

**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 programme to  
restructure the award

COMMISSIONER GOZZI

Hobart, 23 March 1990

**TRANSCRIPT OF PROCEEDINGS**

COMMISSIONER GOZZI:

I'm sorry about the delay, gentlemen, I was unavoidably detained. Could I have appearances in this matter please?

MR BAKER:

Sir, I appear on behalf of the Association of Draughting, Supervisory and Technical Employees, **P. BAKER.**

COMMISSIONER GOZZI:

Thank you Mr Baker.

MR ABEY:

If the Commission pleases, I appear for the TCI, **ABEY T.J.**

COMMISSIONER GOZZI:

Thank you Mr Abey.

Mr Baker?

MR BAKER:

Thank you sir. In commencing my submission today, I think it's appropriate to point out that this award is somewhat unique. It's one of the very few awards in the private sector which contains classifications ranging from the semiskilled through to the paraprofessional and to a professional level at the top.

Sir, at this point in time, we're offered an opportunity to restructure this award to reflect the national standards within the structural efficiency principle, the National Wage Case of August '89 and subsequently, sir, of the Tasmanian Industrial Commission's decision in November of last year.

In relation to the National Wage Case decision, I'd like to make mention of the preface which precedes the principles. The preface is contained both in the principle as decided by the Full Bench in Print H9100 and the Tasmanian Industrial Commission's decision of October '89.

In fact, sir, the Tasmanian Industrial Commission in fact makes mention of it in the writing of its decision but, in turning to the principles themselves, the preamble says:

These principles have been developed with the aim of providing for the period of operation a clear framework under which all concerned, employers, workers and their unions, governments and tribunals can cooperate to ensure that labour costs are monitored, that measures to meet the competitive requirements of industry and to provide workers with access to more varied, fulfilling and better paid jobs are positively examined and that lower paid workers are protected.

In turning to the structural efficiency principle itself it states, amongst other things, that it's there to:

Establish skill-related career paths which provide an incentive for workers to continue to participate in skill formation, eliminating impediments to multiskilling and broadening the range of tasks which a worker may be required to perform, creating appropriate relativities between different categories of workers within the award and at the enterprise level, ensuring that working patterns and arrangements enhance flexibility and the efficiency of the industry, including properly fixed minimum rates for classifications in awards related appropriately to one another with any amounts in excess of these properly fixed minimum rates being expressed as supplementary payments.



In conclusion, sir, it talks about the updating and rationalising list of respondents and the addressing of any cases where award provisions discriminate against sectors of the work force.

The principle, sir, was of course developed from the August 1988 decision which in part did say and spoke about establishing skill-related career paths, eliminating impediments to multiskilling, creating appropriate relativities, ensuring that working patterns enhanced flexibility and efficiency of the industry.

In returning to the structural efficiency principle itself, I'd like to put forward some comments dealing with career paths, training, minimum rates, particularly as they apply to this award, and a proposal for restructuring of this award.

As I've mentioned to you in earlier hearings before you, sir, ADSTE believes that an important aspect of award restructuring is the establishment of clearly identified career paths with the progressive acquisition of skills and knowledge which provide opportunities for advancement, for engineering, scientific and related staff based upon integrated and linked classification structure, progressing from the semiskilled through to the tradesperson and the technical and drafting grades and up to and including the professional.

Accordingly, ADSTE seeks to develop and assess proposals designed to give effect to the above objectives. In arriving at an objective at this stage it is first necessary that a number of relevant matters be considered and discussed.

Such matters, the association would contend, may well be the appropriate reflection in the award of career paths and, where appropriate, the

development of common skill levels between the professional, technical and the trade streams including the establishment of appropriate commencing rates and relativities, the development of appropriate measures for establishing equivalence of skill and competency, recognising the value of relevant experience and on-the-job training and focusing on the achievement of nationally accredited and transferable training skills which includes the role and relationship of the post trade, the advanced trade certificates, certificates of technology, associate diplomas, the new engineering diploma and other higher levels of qualifications.

