

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

T No. 2399 of 1990

**IN THE MATTER OF** an application by the Tasmanian Public Service Association to vary nominated public sector award

T No. 2511 of 1990

**IN THE MATTER OF** an application by the Federated Engine Drivers' and Firemen's Association of Australasia, Tasmanian Branch to vary the Boiler Attendants Award

T No. 2473 of 1990

**IN THE MATTER OF** an application by the Tasmanian Public Service Association to vary the Prison Officers Award

T No. 2587 of 1990

**IN THE MATTER OF** an application by the Tasmanian Prison Officers' Association to vary the Prison Officers Award

T No. 2504 of 1990

**IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the North West Regional Water Authority Employees Award

T No. 2506 of 1990

**IN THE MATTER OF** an application by the Association of Professional Engineers, Australia, Tasmanian Branch to vary the Professional Engineers Award

T No. 2508 of 1990

**IN THE MATTER OF** an application by the Hospital Employees Federation of Australia, Tasmania Branch to vary nominated public sector awards

T No. 2516 of 1990

**IN THE MATTER OF** an application  
by the Police Association of  
Tasmania to vary the Police Awards

T No. 2586 of 1990

**IN THE MATTER OF** an application by  
the Ambulance Employees'  
Association of Tasmania to vary the  
Tasmanian Ambulance Service Award

T No. 2594 of 1990

**IN THE MATTER OF** an application by  
the United Firefighters Union,  
Tasmanian Branch to vary the Fire  
Brigades Award

T No. 2605 of 1990

**IN THE MATTER OF** an application by  
the Federated Miscellaneous  
Workers Union of Australia,  
Tasmanian Branch to vary the  
Miscellaneous Workers (Public  
Sector) Award

re structural efficiency  
principle

**FULL BENCH**

PRESIDENT  
COMMISSIONER GOZZI  
COMMISSIONER WATLING

Hobart, 22 November  
Continued from 15/10/90

**TRANSCRIPT OF PROCEEDINGS**

Unedited

PRESIDENT: Any changes in appearances?

**MR J. BACON:** If the Commission pleases, I appear on behalf of the Tasmanian Trades and Labor Council. I think I've probably appeared for some of these matters at some stage.

PRESIDENT: It may have been in the early stages.

MR BACON: I'm here again anyway, Mr President.

PRESIDENT: Thank you, Mr Bacon.

**MR C. WILLINGHAM:** Mr President, this morning I appear together with **MR FRANK OGLE** and **MR DES HANLON** on behalf of the Minister administering the State Service Act and the other controlling authorities of which appearances have already been notified.

PRESIDENT: Yes, thank you, Mr Willingham.

**MR D. ADAMS:** Mr President, MR ADAMS, D., representing the Federated Miscellaneous Workers' Union.

PRESIDENT: Thanks, Mr Adams.

**MS G. CROTTY:** If the Commissioners please I appear on behalf of HEF and with me is **DAVID McLANE**, who has not made a previous appearance.

PRESIDENT: Thank you, Ms Crotty.

**MR G. PHILP:** If the Commission pleases, GREG PHILP, for the Tasmanian Teachers Federation.

PRESIDENT: Thank you, Mr Philp. Well ... oh, sorry.

**MR M. KADZIOLKA:** If the Commission pleases, MARK KADZIOLKA, appearing for the Police Association of Tasmania.

PRESIDENT: Yes, thank you, Mr Kadziolka. Well who is going to bowl the first ball? Mr Willingham.

MR WILLINGHAM: Mr President, if it meets with the approval of the Commission, it is our intention this morning to deal with the three aspects canvassed at the last hearing of this matter, and that is, questions going to sick leave, to special leave and to span of hours, and my colleagues and I will address the Bench and hand up certain documentary material which will, in our view, assist not only the Bench but the parties here today. And then I understand from my colleague, Mr Mazengarb, that he and others will respond accordingly, and of course any questions you may have, Mr President members of the Bench, we can address as we go through.



PRESIDENT: Certainly.

