

**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 awards

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. 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. 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

T Nos. 2467, 2469, 2470  
2471, 2472, 2474, 2475,  
2476, 2477, 2478, 2479,  
2480 and 2481 of 1990

**IN THE MATTER OF** applications by  
the Tasmanian Public Service  
Association to vary nominated  
Public Sector Awards

T No. 2653 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award  
  
re Ward Clerks

T No. 2655 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award  
  
re Maintenance Staff

T No. 2656 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award  
  
re Trade Instructors

T No. 2654 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award  
  
re Laundry Machine Operators

T No. 2657 of 1990

**IN THE MATTER OF** an application by  
the Health Services Union of  
Australia to vary the Hospital  
Employees (Public Hospitals) Award  
  
re Attendants

T No. 1844 of 1989

**IN THE MATTER OF** an application by  
the Tasmanian Teachers Federation  
to vary the Teaching Service  
(Teaching Staff) Award  
  
re recreation leave allowance

T No. 2264 of 1989

**IN THE MATTER OF** an application by  
the Secondary Colleges Staff  
Society to vary the Teaching  
Service (Teaching Staff) Award

re recreation leave allowance

T No. 3200 of 1991

**IN THE MATTER OF** an application by  
the Tasmanian Public Service  
Association to vary the Inland  
Fisheries Commission Staff Award

re Coxswain's Certificate  
Allowance

PRESIDENT  
DEPUTY PRESIDENT  
COMMISSIONER GOZZI

Hobart, 20 August 1992  
Continued from 18/8/92

**TRANSCRIPT OF PROCEEDINGS**

unedited

PRESIDENT: In the absence of Commissioner Watling, this full bench has been reconstituted with the deputy president replacing Commissioner Watling pro tem. It's been convened for the purpose of considering the response from the secretary of the Department of Premier and Cabinet, presumably on behalf of the minister administering the Tasmanian State Service Act, suggesting that the working groups which were to be convened to deal with occupational streams be established within 24 hours and to meet within 48 hours. And that is the intention and purpose of this hearing. Could I have appearances please?

MR VINES: All appearances, Mr President?

PRESIDENT: Yes, thank you.

MR G. VINES: If the commission pleases, GREG VINES, together with MR PAUL MAZENGARB for the Tasmanian Public Service Association.

PRESIDENT: Yes, thanks, Mr Vines.

MR K. O'BRIEN: If the commission pleases, I appear on behalf of the Australia Liquor Hospitality and Miscellaneous Workers Union.

PRESIDENT: Thank you, Mr O'Brien.

MR C. LANE: If the commission pleases, Mr President, I appear on behalf of the Tasmanian Teachers Federation, CHRIS LANE.

PRESIDENT: Thank you, Mr Lane.

MR G. COOPER: If the commission pleases, I appear on behalf of the Australian Workers Union, Tasmanian Branch, COOPER G.

PRESIDENT: Yes, Mr Cooper.

MR A. PEARCE: If it please the commission, PEARCE T., representing the minister administering the Tasmanian State Service Act.

PRESIDENT: Yes, thank you, Mr Pearce. Well, I think, Mr Pearce, we would like to hear from you in relation to the minister's apparent position in relation to the recommendation which I made as a member of a full bench hearing at a report back last Tuesday.

MR PEARCE: Thank you, Mr President, members of the bench. The letter - and I might be advised by the commission as to whether or not it would desire to have the letter read into transcript.



PRESIDENT: It might be appropriate, I think. I don't know whether everybody present has a copy. Are they needed anywhere? Right, thank you. Yes, Mr Pearce?

MR PEARCE: Thank you, Mr President, once again. It was a preface to my submission, I would take the opportunity of reading into transcript the letter sent from the secretary, Department of Premier and Cabinet, addressed to the president of the Tasmanian Industrial Commission, and a copy of which went to the Tasmanian Trades and Labor Council. It's dated the 18th of August 1992. The letter reads:

I have been advised of the recommendations made by the Bench in the course of today's hearing in the matter of the proposed Health Industry Memorandum of Understanding. Whilst I am particularly mindful of the concerns which gave rise to those recommendations, I believe that the position put by the TPSA representative does not reflect the true situation.

The Government has clearly stated its position. Although it continues to have serious reservations about aspects of the decision and the commitment of some unions to achieving real reform, the Government is continuing to process the implementation of award restructuring in accordance with Exhibit H27.

The current workload arising under the implementation process includes:

- . Conditions of service;
- . Agency specific items;
- . Occupational stream benchmarks and job families;
- . Five Special Case hearings; and
- . The Health Memorandum of Understanding

The Government is proceeding on each of these issues and has conducted a number of meetings with unions where appropriate.

In respect of the occupational streams which were the focus of the TPSA comments at today's hearing, the Government has established four management committees which have been operating since March 1992.

The task of developing the standard benchmarks is immense particularly given that consistency across

the service needs to be achieved in order to properly address the classification standards included in the model awards. Until the process has reached a stage where a meaningful package is available, there is little to be achieved by meeting with the unions. As indicated in H27, drafts will be made available to unions on a progressive basis.

The Government has dedicated considerable resources to the process. Whilst I understand that the Bench is eager to see concrete examples, it is easy to underestimate the real size and complexity of the task. The development of the benchmarks is galvanising the related exercise of job redesign. Whilst a broad brush approach may be superficially attractive, the scope of the reform included within the model awards requires a rigorous and detailed process. Fundamental management issues continue to arise which must be resolved before meaningful discussions concerning the reorganisation of work can be entered into.

The Government's approach is the only methodology consistent with the decision of the Commission. The alternative is a point-to-point translation which does not achieve real reform. Consistent with the Bench's view, the Government remains opposed to such an approach.

Some Agency specific items have to be determined before the new benchmarks can be finalised particularly when different conditions, salaries, and unions currently cover the work to be included in the new career paths. These issues have been raised with the relevant unions and we are awaiting their response.

The task, though large, is proceeding in an orderly and logical manner. It is my firm view that a premature meeting on occupational streams will do nothing to advance the process.

Signed by the secretary of Department of Premier and Cabinet.

PRESIDENT: Just before you go on with that, Mr Pearce, I take it that Mr Morris has the authority of the minister to write this response to the commission?

MR PEARCE: I do not know that as a matter of fact, Mr President.

PRESIDENT: So -

MR PEARCE: I can draw an assumption, but without direct knowledge, no, I -

PRESIDENT: We've assumed that that's the case.

MR PEARCE: That is my assumption as well.

PRESIDENT: Whether it's a matter of fact, of course, is something that will need to be proved somehow or other.

Although I suspect, given the press statement which appears to have been made by the minister, which appeared in today's 'Examiner' - I don't know whether you've seen it?

MR PEARCE: I'm unfamiliar with it, Mr President.

PRESIDENT: There is a statement attributed to the minister, or the Premier, Mr Groom, indicating that the - my recommendation would not be adopted. So, as I say, we just - the bench is simply making an assumption that -

MR PEARCE: I - having regard to -

PRESIDENT: - those two things really have authority of the minister.

MR PEARCE: Having regard to a - a media release from the premier dated the 19th of August, under the heading of award restructuring -

PRESIDENT: What date was that? Sorry?

MR PEARCE: The 19th of August.

PRESIDENT: Yes.

MR PEARCE: And having regard quickly to the - the contents, I would suspect that there is very little difference between the contents of the letter written by Mr Morris and the view of the premier, being the employer. So, if we proceed on the basis that the comments of the secretary are as those of the employer -

COMMISSIONER GOZZI: Well, Mr Pearce, what are your submissions on behalf of the minister?

MR PEARCE: My submissions on behalf of the minister?

COMMISSIONER GOZZI: Yes. I mean, are you putting this forward as on behalf of the minister? What's your - what are your instructions? I mean, what are you instructed to advise the commission with respect to this document? I mean, it seems to be fairly fundamental to know whether or not -



MR PEARCE: I was -

COMMISSIONER GOZZI: - the minister is putting the position or not.

MR PEARCE: I was about to enlighten the commission, Mr -

COMMISSIONER GOZZI: All right, that's fine.

MR PEARCE: - I don't know whether you thought that I was going to resume my seat or -

COMMISSIONER GOZZI: No. You were speculating as to what it is. I'm simply asking you, what are your instructions? It seems to me if you're going to tell us, that's fine. But, why would you be speculating if you're going to tell us?

MR PEARCE: Well, Mr Commissioner, the matter was raised by the president as to whether or not the author had the authority to write it on behalf of the minister.

COMMISSIONER GOZZI: Well, simply to overcome it, I'm just asking the question -

MR PEARCE: I have instructions to appear today.

COMMISSIONER GOZZI: I'm just asking the question, you are representing the minister, is that the minister's position or not?

MR PEARCE: Yes, it would be the minister's position, Mr Commissioner.

COMMISSIONER GOZZI: Thank you.

MR VINES: Mr President, could I just request that the news release that has been referred to, I'm not familiar with the premier's reported comments in the 'Examiner' of today, nor am I familiar with the content of the news release. If that is being taken as giving some authenticity to the letter that's been referred to.

PRESIDENT: No, that was -

MR VINES: Could I request that that news release also be read into transcript?

PRESIDENT: That was simply something that - an observation that fell from me, Mr Vines, it had nothing to - it has nothing to do with whether or not Mr Pearce says that this document which he's read into transcript is the view of the minister.

MR VINES: Is it -



PRESIDENT: It was something that I was simply introducing to help me -

MR VINES: Yes, but now that has been introduced, sir, it's of great interest to me to know what has gone out under the premier's signature rather than under the secretary's signature. So, could I request that that press release also be read into transcript, given that it has been referred to in these proceedings?

PRESIDENT: Yes, could you please get a copy.

COMMISSIONER GOZZI: Well, it doesn't matter about the press release, does it, Mr Vines?

MR VINES: Sorry, sir?

COMMISSIONER GOZZI: I mean, we've just been told by Mr Pearce that this is the minister's position - end of story.

MR VINES: Well, given that - I'm just saying that given that it has been referred to in these proceedings, a piece of documentary evidence, I would suggest, has been referred to, I think that we would be entitled to know what else is in that press release.

PRESIDENT: I'm sure - I'm sure -

MR VINES: Not what was reported in the 'Examiner', but what is actually in the press release sitting in front of -

PRESIDENT: Oh, I see. But I'm sure you could obtain a copy of the 'Examiner' without too much difficulty.

MR VINES: But I can assure you, sir, from my experience what goes in a press release and what appears in the press is by no means necessarily the same. And it is for that reason that -

PRESIDENT: I'm not certain that - I'm not certain that that really essential.

MR VINES: Well, it - it might just show a different or put a different light on things, because from what I understood you to say, what was in the 'Examiner' indicated something along the lines that the premier was not prepared to meet your request.

PRESIDENT: Which is exactly what is contained in the letter which was read into transcript.

MR VINES: Where?

PRESIDENT: This says:

It is my firm view that a premature meeting on occupational streams will do nothing to advance the process.

The last sentence, Mr Vines. I do think we - we would take too much time worrying about that particular point.

