

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 4146 of 1992
T No. 2225 of 1989
T No. 2311 of 1990

IN THE MATTER OF applications by the
Australian Social Welfare Union to vary the
Community Services Award

re making of a new award

COMMISSIONER GOZZI

HOBART, 12 October 1994
continued from 28/9/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER GOZZI: Changes in appearances please.

MR C. BROWN: C. BROWN appearing for the Health Services Union of Australia with **TOM KLEYN**. If the commission pleases.

5 COMMISSIONER GOZZI: Thank you, Mr Brown. Now, Mr Paterson, I think you were to finish this morning.

10 MR PATERSON: That's correct, I thank the commission. I do have, before I proceed to finally summing up, an amendment to ASU.11 based on our discussions that we left earlier. I have faxed an earlier draft to people which did unfortunately contain some typographic errors. The intention in redrafting and proposing this which I believe would sequentially become ASU.27 -

COMMISSIONER GOZZI: Well if it amends -

MR PATERSON: - or an amendment -

COMMISSIONER GOZZI: - it amends ASU.11 - where does amend ASU.11?

MR PATERSON: It amends ASU.11 on the pages - at page 28.

15 COMMISSIONER GOZZI: At page 28?

MR PATERSON: I believe so.

COMMISSIONER GOZZI: Oh well look, we'll just mark the -

MR PATERSON: Just leave it as an amendment.

20 COMMISSIONER GOZZI: - we'll just cross out the existing page 28 of HSU - ASU.11 -

MR PATERSON: Yes.

COMMISSIONER GOZZI: - and title this replacement page and the date.

MR PATERSON: And there is - overleaf - at the second page which replaces ASU.29 -

COMMISSIONER GOZZI: Okay.

25 MR PATERSON: - basically is just a continuation of the same provision.

COMMISSIONER GOZZI: Okay, well we'll -

MR PATERSON: - ASU.28 - oh, page 28 and 29. Okay.

COMMISSIONER GOZZI: Alright. Well we'll delete page 28 and 29 from ASU.11 and replace it with replacement pages 28 and 29 dated the 11th October - is it today?

30 MR PATERSON: The twelfth.

COMMISSIONER GOZZI: The twelfth.

MR WATSON: The twelfth.

COMMISSIONER GOZZI: Thank you.

MR: Wednesday.

MR PATERSON: The intent here, and I hope I've achieved it - achieved the - resolved the dilemma that our previous draft created between inconsistency and the body of ASU.11 and the appointment progression clause, the effect is to restate within this clause that which is provided for in the body of the document.

COMMISSIONER GOZZI: Right.

MR PATERSON: And I trust that that serves that purpose.

COMMISSIONER GOZZI: Mm.

MR PATERSON: The further amendment which was a matter that you raised, Mr Commissioner, at the end - or towards the end of our last appearance was in Appendix 1 - the provision for translation for employees working 35 hours or more.

COMMISSIONER GOZZI: Is that Appendix 1 of ASU.11?

MR PATERSON: I believe so. Page 33, Appendix 1 of ASU.11.

COMMISSIONER GOZZI: Right.

MR PATERSON: The second last line - I propose to merely delete that.

COMMISSIONER GOZZI: Okay.

MR PATERSON: And we will - where such matters are an issue we'll deal with them on an individual basis in terms of whatever is appropriate in particular work places by way of savings or appropriate translation as negotiated at each - in each case.

COMMISSIONER GOZZI: Alright. Any objection to those amendments?

MR WATSON: No, commissioner, but the only thing that I've just noticed in the amendment that Mr Paterson has tabled is that - this is the amendment to ASU.11 at page 28 that he's tabled this morning; Community Services Worker Class 1, 2 and 3, and then we go down to Community Services Worker, 5, 6 and 7 - I just wonder where 4 should be.

MR PATERSON: Class 4, the - yes -further amendment - sorry, sir, it's a mistake I didn't pick up. The Class 4 being one of the classes with a single rate of pay should be included in 5 - along with 5, 6 and 7 - if I can have the indulgence of the commission.

COMMISSIONER GOZZI: So we'll just put, Community Service Worker - 4, 5, 6 and 7.

MR PATERSON: Four, five six and seven.

COMMISSIONER GOZZI: Okay, we'll put four there.

MR PATERSON: My proof reading skills are deteriorating.

COMMISSIONER GOZZI: And in the body of that paragraph too, Mr Paterson.

MR PATERSON: In the body of that paragraph in the first line. So it would be -

COMMISSIONER GOZZI: - Mr Watson - got that?

MR WATSON: Yes.

COMMISSIONER GOZZI: Okay. Well those amendments are endorsed.

MR PATERSON: My intention in proceeding today is to precis or just sum up and provide some drawing together of the threads of my previous submissions. In so doing
5 I will attempt to be fairly brief and just to, as I say, to draw together some of the threads.

It's - the ASU - or the Australian Municipal Administrative Clerical Services Union's submission that our proposal as contained in ASU.11, as amended, meets the wage fixing principles that this commission is bound by and in particular it is drafted with
10 the intention of satisfying those provisions of the structural efficiency principle which draw - draw out a principle of skill-related career paths and career path development which provides an incentive for workers to continue in skill formation.

Further, we believe and submit that it creates appropriate relativities within the award and it meets other - the other criteria of the wage fixing principle. We submit that it
15 meets the needs of the industry - the industry to be covered by the award - in particular that it accommodates a diversity of services in terms of the type, size and nature of work done in those services; that it provides an appropriate way to classify employees in accordance with a range of factors that - some of which are unique to
20 this industry - those being the range from a sole employee in a single service through to someone such as a coordinator of a multi program multi outlet service such as services like Anglicare.

The career pathway embraces progressive acquisition of skills and responsibility with increasing specialisation amongst generic service delivery workers. It also embraces the progressive development of a manager/management pathway from coordinator
25 through to manager of a sophisticated high level service.