The examination of impediments to the acquisition of skills and systems of advancement based on skill acquisition and performance; the identification of and measures to remove unnecessary impediments to mobility within and between the streams; the relationship between the upgrading of skills, multiskilling and advancement; how skills and experience equivalent of formal training qualifications can be recognised; development of base level entry training requirements, including that which are consistent with the skills needed for the Surveyors Award and that do not circumvent trade or technical training arrangements.

Finally, sir, that such arrangements are compatible with relevant industry standards.

A number of clearly identifiable issues have arisen out of the material which I have placed before the Commission. As a consequence thereof, I would now like to make some comments in relation to training because without an effective training program, as has been outlined, the value of award restructuring will be severely reduced.

Sir, we would suggest that to give full value, the award must be matched to an equally well-integrated training system that mirrors the levels in the classification structure.

Under restructured awards, education and training issues will become an industrial issue because of the direct link between the pay and the demonstrated skill level.

This will give ADSTE and other unions a chance to address long-standing problems such as a lack of portability for skills and qualifications between employers and between educational institutions; under-classification, because skills and qualifications are not recognised; inadequate access to training.

In many cases the training system itself has contributed to these problems. However, the challenge of award restructuring has prompted education providers, particularly the TAFE, to have a look at overhauling the system.

The classification structure ADSTE is negotiating in all areas as part of the current wage round are based on levels derived from nationally recognised qualifications.

ADSTE seeks an articulated set of qualifications. This means that qualification gained at a lower level forms the basis for starting at the next level.

Further to this, of course, courses should be integrated to form a logical sequence so that steps from one level to the next are as smooth as possible. This eliminates any requirement within the system to repeat material already covered in a previous course.

Courses will and should be more flexible to allow the user to choose



options relevant to their situation. This is due to the adoption of a modular approach which allows a number of options to be added to the core set of subjects.

The real key to the new TAFE system is the principle of a credit transfer. This means, for example, a post-trade certificate forms the first part of the advanced certificate and the advanced certificate forms the first part of the associate diploma.

This potentially cuts time in half it might otherwise take to move from trade to the associate diploma level. At the same time, nationally recognised and portable qualifications should be available at a number of points throughout the system.

This will benefit members by allowing them to have their skills gained whilst working for one employer recognised by other employers.

ADSTE is keen to extend the principle of credit transfer into a diploma level by having a TAFE diploma of engineering instituted.

This qualification would be a 3-year full-time TAFE diploma in engineering. This qualification would be constituted by the associate diploma plus 2 years' additional part-time training.

ADSTE is seeking this qualification because the senior levels already established in many awards do not have a relevant level of training.

This situation is also reflected in the diploma level classification within the new Metal Industry Award.

Having this classification inserted in the award is a major step towards having the new diploma implemented.

The establishment of the diploma will

enable many more ADSTE members at the associate diploma level to move to the higher level and allow them to move faster, because learning by experience at this level is difficult and time-consuming. Training provided through TAFE will enable members to make use of the training leave provisions in the award and training provided through TAFE will be accessible to people in the industry studying part time and relevant to their jobs.

TAFE will also be able to provide advanced .... for those with skills and knowledge at this level, reducing the amount of study needed to gain a diploma and increasing the speed of advancement.

In concluding my remarks on training, I thought it may be appropriate, sir, just to hand to you for your information a document which has been produced jointly by the Metal Trades Federation of unions and the MTIA, titled 'Training and Career Development Project, a discussion paper and draft standards for the Metal Engineering Industry Award', which is the new title for the Metal Industry Award.

I'm sure Mr Abey would have a copy of it, together with the other mountain of material that has been produced in the last 2 to 3 years ...

COMMISSIONER GOZZI:

We'll mark it as information.

MR BAKER:

That document, sir, was as an initiative of both the parties to the new Metals and Engineering Award and I think it highlights the concerns that have been formulated by the parties in respect of training to ensure that training forms an integrated part of the new career structure.

