

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2652 of 1990
and T.3995 of 1992

IN THE MATTER OF applications by
the Tasmanian Salaried Medical
Practitioners Society and the
Minister administering the
Tasmanian State Service Act 1984
to vary the Medical Practitioners
(Public Sector) Award

re Structural Efficiency; Shift
Work, performance criteria,
procedures for temporary and
permanent transfers of Medical
Practitioners in the TSS, meal
breaks; time off in lieu,
overtime, clinical audits and peer
review, spread of hours and
working pattern

COMMISSIONER WATLING

HOBART, 8 June 1994
continued from 7/6/94

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: Let the record show there is no changes in appearances from yesterday. Now, who shall we turn to for a report? Mr House.

MR HOUSE: Thank you, Mr Commissioner.

As I indicated yesterday there was a meeting of members at the Royal Hobart Hospital and that meeting was well attended and went for some time.

The resolution of that meeting was that the application for a work-value increase be withdrawn; that the society endeavoured to negotiate with the department to finalise the award restructuring; that any outstanding matters be processed through the commission; that the society enter into what might be called an enterprise agreement in terms of what I understand to be the State Service wages agreement, with some modifications to meet our particular requirements.

And I should also indicate that further meetings will be convened at the Launceston General Hospital and the North West General Hospital next week, and we expect similar resolutions will be adopted there.

In the meantime, or prior to that, we had further discussions with the department to finalise what we've called the heads agreement, or statement of intent, and if the commission pleases, I would like to hand up a copy of that document.

COMMISSIONER WATLING: Right. Should we give it any number at this stage, or just matters for information, or how would you like it treated?

MR HOUSE: I think 'for information', sir, because it hasn't been signed yet.

COMMISSIONER WATLING: Right.

MR HOUSE: I should indicate that we would anticipate that that will be signed no later than the 21st after we've consulted with the full membership.

I don't know whether the commission wishes me to go through the document?

COMMISSIONER WATLING: I'm very familiar with the earlier parts of it.

MR HOUSE: Yes.

COMMISSIONER WATLING: I suppose the bit that is of interest is things like matters to be given priority and the plan for that particular aspect of your understanding, or agreement.

MR HOUSE: Thank you. Well, as you'll see there, sir, we have a priority in terms of finalising the award restructuring and in that context of the existing salary structures in the award, or the existing salary points, I should say, implementing the new structure.

That is largely agreed between the parties. However, I should say that the exact translation of existing classifications into the new classifications is still to be negotiated between the parties.

There's the question of what happens to the existing registered agreement - the Salaried Medical Practitioners' Conditions of Employment Agreement 1988 - which the commission will be aware contains the leave provisions that apply to medical practitioners, plus a couple of other items.

I'm personally not too clear yet what the department intends in that respect.

We've all along been keen to resolve the question of appropriate provisions for permanent part-time employees.

Similarly, we desire - I think it was indicated yesterday - both in the award and in any enterprise agreement that there be an appropriate grievance dispute settlement procedure.

There is the issue of specifying in the award - we would see appropriate holidays with pay, given what's going on across Bass Strait.

Both sides agree there is a need to look at standardising leave entitlements, and looking to the appropriateness of those in a modernised award.

We get into some more difficult ones in terms of overtime and greater flexibility in working arrangements.

I think we both agree that it is important that with the career medical officer concept being brought in that the system makes maximum use of that concept, and there is also a review of on call arrangements.

Now, with the commission's guidance, we've developed a timetable, sir, to hopefully deal with these matters, and if I could tender that document, too, please.

COMMISSIONER WATLING: Mark that 'Matter for Information 2'.

MR HOUSE: Now this timetable has been developed having regard to stage one in the agreement, which is an increase at the time of signing, which we would expect - I should have mentioned earlier - to be at about the 21st of June and operative from the first pay period commencing on or after the

1st of July, and then we've more or less got a target to aim for, which is the 1st of October of this year, which is the commencement of stage two.

And by that time we would wish particularly - the society would wish particularly - that the new structure and position classification standards were agreed and, indeed, in place in terms of administrative arrangements.

So that you will see in the document I have handed up that we believe that agreement should be achieved on the detail. We have an in-principle agreement, as I understand it, by the 8th of July. In that context, there were a lot of questions last night about the new structure.