The agencies that we are seeking to cover with this clearly range from single service in a discrete field through to multi program services such as we've heard from Les DeVries with the Migrant Resource Centre. Specialised work performed in a range of
30 settings is considered and provided for, in particular that in a team work situation where there is a high degree of responsibility taken for management and professional services, and I believe the evidence led by the union in respect of our witnesses from Family Planning Association, the women's shelter and Annie Kenny, lend support to that submission.

The classification standards that we've proposed provide for an entry level which takes
35 into account the fact that in this industry there is a very high degree - a relatively high level of responsibility taken at what is in this classification structure an entry level and also a relatively early issue of client contact for people who are working in this industry.

At the second level - the second class - Community Services Worker - Class 2 - the
40 first level of fully responsible service delivery, yet operating under immediate supervision, this is where the union posits the entry for an associate diploma without experience and in the absence of any other standards such as competency standards in other areas of comparable work that we can draw a line to, it's the union's
45 submission that the associate diploma should be drawn at a level under relativity which is equivalent to other associate diplomas in other fields of study.

Similarly for a degree entry level which we posit at Community Services Worker - Class 3, we rely on relativities there for comparable three and 4 year degrees as basis for the establishment of the relativities that we're advancing.

We - our proposal provides for advanced entry or - and accelerated progression for associate diploma and believing that this is an appropriate way to hear - here too to give expression to the relevance and the value of skill and experience when combined.

5 One of the features of our proposal is the - the development of a level within
Community Services Worker - Class 3, and the transition - the appointment to
Community Services Worker - Class 3 level 3 and the progression to Class 3 level 4 is
not merely a device to take account of a limited circumstance, but I believe it is
something that addresses what would otherwise be a major issue - that there are
10 services - there are people engaged within services that exercise a high level of
responsibility and/or specialisation being employed at what I believe is a Class 3 that
need to be recognised and that responsibility and skill needs to be recognised and we
propose that that is done by the provision of that level 4 with entry and progressions
as outlined.

15 From that basis, the union's proposal extends then to the full seven levels with those
reference points made in terms of classifications and relativities on the basis of an
alignment of the characteristics and features of the job qualifications and training and
the descriptors of responsibility - all of those factors alongside what we submit are
appropriate relativities.

20 It's clear to the union - and I suggest others around the table would be aware that the
lack of award regulation in the past has produced a diversity of approaches to rates of
pay in the absence of any guiding structures committees of management have
basically self selected other awards; the Welfare and Voluntary Agencies Award, the
public sector Welfare Workers Award. In the cases as we heard of organisations that
receive Commonwealth funding such as family planning association, they've chosen
25 Commonwealth Public Service ASO rates to align to.

Funding is an issue but it's not an issue that is per se an industrial issue. The critical
issue in terms of the need to put in place an appropriate classification structure is - is
where funding programs undergo a significant change. Funding programs where their
30 guidelines change, either in terms of changing targets or approaches to delivery
services requiring different types of service provision by agencies, tend to have a
consequential impact on the nature of work to be performed.

The establishment of appropriate classifications in our submission will facilitate those
processes of change. The improvement of service delivery, the introduction of new
services and generally the putting in place of appropriate classification will, I believe
35 and submit, support the movement to a better quality of service for clients of services
in the social and community services industry.

40 Whilst funding arrangements are not industrial arrangements, they clearly do affect
their capacity to pay and the capacity to employ in the first instance, but more than
that I submit that they shape the nature of service provision. We're seeing a trend now
which is evidenced, I believe, in ASU.13 and 14 - those reports on both the Supported
Accommodation Assistance Program - SAAP - and the Home and Community Care
program - HACC - which demonstrate a trend in service development that's
demanding higher levels of skill and responsibility.

45 In the absence of an award such trends have had, I submit, the effect of reinforcing
inequities in terms of demanding higher levels of skill and responsibility without a
commensurate movement in wages.

The implementation of appropriate classification standards should provide a
framework to eliminate those sort of inequities that have emerged in the past in an
industrial vacuum.

The ASU proposals, I submit again, meet the objectives of wage fixing principles. Further that the process of putting into place those standards is in the public interest in that it provides for an equitable way of distributing and managing public funds by the agencies that themselves are funded to provide particular services.

- 5 Another - another factor in the consideration that has - the considerations that have driven the union's development of its position is the predominance of women employed in this industry, and I take the commission back to P.1 - the report of the wages and conditions survey - which shows that female employees are 71% of all employees in this industry on the basis of that survey and that less than a third - in fact less than
10 30% of females work full time. Those indicate - those factors indicate - or those two statistics on what is not held up as a - a quantitative survey in terms of its statistical soundness, but certainly as an indicative survey which bears comparable relevance to all other surveys and trends that we've been able to identify as a union, show that this
15 is an industry that is predominantly employing women and women who predominantly work other than full time. The putting in place of these classification structures along with those matters that we've already dealt with in the award making process I think will go a long way to putting an appropriate value on the work of women.

COMMISSIONER GOZZI: What's that got to do with women or men? I mean that's a nonsense submission surely.

- 20 MR PATERSON: One of - one of the factors that - I don't wish to pursue -

COMMISSIONER GOZZI: I mean why would you say that the work should be valued any different for anybody else?

MR PATERSON: The issue is that -

COMMISSIONER GOZZI: I don't understand that.

- 25 MR PATERSON: - historically the work that has been done by women has tended to be undervalued in areas particularly where it is not regulated by award, and that the putting in place of a proper value of the work which at the end of the day is what this exercise is about, is putting in place a standard, will go some way to addressing the
30 global, if you like, inequities that are found when we look at the rates and positions of women and their earnings and their entitlements as a result of work.

COMMISSIONER GOZZI: I'd say so. I mean -

MR PATERSON: That it will go some way to addressing some of the inequities that have been there in the past that the lack of regulation of this industry has contributed to the broader inequality of women's pay.