MR WILLINGHAM: The first matter, Mr President, is the question of sick leave, and if I may I will hand up some exhibits. The first of these, Mr President members of the Bench, is a document entitled: 'Sick Leave Guidelines' and the second is a document entitled: 'Position Paper Trial of No Credit Sick Leave' being in the Tasmanian State Service.

PRESIDENT: We will mark those Exhibit W.3 and Exhibit W.4 respectively.

MR WILLINGHAM: I am sorry, Mr President, they were?

PRESIDENT: Exhibit W.3 and W.4. The first being the sick leave guidelines and the second being the trial.

MR WILLINGHAM: Mr President, without ... are you sure you can hear me, Mr President?

PRESIDENT: I may be able to hear you shortly I think, Mr Willingham. Has everybody got their respective bits of paper and settled down?

MR ADAMS: Mr President, there doesn't seem to be enough for everybody.

PRESIDENT: Well we weren't expecting such a large roll up.

MR WILLINGHAM: No, I apologise for that, Mr President. We've produced as many copies as there were parties on the last occasion, but apparently we have a few more today. But we can assure the parties we'll have copies available to them quickly enough.

However, Mr President, I don't intend to read through the documents. Both yourselves, with respect and, I think, the parties can do that at their leisure, but in essence the parties have in principle agreement to trial the concept of a no credit sick leave scheme.

Now, very briefly it is proposed that in selected agencies and in selected occupational areas we will trial a program of no sick leave credit for approximately 6 months. Some of the finer details have not yet been concluded between the parties, but there is in principle agreement that we will try to target one group which would be a traditional public servant area, another which would be perhaps in the technical or non-clerical administrative area and another which would what has been euphemistically referred to as our day labour work force.

In that way we get a good representation at all three stratus of the occupational groupings. There is a suggestion that we would involve the Australian Bureau of Statistics to help us

with research and analysis both prior to, during, and after this trial period.

And it is suggested that the current sick leave guidelines, which I think were formulated in 1989, would in principle be those which would apply to the no credit leave, no credit system - and those attended merely for information.

It may well be necessary that some modifications to the guidelines have to be made, because they are after all written in relation to the credit system and they're written not specifically to cover all of the various sick leave schemes that cover all of the employees covered by all of the awards in the public sector. But in general terms those will be the guidelines that will apply.

PRESIDENT: And that's the document I marked ... the first one, actually, W.3.

MR WILLINGHAM: W.3, Mr President. W.4 gives you an outline of what is agreed in principle between the parties. I must add that on page 2 of W.4 the departments which have been proposed for the trial are, the Department of Community Services, the Department of Construction and the North-West General Hospital, but those are suggestions - suggestions only - by the Minister's representatives. At this stage that has not been totally agreed by our colleagues from the employee organisations, but it gives an indication, Mr President, of the sort of representative groups that we will be looking at.

PRESIDENT: Has a ... I can't quite pick it up, has a date been determined to ...

MR WILLINGHAM: Not at this point.

PRESIDENT: ... kick it off?

MR WILLINGHAM: Not at this point, Mr President. It would be my belief that probably in the second quarter of 1991, but that may be a little later. Perhaps we're ready to go earlier. But given that Christmas and January and the traditional holiday period sort of come upon us quite quickly, it may be appropriate to be looking around about 1 March, 1 April. But that hasn't been completely agreed yet.

PRESIDENT: Yes, thank you.

MR WILLINGHAM: Unless there are any questions that I can't answer in relation to that, Mr President, we may move to the next subject.

PRESIDENT: Well, I can only speak for myself. I don't have any questions at this point, I'll be waiting to hear from the other organisations.



MR WILLINGHAM: Well, with the leave of the Commission, my colleague, Mr Ogle, will speak on the next matter, Mr President, which is the span of hours.

PRESIDENT: Yes, thank you. Mr Ogle?

MR OGLE: Thank you, Mr President. In accordance with the timetable outlined in Exhibit O.1, when we reported back on the last occasion we indicated that there had been a joint paper sent out to the unions and management requesting report back on a draft administrative instruction regarding special leave.

As a result of report back from agencies and the unions side, there were some amendments made to that administrative instruction, and that was presented as a final draft, if you like, to the working group at its meeting on 14 November. There have since been some minor amendments to the AI, and I'll present to you ...

