

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 2586 of 1991

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

re structural efficiency
principle

COMMISSIONER GOZZI

HOBART, 9 March 1992
continued from 16/1/92

TRANSCRIPT OF PROCEEDINGSs

Unedited

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COMMISSIONER GOZZI: Are there any changes in appearances this morning.

MR NIELSEN: No, Mr Commissioner, from the Ambulance Employees' Association.

COMMISSIONER GOZZI: Thank you, Mr Nielsen.

MISS COX: No, Mr Commissioner, not from the minister's side.

COMMISSIONER GOZZI: All right, who'd like to report?

MR NIELSEN: Well, Mr Commissioner, we have had discussions from our previous meeting of 16 January and those discussions between the parties took place on 11 February and also on 21 February. We were able to progress and deal with those matters that you asked us to apply ourselves to, and if I may then go back to that document that we've identified - or correction, sir, Mr Commissioner, sir, you've identified as exhibit N.2.

COMMISSIONER GOZZI: Exhibit N.2, yes, I have it.

MR NIELSEN: Mr Commissioner, I have to make a little bit of a statement to say that I believe I've been a full-time union official for 22 years and this is the first time that I've placed in a position that, due to the discussions between the parties and my own association - and I'm referring specifically to student ambulance officer - up until today, sir, we've advised the commission that we had an agreed position with the Tasmanian Ambulance Service. But during those discussions on those dates I previously referred to, an anomaly appeared for the first time to us. Management may say, and I believe that'd be true, but the anomaly was there.

But in extending the student ambulance officer's definition to 6 years, it denies a custom and practice that has been operative within the Tasmanian Ambulance Service for some years. And I have hesitation or reluctance to say this but I have to say it to explain the position to you, commissioner. The position is that the training section under management has established the schedules and the modules over a 3-year period for the various student courses as they come in and to do their studies and their exams accordingly. Now at the end of those 3 years the normal position was that they would be qualified and then they would get their adult ambulance officer rate of pay, no problems.

But there has been an experience over a period of years where due to technicalities and difficulties within that training and within management where that 3-year period, that examination point has not been reached, in other words it's been delayed perhaps for some weeks or some months after the 3-year period. And the custom and practice has been that the

students were informed, and have been informed, that if they were successful that due to no fault of themselves that the management had to delay the schedule for examinations, when they passed they would get their adult pay back to the normal 3-year period.

Now with this extension of the definition to 6 years that will be denied and, unfortunately, I've got to advise the commission that my association has to say that we can't be a party to the agreement on that particular definition for student ambulance officer.

COMMISSIONER GOZZI: Yes, thank you for letting me know that, Mr Nielsen. I must say when we canvassed the document on the last occasion I didn't pick that up, rather the significance of that was lost on me as well.

MR NIELSEN: As I said earlier we're reluctant to put that position, Mr Commissioner, but that has arisen and I've got no alternative.

COMMISSIONER GOZZI: Yes, look, I understand that. Thank you, Mr Nielsen.

MR NIELSEN: Mr Commissioner, then if I may proceed - and I may ask Miss Cox to also to assist in these proceedings because in a lot of the incidences they have been joint discussions, negotiations and submissions and, in fact, one or two of them we've previously advised the commission - supervisors, for instance, we've authorised and accepted. Mr Byrne will be presenting most of that on definition and the issues that you raised earlier.

COMMISSIONER GOZZI: Mm.

MR NIELSEN: But in regards to the ambulance officer definition which you again asked us to pursue, and the same with those positions all the way through, we have position descriptions, I think, the title is.

COMMISSIONER GOZZI: Do you want to tender those, Mr Nielsen?

MR NIELSEN: If I may, Mr Commissioner.

COMMISSIONER GOZZI: Exhibit N.4.