- 35 COMMISSIONER GOZZI: Well what we're about here is setting a rate of pay based on work value consideration, structural efficiency considerations for all categories of employees I would have thought.

- MR PATERSON: I certainly hope that's - and believe that is what we're doing and that by doing that we are addressing something that has been a problem in the past,
40 that work which is predominantly done by women has not been properly valued and recognised, and by the proper valuation of this work and by putting aside - putting in place - appropriate rates and classifications, this work, whether it's done by men or women, will be properly recognised for its worth and its value and the consequent effect on that, although the size of the industry and that - regulated by this award may
45 in fact be not of a monumental scale, will go some way to improving the overall position of women workers at large.

COMMISSIONER GOZZI: I mean some employees, men and women, in this industry, have done particularly well through the application of other awards and in fact may indeed in the overall sense, even having regard to your proposal, be subject to savings provision till the rates that you propose catch up.

5 MR PATERSON: Yes, that certainly is the case in individual circumstances. The submission that I make in respect to those issues of the worth of work of women engaged in this industry and women generally is not one that I wish to pursue at any great length because we don't have in this industry a sufficient statistical analysis of the nature of work. It hasn't been possible, nor I believe necessary to draw out from
10 the survey given that basically the survey indicated prima facie - prima facie existing rates and conditions and that enormous diversity that was shown there, we didn't seem to be a particularly relevant exercise to - for other than academic purposes to draw out who was the most disadvantaged and who was the most advantaged.

The point that I'm making in that submission is that when looking at the inequalities
15 and the overall position of women workers which remains considerably behind that of men, one of the factors has been that certain work done by women has not been duly valued, and this exercise of itself is important for that purpose.

I think the point I'd like to conclude on is the point that I drew out at our last hearing, that what we are in fact looking at here is an exercise which attempts to synthesise a
20 classification structure which embraces appropriate relativities, embodies issues and aspects related to quality - qualifications and training and skills and responsibilities, taking into account the work environment, that it is not an exercise which is easily shaped as in other industries that may have been - have gone through first awards some time ago where there is a prevailing market rate. We don't have a prevailing
25 market which has produced a uniform trend of - of wages and conditions. The exercise is one, I submit, of putting in place an appropriate structure and appropriate classifications that appropriately recognise skills, qualifications and training of the work that relate to the work done in this industry and that provide a basis for the future development of this industry and its continued maturation. If the commission
30 pleases.

COMMISSIONER GOZZI: Mr Paterson, just a couple of points; you referred to exhibit P.1 as a survey - is that the same as ASU.6 and ASU.7? I mean you're talking about the survey data that was done jointly by -

MR PATERSON: No, no, no, that was a tabulated wages and conditions summary
35 which was presented -

COMMISSIONER GOZZI: As P.1 was it?

MR PATERSON: It was at the stage where we weren't sure whether we were the ASW or the ASU for the purposes of hearings in this commission.

COMMISSIONER GOZZI: Oh, right, so - okay - well I -

40 MR PATERSON: And some of the exhibits were given P and W type numbers.

COMMISSIONER GOZZI: Yes. Okay. I've got it then - that's the main thing. P.1 was it?

MR PATERSON: I believe it's P.1.

45 COMMISSIONER GOZZI: Mm. Alright. Now the only other question I've got relates to your comment that funding is not an industrial issue. Now what about the

requirements of section 36 of the act - that is the public interest provisions of the act - doesn't that make funding an industrial issue?

MR PATERSON: It is relevant in that context. In submitting that it is not an industrial issue, I was essentially - my submission is basically that the industrial matter as it relates to employee-employer relationship is separate from the funding issue. The argument - the position that the union maintains in all forums is that the relationship between the funding body and the agency or organisation that it funds is not an industrial issue; that it is not the prerogative nor the right of the funding body to determine the classifications, staffing levels, number of people employed at particular levels of classification, whether hours of work are full or part time - those are industrial matters - that the funding is not per se an industrial issue. The funding arrangements are arrangements which may or may not be contractual but they are between a corporate body and the funding body. They do have consequent impact on the industrial relationship between employee and employer and obviously in terms of capacity to pay, in terms of the public interest argument, I believe that that issue is canvassed and dealt with most appropriately by my submission that an appropriate classification structure and rates of pay will actually further - will assist the funding process - and will put in place bench marks, put in place standards, which all funding programs can look towards applying in their determinations.

COMMISSIONER GOZZI: Right. Thank you. And the operative dates, Mr Paterson, are as those in the appendix to Exhibit ASU.11.

MR PATERSON: Yes. The operative dates that the -

COMMISSIONER GOZZI: Appendix 1.

MR PATERSON: I believe it is page 34, Appendix 1, that's correct.

The union is proposing, particularly given the time that it has taken us to get to this point, that the first effective date of the implementation of the wages structure be 1 January 1995, with two further stages which would see the full rates in place by 1 January 1996.

COMMISSIONER GOZZI: Thank you, Mr Paterson. Mr Brown?

MR BROWN: Thank you, Mr Commissioner.

Mr Commissioner, the HSUA'S submission is fairly brief, and it is basically supporting the ASU application, particularly and specifically in the areas of clarifying and further detailing the matters of advanced entry and accelerated progression of workers with both completed and partially completed relevant qualifications, or and recognised competency attainment..

For the record, Mr Commissioner, the HSUA is fully supportive of the structure outlined by Mr Paterson in his submissions, and we certainly see it as a far more appropriate and equitable proposal than that proposed by the TCCI application.

Mr Commissioner, it is clear to the HSUA that the ASU application is based on and is consistent with the 1989 wage fixing principles of this commission, and in particular the structural efficiency principles which provide employees with access to more varied, fulfilling and better paid jobs.

The two elements of the structural efficiency principle which I wish to address fairly briefly in this submission are those that deal with the establishment of skill-related career paths which provide incentive for workers to continue to participate in skill

formation, and the elimination of impediments to multiskilling and a broadening of a range of tasks which a worker may be required to perform.