I would now, sir, like to turn and say a few words about the minimum rate relativities and in particular I would again refer to the decision ...



COMMISSIONER GOZZI: Have any of these initiatives been introduced into Part II of the Metal Trades Award?

MR BAKER: They will be shortly, sir.

COMMISSIONER GOZZI: They will.

MR BAKER: That's Part I ...

COMMISSIONER GOZZI: Right.

MR BAKER: ... and ... well, it's the old Part I I should say.

COMMISSIONER GOZZI: Right.

MR BAKER: That goes up to the advanced trades level and the subsequent ... and the Part II, if you like, is to follow on from that.

COMMISSIONER GOZZI: I see. Right, thank you.

MR BAKER: In returning to the structural efficiency principle, it says:

Including properly fixed  
minimum rates for  
classifications and awards  
related appropriate to one  
another ...

And it goes on to talk about also,  
sir, creating appropriate  
relativities.

COMMISSIONER GOZZI: Where are you quoting from?

MR BAKER: The structural efficiency principle itself, which is at page 5 in the appendix of the State Wage case, or at page 21 of the National Wage Case decision, where it talks about including properly fixing minimum rates for classifications in award, related appropriately to one another with any amounts in the excess of those properly fixed minimum rates being expressed as supplementary payments.

And further into that principle it talks about creating appropriate

relativities between different categories of workers within the award and at the enterprise level.

Sir, the Tasmanian Industrial Commission made comments about the minimum rates adjustments on page 3 of the principles where it spoke in these terms:

The appropriate adjustments in any award will be applied in not less than four instalments which will be payable at 6-monthly intervals.

In appropriate cases longer phasing-in arrangements may be approved or awarded and/or the parties may agree that that part of a supplementary payment should be based on service.

The first instalment of these adjustments will not be available in any award prior to 1 January 1990 or 3 months after the variation of the particular award to implement the first stage structural efficiency adjustment, whichever is the latter.

The second and subsequent instalments of these adjustments will not be automatic and the application to vary the relevant awards will be necessary and acceptance of absorption of these adjustments to the extent of equivalent over-award payments is a prerequisite to their being applied in any award.

Which raises the question, sir, what is the association looking for in this award?

Sir, ADSTE is seeking to implement a

new award that will allow a smooth career progression from the semiskilled through to the skilled through to the professional grades.

COMMISSIONER GOZZI:

A new award?

MR BAKER:

I'm sorry, I'll rephrase that.

COMMISSIONER GOZZI:

To vary the award.

MR BAKER:

To vary the award, sir. Yes. Sir, we believe that the appropriate structure is a structure in like terms to that which has been developed in the Metal Industry Award.

The structure which ADSTE played a fundamental and significant role in its development.

And as I made reference earlier on in my remarks concerning the training system, ADSTE has developed a model and it is that model which the association has used in all of its discussions with the employers in a multiplicity of industries throughout Australia.

To that end, sir, I'd like to hand up two exhibits.

COMMISSIONER GOZZI:

We'll mark the outline of classification structure as Exhibit ADSTE.1, and the diagram as Exhibit ADSTE.2.

MR BAKER:

Sir, perhaps if I just quickly sort of take you through the outline of the classification structure. The key to the structure is found on page 2 of that document at the C10 Level, which is classified there, sir, you'll at the 100% mark which is the trade certificate and it equates to the minimum tradesperson level.

And all the percentage figures that apply both below that figure and those that apply above the figure bear a direct relativity to the tradesmen's level.



You'll see ...

COMMISSIONER GOZZI: So the 100% is the tradesmen's level is it?

MR BAKER: Yes.

COMMISSIONER GOZZI: Tradesperson's level.

MR BAKER: The tradesperson's level.

COMMISSIONER GOZZI: Right.

MR BAKER: And each level of skill as it goes either below the level back to C14 or above the level to C1(b) is in fact based on modules of skill either building on or subtracting from the tradesperson's level.