MR VINES: Well -

PRESIDENT: And get on - get on with the -

MR VINES: I think it's - I accept the bench's ruling, but I think it makes it very difficult if documents are being referred to that only one side of the bar table has an opportunity to be aware of what the contents is. Very strange.

PRESIDENT: We'll consider that, Mr Vines. Mr Pearce?

MR PEARCE: Thank you, Mr President. The recommendations of the president arose during the course of a report-back hearing on Monday of this week, convened ostensibly for the purpose of considering matters pertaining to the health Memorandum of Understanding ....

.... however, in the course of those proceedings, Mr Vines, of the TPSA, chose the opportunity to widen the ....

#### **TAPE ALERT**

.... to include consideration of the wider public sector award restructuring issues. Those comments of Mr Vines that were made against a background of exhibits V.27 and V.28, being letters from the TTLC and a response from the premier respectively.

At issue today is the response of the secretary to the president in which secretary, after having outlined in nonspecific form the issues that are currently being addressed within the public sector award restructuring matter.

These form the part of the November 1991 decision. And the employer has formed as evidence in the letter, the view that the current tasks, particularly relevant to the occupational stream processes, would not be advanced if the president's recommendations were to be adopted.

What we say in elaboration of the position of the employer is that some justification for establishing working parties to address issues might have been valid had it been established



that indeed, as Mr Vines so colourfully suggested, nothing was happening.

That may be a comment apposite to the areas that Mr Vines represents. However, let me assure the commission that progress is being achieved despite the protestations to the contrary. The government, as it has steadfastly maintained, continues to process the implementation of award restructuring in accordance with H.27. Certainly there have been some delays, certainly there have been some interruptions, certainly there have been hiccups in respect to the internal machinations going to process and outcomes. But then faced with the magnitude of the task such must have been reasonably expected but let me hasten to add that we are - in an overall perspective, consider to be marginally lagging behind in meeting the totality of our specified obligations.

That lag may have been more pronounced had the employer not taken internal initiatives through the January - March period of this year, whilst organisations debated matters of process. We could have put our hands up at that time; we did not. Internal work is required to be done and was being undertaken.

We do not wish it to be seen or taken as fact, based on submissions from organisations, that the employer is doing anything other than complying with the spirit and the intent of the 29 November decision.

If I may take the opportunity to inform the bench of progress in relation to the five areas which are outlined in the employer's letter.

PRESIDENT: Well I'm not certain that the five areas are essential to us, Mr Pearce. The problem is specifically in relation to the working group's needed to be established to ensure the implementation of the four occupational streams. And it simply is about creating those working groups. I mean, clearly, if there is nothing available for the working groups to discuss, they can't do very much. But the mere existence of the groups would, I believe, add some impetus to the work and it might give the parties, at least, some understanding that at least there was a degree of good faith being exhibited on both sides.

Frankly, we know the conditions of service is progressing, we know that the agency specific items matters are being addressed, we know there are five special case hearings going, for goodness sake, and we've dealt with the health memorandum of understanding. It's the four occupational streams which are the concern.

MR PEARCE: Mr President, if I may just slightly digress to H.27 and page 1490 of transcript, that is 30 April transcript, where Mr Hanlon, then appearing for the minister, outlined the

employer view as to how the issue of the occupational streams, matters of job redesign, matters of position descriptions and matters central to the classification standards proposed for the model awards, would take place. The process outlined on transcript did not of itself involve union participation in a working party environment.

PRESIDENT: H.27 does though. H.27 introduction is very specific.

MR PEARCE: Mr President, the -

PRESIDENT: It says: All working groups mentioned below will comprise representatives of the minister administering the State Service Act and other controlling authorities where appropriate and the Tasmanian Trades and Labor Council.

MR PEARCE: The transcript of those proceedings enlightened or embellished upon the words contained in H.27. Mr Hanlon's submission was quite specific. No exception was taken to it at the other end of the table; the problems at the other end of the table remained with matters going to issues of operative date and whether or not the use of the word 'full' could be applied to the agency specific matters in terms of handing down full agendas at initial meetings. That was the only debate which occurred relative to those submissions.

COMMISSIONER GOZZI: I beg to differ, Mr Pearce. I think there was an almighty debate about whether H.27 should be the format or exhibit V.28.

MR PEARCE: Yes, but -

COMMISSIONER GOZZI: And we've had to choose between H.27 and V.28. And when we adopted V.28 by virtue of our decision -

MR PEARCE: I don't devalue those submissions. But in the right of reply: No comment. No concern to the unions were expressed to the position outlined by the minister relative to the job redesign within the four occupational stream process was to take place. No time lines were placed upon the government relative to that process.

COMMISSIONER GOZZI: The fact is that H.27 was endorsed. That was the subject of the decision, wasn't it?

MR PEARCE: It certainly was, Mr Commissioner, yes. What I might seek to recap or reiterate what those submissions were in relation to that particular aspect because it has been on that basis, with the acceptance of those submissions, which read in the context of H.27, was the manner by which the employer would develop the matters of job redesigns internally, with the processed matters to then be distributed to organisations when they were completed.



Now if that is - if the position of the employer is not as the submissions at that time suggested they were going to be, and people were under a misapprehension as to what that role was, then clearly since 30 April, to date, we have been proceeding along those lines. And the minister's response to the TLC in V.28 says that working groups will be formed. That will occur from our perspective at the end of the process.

PRESIDENT: Well what's the point at that stage?

MR PEARCE: The process is that in relation to -

PRESIDENT: I mean, if it's a fait accompli there's hardly a need for a working group.

MR PEARCE: It may be a fait accompli from our perspective and I would hope against hope that it would be a fait accompli from the other end. But I believe that that would not be the case. But essentially I suspect that the argument will devolve down to the value of the task relative to the classification standard, being the debate between the two respective positions. And one suspects that in the absence of agreement that this commission will be called upon to perform a role in respect of resolution of those particular issues.

PRESIDENT: So we're really getting to the point - then we're saying that - you would develop the necessary job families and slot them in where you think they're going to be and then it will be up to us to hear both sides and make a determination.

MR PEARCE: That is one scenario, Mr President. But effectively what management is currently doing is establishing its position before discussion with unions.

PRESIDENT: Yes, and -

MR PEARCE: It is charged with the responsibility of determining what task it wants to be done, how those tasks are currently performed, how they want it to be -

PRESIDENT: Yes. Don't have a problem with that, Mr Pearce.

MR PEARCE: May I just then elaborate for the benefit of the commission those matters which have occurred internally relevant to the process of the implementation of occupational streams, to at least allay concerns that at least things are happening within the employer's area.

The four management committees, as indicated, were established in March of this year. These committees are coordinating the development of a series of benchmark functions and task lists. The benchmarks covering similar or associated work are being assembled in job families representing career groupings.

These benchmarks will be assigned classifications in accordance with the classification standards in the model awards. The benchmarks will be a key tool for departmental managers to use when assessing and assigning classifications to particular positions during translation of those positions to the new awards.

The initial work for the job families is being undertaken in departments by appropriate management personnel. The coordinating management committees have met on eight occasions as follows: professional and technical from 9 March to 17 August; clerical and operational from 10 March to 19 August. When the draft benchmarks are completed at responsible department level they will be forwarded to the Department of Premier and Cabinet. The role of DPAC will be to ensure that other relevant departments have been consulted. They will coordinate the distribution of the completed drafts to unions and will manage the negotiating process. The responsible department in each case, and such others as may be necessary, can be expected to be involved in those negotiations. Any disputed classification of the benchmark functions or tasks between the employer and unions may be arbitrated by the Industrial Commission. When all steps are completed the benchmarks will be formally sent to the parties.

The benchmarks will be a key tool to be used as follows: The departmental management when assessing and assigning classifications to particular positions during translation of those positions to the new restructured awards to maintain a high level of consistency in the interpretation and application of the classification standards. When assigning classifications following review and redesign of organisational structures and particular positions at any time to enable maximum staff flexibility to be attained at particular classification levels and to assist with the identification and development and the training needs of employees.

Mr President and members of the bench, to suggest that there is no knowledge of what has occurred within the government area, particularly from the spectrum of the TPSA, if indeed that is their view.

I'm minded to inform the commission that on the 21st of May of this year Mr Colgrave was invited to a TPSA staff seminar which consisted of industrial and research officers, and he was invited to address them, and he did so on the basis that Mr Colgrave would explain the logic and processes involved in the preparation of the benchmark function and task lists and give some general comments on the content of position descriptions.

He indicated during the course of that address that in the award restructuring exercise the task of classifying positions



has been made easier for departmental managers because classification standards are to be included in new awards and because a comprehensive series of benchmark functions and task lists are being prepared.

These benchmarks will be classified in accordance with the standards.

The benchmarks were being assembled into job families representing logical career groupings or similar or associated work.

At present the initial preparation of a particular job family benchmark is being undertaken by management, and they have been allocated to departments who have a principal interest in the particular categories.

When completed in departments the benchmarks will be sent to DPAC who will coordinate the consultation with unions.

Disputed classifications of benchmarks most likely would be resolved in the commission.

The benchmarks will be a tool for, (1) departmental managers to classify positions, to assist with job design, to enable flexible use of staff to aid staff development and skill training; (2) employees to be able to see career possibilities, development needs, skill needs, understand classification reasoning, etc; and (3) ensuring a high level of service-wide consistency in the classification decisions.

I understand that Mr Vines was present at that seminar, and would have been aware what it was in the processes involved internally and the processes of job redesign and ancillary matters.

Mr President, we have no difficulty in hearing any concerns that the unions may wish to express to us relative to this particular aspect. Indeed, we have no problem if any of them might wish to take up similar offers of advice in the form that was conveyed by Mr Colgrave as to what the role of the government is, or the employer, in respect of this particular aspect.

And, indeed, if the unions have something to table to government in respect of this particular aspect of the process, we are more than willing to consider it.

However, in the forum of the working groups as recommended by the president -

PRESIDENT: By H.27, Mr Pearce.

MR PEARCE: H.27, Mr President, well I have already made my submissions in respect to H.27.

PRESIDENT: All I was doing was recommending that the proposals in H.27 be implemented immediately in respect of the occupational streams.

MR PEARCE: Well, in the course of our submissions on the 30th of April we outlined to the commission what the processes would be, and that at the end of the day when the job families, the benchmarks, and all of those ancillary activities had been completed and management had formed a view, then that would be, from our perspective, the appropriate time for those position descriptions - or benchmarks, sorry - to be provided to the unions.

PRESIDENT: You are talking about a fully completed -

MR PEARCE: No, no, they would be as they were completed, they would be distributed, and we envisage that the first of those would be available within the next 6 to 8 weeks.

PRESIDENT: Six to 8 weeks.

MR PEARCE: That is the advice I am -

PRESIDENT: So, when does that take us up to?

MR PEARCE: October. Bearing in mind, against the -

PRESIDENT: The first week in October.