With the commission's indulgence, I wish to just briefly address those two areas in a bit more detail.

5 Over the last 10 years and, in particular, over the last 5 years, there has been considerable activity on the part of the Commonwealth, State and Territory Governments with the general support at least of unions and employers towards the restructuring and the establishment of a new and more efficient system of vocational education and training.

10 Although there is some way to go before that new VET system - Vocation, Education and Training - system is in place and fully operational considerable progress has in fact been made and the shape of the new VET system is clearly emerging.

15 Whilst it is clearly beyond the scope of this submission to detail all of the relevant aspects of this new system, I would just like to highlight a few of the more important elements of the VET system to demonstrate the consistency of the ASU application with the objectives of establishing career pathways and encouraging further and ongoing skill and competency development by employees.

20 The new vocational, education and training system is designed to meet the training needs of industry in a more efficient and flexible manner, and to achieve this the national training reform agenda has set out to both to some extent dismantle and regulate what was and, in many ways still is, an antiquated system of vocational training in Australia, and to replace it with a system which is flexible and responsive to industry - that is, workplace requirements. And there are four elements that I would like to draw the commission's attention to.

25 First of all, the training and credentials based upon competency standards will be the norm, rather than traditional qualifications.

30 Part of the activity under the new VET system is encouraging all industries within Australia, and all occupations within those industries, to identify within a standard format competencies that workers require in the workplace to be able to undertake their work effectively and to determine the level at which that work is expected to be performed if it is performed competently.

35 To date I understand that over 50% of the Australian workforce is covered by national competency standards that have been reached with the National Training Board, and those competency standards become important because they form the basis for the accreditation of qualifications and, therefore, the legitimising of qualifications.

COMMISSIONER GOZZI: I didn't think it was as extensive as that, Mr Brown. I thought there were all sorts of problems with CVT and -

MR BROWN: Oh, there is -

40 COMMISSIONER GOZZI: As a commissioner who deals with the TAFE area, and has just come through an extensive special case, my impression was that CVT based training is fairly much behind schedule.

45 MR BROWN: It is considerably behind schedule Mr Commissioner. I think 1992 - at the end of 1992 - was the date in which all competency standards for all industries was meant to have been completed, and the figure that I just outlined I think is probably a little bit more than 50%, I think it might be up to 60%, but it certainly is way behind schedule, and -

COMMISSIONER GOZZI: And what sort of vocational areas would that 50% extend? What would be some -

5 MR BROWN: Mainly in the traditional industries, communications, transport, tourism, hospitality, etc. Within this industry - health and community services - there are six major national competency standard projects under way to identify and develop competency standards within particular areas.

10 One of them is, in fact, in community work, and that project is due to complete its activities probably towards mid next year. That doesn't necessarily mean they will be automatically registered by the National Training Board. There may be additional sort of adjustments required.

15 So you are right in the sense that the competency based training system is thwart with difficulties but, nonetheless, that is still the policy framework, and 2 weeks ago MINCO - the Ministerial Council State and Territory and Commonwealth - reiterated their commitment to continue down the pathway of competency based training in line with general training reform and agenda principles.

COMMISSIONER GOZZI: You might be able to tell me the, in respect of those industries where CBT has been finalised, I suppose, how is that finding its way into awards? For instance, in tourism and communication. Is that the next step, or is that -

20 MR BROWN: Yes. Strictly speaking, award restructuring should have been based on competency standards that were identified. Now, given the problems with the identification of competency standards in the majority of industries, the award restructuring process has gone ahead despite the fact that the competency standards aren't there.

25 I guess the general position which has been taken now with regard to that is that award restructuring is not a one-off process; that awards can go through a restructuring process and then when the national competency standards are identified if there is the need to readjust the award yet again, then that would form part of it.

30 So we may see in the case of a number of awards that have been restructured that they may need to go through a finetuning process at least to match national competency standards.

35 Secondly, that there is a nationally consistent recognition through what is called the national framework for the recognition of training, which is a framework which all the ministers have agreed to, and very briefly essentially it is addressing the problem of having eight different states and territories and eight different systems of accreditation and eight different systems of recognition.

40 Basically what the national framework for the recognition of training does is provide for common requirements for accreditation in every state and territory which are identical, thereby allowing a course that has been accredited in one state to automatically have accreditation status in every other state and territory in Australia.

That means portability of qualifications, but also workers who are moving from one state jurisdiction to another can have their qualifications if they are accredited fully recognised.

45 Thirdly, flexibility in terms of competency attainment, which is really the outcome of the training reform agenda, and in particular the method of attainment of competencies.

5 Traditionally we have had a system where accredited training at least has been provided through either the TAFE system or the university system almost exclusively, and certainly there has been increasing concerns on behalf of industry as to the relevance of a lot of that training that has been delivered by so-called academics in ivory towers, if you like.

10 Under the new system of training there has been a deregulation and flexibility in the way in which competencies can be obtained, and it has to do a bit with the nature of the competencies themselves. But there is no longer the requirement that any of that training is provided through the two main systems of a training provision. That it can be provided by private training providers, through any context if they meet those requirements.

15 It also is possible than an individual can acquire and develop competencies without in fact going through any formal training process whatsoever, and that those competencies - once the individual believes that they have attained them - can be recognised simply through a process of competency assessment without their being a formal training component attached to it.

That is quite important when it comes to starting to recognise and value the notion of experience as being a valid means of attaining competencies that have been identified and are required within the workplace.

20 The other part of flexibility is, of course, the notion of recognition of prior learning, which simply states that if someone has already attained a competency, regardless of how they have obtained that competency, whether it was through life experience, informal training, formal training, or just work experience, then those competencies should be recognised and the individual should not have to undertake any further training to demonstrate that they have those competencies.

25 Theoretically, therefore, it is possible for an individual to obtain what in the past has been known as a qualification - and still will be known as a qualification - without in fact undertaking any formal study whatsoever. Although that is probably highly unlikely.