Now, that ... as you can see there, sir, it goes through a percentage of the advanced certificate level. It takes into the post-trade level at 115%. You'll see, sir, at 130%, at the engineering technician level 5 or the advanced engineering tradesperson level 2, you'll see there that the person with a degree who is straight out of the university commences at 130% of the tradesman's rate. It's been determined that ...

COMMISSIONER GOZZI: So when you're referring to the engineering tradesperson you, in fact, equate that with the metal industry tradesperson do you?

MR BAKER: Yes, sir.

COMMISSIONER GOZZI: Yes. Right. Okay.

MR BAKER: So that you have it set at 130% for the engineer or the scientist who is commencing his career. At the same time, of course, it has been determined that that equates to a tradesperson with an advanced certificate or - which has been left off there - 2 years at the associate diploma level.

And, sir, you'll see that it goes through to 145% of the tradesman's rate is, in fact, the associate

diploma level, and it carries on through, sir, till the principal technical officer which, of course, was inserted for the first time in our state award for the drafting and technical officers in the creation of that new award just recently, and at the top end of the scale, of course, sir, the professional scientist and engineering levels at 180 and 210% of the tradesman's rate.

COMMISSIONER GOZZI:

Now ...

MR BAKER:

You'll note there, sir, it does have a little note in relation to that, 'after full minimum rate and broadbanding adjustments', and of course, sir, there is, within the Metal Industry Award, a very lengthy appendix which deals with the question of broadbanding because as it stands there are some 300 classifications ... in excess of 300 classifications being broadbanded into 14, and there is a very extensive appendix which reduces all those down, and I'm told that, sir, of course there is the application of the supplementary payments which are also involved in it.

COMMISSIONER GOZZI:

Now, of course, it's Part II of that award that applies to your classifications.

MR BAKER:

That's right, sir.

COMMISSIONER GOZZI:

And in respect of Part II, has this been endorsed?

MR BAKER:

Yes, sir.

COMMISSIONER GOZZI:

By the Industrial Relations Commission.

MR BAKER:

The situation that exists is that the current Metal Industry Award is comprised of five segments and Part I is the trades and non-trades; Part II is the tech and drafting grades; 3 is the scientists; 4 is the engineers, and 5 is the supervisors.

Those five parts, representing in

excess of 300 classifications, will disappear and all that you finish up with is the 14 levels, and each one of those 14 is determined by a relevant skill level and, sir, that was the final package which was agreed to by Deputy President Keogh on Wednesday of this week ...?

MR ABEY:

Monday.

MR BAKER:

Monday of this week.

COMMISSIONER GOZZI:

Mr Baker, the levels contained in Exhibit ADSTE.1 are they commensurate with the levels contained in the Surveyors (Private Industry) Award? I mean, the classifications, are they like classifications?

MR BAKER:

They are like classifications, sir, and I'll be coming to that next.

I have an exhibit ...

COMMISSIONER GOZZI:

Right.

MR BAKER:

... which I'll hand up which will, if you like, run parallel with what I've put up here.

COMMISSIONER GOZZI:

Okay.

MR BAKER:

And ADSTE.2, sir, is simply a schematic diagram simply showing the relationship between the various levels and where they simply go up the levels, and you'll see that it's broken down into three levels - the electrical, electronic, the mechanical and the fabrication streams - and it shows the levels where the production employees line up, the trade employees, the technical and the professional stream at the top.

Now, one of the ... I didn't realise this until I was sort of looking at it this morning, but, in fact, the professional stream does not just simply sit on top - it in fact runs parallel with the technical grade ... the technical stream down to level 5 where, of course, the entry point is



determined for the professional engineer or scientist.

COMMISSIONER GOZZI:

Mm.

MR BAKER:

Having made those comments, sir, I would hand an exhibit.

COMMISSIONER GOZZI:

Exhibit ADSTE.3.

s

MR BAKER:

In fact there are two exhibits, sir.