MR PEARCE: Bearing in mind, against the background, Mr President, the comments I think on the understanding I have with Commissioner Gozzi - and I think it is a view shared by other members of that bench - relative to matters of operative date, issues which go to agency's specific conditions of service, must be in place before the classification process can commence, and that the first occasion that any benefits arise relative to increases arising from the translation process, and that won't be until the first two of those other issues have been completed.

If, for example, the agency specific matters and the conditions of service matters were completed and concluded by the 1st of December, but that the classification process had not been completed, then as I understand it, anyone - if it occurs 3 months down the track post the 1st of December - if there is a reclassification that will be backdated to the 1st of December.

They have the protection in terms of the classification procedure.



I would have - the emphasis from our perspective if there is to be a priority - is to match the operative date with benefits arising from the award restructuring agency specific conditions of service matters.

PRESIDENT: There is no doubt they are linked.

MR PEARCE: They certainly are, Mr President, we acknowledge that they are, and in that capacity.

PRESIDENT: Yes, it seems though to me that conditions of service don't impact enormously on benchmark figures.

MR PEARCE: In the process leading up to the development of benchmarks? Well, I suppose -

PRESIDENT: I can understand that there are agency specific issues which might need to be addressed, but again they are all linked and I would have thought that they're the things that ought to be discussed, and it surprises me they are not being discussed in the discussions on agency specific matters.

MR PEARCE: The conditions of service issues?

PRESIDENT: No, no, where agency specific issues might impact on benchmarks. Although I have some problems with those as well.

MR PEARCE: I am advised that where there is an impact of an agency specific matter within a benchmark or a potential benchmark issue that the matters are being considered contemporaneously, so -

PRESIDENT: I would have thought that would be the case. And then that must fall, surely, within the working groups that are looking at those issues.

MR PEARCE: Well, having regard to the process of the agency specific matters, and there have been meetings in a couple of areas, whether that has emerged as - whether that particular aspect has emerged as an issue or not - I am unable to advise the commission.

But, given - the view we take - is that the process of developing the job redesign, the benchmarks, will in no way be hastened from management's perspective by a working group environment. Indeed, it may inhibit the process. Because if the manner in which working groups have been approached in the past is indicative of the approach will be taken to job redesign benchmarks, then innumerable delays could be perceived to occur.

At least under this process the unions will be totally aware, totally familiar and totally understanding - sorry, and

totally understand - what the employers' position is in relation to the tasks and the benchmarks and their reference to the classification standards.

COMMISSIONER GOZZI: Yes, I must say I would have thought that everybody would have learnt their lesson, having regard to the shemozzle that was created with all sorts of working groups earlier on in these particular proceedings about 2 years ago, or whenever it was. We had peak negotiating groups, we had all sorts of different fancy titled negotiating groups, but nobody seemed to be able to get on with the job of actually doing something. Do you recall that, Mr Pearce?

MR PEARCE: I certainly do.

COMMISSIONER GOZZI: The peak negotiating groups, and various other groups that were set up.

MR PEARCE: I think they were set up with good intentions, Mr Commissioner. Unfortunately the process -

COMMISSIONER GOZZI: Well they were, but the commission was pretty critical of the process, including I think the TPSA and other unions represented, because it just wasn't going anywhere.

MR PEARCE: Well perhaps we have learnt that it is probably desirable to at least enable the unions to get the total picture, rather than to drip feed in the sense of considering each item one at a time. Where there is any - one really needs the total picture before one is able to input constructively; whereas if each individual classification or each individual job task was subject to a working committee, heaven forbid the amount of time that that process would take.

PRESIDENT: But you are really indicating that there will be a drip feed system.

MR PEARCE: There will be a drip feed system - it is just administratively impossible to release position descriptions or the benchmarks for some 90 job families.

COMMISSIONER GOZZI: Well we're always very mindful of the fact that it would be a significant task. And under operative date I think we made that very point, that the magnitude of the task, we felt it appropriate that the operative date should be not be any earlier than the 1st of December 1992.

MR PEARCE: Yes.

COMMISSIONER GOZZI: And so we never underestimated the task. It appears from what you are saying, that the negotiating process will really commence with the unions in about 6 to 8



weeks' time. Is that a correct summary of what you're putting to us?

MR PEARCE: About 6 weeks I'm advised.

COMMISSIONER GOZZI: About 6 weeks.

MR PEARCE: But yes, yes the formal process of the employer putting to the organisations what its view is relative to those particular benchmarks.

COMMISSIONER GOZZI: Yes. And - and you're saying that when you do that, you will accommodate a negotiating process -

MR PEARCE: Yes, that will -

COMMISSIONER GOZZI: - if necessary.

MR PEARCE: Yes, that would - that would occur within that environment, Mr Commissioner.

COMMISSIONER GOZZI: And in the event issues can't be settled, they would be referred here for determination.

MR PEARCE: That - that is in prospect, Mr Commissioner.

COMMISSIONER GOZZI: How - how does the agency specific agenda and conditions of service agenda fit in with that sort of timetabling?

MR PEARCE: The conditions of service agenda, as I understand, does have some time lines attaching to it.

COMMISSIONER GOZZI: Yes.

MR PEARCE: The first draft was to be with the organisations by the 15th of July or the 17th, that has been complied with. The second and final draft, I'm advised - or the second draft, which may well be the final draft, is due early in September - 1st of September. On current understandings, that will also be complied with.

Agency specific matters. There is no specific time line on that. We are certainly working towards finalisation of those issues with the 1st of December in mind. But, as the president pointed out, that where there is an overlap or one of the agency specific matters relates to benchmarks, then whether the one - one would need to be - they would need to be completed together in respect of a - a particular issue.

COMMISSIONER GOZZI: Mr Pearce, having regard to the 6 to 8-week time frame -

MR PEARCE: I'm informed '6' rather than '6 to 8'.

COMMISSIONER GOZZI: Oh, 6 - well that's better still.

PRESIDENT: It's a maximum of 6.

MR PEARCE: As I'm informed.

COMMISSIONER GOZZI: - does that take into account the negotiations that are currently taking place with respect the Memorandum of Understanding in - in the health area? I mean, is it proposed to have structures or whatever has happened there run alongside classification standards in this case? Or is that a totally separate exercise?

MR PEARCE: I'll just take some advice, Mr - I understand that they might not - not necessarily run - there is no time lines, as I understand it, contained - absolute time times contained within the Memorandum of Understanding. But certainly in relation to this exercise there are clear and defined and, indeed, time lines set by this commission.

COMMISSIONER GOZZI: All right, thank you.

MR PEARCE: If it please the commission, in respect to the - the question that you directed at me, Mr President, that would conclude my submission to this stage.

PRESIDENT: Yes. So, you're saying that it would be pointless for the minister's representatives to meet in working group situation on occupational streams prior to the - well, 6 weeks from today, which puts it somewhere about early October, does it?

MR PEARCE: Yes. That is - that is our view, Mr President, that the process wouldn't necessarily be assisted.

PRESIDENT: Would it -

MR PEARCE: It would not - we do not see that it would - the outcomes would be in any way hastened. Indeed, it may have a reverse effect.

PRESIDENT: But what you're saying is, there is no - you would have nothing to give to the unions.

MR PEARCE: Nothing to table to the unions for 6 weeks.

PRESIDENT: For 6 weeks.

MR PEARCE: That is correct, Mr President.

PRESIDENT: Yes.



COMMISSIONER GOZZI: Mr Pearce, just one - before you do sit down, just one aspect I wanted to quickly raise with you. And it's the second-last paragraph of the minister's response.

DEPUTY PRESIDENT: The secretary's.

COMMISSIONER GOZZI: And if I read this correctly, the last - the second-last sentence in the paragraph contemplates that the issue of union coverage would also - is also being discussed. Is that what's intended to be conveyed there?

MR PEARCE: I understand - if I might just read the preceding sentence, Mr Commissioner? yes. I suspect that it clearly goes to issues of union representation or - or the more prickly topics of demarcation-type issues.

COMMISSIONER GOZZI: Yes. Well, obviously we would be supportive of that - or those issues being sorted out between the parties, but I think it's appropriate to indicate that it was the intention of the commission when it handed down its decision in November '91, that if that issue was not able to be resolved then in the process of making the new awards, that is the four model awards, that the issue of coverage could then be determined in respect of those organisations who would have an interest or not in the awards.

MR PEARCE: Indeed, I think in the -

COMMISSIONER GOZZI: And the reason I'm raising it now is because we did make that observation in the - in the November '91 decision, and that there is significant potential for that issue to bog down the whole process. And if it has that potential, and if it looks as though it could slow down the process significantly, then obviously there is a pre-stated objective there that the commission would determine those matters at the point of making the new awards.

MR PEARCE: Well, if I could take you, Mr Commissioner, back to the 30th of April hearing and I think indeed it was yourself who indicated in relation to the dates which had been set aside for the 16th, 29th and 30th of September, and the 6th and 7th of October, those dates could be utilised for conditions of service and agency specific matters, together with creations of new awards, title, scope and repeal; and obviously those sorts of matters that you have just raised are relevant to those processes.

COMMISSIONER GOZZI: Yes. And I am pleased that you recognise that, because the issue has potential to bog the whole thing down because I don't expect it is going to be easily resolved as to who or what organisations should be party to which award; and if the differences can't be resolved between the parties themselves, well the mechanisms are there for it to be done in an orderly way in the commission.

PRESIDENT: Yes; thanks, Mr Pearce. Mr Vines?

MR VINES: Thank you, Mr President, and members of the bench.

Sir, if I could firstly just take up the issue with Mr Pearce's submission, his reference to my attempt to broaden these proceedings when they were before the commission constituted by yourself on the last occasion.

The advice that was - just so that the record is straight on this - the advice that we received in relation to a notice of hearing was a report back on T. No. 2399 and applications listed in the attached schedule. There was nothing whatsoever in the notice that was given to us that indicated that there was any limit on what was in fact to be reported back to the commission. So, if I could -

PRESIDENT: That's why I allowed you to address those matters.

MR VINES: Yes, I was correcting the submissions that were put by Mr Pearce earlier.

Sir, if I could refer to the letter that was distributed to the parties while we were waiting for the convening - or while we were waiting for the start of this hearing this morning - this afternoon - could I say in relation to this issue of occupational stream benchmarks and job families there have been no discussions. I repeat, no discussions whatsoever, none whatsoever, with myself or any of my staff and government in relation to the development of these benchmarks and job families.

It is true that Mr Colgrave attended a seminar that we conducted for our industrial and research staff back in May, and I will accept the date of the 21st of May, but it's interesting that that matter be risen because I am quite sure that if I were to tender the notes to the commission that we have from that day's proceedings - and I have taken the opportunity of checking this with my colleague, Mr Mazengarb, who was also there, those notes will very strongly support the position the TPSA has been put in, that there is serious doubt even within government as to the success of this sort of program.

So I would not rely too heavily - and I don't want to go into any more detail than that because I don't want to put Mr Colgrave into an embarrassing situation. But, seeing that my friends at the other end of the table have raised it, we're more than happy to debate that issue, and I know who will win that debate.