30 And, finally, the flexibility of training delivery.

35 That the competency-based training delivery system when and, I just say, if it is fully implemented, will not be a time served basis. That is, that in the past we have known qualifications to be linked to time serving. You undertake a certain number of units which require a certain number of hours study, and if you acquire a certain number of units then you get a qualification at the end of that whole process.

Under the new competency-based training system training is not measured in terms of time, and certainly the courses that are going through the State Training Authorities Accreditation and Recognition Committee at the moment don't get through if they stipulate particular times. They simply indicate indicative times.

40 Secondly, that it is not input focussed, and that is that recognition that different people learn in different ways, and therefore the traditional ways of delivering vocational training may suit some people but probably don't suit the majority of people, and that there should be a freeing up of the means by which people attain competencies.

45 Part of the recognition of that is that a lot of the traineeships - particularly at entry level that have been developed at the moment - but also a lot of the training programs under a competency-based system bring in a significant component of on-the-job experience and on-the-job supervision and on-the-job structure training in some

instances as being not only an important part of competency attainment but, in fact, an essential part of competency attainment.

5 These elements of the new VET system are essentially designed to allow for multiskilling outside of traditional and narrow concepts of occupations, and to improve and enhance the career prospects of workers, whilst at the same time effectively providing for flexible skill mix required by employees at various levels.

10 As indicated, one of the outcomes of this system is a move away from rigidly structured qualifications, although we still have as a ... qualification, if you like, or at least a marker point through the process - sorry, move away from rigidly structured qualifications towards a more flexible means of skills attainment.

In the majority of cases this is occurring, as I said, via a mix of on and off the job training, rather than the more traditional form of preservice training where someone completes their training before they enter into employment.

15 In fact, the old apprenticeship model has essentially been extended and expanded into almost all areas of entry level training within all industry and occupational areas.

The net effect of this is that the workers will undertake training - most workers in the future will undertake the majority of their training whilst in employment and a significant part of that training will, in fact, be on the job, rather than off the job within TAFE institutions or other educational institutions.

20 It is important, therefore, that the Community Services Award - this award - reflect these developments, including accommodates and recognises progressive competency attainment, whether resulting in a formal qualification or not

25 Mr Commissioner, it is must become part of our work culture that the attainment and the utilisation of competencies is a life-long process, and that the competencies that may be required under current industry arrangements may not be those which will be required in the future.

Learning will become a life-long process essential for career advancement, and that I submit is in line with the structural efficiency principles of this commission.

30 The ASU applications, Mr Commissioner, provides a logical career pathway for workers in the industry which encourages and gives value to the attainment and the utilisation of relevant competencies, as I said, whether these lead to a qualification or not. It is not important to get to the point of having a qualification under this new system.

35 Certainly in the past, not so much now, but certainly in the past if you had a three-quarters completed qualification but hadn't completed it, it wasn't recognised, and the value of it wasn't recognised. It is only when you reach that magical point where you actually got the bit of paper was that all of a sudden you became competent in what you were doing.

40 Under this new system it is recognised that people will develop competencies progressively along the way and, essentially there is not really an end point to that collection of competencies even though we may choose to continue to mark particular outcomes with a formal bit of paper and a qualification.

45 Mr Commissioner, the HSUA's submission clearly details progression on the basis of completed Associate Diplomas and completed degrees plus experience, and the amendment that Mr Paterson put up this morning for ASU.11, page 28, I think clarifies it even further where it indicates:

Employees holding an Associate Diploma shall progress on the following basis:

1 year of service

2 years of service

3 years of service

5 *4 years of service, etc.*

leading up to the Metals relativity of 145%.

So I don't think that needs too much clarification.

10 However, the HSUA's position, as I have tried to indicate, is that we should be recognising partial completion of a qualification or, in fact to put it another way and more importantly, progressive attainment of competencies that are required in the workplace, as identified through the process that I outlined.

So I would just like to spend a little time clarifying that and to assist rather than confuse, and I have an exhibit which I would like to put forward.

COMMISSIONER GOZZI: Thank you. We'll mark it HSUA - we'll mark it B.1.

15 MR BROWN: B.1?

COMMISSIONER GOZZI: Yes, thank you.

20 MR BROWN: What we have attempted to do, Mr Commissioner, in this exhibit is to try and clarify people's progression through the classifications if they don't have a completed Associate Diploma, and what I have done in the submissions is outline the different qualifications and the different points of completion all the way through.

25 If you have a look at Point 1, the completed Associate Diploma, which is what I have just indicated in the ASU.11 page 28 submission, but I have indicated it there in terms of percentage relativities. That's a completed Associate Diploma with no experience would bring someone in on 105%; 1 years experience 115%; 2 years 130%, 3 years 135% and 4 years 145%.

Now in looking at how we might use this in relation to a partially completed Associate Diploma we've used that as the basis.

30 If you have a look at the first section on 105% what we are doing is combining years of experience, given that competency attainment can be quite valid through experience on the job and combine that with a combination of years of study, although as I said under a competency based system it is not time fixed so it is indicative years of study.

35 So 2 years - someone in the first line where it has got $2 + 0 = 2$ - is basically someone who has done a preservice training course, has undertaken their study prior to entering employment, enters employment with no experience and, therefore, has a total of 2 years, but they enter at 105%, or half a year of an Associate Diploma and 1.1/2 years of experience equals 2 years; 1 year of an Associate Diploma, 1 year experience equals 2 years; 1.5 is of an Associate Diploma and half a year's experience equals 2 years.

And then, similarly, you can follow that down: 3 years, 4 years, 5 years, and over the page to 6 years, which gets you to 145%, which is the same as a completed Associate Diploma with 4 years experience in the ASU application.

5 COMMISSIONER GOZZI: How does that relate to what the HSUA are contemplating with their federation?

MR BROWN: It is not inconsistent with it. The only area that we probably will need some clarification is the movement from the fifth year to the sixth year, or the 135% to the 145%.