MR NIELSEN: Thank you. Now we say, Mr Commissioner, in regards to that position description paper and the title 'ambulance officer' and the function refers to: To provide pre-hospital care in a proficient and expedient manner; 2) to transport patients by ambulance officer or other means; and 3) to undertake specified training programs. That document ultimately takes place - one of those issues that you referred

'to in regards to the proposed definition that both parties have presented in N.2.

And you raised a similar situation, I think, in regards to the clinical instructor.

COMMISSIONER GOZZI: Was that in respect of providing some typical duties?

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Yes. So you're suggesting that the functions part could get added to the ambulance officer definition.

MISS COX: No, I think what Mr Nielsen is saying, Mr Commissioner, is that because it's already in the functions section of the position description, the parties don't see a need for it to be put in the definition in the award as well.

COMMISSIONER GOZZI: Where is it in the definition?

MR BYRNE: In the current definition of the duties of an ambulance officer.

MISS COX: In the current definitions it says typical duties of.

COMMISSIONER GOZZI: Well I'm looking at definitions in N.2.

MR NIELSEN: Page 3.

MISS COX: No, no, in the current award it's got -

COMMISSIONER GOZZI: I'm happy with the current award.

MISS COX: - typical duties. You asked the parties to look at their position on whether we should include typical duties in the new definition.

COMMISSIONER GOZZI: Yes.

MISS COX: The parties have looked at it and because those typical duties are in the functions statement of the position descriptions the parties don't feel that there is a need to have them in the definition as well.

COMMISSIONER GOZZI: But the existing definition in the award contains what I'm looking for.

MR NIELSEN: Yes.

MISS COX: What we're saying -

COMMISSIONER GOZZI: That's not in N.2 though.

MR NIELSEN: No. We presented the -

MISS COX: What we're saying is that because it's in the position description which we've just submitted to you, we don't see a need for it to be in the definition as well in the award.

COMMISSIONER GOZZI: On, well, yes, I see. So you don't propose to put it into N.2.

MR NIELSEN: No.

COMMISSIONER GOZZI: Well my concern with that, quite honestly, is that the controlling authority can alter position descriptions. I've heard that argument more and more of recent times and from my perspective what's wrong with the existing definition?

MISS COX: We just wanted to make the definitions as compact as we could.

COMMISSIONER GOZZI: I know that you've got -

MISS COX: And usually Mr Commissioner if the position description is changed significantly, consultations are held with the various union bodies anyway.

COMMISSIONER GOZZI: That might be so.

MR NIELSEN: Mr Commissioner, you've asked us to address these matters. We've addressed them and we're back to you and that's how the parties see ourselves and with great respect I think the ball game is with you sir.

COMMISSIONER GOZZI: Yes I appreciate that, thank you Mr Nielsen.

MR NIELSEN: Mr Commissioner on the same note we went to clinical instructor and if I may present an exhibit there.

COMMISSIONER GOZZI: Exhibit N5.

MR NIELSEN: Well again you asked us to address the definition of clinical instructor, as to what the award says and as to what we presented that into document and again the parties are of the opinion that the position description would take place of putting a more detailed definition in the award. You've already responded to us your position in regard to the ambulance officer.

COMMISSIONER GOZZI: Yes.

MR NIELSEN: So we can only say sir, with respect, that that's our position there.

COMMISSIONER GOZZI: Clinical instructor is on page 5 in N2.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: So you see the functions part in exhibit N5 specifying typical duties?

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Okay. I'll just remind the parties that of course in the public sector case, the SEP case, that the commission - the full bench of the commission - was asked by the government and all the parties to include classification standards in the award.

MR NIELSEN: Would you repeat that again Mr Commissioner?

COMMISSIONER GOZZI: Well, the parties, the government and the union parties to those proceedings asked the commission to put classification standards into the award. In other words we went to a less proscriptive situation to a very much more proscriptive situation in respect of those four model stream award scenarios and I won't go into the full reasons as to why that was done but it certainly is exercising my mind in terms of consistency of awards and my purpose in raising it this morning is that under the Industrial Relations Act, as you are aware, if I'm going to do something I need to raise it with the parties beforehand. In other words in respect of material that may not be before the commission. So in the context of these proceedings, I'm formally raising with you the inclusion of classification standards in the public sector award general structure efficiency case, which I say made those awards in respect of that particular situation very much more proscriptive to what they were previously.