COMMISSIONER GOZZI:

.... Outline of Classification Structure is ADSTE.3 and Definitions for New Classifications is ADSTE.4.

MR BAKER:

As you can see, sir, this really is simply a discussion document and I've made mention to Mr Abey that this is simply put up as a starting point for our discussions concerning a restructuring of the Surveyors (Private Industry) Award.

It does, sir, run the same type of structure as is proposed, or has been agreed to, in the Metal Industry Award yet it commences with a surveying assistant level 1 which is the 100%, or the tradesman's level, and it goes through to the professional surveyors at the top of the scale at 180 and 210%, respectively, of the base grade level.

I have, sir, handed up to you today a proposal in so far as classifications are concerned for the professional surveyors at the top of the structure and, again, sir, they are simply for discussion.

COMMISSIONER GOZZI:

That's the definitions?

MR BAKER:

That is the definitions.

The salaries which are contained in there are the minimum salary levels, done fairly simply by simply multiplying the minimum rate as determined by the Commission and multiplying that out by 180 and 210%.

COMMISSIONER GOZZI:

Of the existing surveyors?

MR BAKER: Yes.

COMMISSIONER GOZZI: Salaries?

MR BAKER: I'm sorry, sir. The proposed new rate of \$407 a week for a tradesman.

COMMISSIONER GOZZI: Well, if that was to be the case you'd also have to make allowances, wouldn't you, for phasing in?

MR BAKER: Yes. But, as I said, I just simply put the figure in there for ...

So, sir, that's the type of structure that we're looking for, a structure that's based on a percentage for fixed skill levels through the structure. We're seeking to have it based on the Metal Industry model.

That is not to say, sir, that it needs to be a mirror but what we are saying, sir, is that that is the type of structure we're seeking to have implemented into the Surveyors (Private Industry) Award.

In closing, sir, I would suggest that such a structure as is suggested to you today would provide the foundation for the development of a career structure, will provide opportunities for our membership and provide opportunities for the employers to gain significantly from a program of workplace reform. Thank you, sir.

COMMISSIONER GOZZI: Yes. Mr Baker, thank you for that.

I suppose there are a lot of questions that could be posed in respect to the proposal and one is that minimum rates per se are not foreshadowed in the private sector until, I think, 1 July or 1 June. I can't quite recall.

MR ABEY: 1 July at the earliest.

COMMISSIONER GOZZI: 1 July at the earliest.

And that of course, presumably, would

be - depending on how negotiations go - subsequent to the expiry of this 6-month period from the awarding of the first 3%. I mean, the whole exercise is predicated on completed structural exercises anyway.

But the other area that would need to be looked at is the extent of the supplementary payments, or over-awards in the area. Have you any idea about that at all, how you would handle that?

MR BAKER:

Well, I did make the comment the other day, sir, in a previous matter before you, that it was an area that was going to require a fair amount of discussion. Certainly, sir, I am aware of the surveying industry, that there are employers who pay well in excess of the rates and there are those that pay the award rate.

COMMISSIONER GOZZI:

But how many employees would be covered by the award? Have you any idea?

MR BAKER:

Approximately, somewhere between 100 and 150.

COMMISSIONER GOZZI:

And by how many employers, approximately?

MR ABEY:

25 to 30, I would say.

COMMISSIONER GOZZI:

Thank you, Mr Abey.

MR BAKER:

I would concur with that.

The other point with the industry too, of course, sir, is that it tends to fluctuate as far as labour levels are concerned, depending upon activities for the building industry and what have you.

COMMISSIONER GOZZI:

Anyway, at this stage, what you've done, Mr Baker, is outline on the record, I suppose, what it is you'll be seeking in respect of the award.

MR BAKER:

That's correct, yes, sir.

COMMISSIONER GOZZI:

Have you had any discussions to date?



MR BAKER:

Only very briefly with Mr Abey and we intend to sort of formulate a full package, running right through the definitions because I think we need to sit down and have a look at those.

