow. If necessary, we could meet before 10.30 or assuming that the matter I've got tomorrow won't go into the afternoon, we could have a 2.15 resumption of today's matter.

MR HUNT: From our - for our part, Mr Deputy President, we'd prefer the early morning start.

DEPUTY PRESIDENT ROBINSON: Right. Okay. Well that's the offer, Mr McCabe.

MR McCABE: I'm just wondering what time is available in the early morning session.

DEPUTY PRESIDENT ROBINSON: Well, I would envisage we could start at, say, 9 o'clock and go through to nearly 10.30 at which time I'd obviously have to break off and -

MR McCABE: Well, I appreciate that that may be convenient to the TPSA, but if we need to go fully into the matter - if there is no agreement in the discussions then we would want to

run a fairly extensive case which probably would run more than an hour and a half, so it may be safer to have it in the afternoon from our point of view.

MR HUNT: I'm afraid we can't make an afternoon session, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: You can't make it?

MR HUNT: No.

DEPUTY PRESIDENT ROBINSON: Well let's be optimistic and let's assume that progress will be made on examination of the minister's further proposals and that there be a report back to the commission tomorrow morning and we'll take it from there. There are not too many certainties in this business. Mr McCabe?

MR McCABE: Do I take that's 9 o'clock for the report - ?

DEPUTY PRESIDENT ROBINSON: 9 o'clock tomorrow. I was wondering whether the parties would be able to utilise what's left of this afternoon to confer, compare, in which case I will be in the building if the parties want to report something to me.

MR McCABE: Well we're certainly available, Mr Deputy President.

DEPUTY PRESIDENT ROBINSON: Well you could utilise some other facilities here, hopefully. There you go. My generous nature is showing itself again. Okay. Well, we'll adjourn this matter at this time, formally until - I'm sorry, Mr Holden, do you want to enter an appearance?

MR HOLDEN: No, other than, Mr Deputy President, just to record my appearance. I apologise for being late. Unfortunately it was unavoidable.

DEPUTY PRESIDENT ROBINSON: Yes, Mr Holden. There has been a request from the minister's representative that unions examine a further proposal in relation to the payment of wages and the commission's agreed to adjourn for that purpose. Formally, I will adjourn to 9 o'clock in the morning for a report back, but I've also indicated that if the parties wish to report something earlier, then that might be possible also. Thank you.

HEARING ADJOURNED