PRESIDENT: Sorry, you're dealing with special leave, not span of hours?

MR OGLE: Sorry, special leave, yes.

PRESIDENT: Yes. Right, thank you.

MR OGLE: So that ...

PRESIDENT: have you made ... yes, this will be O.2, Mr Ogle.

MR OGLE: Thank you, Mr President.

MR BACON: C02.

PRESIDENT: We'll wait until they are properly distributed, I think.

MR OGLE: Thank you, Mr President. As I mentioned, that there were some minor amendments made to the draft, and at our meeting on 20 November the union indicated that they still had some concerns regarding the administrative instruction. We indicated to them that the basis of this instruction was in accordance with the 3% agreement, and we felt that the majority of the issues that they wished to raise were outside those guidelines, but we did undertake to present their concerns to the Premier, who is authorised to administer ... to issue administrative instructions.

PRESIDENT: Has this been circulated previously to ...

MR OGLE: It's been widely circulated previously to agencies, unions. That actual document has some minor amendments in it

as a result of concerns expressed by both agencies and unions. But, it is really the final draft before it is presented to the Premier. At the same time that administrative instruction is presented there will need to be amendments to the Tas. State Service Regulations. The amendments to the regulations and the issue of the administrative instruction is expected to be by the 24th December.

PRESIDENT: Will that ... that amendment will make this instruction all-embracing, will it, across the public sector employment?

MR OGLE: Well, what we envisage, we need to make some amendments to the regulations as a result, as far back as the 4% agreement, and also to incorporate the agreement resulting from the 3%. The administrative instruction ...

PRESIDENT: But it won't cover all the State Service?

MR OGLE: No, not at this stage. As we've said all along, while in principle we've indicated that we wanted standard conditions, the government representatives have always indicated that it needs to be issued as a package. We're prepared to issue the administrative instruction at this stage, to those that presently have a special leave condition, with the amendments.

The administrative instruction really is an explanation of the regulations giving guidelines to agencies as to how they should interpret the regulations, indicating which things are actually accepted as special leave provisions.

PRESIDENT: Yes. And it addresses all those employees covered by awards which were subject to the case which is before us tomorrow?

MR OGLE: The administrative instruction? No. I think at this stage we've indicated that it doesn't cover those that don't presently have special leave conditions. We are prepared to pick those up at a later stage.

PRESIDENT: And has some sort of plan been determined in respect of those which fall outside?

MR OGLE: We've indicated, Mr President, that we are prepared to look at that once the decision is made about special leave ... sorry, once we have cleared the situation with respect to sick leave. We see both as a package, rather than to those that are going to get additional special leave.

PRESIDENT: Yes. I see.



COMMISSIONER GOZZI: Mr Ogle, why would you pursue an amendment of the State Service Regulations if it's not agreed across the broad spectrum of the public sector?

MR OGLE: We have different parts of the State Service Regulations. If you look at the top of the administrative instruction you'll see those parts that it will cover.

COMMISSIONER GOZZI: I've noted that. Yes. I mean, at the end of the day, aren't you trying to get it into the award, or the appropriate awards?

MR OGLE: That's something we haven't addressed at this stage.

COMMISSIONER GOZZI: It is my feeling that the arrangements, if agreed, on this part of the structural efficiency that the intention was to get it into the award. If that was in fact the case, then there would be no need to amend the regulations.

I mean, one of the concerns I've had for some time, and continue to have, is that the conditions of employment for employees are diversified - they are in awards, they are in admin. instructions, they are in the Tasmanian State Service Act and Regulations. It seems to me that if you get broad agreement in respect of conditions, then they should go into the award, and by virtue of that happening, of course the Regulations and the Act are no longer relevant.

That - to my way of thinking, that ought to be the logical outcome, to try and consolidate these things into one document.

MR OGLE: I think in principle we agree with what you are saying. I really would see that this administrative instruction and the amendments to the regulations is, if you like, an interim situation until the whole package can be determined.