10 The ASU has clearly indicated that progression from Class III, level 3 to Class III, level 4, or the 135% to the 145%, shall occur only where the employee holds the relevant qualification to at least Associate Diploma or the employee exercises functions related to management, coordination of a service or a program, or the employee exercises supervisory responsibilities or the employee is engaged in work of a specialist nature.

15 Mr Commissioner, it is the view of the HSUA that putting a barrier at that particular point is inconsistent both with the approach to competency attainment but also the structural efficiency principle.

We believe that people should be able to get through to the 145% on the basis of a progressive acquisition of competencies and utilisation of those competencies.

20 COMMISSIONER GOZZI: How does that relate, though, to a tradesperson? You see, the Associate Diploma is the 145 in the Metals, that is what you are telling me.

MR BROWN: With experience.

25 COMMISSIONER GOZZI: With experience, yes. Aren't you proposing here 145% level - looking at this - with achieving the 145 with only 4.1/2 years towards - 1.1/2 years - towards a diploma, or 5.1/2 years towards the diploma? So that you don't have to have the diploma, that is what you are saying, that is what the difference is between you and the -

MR BROWN: Yes.

COMMISSIONER GOZZI: Yes. Having regard to what you said earlier.

MR BROWN: Yes.

30 COMMISSIONER GOZZI: Yes. Okay.

MR BROWN: Yes, because of the competency, the progressive competency process.

I mean, we have no problems with a barrier at level 3 - between level 3 and level 4 - but a barrier within level 3 we have a slight problem with.

35 And just to show consistency, more than anything else, we have also indicated over the page at point 3 the completed 3 year degree, which is what's in the HSUA's submission; the completed 4 year degree and progression with experience, which is in the ASU's submission, and then indicated a partially completed degree with a 3 year or a 4 year and, again you'll see that the formula works the same for 3 years, 4 years, 5 years, 6 years and gets to the same point of 145%.

40 It is important - the HSUA believes that it is important - that we start to recognise not only completed qualifications as being a single point, but under the new system which

increasingly I think takes shape, that competencies don't necessarily form themselves into net qualifications.

5 In fact, if you take the logic of the overall training reform agenda, then qualifications don't really have a place, it is about competency certificates that people obtain and the competencies that are required in the workplace and the standard that they are required to exercise in the workplace that becomes important, rather than the bit of paper or the qualification.

10 In their wisdom, the powers that be have decided to combine the two systems and keep the qualification system, but we see no reason why these industrial awards and particularly under the structural efficiency principle can't recognise both partially completed or in fact fully completed competencies leading towards what we recognise as being qualifications.

COMMISSIONER GOZZI: Alright. Now you suggest this way forward in respect of attaining the 145% level?

15 MR BROWN: Yes.

COMMISSIONER GOZZI: What about after that? MR BROWN: We support the ASU's position in terms of the performance - and they're ASU.11 page 28 -

COMMISSIONER GOZZI: Yes.

20 MR BROWN: - performance of the Community Service Worker Class 4, 5, 6 and 7 shall be reviewed at least annually. Where such review demonstrates improved competence, skill or effectiveness, the employee shall be entitled to - et cetera, et cetera. So we have no problems with the ASU's advancement beyond level 3.

COMMISSIONER GOZZI: Alright, we'll just retitle your exhibit 2, from B.1 to HSUA.1.

25 MR BROWN: This is our first exhibit is it?

COMMISSIONER GOZZI: Yes, well the HSU - yes - the HSU had one previously, but we'll make this one HSUA.1.

30 MR BROWN: Right. If I could just carry on, Mr Commissioner. The HSUA believes that in the context of those changing vocational, education and training arrangements as outlined, that what we've proposed in our exhibit is in fact the most equitable way of approaching or recognising skills attainment which allows people to choose the pathway for skills development, ie flexibility, which is most appropriate for them and for the nature of the work that they're undertaking, and certainly aspects of the community services industry, I know from experience, find it difficult to fit in with the mainstream arrangements for education and training or competency attainment, 35 either because they work in shift work arrangements or because of the demands of their work. Also that it provides people with access to career advancement which has always been a difficulty within this particular industry and certainly that that's consistent with the structural efficiency principle and it allows the greatest degree of flexibility and would encourage the notion of multiskilling in the work place. 40

The second structural efficiency principle, that of eliminating impediments to multiskilling and broadening the range of tasks which a worker may be required to perform, one of the important aspects of the new VET system - VET system - is the recognition that a significant part of competency attainment requires access to on the job experience. The days of I think of simply sitting in a classroom and then coming 45 out being qualified to do something are fortunately long gone. The artificial delineation

of learning in an institution as opposed to acquiring skills in the workplace is breaking down and that combination is now being recognised in - in most training courses.

5 One of the greatest impediments to multiskilling has not necessarily resided in the workers ability to acquire skills or competencies, but rather the narrow conception that we have of skills recognition and the narrow and exclusive definition of occupations. Again if the system that I outlined is fully introduced we're likely to see a blurring of the concept of the occupations and people crossing boundaries that previously have been very precious to particular groups.

10 There's no doubt that many workers in the industry who have a range of competencies which are not being utilised because they're not - they're not recognised or valued, and I note with the interest the - the debate earlier regarding the role of women; I think this industry is particularly - needs to take particular issue with this because the majority of the workers within this particular industry are women. I think a lot of the -
15 a lot of the competencies and a lot of the skills that are utilised within the industry aren't recognised or valued because there hasn't been the means to do that because a lot of those workers haven't traditionally had access to the same type of education as what - what others have had.

20 At its most extreme, the new system of VET should allow for the acquisition of skills and competencies without any formal training requirements, and certainly under the Commonwealth's new arrangement and Netforce, which I won't go into details with, they're proposing at least the first level of training is undertaking 100% on the job - that there is in fact no off-the-job training component - but nonetheless it is formalised and is accredited and the individual gains certification which is portable and that they can utilise.