We would need to consult with the membership and have their understanding and agreement hopefully by the 21st of July, and then be in a position to apply to the commission to vary the award - the application - no later than the 1st of August.

During August we would hope to seek the commission's ratification of the new structure and standards, and coincidentally and at the same time that the department be in a position to implement that structure with effect from the first pay period on or after the 1st of October, and that would of course coincide with the second 1.1/2% - or the first 1.1/2% under stage two.

As to -

COMMISSIONER WATLING: Can I just ask a question? Is the new structure and classification standard arrangement linked or, how should I put it, to be seen as a package in relation to conditions, or are they to be seen as separate items?

MR HOUSE: Well, we saw, sir, that -

COMMISSIONER WATLING: In other words, if we don't settle the conditions thing, is the plug going to be pulled on the classification standards and structures?

MR HOUSE: Well, not as I understand it. My view is that part of this agreement that we are entering into is that there will be a new structure and of course you need associated standards to understand that new structure, and that that is part of this enterprise agreement.

COMMISSIONER WATLING: Right. So, one is conditional upon the other?

MR HOUSE: No. If we can't sort out all the other matters, as I understand it we're still committed to implementing the new structure.

COMMISSIONER WATLING: Right.

MR HOUSE: Now, turning to the other matters, I'd have to emphasise that we are as committed to modernising the award, as we have been all along, and that we wish that process to be brought to some finality.

And with so much water running under the bridge and, as I said, hopefully a new approach being adopted, we see that the rest of this month might be taken up in a stocktake of our relative positions in terms of trying to reach an appropriate settlement of the large number of issues that are still dividing us.

In the next month I think the parties, following that review, would be best reiterating or putting again where they see themselves in terms of the list of matters that are put down there.

They are not exclusive, as I am sure the commission will appreciate, but we've tried to identify the main areas of not only disagreement, areas that might be improved to a mutual benefit under the award restructuring and ongoing structural efficiency process.

So, while in H.14 we've pretty well put down what the society's position has been, that is a reference point for the department to look at our position, but we'll also be revisiting some of those clauses.

Some, there may be scope to modify our position to accommodate some of the department's aspirations, however other things like permanent part-time employment we still maintain a pretty solid position that we will not agree to anything that will encourage casualisation.

And I might say in the 'Canberra Times' on Saturday - digressing - there is an advertisement by the Commonwealth Department of Health for casual medical officers.

And so, you know, it is I must say to the commission a real trend in other places to casualise the salaried medical practitioner - contracting out is another term for it.

We also remain pretty strong in the view that there should be a suitable grievance dispute settling procedure that so far doesn't exist in the Medical Practitioners Award, and we see that as an integral part of structural efficiency, and probably even more important where we move towards so-called enterprise bargaining.

So that by the end of July and in August I think it should be possible for the parties to identify, hopefully, a wider range of agreed matters and prepare applications to this commission to vary the award.

Given, hopefully, that the award situation has been stabilised and settled down, that we can then file with the commission an appropriate agreement, or file with the registrar an appropriate agreement in seeking to have that registered under section 55.

Then in September we would ask that the commission have those matters dealt with, so that hopefully coincidental with that primary target date of the 1st of October we've advanced a considerable way down the track to resolve outstanding matters and to have a reasonable picture of where we are going from there.

And then if there are matters still outstanding to be resolved between the parties we'd again seek the commissions assistance in October through to December to finalise all the matters really outstanding in the award restructuring process.

Unless the commission has any questions, I think that's our submission, sir, on that matter.

COMMISSIONER WATLING: Right. Ms Pammenter?

MS PAMMENTER: Thank you, Mr Commissioner.

As Mr House has pointed out earlier in his submission, we discussed the timetable this morning and that timetable is acceptable to the department as well, and we'll be doing our best to get matters resolved in accordance with the time frame set out.

I'd also like to endorse the approach that you suggested yesterday whereby once a decision is handed down the decision comes out with the orders pending and then, as with the Public Sector Community and Health Services Award, the parties would be aware of what was coming up before the actual implementation date.