We're really giving away 3 days' special leave, or indicating that government in standardising conditions throughout the public sector is indicating an additional 3 days for special leave for people that don't have it at the moment, and all along we've indicated that that needs to be looked at in a package, and it needs to be considered when the decision is made regarding sick leave and the span of hours and the whole conditions of service package.

COMMISSIONER GOZZI: But, fundamentally, the end objective is to get it into the award, is it?

MR OGLE: I think, fundamentally, yes, but it's best in one place, and to at least ensure that we don't have it in



different parts like the regulations, agreements, awards, and all the other things that exist at the moment. Yes, I would agree.

COMMISSIONER WATLING: What happens if there is already a provision in the award in relation to bereavement leave, for example?

MR OGLE: The award would override.

COMMISSIONER WATLING: Well, I think it gets back then to Commissioner Gozzi's question, does that mean then you are going to be seeking to amend the award? Because you may, and I don't know because I haven't researched all the public sector awards that would be covered by Parts 2, and 4 and 6 and 8 and 9 of the State Service Act or the State Service Regulations, to see whether or not there may be a conflict between what you are going to do in the regulations and the award itself.

MR OGLE: It's my understanding ... first of all, I make the point I don't think there is any conflict, particularly in bereavement leave.

COMMISSIONER WATLING: Right. Well, I don't know that's why I asked the question.

MR OGLE: With both the conditions set out, except that some have slightly better conditions than others. It was our intention when negotiating this position from the government's point of view to make everyone 3 days, however, as a result of negotiations some who presently had 4 and 5 days it was agreed that they could continue on that situation rather than have diminished conditions. But I'd have no problems at the end of the day if there needs to be a standardisation that we'll need to vary those awards.

COMMISSIONER WATLING: Right.

COMMISSIONER GOZZI: Because you see, because at the end of the day if the exercise goes the way that it has been discussed in this forum you are going to finish up with restructured awards, anyway, which will substantially change the current formatting of awards.

I mean, you have got ... you're talking about four streams and all these other things that go with that, and it seems to me that one of the objectives along with that ought to be putting into the awards conditions which are uniform, and if the negotiations can achieve even the differences between the various occupational groups, if you like, then as long as there is agreement there is no reason why they couldn't be differentiated within the award document.

The fundamental problem I have is that you can't go to a single document in the public sector and find out what it is that applies.

MR OGLE: Yes, I agree with that situation, that that's ...

COMMISSIONER GOZZI: And I really picked it up on the basis that even now we are talking about, or you're talking about, amending the State Service Regulations to give effect to this, and quite substantial amendments to it as well. I mean, that all takes time and effort, and so on, when at the end of the day we are really in the process of that fundamental review of all of the awards.

MR OGLE: Yes, I suppose the situation is I can't see any problems in the immediate with bereavement leave, but I see an immediate problem with special leave because it is not covered in any awards, to my knowledge. It's actually only covered in the regulations, so that would need to be brought about in some more detail before it is presented to this Commission for inclusion in an award.

But I would have to emphasise that the working group have agreed with this situation, at least as an interim, to explain what is meant by special leave. That has always been one of the concerns, and to assist in the interpretation of that provision, and, really, that's all this administrative instruction is setting out to do.

COMMISSIONER GOZZI: Thank you.

MR OGLE: But we take on board what you've said about award coverage.

PRESIDENT: Yes. Thank you, Mr Ogle.

MR OGLE: Unless there are any more questions ...?

PRESIDENT: No, I think that ... unless you have got more to add on the special leave?

MR OGLE: No. I'll take this opportunity to hand over to Mr Hanlon who will address the issue of the span of hours.

PRESIDENT: Thank you. Mr Hanlon?

MR HANLON: Thank you. In regard to the span of hours, the parties have conferred on the issue of the span of hours. The government has submitted a draft to the unions which addresses the background to the procedure, and sets out the objectives of the span of hours, the consultative process that goes with it, and a series of conditions.



We have not yet met to consider the unions response to the document. I have copies, but it isn't an agreed position. They have had it since the 20th, and there will be discussions on it.

It is the - in general, will be the process for, and the principles which govern the various ways in which hours of work are worked, and the attitude of the government to how they are to be applied and how they may be varied, but it's in the hands of the unions for them to respond back to the working group. If the Bench wishes we can supply copies, but it isn't a document that has been agreed.