25 The ASU application recognises this to enabling the progressive recognition of competencies and recognising the reality that experience on the job is an important and valid component of skills acquisition, and what we've sought to do is to clarify how that might - might work.

30 Just briefly addressing the issue of public interest. No doubt Mr Paterson has done that adequately in his submissions, but there's just a couple of points that I'd like to make, mainly to support our exhibit.

35 The HSUA submits that the ASU application is in the public interest, in particular I wish to highlight the following fundamentals regarding the nature of the industry and its implication on the ASU application. First, that the type of work that community service workers or workers in this industry undertake, I think are impacted on by a number of factors that a lot other industries, although they suffer from it, may not have to deal with it in the same sort of way. In particular the nature of the work in many cases is not routine. Although the issues with which workers deal with may be similar in nature, the specifics are not. The level of competency required to assess a
40 situation and to develop a course of action requires the interplay of a range of skills and competencies in itself. Because of the type of work and a lot of the, in particular, the crisis type work that these workers are dealing with means that you can't have a routine approach to it, and workers are continually having to deal with non routine issues, non routine problems and respond to them effectively.

45 Secondly, the very nature of the work in this industry means that workers are constantly dealing with new issues for which they often have no training. Over the last 20 years certainly the problems facing the population with which workers in this industry deal have changed quite dramatically and the ability to respond to new social problems, if you like, quickly and efficiently is indeed one of the competencies required
50 in this line of work. Ten years ago, for example, we didn't know about AIDS-HIV virus - we do know about it today. That's a whole new issue - in fact almost a whole new

industry in itself which impinges upon this industry area in which they've had to respond, but it's only one example. There's been - certainly in a previous existence I spent 18 years working in the community services industry and the rate at which we had to respond to new problems for which we knew nothing about, in fact hadn't existed before, was quite considerable and therefore the competencies to continually be responding, learning new approaches and new skills to be dealing with it, is something that all workers within this industry need to address.

10 Additionally there's been, and there still is, a trend by governments away from institutional provision of services in favour of community based services provided by non government providers. This places considerable pressure on both the skills requirements of community based organisations and also their resources. And other forums have been fairly critical of the fact that governments have not provided, even though they've de-institutionalised, they've not provided the community based organisations with the resources they need to effectively pick up that role, and that is a skill and competency issue for workers in the area.

20 Finally, Mr Commissioner, the level and the degree of social dislocation caused by sustained levels of economic decline, and this one particularly applies to Tasmania in terms of long term unemployed, also is a matter for concern. There does not appear to be any short or medium term relief from the economic hardships which many Tasmanians are experiencing and workers in this industry are in the front line of responding to those sorts of issues, therefore - both within the job and on the job - so therefore the workers that are in position at the moment are continually needing to update their competencies, learn new ways of responding to it and therefore again it's important that we recognise the notion of progressive attainment and utilisation of competencies.

In conclusion, encouraging workers to undertake skills acquisition while in employment by recognising and rewarding such efforts can only be for the good of the industry and for the workers involved, and I believe that's essentially what the structural efficiency principle in the wage fixation principles is attempting to address.

30 If the commission pleases.

COMMISSIONER GOZZI: Thank you, Mr Brown. Mr Brown, just getting back to HSUA.1 for a moment, the - the relativities that you've shown in that exhibit (CSW 2/1), does that relate to years of service or the actual classifications - classification levels?

35 MR BROWN: (CSW 2/1) would be -

COMMISSIONER GOZZI: Yes.

MR BROWN: - Class 2 level 1.

COMMISSIONER GOZZI: Oh, I see. Right. Okay. So one - and the - so years of service is the second - is the second figure is it?

40 MR BROWN: Yes - within the class level.

COMMISSIONER GOZZI: Within the class.

MR BROWN: Yes - and obviously we've only addressed level -no?

MR PATERSON: You start at one with zero years experience so it's not equivalent.

MR BROWN: Sorry - Mr Commissioner, are you referring to the in brackets alongside.

COMMISSIONER GOZZI: No, no, sorry. I started here, but yes, the point that Mr Paterson makes about the top one there too.

5 I'm just trying to understand as I was working - as I was trying to follow you through before and I hadn't quite got to that stage and I didn't want to interrupt you, but I just wanted to clarify what those relativities related to, so it's Class 2 year 1 is - if you go to item 1 is nought - nought years of experience - you want to see that person classified at 105% when in fact the proposal from the ASU starts at a different level doesn't it?

10 MR BROWN: Does it?

COMMISSIONER GOZZI: Well let me see - oh, you finish up at - you finish up at 105?

MR BROWN: Well what - I think -

15 COMMISSIONER GOZZI: Just go - if you go to - if you go to page - ASU.11, page 27, I suppose is the starting off point, now you have Class 1 level 1 starting at 90%

MR BROWN: Mm.

COMMISSIONER GOZZI: You're proposing aren't you - am I misreading it?

MR BROWN: No, we've - what we're proposing -

COMMISSIONER GOZZI: Class 2 -

20 MR BROWN: - I mean what the ASU application is proposing, if someone has a completed associated diploma with no years of experience, that is, they enter with a completed associate diploma, they -

COMMISSIONER GOZZI: Yes, alright, yes - yes, of course.

MR BROWN: - come in at 2/1.

25 COMMISSIONER GOZZI: Yes I've got it.

MR BROWN: So they skip 1 altogether.

COMMISSIONER GOZZI: Yes. Yes, that's fine. Yes, I've got that.

MR BROWN: And in terms of our progression, I mean we've made no comment in here about - about a Class 1 worker -

30 COMMISSIONER GOZZI: Yes.

MR BROWN: - in terms of qualifications, I mean we would assume that, you know, a person coming at that level basically wouldn't have any training experience.

COMMISSIONER GOZZI: Yes - no- that's right.

35 MR BROWN: But if they did obtain, let's say, half a year of an associate diploma and they had experience then they would move into the arrangements as we've outlined to you.