COMMISSIONER WATLING: Right. Well, I take it then that nothing will proceed before the 1st of August and we'll have a fresh application and we'll be dealing with the structure and classification standards.

MS PAMMENTER: That's right, Mr Commissioner.

COMMISSIONER WATLING: And you will be wanting a decision on that particular issue.

MS PAMMENTER: That's correct, Mr Commissioner.

COMMISSIONER WATLING: Right.

MS PAMMENTER: Thank you.

MR HOUSE: Mr Commissioner, we would appreciate it if the commission was able to give consideration to relisting the matter in the second or third week of August.

COMMISSIONER WATLING: And you are saying this particular application or the one that you are going to lodge?

MR HOUSE: Well, if I might say, we've said all along that we want the commission to monitor this matter. What I am respectfully requesting is whether in mid-August the commission can bring the matter on again, either to deal with those applications or at least have a look at what sort of progress has been made in terms of the timetable we have set down.

COMMISSIONER WATLING: Right. Well, just thinking aloud, that if you lodged an application by the 1st of August, which is 1(c) in your document, then I'd be bringing that on for hearing very quickly. I wouldn't be waiting until the end of August.

MR HOUSE: No, I wasn't suggesting that, sir, I was just -

COMMISSIONER WATLING: But if you then had a decision on the classification standards and the structure then we would proceed, wouldn't we, to the next part. Or, in fact, that application may be concluded. We might be relying on you to lodge another application to insert conditions, will we? Is that how I read 2?

MR HOUSE: Well I probably speak too bluntly, but I want to make sure that this matter goes along, and really that is the thrust of my application.

COMMISSIONER WATLING: The question is whether or not we continue with this application, which you have foreshadowed you are going to drop in light of the program, or you force the new one. It's really in your hands to lodge an application by the 1st of August, isn't it?

MR HOUSE: I have instructions, sir, that the application for a work-value increase is withdrawn.

COMMISSIONER WATLING: Yes, well you are only seeking leave to withdraw it at this stage.

MR HOUSE: Well, I'm sorry, I -

COMMISSIONER WATLING: I haven't given -

MR HOUSE: - have instructions to seek the commission's leave to withdraw it.

COMMISSIONER WATLING: Yes, well I might hand down a decision on that about the 1st of October.

MR HOUSE: Right.

COMMISSIONER WATLING: I've noted your submission.

MR HOUSE: Thank you.

COMMISSIONER WATLING: So it would really mean that this application is there. I've noted you've a submission. I suppose any time up until I hand down my decision it is open to you to request the matter be reopened in light of new evidence.

MR HOUSE: Understood.

COMMISSIONER WATLING: I'm sure the employer would understand that. You know, I can understand the deal, if this doesn't come off you want to proceed along the line of your original application, if this didn't come off.

MR HOUSE: Yes.

COMMISSIONER WATLING: But you certainly don't want to burn your bridges at this stage, that's what you say.

Any comment on that, Ms Pammenter?

MS PAMMENTER: No. We'd be acceptable. You know, as soon as the matter is brought on we'd be in a position to put submissions.

COMMISSIONER WATLING: Right. And you note that they have sought leave to withdraw their application in respect of the work-value component?

MS PAMMENTER: Yes, that's correct. Mr House informed me of that this morning.

COMMISSIONER WATLING: Right. You haven't got any opposition to that happening?

MS PAMMENTER: No, we don't.

COMMISSIONER WATLING: Right, well I have noted the submissions and I will hand down a decision in due course on that.

So, I'll await the application for the classification standards.

Just another question, and I don't think you answered it for me.

Once we finish the classification standards and the structure, will that be the conclusion of the application that you are going to lodge by the 1st of August, and then you are going to lodge another application to deal with conditions?

MR HOUSE: We see that in the award and in the -

COMMISSIONER WATLING: Just before you answer that, the only reason I am asking that question is that I am looking at 2(c). It says, 'and prepare applications to vary the award'. So it envisages two applications, doesn't it? Am I reading that correctly?

MR HOUSE: Yes.

COMMISSIONER WATLING: Right. Good. Thank you. Right, well I am happy with that. I receive and note the contents of your agreement and your procedure document and I'll look forward to the application on that date. Thank you.

This matter is now adjourned.

HEARING ADJOURNED