MR NIELSEN: Well we take that Mr Commissioner and again as we say in N4 that we've got our position.

COMMISSIONER GOZZI: Yes thank you.

MR NIELSEN: May I say that we have another position description in regard to clinical instructor and that is patient care and I would like to present that as an exhibit too.

COMMISSIONER GOZZI: Of course N5 - I'm sorry N2 - Mr Nielsen, only provides for one definition, doesn't it, for clinical instructor and the intent - I'll just mark the exhibit N6.

MR NIELSEN: Right.

COMMISSIONER GOZZI: So in respect of exhibit N5 and N6, do I take it then because there is only definition in the award there will nevertheless be two position descriptions.

MISS COX: No, I think there's a bit of confusion Peter - if I can sort of interrupt.

MR NIELSEN: Yes, I appreciate it.

MISS COX: N5 and N6 - N6 is clinical instructor, patient extrication and driver training - sorry that was N5. N6 is clinical instructor (patient care). I think Peter should also have another exhibit to put up - the new position description that has combined both.

MR NIELSEN: Being proposed, yes.

MISS COX: Which is being proposed.

MR NIELSEN: Yes.

MISS COX: And when you have a look at that on the essential qualifications and desirable qualifications you will see how it has joined the two together.

MR NIELSEN: I would like to submit them if I may.

COMMISSIONER GOZZI: N7.

MR NIELSEN: Right. I appreciate that assistance. That's what I think - that's our position, the N7 document, Mr Commissioner, which takes over the N5 -

COMMISSIONER GOZZI: It's a combination.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Of N5 and N6.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Now presumably at some stage you will also address the rates that go with that new position.

MISS COX: This position?

COMMISSIONER GOZZI: Well, yes, the new clinical instructor position in N7 and that's really what you're looking at.

MISS COX: We're not proposing any change in salary point at all for the clinical instructor.

COMMISSIONER GOZZI: Well, I don't know how you can see that. You're proposing to combine the existing scale - because a clinical instructor, advance life support starts at \$30 000 and a clinical instructor, advance life support patient extrication starts at \$32 300.

MISS COX: If you go to page 2 of N7 where it talks about the qualifications -

COMMISSIONER GOZZI: Page 2 of N7?

MISS COX: Qualifications: Essential - where it says Certificate of Applied Science or equivalent, A.L.S. accreditation.

COMMISSIONER GOZZI: Page 2 of N7 is Classification changes.

MISS COX: Page 2 of N7.

COMMISSIONER GOZZI: I'm sorry Miss Cox, right.

MISS COX: Under the Qualifications where it says Essentials - Certificate of Applied Science or equivalent, A.L.S. accreditation. That would be the basic essential qualification for any clinical instructor so that position would start off on the first year of the clinical instructor of A.L.S. which is currently \$30 286, right. If a person was appointed and they had patient extrication accreditation as well, they would start on first year of the second rate, which is clinical instructor with A.L.S. and P.E.

MR NIELSEN: \$32,300.

MISS COX: \$32,300.

COMMISSIONER GOZZI: They currently start with A.L.S. on \$30,286.

MISS COX: Yes.

COMMISSIONER GOZZI: So what does the essential qualification change?

MISS COX: It doesn't change anything.

COMMISSIONER GOZZI: No.

MISS COX: So they would still start off on the \$30,286. If they had patient extrication accreditation as well they would go to \$32,300.

COMMISSIONER GOZZI: Yes but to bring that about aren't you going to change - combine the two scales?

MISS COX: No, we intend to leave them as they are.

COMMISSIONER GOZZI: So you're going to have one position description but two salary bands in the award.

MISS COX: That's right, depending on the qualifications of the person appointed.