Can I say that from the PSA's point of view the approach that the government has taken in this issue is contrary not only to



what can only be regarded as the proper way of conducting negotiations, but well and truly contrary to not only the spirit but also the words of the November 1991 decision in relation to the progressing of this matter.

In that decision at page 16 the commission refers to the translation issue, and I quote from that decision:

In order to derive the maximum benefits from the package we have determined it is now important that the parties innovatively apply themselves to the tasks of job redesigning, including broadbanding, to be followed up by accurate job descriptions. This will then enable positions for which the job descriptions have been finalised to be translated into the appropriate new award by reference to the relevant classification standards.

The parties should co-operate in this process. Such an approach should facilitate the satisfactory conclusion of this exercise.

We are not being given the opportunity to cooperate in this process.

As we have heard, the government is developing its position in complete and total isolation to the unions and to the people we represent in those work areas.

It is just simply not satisfactory to say that the government will go for another 6 weeks before it presents us with anything. There's no negotiation involved with that. This government, or this employer, has got a very poor record of this sort of thing. The Employment Rationalisation Program which is likely to be very shortly before this commission is a perfect example where back in Burnie about 4 weeks ago we were promised, assured, by the employer himself that there would be full consultation with our union prior to a decision being made, prior to it being implemented.

The morning of the Budget, the week before last, at 8.30 in a meeting with my members' employer we were advised there would be no such discussions. Now we expect exactly the same thing to happen here.

We cannot see how one can supposedly implement this decision on a negotiated and cooperative and proper workplace reform basis when we have got one group meeting over there in isolation to the group meeting here.

The only way workplace reform is going to work is if the two groups get together and thrash out these issues, and work out how these new awards can be implemented.



It is getting too late to do that though. It really is getting too late to do that. We have now had this decision for, I think if my maths are right, about 9 months and there has been virtually no progress made in relation to this particular aspect; and it is our view that what is going to happen in 6 or 8 weeks time we will be delivered a document from government that from their point of view will be a final document, because every single experience that we have had with this government, with this employer, has indicated that.

It will be a final document; there won't be any negotiations; so instead of being here now in this situation we'll be here again in 8 weeks time, as we were 3 months ago and 6 months ago, there will still be no progress. It is just simply a system and a process that is not going to work.

It is a ridiculous situation. I don't know of this situation happening in any of the other states or, indeed, any areas of private industry where this whole issue of workplace reform is trying to be done without proper negotiation. You just simply cannot achieve it by the two parties, the unions and the management operating in isolation to each other.

The H.27, which against our very strong protests, the commission did endorse earlier this year. It says in its opening paragraph that to in order to facilitate the implementation of award restructuring in accordance with TIC decisions. That is what I referred to before the need for cooperation. All working groups will comprise representatives of the minister administering the State Service Act and the Tasmanian Trades and Labor Council.

As I indicated before those and, indeed, as you have picked up yourself, sir, none of those committees have started to operate. The whole concept was that they would start at the grass roots, if you like. They would start at the base of the case and they would work collectively through it, and that is what proper workplace reform is about, that is what cooperative implementation is about.

It is very clear to me what the government's intention is. They've spelt it out in the memorandum of understanding yet to be agreed in the Department of Health, where that implementation date of 1 December '92 all of a sudden has been changed to 1 December '93. That's exactly what their intention is. It is their intention to delay it. The previous government now admit that to us. They openly admit that to us, that that's what their intention was, as we tried to convince you over the last 18 months. They've admitted it to us now and it's quite clearly the intention of the new employer as well.

This issue also that's in the Secretary of DPAC's letter, indicating that the agency specific matters were all

proceeding along extremely well. Can I say, without any doubt at all and so that there can be no dispute, my organisation, either myself or my staff, have been involved in negotiations on agency specific matters in a total of three departments, that is the Department of Construction, the Department of Roads and Transport and the Department of Health, as part of these memorandum of understanding issues. There have been no agency specific discussions structured in any of the other agencies. There may have been informal discussions with my people and agency people informally trying to get something going, but there have been no formal DPAC sanctioned discussions in any of those departments.

So in our view, it is just simply not true to say that the task is proceeding in an orderly and logical manner. I don't know who drafted this letter but I don't believe it has been drafted by somebody who has been involved in the exercise, because it is just simply not possible to say that it's proceeding in an orderly and logical manner because it just isn't. Nobody could call what's happening either orderly or logical. It is just off the rails. It is completely off the rails.

Our view is, sir, that this needs a change of approach. We are committed to award restructuring and I'm sick of these statements that we're seeing, doubting the commitment of some unions to achieving real reform. I'd like to know which ones. I'm sure the rest of the unions would as well because who was it who has said to this government rather than sacking people, let's get into workplace reform? We gave the government that choice; we've put it to them in writing. We've put it to the whole of the cabinet budget subcommittee. The alternative to job cuts is proper workplace reform.

I don't have to say which option the government took. We put the lot on the table. We said we are prepared to talk about anything at all in relation to workplace reform to save jobs. It's in black and white in our budget submission. It was ignored - no, sorry, it wasn't ignored; it was rejected by government. They are not fair dinkum about workplace reform. They opted for sacking people rather than workplace reform. And I am also more than happy to have that sort of debate on bona fides. Who is fair dinkum about this whole exercise?

PRESIDENT: Would you say the - and I don't know the detail, but would you say the Health Department negotiations are proper workplace reform negotiations?

MR VINES: No, I would not. I would call it nothing shorter than a con job. There is nothing about workplace reform in that, nothing at all as the commission will see when it is presented to it.

PRESIDENT: I was going to suggest - I'm sorry.



COMMISSIONER GOZZI: So a lot of people seem to think otherwise.

MR VINES: That's only because those people haven't had a chance to read it, sir.

PRESIDENT: I was going to suggest that if it worked in health it might well be able to work in other areas of the public sector.

MR VINES: If what could?

PRESIDENT: If a proper workplace reform -

MR VINES: Oh, workplace reform can work anywhere.

PRESIDENT: - process was working in health then the same principles could be applied in the rest of the public sector.

MR VINES: There's nothing about workplace reform in that memorandum of understanding. It's all about budget cuts and job losses and restrictions on the four streams.

PRESIDENT: Well I don't know that we ought to go too -

MR VINES: I wasn't going to go to it at all, sir. I didn't raise the question.

PRESIDENT: - deeply into that but I was just interested from a very general perspective.

MR VINES: Could I put to the commission that our view is that the only way we're going to get this whole matter progressed - and if we can't do something with it we may as well forget it and we'll start with new applications, start the whole exercise from scratch because it is going nowhere. Our view is that it has come the time - and I speak in relation to my three - to the three principal streams that we're involved in, being administrative and clerical, technical and professional and also on the assumption that the health area will be hived off, which means that I think with the exception of, in limited areas, the Teachers Federation and Professional Engineers, we are talking about sole union coverage. So we don't have any difficulties with union coverage.

But we would be asking the commission to take submissions from us and from the government and from any other interested parties to determine standard translation from the current awards or a standard or prima facie translation from the current awards to the new four streams, and that that be done as a matter of urgency. And we would request to be completed within a period of 4 weeks. That once those standard



translations have been determined on an award-by-award basis for those three streams, that the standard translations then be put out to departments or to the single employer. We don't mind how it goes to government, but they go to the employer and we hope the employer would then put them out to departments and then cooperatively those departments and the unions involved sit down and complete or start and complete the exercise of job redesign based on fitting existing jobs in to that translation from current awards to the new awards. That in the area where it is not possible to redesign jobs on that basis, that those matters come back to the Industrial Commission for finalisation on a classification or job-by-job basis and that the whole exercise can then feasibly be completed by the end of this year.

What it does is put some incentive there for everybody to get to and get this whole exercise completed. There is no incentive whatsoever for the government to complete this exercise, none whatsoever. And that is amply demonstrated by their position in health.

PRESIDENT: But what you're really proposing is a system which would be totally opposite to the concept that we'd developed as part of the November '91 decision.

MR VINES: No, I don't think it is, sir.

PRESIDENT: Because we were proposing that the job sought to be worked out first. You're suggesting a translation of every individual employee into -

MR VINES: No, not first, not first. No, that's why I say you determine a prima facie or a standard translation. They go up on the whiteboard. The commission's view is that classes -

PRESIDENT: Translation of what?

MR VINES: Current classifications to the new levels. Say, for example, the commission determines that prima facie positions that are currently classified as a Clerical Officer Class IV, V and VI will translate to a level - I don't know what it would be but, say, for the sake of the argument, a level 4.

COMMISSIONER GOZZI: You're talking about a point-to-point translation.

MR VINES: No, I'm not. No, I'm not. That that be the prima facie one. Then the exercise would be that all jobs that are currently classified as level 4, 5 and 6 would be assessed and designed, if possible, to fit in with the level 6 classification standard. The people wouldn't translate as

yet. The jobs are assessed and redesigned to fit in with the new levels.

COMMISSIONER GOZZI: Mr Vines, I must say -

MR VINES: It's the only way that it can be done. I mean, it's what's proposed in H.27 as well, except there isn't that original guideline to go by. The only difference is there's a guideline to go by.

COMMISSIONER GOZZI: Mr Vines, 6 weeks to get the standards before you.

MR VINES: Nine months and 6 weeks.

COMMISSIONER GOZZI: From now. A commitment to negotiate those standards, a commitment to come to the commission in the event of any disagreement. Surely that is an orderly process of getting to the end of this exercise as opposed to starting something new at this late stage. I mean -

MR VINES: Surely, Mr Commissioner, you have to accept sooner or later that the government can't come back to every case and say: Look, everything is sweet; we just need a couple of more weeks. Because we won't accept that process.

COMMISSIONER GOZZI: I mean, I have no reason to -

MR VINES: Because it's been going on for 9 months.

COMMISSIONER GOZZI: Look, you know, everybody else in this room knows that the exercise has been a very mammoth undertaking.

MR VINES: Only because people have turned it into one.

COMMISSIONER GOZZI: We have -

MR VINES: South Australia, they're talking about something nine times as many employees, a much more complex thing was done in 6 months -

COMMISSIONER GOZZI: But let me just say this to you. From where I sit -

MR VINES: - cooperatively.

COMMISSIONER GOZZI: From where I sit we're talking about rationalising 60-odd awards down to four. And that decision was taken in November '91. We are now being told that job standards and benchmark salaries are being looked at, job families and so on, to allow a classification process to take place. It seems to me that given the magnitude of the task

that that is not an unreasonable way to go. You, yourself, Mr Vines -

MR VINES: No -

COMMISSIONER GOZZI: Just let me finish. You, yourself, were very critical of the processes that involved peak negotiating groups, working parties, all sorts of things because it did nothing; it went around in circles and gradually disappeared -

MR VINES: Oh, yes, but that was deliberate. As the former premier will now tell you, that was deliberate.

COMMISSIONER GOZZI: Yes, but the point is -

MR VINES: I mean, it wasn't the process that failed down; it was the commitment and the intentions of people.