COMMISSIONER GOZZI: Yes, no that's - yes - I'm clear, thank you very much.

MR BROWN: Probably it's worth pointing out one other - one other matter to do with our exhibit, is that the barrier between Class 2 and Class 3 - that's between the 115 and 130% mark in No.2 - the partially completed -

5 COMMISSIONER GOZZI: Yes.

MR BROWN: - now we - I guess it's evident within this that we're proposing is that that would be automatic progression providing that they have that combination of three and 4 years experience. So it's not automatic progression per se but it's automatic progression based on the equivalent of 3 years made up of a combination of experience and training and then they would move automatically from 2. - 2/3 to 3/2.

10

COMMISSIONER GOZZI: Yes - I see that.

MR BROWN: But there would be a barrier at - between three and four as per the application.

COMMISSIONER GOZZI: Yes. Yes, so I'm just trying to line this up with page 34 of the wage implementation proposal. I've got it. So where is -

15

MR BROWN: We can do it in terms of the final column -

COMMISSIONER GOZZI: Class 2 - okay, Class 2 - yes, okay - let's go to Class 2 - now that's proposed to stop at 115% but you're suggesting it goes on, on this - years of service and qualifications goes on to Class 3 level 2.

20 MR BROWN: Yes. Now I just want to make -

COMMISSIONER GOZZI: Which is the 130%.

MR BROWN: Yes. I just want to make it clear - I mean we're not - we're not suggesting automatic progression for all workers necessarily, we're saying that they have to be working towards - and this is part of the structural efficiency principle of encouraging people to undertake further vocational education and training, et cetera, that they must have completed at least part of (a) with combination of training - combination of experience - part - the equivalent of some form of training. Now I've put equivalent there because at the moment the award is an associate diploma. Under the new national qualifications framework which is due to come into effect on the 1st January, associate diplomas don't exist and there will be a whole new arrangement of, you know, different levels of certificates and diplomas and so on, so the all equivalent becomes fairly important because 1 year of the equivalent of an associate diploma is in fact an advance certificate -

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30

COMMISSIONER GOZZI: Mm.

MR BROWN: - half of an advanced certificate will be the equivalent of one of the new certificate type arrangements, so in fact people will get, you know, marked qualifications, if you like on the way through, but it will just continue to go on, as I said, ad infinitum in terms of competency acquisition.

35

COMMISSIONER GOZZI: Alright, thanks, Mr Brown. Mr Kleyn?

40 MR KLEYN: No, I'm right, thank you.

COMMISSIONER GOZZI: Thank you. Mr Watson?

MR WATSON:....Commissioner, we won't be commencing our submission until the 19th, which is next Wednesday and at this stage I could indicate that we would envisage actually finishing our submissions during that day - or in fact not requiring any extra time after that - after the 19th.

5 COMMISSIONER GOZZI: Very good. Well on that day we'll have to sit in Davey Street. We'll give you - we'll send you out the notice for it, but just to let you know, it won't be here, it will be in Davey Street.

10 Now we'll endeavour to help you as much as we can with the transcript. It seems that we won't have it available in toto until probably next week which is the day of the week of the hearing and certainly the material from this morning won't be available. Is that going to cause you a problem?

15 MR WATSON:....Well the material from today is not a problem. I understand that the transcript from the first day of hearing will be available at the end of this week and that will assist us obviously. I don't think that there's too much that we can do about the fact that the second day won't be available until we - well until after we've put our submission, but I guess we're just going to have to proceed on that basis.

COMMISSIONER GOZZI: Well I can give you a day further down the track if you wanted to particularly, but it's up to you.

MR WATSON:....Well can we just have a moment on that please?

20 COMMISSIONER GOZZI: Yes.

MR WATSON:....Commissioner, which day were you thinking of in terms -

COMMISSIONER GOZZI: Well I was thinking of the 27th.

MR WATSON:....The 27th.

COMMISSIONER GOZZI: Of October - yes.

25 MR WATSON:....Yes, okay, well I can indicate that we would appreciate that on the basis that the transcript could be available. It would assist us greatly if that were the case and, yes, I think we would appreciate that very much.

30 COMMISSIONER GOZZI: Well I'll ascertain just what we can do about transcript and we'll let you know - so we'll put in the 27th. We'll leave the 19th as it is at the moment. If - if the 27th can't achieve the transcript - today's transcript, well - rest of it, we can still go ahead on the 27th.

MR WATSON:....Yes, I don't think we've really got a problem, commissioner, about today's - that's fine.

COMMISSIONER GOZZI: Right. Okay.

35 MR WATSON:....So -

COMMISSIONER GOZZI: Alright, we'll put the 27th in for a - for a - okay.

MR WATSON:....- yes - so if we can confirm the 27th we've got no problem with that.

COMMISSIONER GOZZI: Okay.

MR PATERSON: Can I clarify? Is that in addition to the 19th or in lieu of?

COMMISSIONER GOZZI: Well we'll leave the 19th in there just in the event that there's a hitch with the transcript up to the day which hopefully will be out next week some time. Now if it's out on Monday then I'll assume the 19th would be okay.

5 MR WATSON:....You mean the transcript from the second day of hearing - a couple of weeks ago?

COMMISSIONER GOZZI: Yes.

MR WATSON:....Yes, yes, okay. Yes, alright, well we can work on that basis, but if -

COMMISSIONER GOZZI: And if it's not available by then, and we'll do our best to get it out, you know, as quickly as we can, we'll just go to the 27th.

10 MR WATSON:....Yes. If we could an indication, commissioner, perhaps late on Friday as to whether or not that transcript will be available on the Monday, because it will make a difference to our lead in preparation, you see.

COMMISSIONER GOZZI: Alright.

MR WATSON:....Alright, thank you.

15 COMMISSIONER GOZZI: Well the proceedings are adjourned on that basis and we'll advise you as to production of transcript as soon as we can.

HEARING ADJOURNED