COMMISSIONER GOZZI: Well -

MISS COX: Because to combine them would automatically mean that everyone, regardless whether they had -

MR NIELSEN: Qualifications.

MISS COX: qualifications, would be paid the same rate.

COMMISSIONER GOZZI: Well, that's why they're separate in the award but you're going to cover two distinct salary bands -

MISS COX: By one position description.

COMMISSIONER GOZZI: with one position description.

MISS COX: Yes.

COMMISSIONER GOZZI: And presumably the progression for the two salary bands will still be the same so A.L.S. will still progress the same?

MISS COX: Yes.

COMMISSIONER GOZZI: And P.E. will progress the same?

MISS COX: Yes.

COMMISSIONER GOZZI: Well I can tell you I'm not very happy about that proposal. I mean, I think, the existing arrangement in the award contemplates two specific classification bands and ought to be reflected in the appropriate position description.

MISS COX: With respect, Mr Commissioner, all we're talking about at the moment is the definition of a clinical instructor which would -

COMMISSIONER GOZZI: Well it raises that though.

MISS COX: Yes, I know. The definition would cover both ALS and ALS and PE. All we've put up to show you in support of that is the position descriptions.

COMMISSIONER GOZZI: Yes. Well you might tell me something else later on. I'm just signalling that from my perspective

one definition for two distinct salary bands in the salaries part of the award really isn't on as far as I'm concerned. I think the definitions ought to relate to designated classifications in the award. If you want mount an argument to combine the clinical instructor with advanced life support and the clinical instructor with advanced life support and PE, that might be another matter.

MISS COX: Mr Commissioner, that would assume that anyone appointed to the clinical instructor position would have both qualifications. The intention of management is that if you have an ALS you go - you are a clinical instructor with ALS qualifications. If per chance you had patient extrication as well, you had two qualifications. Therefore we don't see that one salary point or one range of salary points is appropriate to cover both.

COMMISSIONER GOZZI: Look, I agree with you one hundred per cent on that part; that's why there ought to be two separate definitions. I mean, arguably even your job description, exhibit N.7, doesn't make it clear - I mean, it says essential qualifications and it doesn't separate out the ALS from the PE. I mean, it just simply says: to be a clinical instructor you need to have a Certificate of Applied Science (Ambulance Officer) or equivalent and an ALS accreditation. That's what it says. And you haven't got that job in the award apart from the second salary band; which is clinical instructor with advanced life support and patient extrication.

Presumably that job description, in my opinion, doesn't allow anybody to be appointed to clinical instructor with advanced life support. Because your essential qualifications doesn't make any distinguishing notation with respect to those two separate salary bands. Do you follow what I'm saying?

MISS COX: But if you didn't have PE you wouldn't be appointed to the second one; you couldn't be, because you haven't got the qualifications that are attached to that salary point.

COMMISSIONER GOZZI: I'll go through it slowly. Exhibit N.7 contains, in the qualifications part, essential qualifications. And there is no distinction in those essential qualifications between those required for an advanced life support person and an ALS PE person. These are the qualifications required for the ALS PE person, and you could not apply this essential qualification to anybody other than an ALS PE person.

The job description is defective in the context of its lack of pointing out that for clinical instructor ALS you only need the top line, you don't need the bottom line. I assume that's a distinction.

MISS COX: No. To be appointed as a clinical instructor, the minimum requirement is a Certificate of Applied Science and ALS accreditation. Unless you've got that you can't be appointed as a clinical instructor.

COMMISSIONER GOZZI: Oh look, I apologise, I'm reading it wrongly.

MISS COX: Yes. No, that's the basic requirement to be appointed as a clinical instructor.

COMMISSIONER GOZZI: Yes, fair enough. But still - but still - yes, I acknowledge that. I can see that now. But still, look -

MISS COX: So if you add the PE on top of it -

COMMISSIONER GOZZI: Yes.

MISS COX: - you would go to the second salary point in the current award.