COMMISSIONER GOZZI: But the point is -

MR VINES: Can I give you an example of this job redesign issue?

COMMISSIONER GOZZI: Well let me just say -

PRESIDENT: Just a moment, Mr Vines.

COMMISSIONER GOZZI: - the point is, Mr Vines, that we've gone through that process of rationalising awards and experience will show that there is not much point holding a negotiation unless somebody prepares the paper. Now you know that as well as anybody else.

MR VINES: The papers are prepared, sir.

COMMISSIONER GOZZI: The documentation is in the process of being prepared.

MR VINES: From our side they are prepared.

COMMISSIONER GOZZI: You're not prepared to wait for another 5 - another 6 weeks to see that work completed, to involve you in the negotiating process. You want to start the whole thing again.

MR VINES: Exactly right, exactly right. Can I tell you why? Because I don't believe what you have been told. I just don't believe what you have been told.

COMMISSIONER GOZZI: Well -

MR VINES: The reason I say it is my union, because the government is providing no training, no training whatsoever, for its managers on job redesign, my union has together with



TUTA. We have set up - they've been running now for, I think, 5 weeks, job redesign training courses of 1, 2 and 3 hours duration. We have something like 1,400 members enrolled to go through those courses. I think somewhere in the vicinity of 500 have already gone through. Something like one third of those enrolments are from people, what we would call middle management or above. They have come to us to ask to go on those courses because they know that this job redesign is going to come at some stage, not that it's started, is going to come at some stage and they can get no information on what it is all about.

How does that - we can bring the figures up, we can show you, you can come down and look at the people who are attending these courses.

COMMISSIONER GOZZI: Yes, but -

MR VINES: And that is simply not happening out there. It is just not happening.

COMMISSIONER GOZZI: But having regard even to our operative date that we put in as maybe an achievable operative date, 1 December '92, it's -

MR VINES: An operative date of cotton wool. The government have told you they don't take any credence with it.

COMMISSIONER GOZZI: But it seems that 6 weeks down the track we're in October with a lot of the work having been completed that is absolutely essential to make sure that an orderly process in the negotiations can take place.

MR VINES: Well, can I say, Mr Commissioner, with the greatest of respect, I cannot see that that is going to be possible.

COMMISSIONER GOZZI: Because you don't believe that's what they're doing?

MR VINES: No. I don't believe.

COMMISSIONER GOZZI: So, you're saying we're being lied to?

MR VINES: I'd - I say you were being lied to, yes. I would say to you that that is not the case out there. That there is not that level of movement. There are people running around in circles in DPAC, there's no doubt about that. There's people running around there, that's why they put the revolving door in at the front of the TGIO building, so they don't get dizzy on the way up to work.

But there is - but there is just not that level of action happening elsewhere.

COMMISSIONER GOZZI: It sounds as though you've gone through it a few times ....

MR VINES: No, I haven't, sir. I don't get invited into the TGIO building -

COMMISSIONER GOZZI: Don't you?

MR VINES: - any more because they know that I'll get in there and find out that nothing is happening. I can't remember the last time I went into there.

COMMISSIONER GOZZI: Sorry. Sorry, I couldn't - I couldn't resist that one, Mr Vines.

PRESIDENT: Mr Vines - I'm sorry. Are you saying that you've got all this work prepared in terms of the work that the departments are doing at the moment? That you already have it?

MR VINES: Well, I don't know what they're doing. We wouldn't -

PRESIDENT: No. But - but -

MR VINES: We wouldn't have it to the detail they're doing, because I don't accept that that's necessary.

PRESIDENT: All right. Well, do you -

MR VINES: But we - we have a position that we can put to the bench on how the translation should happen.

PRESIDENT: Do you have a position that you can put to them that might help?

MR VINES: Yes, I could if you like, it wouldn't get anywhere though. They're not - I mean, the government's just not interested. They're just not interested in even responding to letters.

PRESIDENT: But you have prepared -

MR VINES: That's why they didn't respond even to the letters from the Trades and Labor Council. It's not only me that's on the nose as far as they're concerned.

PRESIDENT: Yes. But - but you have - your association has prepared documentation which goes to the question of job descriptions and benchmarks and job penalties and -

MR VINES: No, we haven't, because I don't believe it's necessary.

PRESIDENT: So, you haven't done any of that? Well, what - what would - what would your response be to the material that was given to you by the department? Would you know what it meant?

MR VINES: Oh, I could probably -

PRESIDENT: Well, would you have a view -

MR VINES: I don't know, it depends who has written it. A lot of the stuff that comes out of there we don't. I don't - I just don't know what they're doing. And I don't know that - the people who are supposedly involved in it don't know what they're doing.

PRESIDENT: So you're -

MR VINES: One of the - one of the comments that was put to us this morning, we - we rang - we obviously have some reliable people in some departments, we rang one of these people earlier today to ask them if they knew what was happening in relation to this hearing this afternoon from the government's position. And they said, no, we haven't heard anything on the award restructuring for months. That's the attitude you're getting from middle level managers out in the public service.

This wasn't a central agency, this was out in one of the - in one of the line agencies. There is just simply not that level of activity happening, or if it is, nobody, apart from DPAC, know about it.

There is no way - there is no way that if this procedure follows the way that has been put to you today that it will be completed, or anything like it, by the - by the end of this year. There is just no way. It's just simply not possible.

COMMISSIONER GOZZI: Mr Vines, I'll just recount an experience I've had recently, where I've been involved in an informal capacity, and subsequently in a formal capacity, trying to put in place a new way of working; new structures and so on, involving a relatively small number of people compared to the state service.

That exercise took a considerable amount of time, and only became galvanised, if you like, in a real way once somebody actually tabled a document.

MR VINES: Sure.

COMMISSIONER GOZZI: People were then able to go away with that document, examine it -



MR VINES: Yes.

COMMISSIONER GOZZI: - respond to it, knock it into shape and negotiate.

MR VINES: Yes. Exactly. I totally agree with you.

COMMISSIONER GOZZI: Now, how - how would this - how would this approach here be different, that you get presented with -

MR VINES: Because it'll be given to us as a fait accompli, and you - you would well know -

COMMISSIONER GOZZI: Well, we've been told that - we've been told that's not the case. We've also -

MR VINES: Well, I don't believe it's not the case. But can I say - can I say how this should be happening in practice. As I said, the areas that we're talking about, we're really only talking about - that I'm talking about - we're really only talking about the PSA and an individual department or DPAC getting involved in those discussions.

In the - how that would work in practice is that, say, from my office, someone like Rod Hunt and one of my industrial officers, would go along with a couple of their peers in DPAC, or with those departments, they'd sit down over a few days and get these issues sorted out. The relationship between my staff and operatives in these departments is excellent - is excellent. They operate extremely professionally. That's how you get this sorted out.

You don't get it sorted out by DPAC going away, coming back with a pile of paper like this, with me and other secretaries and, you know, dozens of other people sitting around in the room, that's not what workplace reform and what negotiation is about. It's about getting your operatives together, sorting through these issues and bringing them back somewhere at the end of the day for finalisation.

That's where we say it happens. I mean, the document that you start with is what the principles are we're going to look at. I sign off one of my people for 3 months, DPAC signs off one of theirs for 3 months to go around the departments and say, look, these are the principles we want to work to, how do we do it with your particular occupational groups. That's what it's about. It's not about these boffins in DPAC sitting around - they haven't got a clue what happens out in the - out in the real world.

I won't use his name, but of the people who used to be sitting in this foursome here up until 6 months ago or so, is nowhere - is now out in the real life. He woke up to himself, got out of DPAC, he's out in the department. His opening words to one

of my people, the first time he'd seen him for a month or so, was: I didn't realise what it was like out here in the state service. And this was previously one of the key people in DPAC.

And what I'm saying is the only way it is going to work is - these people - I'll use his name if you like, Frank wouldn't mind.

MR PEARCE: Well, are you prepared to put him on the stand?

MR VINES: Well, I'm prepared to put the person who he said it to on the stand.

MR PEARCE: Oh, that's garbage.

MR VINES: It's not garbage, Pearcey, you know it's not.

PRESIDENT: Please -

MR VINES: But see, this is the way - this is - that sort of thing is how this can work. Where you get a couple of my people sitting down with a couple of other people, nobody is there to beat their chest or to prove anything. They are there to get the damn thing implemented. And that is the only way it's going to work.

PRESIDENT: Okay. I understand - I understand what you're putting to me. I'm not suggesting that I've formed a view on it, but -

MR VINES: Could I say, sir, that one area where that was working until it was scrapped was the training committee that was originally set back - set up, back in 1990 or something, which had two of my people and two of DPAC people. I think it was Paul Mazengarb and Rod Hunt from us and two from DPAC. That was going along extremely well until the whole thing was axed. It was the only one that was, because it was at that level.

The people are actually doing the work and getting involved in that job redesign. So, I - I urge the commission to do something about this whole exercise, because I think the decision of November last year was an excellent decision. I think it really did give the opportunity to get awards sorted out here. But if we can't get them done, if we can't do it this time, we're probably not going to get a chance to do it again. And I would have sooner scrapped the lot and let's start and take some other approach.

PRESIDENT: Just hypothesising for a moment, if - taking your last comment on board - if there's no result by the 1st of December, is that what you would want to do?



MR VINES: Well, it's what I want to -

PRESIDENT: Scrap - scrap the system and start again?

MR VINES: It's - well, I won't be waiting till the 1st of December to - to make that decision. I mean, we're - we're trying to convince you that it's really got to the brick wall now. But what - what we would do, is if - if this wasn't going to work we would just simply put in a new application to vary the Clerical Employees Award, Scientific Officers Award and Technical Officers Award, based on the 1991 decision.

We would ask you to vary those awards in accordance with that - in accordance with the decision that was determined back then, and would go away and implement it. And, you know, at the end of the day that may well be the easiest way for us all to do it. You might not give us the same decision again, that's a risk that we have to take. And then once we've got those three awards sorted out, we go through the process of bringing back the other awards one by one and asking for them to be repealed.

I mean, I - because they're - in my view there just is not the sufficient level of goodwill to engage in this properly.

PRESIDENT: And if your working groups - your submission on working groups was adopted would you say then that we shouldn't proceed?

MR VINES: No. If those working groups were established tomorrow, we would have people working on them. From the PSA's point of view, we would have people working on them tomorrow and doing their damndest to make the whole thing work. But not getting involved in a lot of this textbook nonsense going on at the moment.

We're talking about fair dinkum workplace reform, we're not talking about some theoretical model that, you know, you find in a book on the library. And that's - that's what the problem is at the moment. Because it is being done with - with insufficient reference to the workplace.

DEPUTY PRESIDENT: Do you think DPAC should contract it out to private enterprise or something?

MR VINES: Well, they could contract it out to PSA consultancy or something like that if they wanted to, sir, and we'd get that - we'd get that done very quickly. Indeed, that's an interesting point, because some departments have done that out of frustration.

Forestry Department, for example, is using an organisation - I just can't remember their name at the moment - Pete .... I

think they're using - for some aspects of redesigning there that's also looking at the job redesign aspects.