COMMISSIONER GOZZI:

Right.

MR BAKER:

And take it from there and just see where we go to.

COMMISSIONER GOZZI:

All right. Thank you Mr Baker.

Mr Abey?

MR ABEY:

Thank you, Mr Commissioner. Mr Baker has concentrated, not unexpectedly, I suppose, on the aspect of career path development and associated classifications and training. He hasn't referred to other mechanisms which can aid the efficiency of any particular industry, enterprise or profession and that will be an aspect, of course, my members will be wishing to address.

Although, I would add, in many respects this award, when it was created, was ahead of its time. It would certainly be the most flexible private sector award in existence, I would say, in this State, so the scope to improve on it is limited by that aspect.

However, we will be taking on board the proposal put forward by ADSTE. I'll be conferring with the profession as to their approach. Prima facie, we support the concept of a skill and responsibility based career path as distinct from a time serving one and, to that end, this proposal is superficially attractive, but obviously it will have to be fleshed out and put in the context of the profession and not slavishly following what might be deemed to be the Metal Industry model. Thank you Mr Commissioner.

COMMISSIONER GOZZI:

Yes, thank you Mr Abey.

That's a good point that you make. At the time of making the award, of course, both of you, Mr Baker and yourself, submitted to me that the award was very flexible and it's a good phrase, 'ahead of its time' and I suppose those aspects will have some influence on the extent of your discussions.

You really negotiated the document which had no resemblance to the Metal Trades Award at all. You looked at the arrangements suitable to the employees and the employers in the industry.

I suppose there are two extremes here. One is that you would be pursuing, Mr Baker, what you've indicated here. Mr Abey, on the other hand, on the other side of the coin, could perhaps mount a case that because the award was ahead of its time and there's not much scope to do anything, that a special case ought to be run, leaving the award as it is.

However, given that some of the aspects of the proposal are attractive and I would support rationalisation of qualifications and improving qualifications and creating career paths, where, as you've put it, the one level of qualification is access to the next level up, certainly I think would improve the current situation.

But no doubt there's a lot of discussion to be held and to that extent I'm appreciative of receiving an outline in respect of the award.

The other point I want to raise is that the award has been listed for report-back under the monitoring process foreshadowed, or identified, by the Full Bench in the State Wage Case for Thursday 12 April at 11.30.

Given that we're now at the tail end of March, is that an appropriate date for review?

MR ABEY:

I'd suggest not. I'd make the suggestion that this hearing was in fact the hearing that might have been proposed on 12 April.

I think it's only going to ... as I foreshadowed earlier this week, it's only going to add to our problems if we have another hearing imposed on us. We'll go away and work on this as quickly and as expeditiously as we can but, from my view, I don't think there's much point in having another hearing within a fortnight.

COMMISSIONER GOZZI:

Thank you Mr Abey. Mr Baker, what's your view?

MR BAKER:

Yes, I think Mr Abey may well be correct. Given that the industry is fairly diverse, and by diverse I mean it is located throughout the island and they do seem to take their time in responding to things, and I don't mean that in a derogatory sense, but it would appear that perhaps a fortnight, it may be a little soon.

COMMISSIONER GOZZI:

Well, look, you're before me in respect of Draughting, Supervisory and Technical Employees on that day.

MR BAKER:

Yes, sir.

COMMISSIONER GOZZI:

So, we'll leave that with that matter. I'll still send out the hearing notice for the Surveyors (Private Industry) Award and put it further back, if you like, the hearing date, and we might be able to agree on a report-back this morning.

So we can take it out of the list and have a hearing in respect of that particular matter joined with this application further down the track.

We'll go off the record for a moment.

...

COMMISSIONER GOZZI:

These proceedings are adjourned until Monday 14 May and at the same time as



hearing the adjourned matter, the monitoring hearing will also take place, so the two matters will be joined.

These proceedings are adjourned.

HEARING ADJOURNED