COMMISSIONER GOZZI: Okay. Well, my reservation still stands in respect of the - two distinct salary bands are proposed covered by one minimum requirements definition. That's essentially what you're putting to me, I think.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Yes, okay, thank you, Mr Nielsen.

MR NIELSEN: Mr Commissioner, the other definition we asked was branch station, and I - branch station officer. And I have an exhibit to present to you in that regards.

COMMISSIONER GOZZI: I'll mark that Exhibit N.8.

MR NIELSEN: And again we refer to the function section there that -

COMMISSIONER GOZZI: Just before we get to that N.8, Mr Nielsen, I suppose seeing as you are asking to combine the clinical instructor positions into one, reflected by a minimum position, what's the rationale in maintaining the ambulance officer definitions PE, ALS, ALS and PE? Why aren't they combined into - if the rationale holds good for one why doesn't it hold good for the others?

MR NIELSEN: Well, I - Mr Commissioner, we go back into a deep argument - a deep point on all this, because - and this is perhaps a evading the answer directly, but initially our students went to Victoria to obtain their Certificate of Applied Science and then they eventually had the training established here in Tasmania. Now, with the training

established here in Tasmania, as I understand it, patient extrication is part of the Certificate of Applied Science here in Tasmania. And then the other component is the advanced life support.

But we have people coming out and transferring from Victoria here into Tasmania, they have Certificates of Applied Science, such as the Victorian standard is, which doesn't have the PE component. And as I understand the - the work-value case of course recognised those individual qualifications and that how we eventually - the award was segmented, I assume, in regards to recognising those different positions accordingly. That's bearing my limited point of view, but as to whether -

COMMISSIONER GOZZI: Mr Nielsen -

MR NIELSEN: - Mr Byrne, who was part of those -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: - may be able to assist the commission.

COMMISSIONER GOZZI: Can I just tell you what my understanding of all that is? That I don't disagree with what you're saying, up to the point that the Victorian trained ambulance officers were intended to be saved in the system, that they wouldn't be disadvantaged.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: However, in respect of ongoing appointments the minimum requirements would be ALS -

MR NIELSEN: CAS.

COMMISSIONER GOZZI: Yes, that's right.

MR NIELSEN: Mandatory.

COMMISSIONER GOZZI: Yes. And therefore I wouldn't have thought that your - the problem that you're alluding to would arise subsequent to the work-value case.

MR NIELSEN: Well, there is the - also within our rates the Certificate of -

MR : Equivalency.

MR NIELSEN: - Equivalency. Yes, thank you. Which has - is not before - but I think Mr Byrne perhaps may - who has been through this particular class - particular sequence and may assist the commissioner in more detail, if I may.

COMMISSIONER GOZZI: Yes, certainly. I just don't want to get too much caught up on it. The Certificate of Equivalency was certainly taken on board by me in the work-value case, but it had a finite life and was confined to those people who had been trained in Victoria and came into the system and were in the system and that was it.

MR NIELSEN: And are still in the system.

COMMISSIONER GOZZI: And still in the system.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: And they are protected. They are protected in that respect. But it certainly wasn't intended to be recognised as an ongoing qualification. In fact, I think the existing award might make that clear.

MR BYRNE: That's right.

MISS COX: I think it talks about after the September -

COMMISSIONER GOZZI: Is that right, Mr Byrne?

MR BYRNE: Yes.

MR NIELSEN: Would you like to address the commissioner, Mr Byrne?

MR BYRNE: Trying to answer the question you have raised is not - you're not really driving at the Certificate of Equivalency, I don't think, you're trying to get at why we've got specified definitions in ambulance officer but not in subsequent classifications.

COMMISSIONER GOZZI: Yes.

MR BYRNE: And all I can say is, that I know the service is striving to establish those qualifications at the base level. And from there on have a more universal definition for each of the specialist areas, like clinical instructor or branch station officer, and not - it doesn't see the need to specify those things then further on in the definitions. It is assumed that they will have those things.