DEPUTY PRESIDENT: Well, it's obvious that I was put on here for other than just covering for Bob Watling, wasn't it?

MR VINES: So, I mean, it - I mean, it's - there should - I don't believe it's necessary to go outside, because there is the resources and the goodwill in departments, with the people who are involved at the workplace. It is only getting bogged down at a central level at the moment. And it's crazy. It's just crazy.

If the - I mean, I - I would welcome the commission right now to come down into our conference and you'll see one of our walls of about 20 or 30 feet long it's covered in lists and list and lists of conditions of employment that we've been working on to come with a rationalisation of all of these sort of things.

I mean, I've got staff working full-time on this damn exercise and they are just banging their heads against a wall, because they're not getting anywhere with it. And the whole thing is going to collapse. If the commission pleases.

PRESIDENT: Yes, thanks, Mr Vines. Mr O'Brien?

MR O'BRIEN: Mr President, members of the commission, we - the position of my organisation is that we have seen for the first time this afternoon the response of the government. We supported the view that there should be a conference convened between the parties to sort this matter out.

It appears that the commission's view or preference is that it be dealt with by the full bench as currently constituted sitting in public session. Our view has not changed. We remain of the view that - to the extent that negotiations appear to be frustrated, that it would be useful for a member of the commission to be involved to process the differences between the parties insofar as they are able to be process at a conference.

But I agree with Mr Vines' comment, that the only way this decision can be implemented is for the groups to sit down and to thrash out the matter. And I must say it is the first time that I've heard, at least seriously put concept that the - by Mr Vines that is - that the process be abandoned, and that some other steps be taken. And we have not come here prepared to make a submission on that matter, but if that is to be seriously considered my organisation would seek the opportunity to come and put a formal submission in relation to that matter.



I must say that I have been attempting, in contact with people in the Department of Premier and Cabinet, to urge them to sit down with the unions in accordance with H.27, irrespective of their position with regard to the preparations that they are making. Because it is not good enough to either go to seminars of one organisation and tell them what - perhaps what the government had in mind, or at this late to write to the commission and indicate a - a time agenda which brings us through until the beginning of October.

I, as I said, remain of the view that, as Mr Vines has said, it - the best, or the only way this decision can be implemented is by the parties sitting down and working through the decision. It is a complex area. There are difficulties of which the commission would be aware. A number of unions have expressed a preparedness to continue to work through this decision and try and work through some of the difficulties with it.

My organisation is not at this stage of the view that there is a simple resolution to the matters which affect my members, which can be dealt with by arbitration.

We support continuing - continued negotiations with matters as they affect us. I guess that also goes to the question of agency agendas and conditions of service, and I'm not sure - I didn't take Mr Vines to be suggesting that those matters go to determination at this stage, but if - if that submitted now or submitted later we would reserve the right to make submissions on that at the appropriate time. If the commission pleases.

COMMISSIONER GOZZI: Mr O'Brien, I didn't detect anything in what Mr Pearce said that would include the unions. It's - what it comes down to is a matter of time and I - look, I appreciate and understand the amount of work that's been done by the TPSA. I mean we're not blind to what's going on and the amount of effort and it must be frustrating not to be able to put those positions, but the way I read - and I'm just wondering what your view is about that - the way I read it is that there is a not an intention to exclude the TPSA or any other union for that matter, once that work has been completed, and to me, it seems - in the interest of getting this exercise over and done with, there seems to be some logic in somebody coming up with a draft and saying, look, this is it, this is what we think. You discuss it, do what needs to be done with it and at the end of - at the end if it can't be agreed then it comes to the commission for determination.

And to me, that seems logic - seems to be an orderly process, and as I say, I want to emphasise, I understand the frustrations that obviously are there, but - but I take it -

MR O'BRIEN: Well -

COMMISSIONER GOZZI: - sorry - I just it on board that the intention is there to go through the process and perhaps I can go further than that having regard to some earlier report-backs when - before Commissioner Watling went on leave - it seems to me now more evident that work is actually being undertaken, it seems to me more evident that concrete proposals have been put together than may have been the case previously.

MR O'BRIEN: Well, the only comment I make is that it is 20th August, it certainly wasn't clear to me that there would be no discussion under way by 20th August when the submissions were put about H.27, and it might also be useful to contemplate whether the processes are being undertaken by the government, might well have been speeded up by the process of sitting down with the unions and exchanging ideas along the way and allowing the unions to have input into the process, even if the government wasn't prepared to adopt a - a position - a binding position during the course of those negotiations.

It's a question of what you want to do, I guess, in terms of what the government wants to do - in terms of negotiations, but it is not helpful, even my submission to you on 20th August, say, well we've got 6 weeks of work to do before we can sit down and talk with you and I wonder what the attitude of the commission would have been had the government made clear when H.27 was before you that they would not be able to sit down in those working groups that they were proposing until the beginning of October.

COMMISSIONER GOZZI: Mm.

MR O'BRIEN: It - as I said, I'm - I - I believe the only way the decision has the capacity of being implemented is by the parties sitting down and working together, or there may be some attempt to implement the decision by looking at selective areas of the public sector and making decisions about how the - the classifications standards apply to those particular new benchmark areas, but that won't solve all of the problems and the parties will just be - keep coming back, it might be for the commission to resolve problems that arise along the way. So - but if that's the only way it can be implemented, then the parties have got to consider their position in relation to that process.

I'm not in any way contradicting the suggestion Mr Vines makes about the streams that affect his organisation - they don't affect mine, but in relation to the operational streams, certainly are desirous of - of sitting down and working those matters through, but if there is consideration to be given to Mr Vines' other proposition we would seek the opportunity at a subsequent hearing to put a considered position on that matter. If the commission pleases.



PRESIDENT: Yes, thanks, Mr O'Brien. Mr Lane?

MR LANE: Mr President, I shall be very brief and would like to express .... for both my colleagues that have gone before me. I believe that what we're talking about here is fundamental reform in the public sector area, and no fundamental reform of this nature can succeed unless it is done cooperatively, and that cooperation must be from the initial steps of the process. For the government to tell us that they are going to turn around and produce a document after 11 months or so and then discuss it with the unions, I believe is asking for the - for the process to be lengthened, delayed and probably, to a great extent, probably fail, because that is not the way one achieves successful reform of the nature that we're talking about here and if the government was fair dinkum they would sit down with the unions at this particular time and work on this matter together.

Now, I hate to say it, but I'm also worried about the outcomes of the governments ruminations over the next 6 weeks. If the contradictory nature and confusing and complex document they brought out which highlighted their proposed changes to the industrial relations system .... that we're in for a picnic when they bring out their proposals on workplace reform and award restructuring under the four-stream proposal.

As far as the agency-specific items are concerned we have had no discussions with the Education Department, none, zilch, nowt, not a sausage. We have been unable, despite repeated requests, to get any discussions going because they keep on telling us that the matter has been dealt with by DPAC and that they have no authority to discuss any issues with us.

Now if that's the way that the agency-specific items are being dealt with, then I hate to imagine what will happen, specially when we're told that they're under way, I hate to see what will happen when it comes time to discuss the document that will come out in 6 weeks time - or the proposal. I believe it will be a fait accompli, they'll consult with us they'll discuss the issues raised, but I can imagine that they will in no way move, change ground, or consider alternative proposals - that's what worries me. They will have locked themselves into a position as part of their proposal, and now is the time for the parties to be able to sit down and start working through this process, otherwise, as I say, it will be delayed and/or it may well fail. Thank you.

PRESIDENT: Yes, yes, thank you, Mr Lane. Mr Cooper?

MR COOPER: Mr President, with respect to the matter we're here to deal with, and that is, to deal with the consideration of response to the minister, the responses as outlined by Mr Pearce and detailed further in the correspondence from the secretary is the government's response, then we as a union

reject - reject that totally. And we do that for a number of reasons. Basically in supporting Mr Vines' submission, we agree with that part of the November decision that Mr Vines has read, and that goes to the translation. And the translation part that is - that was read out by Mr Vines on page 16, is quite specific, and it says that job redesign shall be innovatively applied and shall be something that the parties themselves can do. It's not a unilateral process - it's a process that involves the parties. We have not been involved in any job redesign.

Now where our members are mainly engaged, and that is in DOC and forestry, we have also have members engaged in the botanical gardens and in some primary industry. Now we have had no discussions with respect to the Forestry Commission people. We have rang the Forestry Commission people and asked for some advice on them. They have told us with respect to conditions of service they're not allowed to deal with that. It's a DPAC matter.

They have said with respect to agency-specific matters they don't have any - there's none to raise. We have said, well, we want to deal with general conditions. We also want to deal with a career path - no instructions. We have been told today that the government is going to prepare that and it's going to take 6 weeks, we will then get that - if we don't like it, we come here. And that's basically what the government's submissions mean and we reject that. We reject it out of hand, because we believe we were involved in the process of job redesign and career path development from the start, we can develop that with our members, we can make sure that from our side the input is correct and if we develop those together with the government, then we believe that that process will see a better result than one where the government unilaterally prepare it, give it to us, if we don't like it we come here.

And there's two reasons why I say that, and that's because Mr Vines has said quite clearly that we should start again and we should start again involving the commission with respect to this career path development because we want it right. We don't want to be coming here reacting to a document that we have no input into, and it's a very important issue and it applies also to our DOC people and the reason it applies there is, because the Department of Construction, with respect to agency-specific matters, we've met on two occasions and we've been given a list that needs to be addressed.

We've also been given with respect to DOC, in the budget, again, without consultation, a quite clear direction from the government, and if that budget decision is implemented in its fullest then the agency-specific items that they want us to address are addressed because there's nobody left to address the issues that they want to address, and they go to union



membership and they go to inconsistent application of certain allowances.

Now if the government's budget decision is implemented fully, then where those inconsistencies apply, and where the - the union problems with respect to work are concerned it doesn't matter because there's nobody left in those areas. So the agency-specific items have been addressed by the government unilaterally once again without consultation to us and we believe that is totally unfair and is totally inconsistent with the November decision of this commission, where it says, the parties shall innovatively apply themselves to the tasks of job redesign. Not the government, not the unions, but the parties.

We also - a notice in that decision on page 17, and it says: The employer is to prepare job descriptions for each position covered by the streams. This will have to be undertaken before employees can be classified at an appropriate level. We've also said to the government that we want input into that. And if I could take the commission to one example, and that is the botanical gardens where we have a number of people. They are covered by an agreement that's not part of these proceedings merely because it's not registered. But, they've given us an indication that they would want -

MR PEARCE: Mr President, it's a matter not - not before these proceedings - the botanical gardens.

PRESIDENT: I think it's not so much that that particular matter is not before the bench, it's - I think Mr Cooper is explaining some of the difficulties in negotiating with the departments.

MR COOPER: If I can go on - thank you, Mr President. If I can go on.

The reason that I was alluding to that is because the meetings we have had have said: The conditions of service that will apply to those people in the future will be the conditions of the service that are determined under this decision.