PRESIDENT: When does that next meeting of the working group take place?

MR HANLON: We meet fortnightly, but there is a process internally that the unions must go through for consultation, but when they have an attitude, then the matter comes back on the agenda.

COMMISSIONER GOZZI: I suppose, Mr Hanlon, you are not that far behind the time frame that's contained in Exhibit O.1 which contemplated comments back from agencies and unions by 21st November?

MR HANLON: The situation is one that there are only so many things people can consult about, and we do meet between meetings to give answers. But, it would certainly not have been appropriate for us to have sought an answer when we were ready to give them the paper prior to this hearing. I don't think on either side there is any suggestion of not proceeding quickly with the matter.

COMMISSIONER GOZZI: Yes, I am just saying you are not far behind the timetable. I wouldn't have been surprised if it was a lot further out than that.

PRESIDENT: I wouldn't make that sort of decision at this stage, Mr Commissioner.

COMMISSIONER GOZZI: The 21st November is ... it's the 22nd today, so you are not doing real bad.

PRESIDENT: Well, thank you, Mr Hanlon.

MR WILLINGHAM: Thank you, Mr President, unless there are any further questions we can answer for you on those subjects, that's all we have to put to the Commission in relation to those three issues. Appropriately if we can hear from our colleagues, if that pleases the Commission?

PRESIDENT: Certainly. Thank you.

PRESIDENT: Mr Mazengarb?

MR MAZENGARB: Thank you, Mr President, members of the Bench. With regard to the first issue raised by my colleague, Mr Willingham, I can confirm generally the comments made by Mr Willingham and to reiterate, there are a number of finer details that are not yet concluded but I don't believe that they will cause too many impediments.

There is one other issue that the unions have raised in the working group with regard to sick leave, and that is prior to the introduction of any trial it is our belief that it would be appropriate if we could reach the agreement of employees participating in that trial, for obvious reasons. It is our view that if the employees do not agree with the introduction of a trial it is going to cause some problems.

So, we have requested that once we reach final agreement and those final details are resolved that the issue is taken to the employees in the particular area that the trial is going to be conducted advising them of what the process is, why it's being introduced then asking for their concurrence with the introduction of the trials. That's just the additional item to the sick leave issue. But, I can confirm the comments already made by Mr Willingham. With regard to special leave ...

PRESIDENT: Just before you leave that subject, do you really anticipate some adverse reaction to trialing?

MR MAZENGARB: At the moment, no, we don't depending on how those finer detail issues are sorted out. We don't believe we will have any adverse comment from the members of the various organisations participating in the trial, but we believe it will be prudent and worthwhile if it was raised with the employees prior to the introduction of the trial.

We would have a concern that if this was imposed upon the employees without any detail being provided to them, without them having the opportunity to respond to that detailed information, that we may run into difficulties. But, we don't anticipate that but that has been a comment that we have made consistently through the working group meeting.

PRESIDENT: Everybody will have to rely on your expert salesmanship, Mr Mazengarb.

MR MAZENGARB: I can assure you, Mr President, that I've never tried, and I don't anticipate trying, to sell cars as a living.

Moving on to special leave, the comments made by Mr Ogle are generally correct. We have reached substantial agreement with regard to the draft instruction that has been presented to you



as 0.2. There are a number of issues that were again raised by various organisations, including the TPSA, that were put to the working group meeting on Tuesday the 22nd, that being the last time ... sorry, Tuesday the 20th, that being the last time that we met, and, we have been assured, as has been indicated to you this morning, that those issues that have been raised by the unions will be raised with the Premier when he is considering the AI in the format that's been presented to you this morning. So, I don't think I can add any more to that.

With regard to span of hours, as indicated by Mr Hanlon on behalf of the government, the unions were provided with a draft document on Tuesday. Unfortunately, because of the time frame concerned, that hasn't been distributed to organisations for their comment yet but there were some comments generally made on Tuesday and, I believe, it would be appropriate if we generally advised you of the concerns that were raised at that meeting on the 20th. And, with your indulgence I'd like to hand over to Mr David McLane from the Hospital Employees Federation who will address you on this issue. Thank you, Mr President.

PRESIDENT: Yes, thank you, Mr Mazengarb. Mr McLane?

MR McLANE: Thank you, Mr President members of the Bench. The unions on that working group do have a concern, sir, with something that's currently going on concerning the Department of Health. At this stage, however, there's a concern that we share and not just narrowed down to health, but a concern that something along this line could take place within any of the agencies concerned.

Now, what I'm going to say is in no way an attempt to be nasty or put the boots into the people from the Department of Premier and Cabinet on the working group. We believe the working group is working extremely well and have nothing but praise for the gentlemen to my left that are on that group.

COMMISSIONER GOZZI: There must be a bucket and a half coming.

PRESIDENT: So, who are we going to put the boots into, Mr McLane?

COMMISSIONER GOZZI: He must have a big bucket there, that's all I can say.

MR McLANE: Our concerns are very real, Mr President. Currently, one of the items for discussion by the working group on conditions of service is spread of hours. In that spread of hours there's a little animal known as a 9-day fortnight currently enjoyed by our membership, or sections of our membership in the public hospitals. There's a very

clear attempt being made by the Department of Health to do away with the 9-day fortnight and bring in a 19-day month.

MR BACON: That's an endangered species.

MR McLANE: Now, we don't have a problem ... or to say that we don't have a problem is probably not right, but we believe that this type of thing should be dealt with by the working group where we look at standardising things across all agencies. We believe the working group is the appropriate place to discuss this issue. Even though we don't like it we're prepared to participate actively in the working group fully, openly and quite honestly with that.

But, with the actions - being the independent actions - it appears, that the Department of Health are engaging in at the moment, it really makes a bit of a mockery of the working group. It seems a little bit pointless to the unions on that group, if we're looking at standardising conditions of service across all agencies, and we can have independent agencies racing around trying to change things to suit themselves.

We just feel that it undermines the working group, really places the unions on that group in a position where we may have to have a fairly close look at what we're doing there. It's my intention, sir, to raise this during the monitoring process to make the Bench aware of what is going on and what is likely to go on. And, I suppose if it continues there is a very real threat that the good work of this group could be somewhat undermined.

PRESIDENT: Yes, I understand. Mr Hanlon?

MR HANLON: Thank you, Mr President. Unaccustomed as I am to receiving praise, whether I'm on the left or the right, the situation of the working party was this, that the matter was raised first on the 14th that the hospital industry were proceeding to change methods of work. The brief that the working party has ...

PRESIDENT: The 14th of this month?

MR HANLON: Yes.

PRESIDENT: And, that was the first time ...

MR HANLON: It was raised at the working group.

PRESIDENT: ... it was raised.

MR HANLON: And, the working group gets its brief from the PEAK working group and we had a brief to look at standardisation of conditions, one of which is the span of hours.



It is the government representative on that committee's view that dealing with how agencies or unions wish to work their hours of work is not something which falls within our brief. Our brief is to determine the rules that apply whether one is working the ordinary hours of work, whether one is working flextime, 9-day fortnight, 19-day month. It is not for us to determine which of those choices should apply where in any particular agency.

The PEAK working group met on the 19th of this month. The conditions of service was deferred as an item on the agenda at a request of the unions. It was free to any member of any working group to raise with the PEAK working group any dispute that arises within the subgroups for resolution. That choice was not availed on by union representatives.

There has also been an expression by the Bench in the decision in the State Wage Case which seems to indicate that the Bench foreshadowed that there could be problems with a 9-day fortnight and suggested how that could be resolved if it wasn't resolved satisfactorily.

The working group on conditions is not in a position to be discussing how and in what circumstances hours of work will be worked. There are many ways, there are many different systems of work in terms of working time and working arrangements. And, they vary from location to location, agency to agency. It isn't appropriate for the representatives on our working group to address ourselves to either the methods in the Department of Construction or in the hospitals.

The representation of our group would have to change entirely if we were discussing the ways, methods, means of the introduction of alternative ways of working. And, we did not see it as our brief and believe it is open to the organisations who are affected to avail themselves of the suggestion of the State Wage Case or to confer with the particular agency or to raise it in the PEAK working group. We were not in a position to discuss that matter in the detail they wished to. Thank you.