We accept that. We think that's fair. If we're going to organise conditions of service for all public sector workers why shouldn't they be the same. So, we accept that.

But when it comes to developing a career path for those people, we've been told by the - the person representing the - the secretary for the Department of Parks, Wildlife and Heritage, which is the controlling authority, that he has no instruction on that.

So, there again, we come to a career path that involves our people, that will come subject to the terms of your November

decision, and we have been told we have no input into that. And we've told those people that our members should help develop that. And the people that control the Botanical Gardens said: That's a good idea, let's get involved in that process.

When it gets back to the controlling agency there's no instructions it'll be done through DPAC. So we totally reject that as well.

If we go to the Forestry Commission, where the bulk of our membership rests with respect to that agency, again we haven't had any discussions with anyone to any degree that would satisfy us.

So in conclusion, Mr President, members of the bench, what we're here today to do is to consider the government's response. We reject that response. And we suggest that the president's original ruling from earlier this week be implemented. And it be implemented with haste so that that will allow us, as a union, to properly represent our members with respect to the implementation of this decision. Especially as it relates to the - the development of career paths in occupational streams.

And the reason we do that is because the conditions of service and the agency specific items, and the occupational streams and benchmarks that the government now calls 'job families', they are all interrelated, and no one of those things can be developed in isolation.

And it's very important to stress that point, because when we go and talk about agency specific matters, we say, well, how does that relate to the conditions of the service? And the answer is: We're not here to discuss conditions of service, we're here to discuss agency specific.

But what we've got to be mindful of is that all three are interrelated and - and that the commission makes that quite clear when it says 'in developing this package'. And it is a package. The whole thing is a package. And the package goes to conditions of service, and it goes to a career path.

And it is very frustrating for us to try and proceed down this track when; a) we don't get consulted; and when we do - when we are consulted it's fait accompli.

And for those reasons we reject the submissions that have been put by the government. We reject the position that's outlined in the document from Mr Morris, especially with respect to the second-last paragraph.

And you, Commissioner Gozzi, highlighted that, that the unions currently cover the work to be included. That is a matter



that, if it's not sorted out by the unions, are consistent with ACTU and TTLIC policy, will be, as you quite rightly pointed out, be sorted out in the determination of award interest.

Therefore those matters are ones that will be sorted out by the process, and there's no need to delay the process further by throwing them up now.

So, in conclusion, Mr President, members of the bench, we reject the government's position and support the - the earlier submissions of the other union representatives, and ask that the commission does get involved in this process and assists us in developing in a way that we know it will last into the future. If the commission pleases.

PRESIDENT: Yes. Thank you, Mr Cooper. Mr Pearce, I give you the opportunity to - sorry, have you got a question of Mr Cooper?

COMMISSIONER GOZZI: Yes. Mr Cooper, from what you've said, you think the interpretation I'm putting on the proposals outlined by Mr Pearce is an incorrect one. That is, that the documentation be finalised as quickly as possible, no longer than 6 weeks, and that the negotiation process start then. You think that's an incorrect premise?

MR COPPER: I do, commissioner, because -

COMMISSIONER GOZZI: Why - why do you - why do you say that?

MR COOPER: Because the document that Mr Pearce is talking about with respect to total job redesign, right, is one that must be developed, we believe, together.

COMMISSIONER GOZZI: But this is not talking about job redesign.

MR COOPER: Well, then if the -

COMMISSIONER GOZZI: This is talking - this is talking about preparing benchmarks.

MR COOPER: Well, there's - there's two matters there with respect to that. If you're developing a benchmark - and if I can go to the matters that affect us -

COMMISSIONER GOZZI: I'm talking about - sorry, I'm talking about benchmarks in respect to the classification standards.

MR COOPER: Those standards -

COMMISSIONER GOZZI: Those standards have to apply to jobs, and they're called 'job families'.

MR COOPER: Yes.

COMMISSIONER GOZZI: And obviously that is the work that's being undertaken.

MR COOPER: Well, it must be -

COMMISSIONER GOZZI: Occupational stream, benchmarks and job families. So that you would have a view as to what would apply in respect of certain jobs and that that would become the focal point for discussions.

You don't think that it would be advisable, in the first instance, for that to be done so it can be discussed and the issues developed from there?

MR COOPER: We don't, not without our involvement. And I do that for two reasons, commissioner. One is that - that the government could quite easily have prepared some time ago, as we have done, a job description for individuals. That is, with our people - and I use our people because they're the ones I know the best - if we have someone that does traffic control, that's a job description.

Now, if - if as a result of this process that traffic controller will do two or three other things, we can develop that, but we don't develop that on our own, we develop it together.

COMMISSIONER GOZZI: But how does that - how does impact - how does that impact on benchmark - on benchmarks?

MR COOPER: Well, it -

COMMISSIONER GOZZI: I mean, ultimately - ultimately the job - the jobs that people do -

MR COOPER: Yes.

COMMISSIONER GOZZI: - have to be translated against those benchmarks and those classification standards.

MR COOPER: And we have -

COMMISSIONER GOZZI: I mean, this is - to me, this is only the start of it.

MR COOPER: Well, we have, commissioner, with respect to those benchmarks for our people in construction, been developing for 2 years now a national position that will have application nationally.



Now, if the government is to develop in isolation a document that is going to take nine, nearly 10 months to develop and then gives it to us, without consultation, and we say, well, that's fine, but the national position that we have everywhere else is this. There's 9 months work wasted.

If they had consulted with us in the first instance we could have said: This is the direction we're going in. Do you support that?

COMMISSIONER GOZZI: Yes. I'm a bit worried about that too, about the career paths and so on.

Isn't it a fact that each of the streams contains standards and that those standards, in fact, provide the career paths, and it's the - it's the question of training and progression that needs to be addressed. I mean, the career path is already comprehended in the stream.

MR COOPER: That's correct. Right. I understand that. I understand -

COMMISSIONER GOZZI: So, I don't understand what you're talking about when you're talking about career paths. The scope of the - is already there. It's the training and the ability for people to be given training to progress that that will become important. And there again, that would need to be sorted out ....

MR COOPER: Well, if you're talking about developing a benchmark, commissioner, that will actually see someone translate across eventually, and we don't have any input into that benchmark -

COMMISSIONER GOZZI: Well, I'm saying you - you will have input. I'm just simply saying that having regard to earlier processes it seemed that things got bogged down.

I'm just wondering whether - in forming your response whether - whether the career path concerns you express are those that I'm talking about. Because, as I say, the career path is - the structure is there, and progression is there providing that people do the work comprehended in the standard. And it would be a matter of developing the training and the training modules that would allow people to - to progress.

MR COOPER: Well, from our part, I understand that, commissioner, yes. On our part the training modules are in - in part - as far as we're concerned, have been developed nationally. And we would like to see those translated across to the government sector.

We don't have a problem with that. But what we're saying is, is in developing the initial benchmarks and in developing

those processes we should be involved. It's not a unilateral process.

Now, from what I can understand from what Mr Pearce has said here today, the government's going to take another 6 weeks to develop that. They're going to give it to us. That leaves us less than 2 months to agree on it. If it's not agreed on we come to you people. We're reacting to their document.

And under your decision of November, that is not - that's not what was to happen. We were to be involved in developing that.

COMMISSIONER GOZZI: Yes. But reacting to documents is nothing new, given - even in this case, we had two documents - we had the TTLC document and the government document. At least it got the thing moving.

MR COOPER: With respect to the implementation process?

COMMISSIONER GOZZI: No, with the position of - in respect of parties. We had the TTLC document and we had a - a government document. People had to prepare those documents.

MR COOPER: I understand that - I understand that, commissioner. All I'm saying is that we reject the government's decision of unilaterally developing something, then giving it to us and asking us to react. And the process that we react is to you, we believe that is fundamentally wrong, and we believe that we should be involved in the process from day one.

And in 6 weeks, we believe - if - if it's going to take 6 weeks to develop, well, let us get involved from tomorrow and start developing it. And we would be only too happy to allocate staff and resources to that process. If the commission pleases.

COMMISSIONER GOZZI: Thank you. Yes.

MR VINES: Mr President, just before Mr Pearce starts, just so you don't think I'm running out on the commission. I have an appointment with an aeroplane in half an hour, sir, which I'm going to -

PRESIDENT: Are you going far, Mr Vines?

MR VINES: Only as far as Melbourne, sir, so there's no need to worry. And I'll be back tomorrow, so - but Mr Mazengarb will be able to -

PRESIDENT: That's reassuring, yes. Thank you very much.



MR VINES: - continue the PSA's work. If the commission pleases.

PRESIDENT: Yes. I presume then Mr Mazengarb will fill in?

MR VINES: Yes, sir.

PRESIDENT: Yes, thank you.

MR PEARCE: Thanks, Mr President.

PRESIDENT: Yes, Mr Pearce?

MR PEARCE: It's a novel approach by Mr Vines.

Mr President, we have experienced the cooperative approach where there are representatives and, indeed, other parties have made mention of matters which fall beyond the - the occupational stream. If I could just cite a couple of examples, relative to the conditions of service process which involved joint discussions.

The first meeting was on the 16th of September 1991 which followed the deputy president's decision to award a 2.5% increase across the public sector. The purpose of that was to reach agreement on facilitative clauses.

The deputy president will be pleased to know that we've yet to have one facilitative clause in the state sector award; one at least that we can agree on.

Subsequent meetings from the 16th of September -

PRESIDENT: I had noticed that, Mr Pearce. I must say I had noticed that and it concerns me.

MR PEARCE: Subsequent meetings followed the same style, and where there was several different representatives from the TTLIC and the unions, and they were not in the position to make any firm decisions, either in principle or without prejudice.

Up till the 19th of April 1992 there were 15 meetings with the unions and the TTLIC. There was one clause, abandonment of employment, that was agreed. The process broke down on the 19th of April, preceding the report back hearing of the 30th. H.27 was subsequently adopted.

And in compliance with H.27 the government has complied with the 15th of July and has sent the first instalment draft of conditions of service issues. Contrast the period, the 1st of May to the 15th of July, with the preceding 9 months.

Agency specific items. The Department of Construction. The unions and government met on the 23rd of July. And agenda of

items was outlined and a copy of dot points raised by the government were to be sent to all unions. The unions sought to meet again. The unions sought to meet again on the 10th of August, but declined at that time to program further dates.

At the first meeting 17 unions were advised of the meeting. At the first meeting seven attended. At the second meeting six attended.

MR MAZENGARB: Oh sorry, Mr President, I have to interject, because whilst there were seven unions at the actual meeting, one of those unions, as I recall, represented about six or seven other unions, and that was made clear to the parties at the time.

MR PEARCE: One of the problems, Mr President, when we have unions who purport to represent the interests of other unions is when it comes to issues of talking about the issues of demarcation problems, which potentially affect the person who is there or the representative and those whom he purports to represent.

PRESIDENT: I - you don't have to respond to this now, but if - you may be intending to cover it later, but how would - does that relate to the proposition that Mr Cooper was making, that union coverage issues really oughtn't to hold these things up? That they can be sorted out in another way.