PRESIDENT: Even though they didn't raise it?

MR HANLON: But, it wasn't raised at the PEAK working group. It was left at the subgroup that we sit on.

PRESIDENT: We note the concerns that are being expressed. We note the other viewpoint that's been put to us this morning by Mr Hanlon. I'm sure you'll be able to work it out and if you can't, you know where to come to resolve the matter. It may very well be by way of a separate application.

Any further ... no further discussion on span of hours. Any comments from other union representatives? Well, that appears to conclude the report back on the three issues that have been or were to be the subject of a report back. Is there anything else that anybody wishes to raise in relation to the processes that we're going through in order to achieve finalisation of this second stage? No?

When is our next report back? When can ... can we go off record for a moment, please?

OFF THE RECORD

president: Thank you for that brief discussion, we will adjourn these proceedings until 4 .... oh, just a moment, Mr Devine?

MR DEVINE: Yes, if I might beg the Bench's indulgence for a few moments? When last we met before the Commission a month or so ago ... we're back on the record?

COMMISSIONER GOZZI: We're back on the record. You want us to go on the record, Mr Devine?

MR DEVINE: It would be advisable ...

COMMISSIONER GOZZI: We can't hear you.

PRESIDENT: Sorry, would you come forward to a microphone, Mr Devine. And then ...

MR DEVINE: I'll have to raise my voice so you fellows can hear me, I don't know.

PRESIDENT: And then start again. Mr Devine?

MR DEVINE: Sir, when last I was before you, I put forward some proposed amendments to the Fire Brigades Award in line with the 3% SEPs, and on that day Mr Willingham was to go away and study the proposed award changes as agreed by my organisation and the State Fire Commission and to also, hopefully, have some discussions with the PEAK negotiating group. And it was to be raised again today as to whether or not it could be agreed or otherwise as to whether these amendments could go forward into the Fire Brigades Award. What I'm asking is, have we made any progress in that area from OIR and the PNG?

PRESIDENT: Well, it seems a reasonable question, Mr Devine. Mr Willingham?



MR WILLINGHAM: Excuse me, Mr President, perhaps I can answer that. We had a meeting with the fire services, I think, last week, including Mr Devine, when the matters of those award variations were again raised by the UFU. There is no difficulty with the content and the substance and variations. It was my understanding that Mr Devine was going to raise the matter at the custodial working group, which I think occurred on Friday of last week, and providing there were no problems there that was then to be in turn submitted to the PEAK negotiating group. And once they give it their little good housekeeping seal of approval we should be able to come back as a separate matter and seek to have the award varied.

PRESIDENT: Thank you.

MR DEVINE: Those award variations were distributed last week at the working group level to all parties and I have not, to date, received any objections or queries.

PRESIDENT: Well, obviously, they'll go on now to the PEAK negotiating group for the final seal of approval, as Mr Willingham puts it.

MR DEVINE: I should hope so, sir.

PRESIDENT: Yes.

MR WILLINGHAM: Excuse me, Mr President, I'm advised that those matters will be before the PEAK negotiating group on 3 December.

PRESIDENT: 3 December.

MR DEVINE: I'd query the events then, sir, is it then required of me to make a separate and formal application again to bring those variations before the Commission after it's been approved by the PEAK negotiating group?

PRESIDENT: I would expect that to be the only way they could be processed.

MR DEVINE: I shall do it forthwith.

PRESIDENT: I think that accords with the proposition that Mr Willingham was putting.

MR DEVINE: Thank you.

PRESIDENT: That should satisfy your concerns, Mr Devine.

MR DEVINE: Well, as far as it's possible, sir.

PRESIDENT: Yes, thank you. Well, as I was saying, we will adjourn these proceedings until 4 December ...

COMMISSIONER GOZZI: February.

PRESIDENT: 4th ... sorry, 4 February, at 10.30 at which time we will examine all matters relating to the structural efficiency procedures to conclude the second stage of these matters. Thank you.

HEARING ADJOURNED