MR PEARCE: We have been waiting and waiting and waiting for union - unions themselves to resolve their problems, but every time, and presumably quite properly, unions say that it's little of the employer's business. It probably is, until such time as it impacts upon the employer's business, then he is entitled at least to ensure that the processes are put in train. Not necessarily by the employer, but the necessary processes are put in train which will enable the employer's operations to flow smoothly.

PRESIDENT: You don't think that the award interest hearings would sort that out.

MR PEARCE: Oh, I'm sure that they will certainly attract interest.

COMMISSIONER GOZZI: Determine it, in fact.

MR PEARCE: Well, presumably, that would not necessarily be a matter that the government or the employer would necessarily be involved in.

PRESIDENT: That's right.

MR PEARCE: One assumes that the organisations will -



PRESIDENT: I think that's probably what Mr Cooper is saying.

MR PEARCE: Yes, but the problem that we have -

COMMISSIONER GOZZI: You would be involved in those proceedings, Mr Pearce.

MR PEARCE: I'm sorry, Mr -

COMMISSIONER GOZZI: I'd say that the government would be involved in those proceedings. There is a capacity for the employer. I mean, there may not be but certainly under that part of the act there is -

MR PEARCE: It's part of the award-making process, yes. Now following that first meeting on 23 July at which an outline in dot point form was raised of the issues of concern, these issues are well known to the Department of Construction unions, having been basically on the table or many of them since the restructuring and efficiency days, 1987. And yet following that meeting there was a request through the Trades and Labor Council that in order that discussions can proceed as effectively as possible, the Trades and Labor Council requested you forward to this office substantial details of the agenda items which were circulated to unions.

The agenda items, as I submit, Mr President, are well known to the organisations involved in the Department of Construction. They know of the department's concerns relative to a whole range of issues. They required that information by 6 August. The department complied by 6 August and expanded upon the purpose for which and the concerns about those various issues that come under the heading of agency specific items. We're informed that the unions - that the unions will set the date for the next meeting. So we await their approach.

The Department of Roads and Transport, the first meeting was on 15 July. The agenda items were outlined, the unions determined the date of the next meeting, 17 August. Nine unions are involved in the Department of Roads and Transport. At the first meeting four attended and it was consistent, four attended on the second occasion. And yet all organisations that had an involvement at the departments are invited to attend.

PRESIDENT: Does that mean nothing was done?

MR PEARCE: From our perspective, Mr President, the employer tabled the agenda items. So we have that process, a process which has been subject to working groups. As evidenced by the conditions of service matter, the working groups went for 9 months, nothing happened, but when the process broke down the employer has complied with time lines as to the provision of conditions of service matters.

Mr Vines - I have no instructions relative to Mr Vines' approach which effectively put into train a process of a point-to-point translation. Let me reiterate that a point-to-point translation process is not envisaged in the decision and, indeed, in the view of Commissioner Gozzi fundamental to the exercises is, of course, the need to comprehensively undertake a job redesign process.

That is what is occurring. There is no quick fix to the job redesign process. It is lengthy. We are, as an employer, devoting as much resources as we can, having regard to the other matters that the employer representatives are attending to concurrently. We have indicated that the process in terms of having matters available to the unions is some 6 weeks away. Many of the organisations who have spoken here today have spoken about approaching departments. That sort of approach and agencies saying: Well we can't help you, is purely and simply because H.27 does not envisage that process. But there is nothing to prevent organisations talking with agencies in respect to the job redesign process. There appears to be some confusion between the job redesign process and the establishment of the benchmarks. There is nothing to prevent organisations speaking with agencies on job redesign.

COMMISSIONER GOZZI: Having regard to the classification standards.

MR PEARCE: Yes.

COMMISSIONER GOZZI: Well that seems to at least address part of the difficulty, although we've heard that instructions have been given that agencies shouldn't cooperate in that process. I think that's what was said.

MR PEARCE: Well the process, as I understand it, is that there is the issue first of workplace reform, then job redesign and then preparation of accurate job descriptions. All of the above steps are in consultation with staff and unions. The benchmarks are a separate matter. It is a tool to classify after steps 1, 2 and 3 have been completed.

COMMISSIONER GOZZI: .... why aren't you talking about steps 1, 2 and 3 then?

MR PEARCE: Well steps 1, 2 and 3 are occurring, are occurring at the agency level.

PRESIDENT: Well that's not what we're hearing. In fact, it's the complete reverse.

MR PEARCE: There is certainly no instruction or policy.



PRESIDENT: Mr Lane has been told - Mr Lane tells us he has been told: Go away, it's with DPAC.

MR PEARCE: He was talking, as I understand it, about agency specific matters.

PRESIDENT: Mr Cooper raised job redesign and career paths and so on and he was told he had to go elsewhere.

MR PEARCE: Well perhaps if those enquiries are directed to the source which has the responsibility, then they can be assured that they should be able to return to the agency.

PRESIDENT: So workplace reform, job redesign -

MR PEARCE: And the development of accurate position descriptions.

PRESIDENT: As all available to the unions at the agency level.

MR PEARCE: To assist in that process of development.

PRESIDENT: I think that'll -

MR PEARCE: The staff and unions.

PRESIDENT: - be quite a -

COMMISSIONER GOZZI: Revelation.

PRESIDENT: - revelation.

MR PEARCE: But the issue of benchmarks is a separate issue lining them up with the value.

PRESIDENT: Yes, thank you.

COMMISSIONER GOZZI: Well I can see - I acknowledge it's a different process. So in the context of the recommendation that was made then, what's preventing the formalisation of working groups, to look at those three issues that you referred to?

MR PEARCE: Well there's nothing but, I mean, if the processes are available on an agency approach, on an agency-by-agency approach and their rights have never been fettered in that sense -

COMMISSIONER GOZZI: See, it's probably worthwhile -

MR PEARCE: Could I just -

COMMISSIONER GOZZI: - re-examining that situation because in a way that's what Mr Vines asked for in V.28, that there should be a decentralised approach, an agency focus on the whole thing and in the discussions.

MR PEARCE: Only to a certain - that process of joint effort would conclude -

COMMISSIONER GOZZI: Yes.

PRESIDENT: Mr Pearce, it's been suggested we've reached a point where it may be appropriate for, at least the parties who are represented here today, to discuss the way in which these arrangements could be implemented. It seems that the unions aren't aware of the fact that they can discuss with agency heads the three issues which we've talked about.

And I suspect that having got through discussions on those three issues, many of the problems would be capable of - many of the other problems would be capable of resolution down the track, the benchmark matters, in particular.

MR PEARCE: There would need to be a clear understanding of the distinction between the job redesign -

COMMISSIONER GOZZI: Well benchmarking leads to classifying people in the structure and ultimately I see that as being a responsibility obviously of the employer. And there may be some process whereby that's disputed. That's fair enough, and we expressed a view about how that could be handled way back then. And I won't go into the mechanics of that.

But in the context of - and just to clarify that, as to whether or not appeals would go - disputes would come here or go to the Commissioner for Review as opposed to where people are classified. Right? I mean, that was discussed way back then. But the issue of workplace reform, job redesign - what was the other area you mentioned?

MR PEARCE: Position description.

COMMISSIONER GOZZI: Job description. If you are saying that is available to be discussed, and as the president as indicated, maybe you ought to sit down in some sort of conference and work out how that could operate and take it from there. To me that might address the problem.

PRESIDENT: It will certainly go - I don't say - I don't think it would address the totality of the problem; it would get rid of a lot of the preliminary problems.

COMMISSIONER GOZZI: I mean, if that is a firm position, Mr Pearce, and I'm not sure whether you've been led into that situation. As this has developed you might want to take some



time to ascertain exactly what - I mean, it's up to you but it seems to me that if there is no difficulty in these three areas, then there would be a lot of mileage to the parties discussing it.

MR PEARCE: I would like to take the opportunity of further instruction before I finalise that position, but that is clearly my understanding of what the situation is.

DEPUTY PRESIDENT: Do heads of agency know that that's the position?

MR PEARCE: I'm advised, yes, Mr Deputy President.

PRESIDENT: Well, Mr Pearce, without trying to - sorry, Mr Deputy President.

DEPUTY PRESIDENT: No, no, I've finished.

PRESIDENT: Without trying to cut short your response I would just like to hear from some of the other ....

#### **TAPE ALERT**

.... proposal is worthwhile pursuing. Mr O'Brien or Mr Mazengarb?

MR O'BRIEN: Well certainly the suggestion that we can go to the various agencies and talk about the issues of workplace reform, job redesign and job description is a position which I wasn't aware existed. And if, indeed, that is the position then we will take advantage of it.

PRESIDENT: Mr Mazengarb?

MR MAZENGARB: Mr President members of the bench, from the PSA's perspective I concur with the comments made by Mr O'Brien just before me. I'm unaware that that process is available. I'm heightened or enlightened from the comments that have fallen from Mr Pearce's lips.

I suppose now when the position you will recall Mr Vines referred to the job redesign courses we have been running in agencies, we are now in a situation where from what Mr Pearce has indicated we'll be able to go from a theoretical exercise in that situation to a practical exercise, and certainly my organisation, and obviously I would like to talk about it with Mr Vines when I can get him wherever he may be this evening. But I think we would certainly welcome that opportunity to sit down with agency heads and talk about their respective positions with regard to their employees and our membership.

If the commission pleases.

PRESIDENT: Mr Lane or Mr Cooper?

MR LANE: I would just like to say, Mr President, I concur with the comments. I'm surprised, amazed, and quite delighted.

PRESIDENT: Very good.

MR COOPER: Yes, Mr President, that information is useful to us, and we think if that is available to us then that alleviates a lot of concerns we have.

And, just for the record, although it may not be really relevant, with respect to Mr Pearce's comments about agency specific DOC we have set further meetings and the next one is scheduled for the 31st - just for the record.

PRESIDENT: Okay. Thank you. Well, if you will just excuse us for a moment. When you are ready, Mr Pearce.

The bench is very attracted to the opportunities which seem to have developed. In order to enable you to obtain further instructions on that we will adjourn until 9.00 tomorrow morning.

But, would you also be in a position to expand a little on what it means and what benchmark - the determination of the benchmark matters means to you - and how you are going about that.

MR PEARCE: I could enlighten the commission now. That the distinction in terms of the benchmark will be quite pronounced from the job redesign and position description, because it really is valuing the benchmark - placing a value on. So that's, I assume, where -

PRESIDENT: They are all interwoven.

MR PEARCE: There is no - yes, because one looks at what the task is. I mean, it is based on fact.

PRESIDENT: Yes.

MR PEARCE: You do that, yes, so we will put it down, job descriptions, and then - but it is the value that one places on them.

PRESIDENT: Yes. It is that point. The benchmark and the job description .... with the job classification it becomes a bit blurred.

MR PEARCE: We will endeavour to - yes.



PRESIDENT: Yes. Well, thank you for a very enlightening afternoon. We'll adjourn until 9.00 in the morning.

HEARING ADJOURNED