COMMISSIONER GOZZI: Well, the minimum qualification for an ambulance officer now is as per the existing definition.

MR BYRNE: That's ALS and PE, yes.

COMMISSIONER GOZZI: Yes.

MR BYRNE: That's why there's a need for them in the ambulance officer.

COMMISSIONER GOZZI: Well, you've got the same distinction in clinical instructor, we are talking about Certificate of Applied Science or ALS accreditation.

MR BYRNE: Yes.

COMMISSIONER GOZZI: And that's the minimum. You've got one job description for two classification bands, which I'm not happy about, but you've told me that you've provided a minimum standard in that exhibit. Why would you then follow the same rationale and provide a minimum standard for ambulance officers?

MR BYRNE: Well, they are essential for ambulance officer, whereas there is some flexibility about in the specialist positions. If you go -

COMMISSIONER GOZZI: There no flexibility in the specialist positions.

MR BYRNE: Well, there is, in as much as the clinical instructor can be appointed without PE. A branch station officer can be appointed without ALS or PE. That's how it boils down in practicality, sir.

COMMISSIONER GOZZI: You can appoint -

MR NIELSEN: The future will wipe this out, but currently

COMMISSIONER GOZZI: Yes.

MR BYRNE: Yes, yes.

COMMISSIONER GOZZI: With the existing incumbents with Certificate of Equivalency can be appointed clinical instructor. I've got no difficulty with that. But isn't that subject to - the Certificate of Equivalency is subject to a savings provision in respect of the existing people.

MR NIELSEN: Yes.

MR BYRNE: Yes.

COMMISSIONER GOZZI: It really isn't an intention for new incumbents.

MR NIELSEN: No.

MR BYRNE: No, no.

COMMISSIONER GOZZI: No. Well, why wouldn't you address that by way of the appropriate savings provision for the existing

people, and reflect what it really is now post the work-value case? It seems to me you want to rationalise the award, why not go the whole way then?

MR NIELSEN: Well, the future will certainly establish that, but like - it's protecting the existing people that have got the Certificate of Equivalency. And as what Mr Byrne was saying, they - if they're not in the award, well, they are -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: - they are unable to go on to a branch station officer's position. Whereas the award protect, as I understand from what Mr Byrne is saying, at this point of time because of that - of people that are - and they're going to be here with us for quite some time in a -

COMMISSIONER GOZZI: I can understand that, but I think everybody understands, recognises the change in 1988, why wouldn't then the new definition - if that's what you're looking at - simply cover the existing circumstances with a proviso?

MR BYRNE: Well, all I can say is, we didn't see the need. With respect, we didn't see the need, and we would think that custom and practice would protect those people.

COMMISSIONER GOZZI: Yes. At the end of the day the Certificate of Equivalency people will no longer be there.

MR NIELSEN: That's right.

MR BYRNE: Yes.

COMMISSIONER GOZZI: Quite a way down the track.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Yes. All right, we'll move onto the next one.

MR NIELSEN: Mr Commissioner, the next position is supervisor tactical operations, that you asked us to apply our minds to in regards to - and present you with - that's on what? - that's on page 4 of N.2. And Mr Byrne - the parties have agreed with Mr - who holds a special position with us, Mr Commissioner, that he has been dealing with and keeping me abreast with the supervisors in general, is not only prepared a definition, but has also prepared a salary position to you. And I would ask Mr Byrne to address the commission on this one, if I may?

COMMISSIONER GOZZI: Yes, thank you. Mr Byrne?

MR BYRNE: Mr Commissioner, we've prepared a submission which we hope will show you a quite significant change and increase in work value of the supervisor tactical operations role. We'll endeavour to present evidence to you that will contrast the duty officer role, as presented in TA.30 of '88, with the current supervisor tech. officer role.

COMMISSIONER GOZZI: Very good.

MR BYRNE: That contrast will show the elevation from the 1988 shift supervisor to the 1992 middle manager supervisor. The components in this presentation are: 1) some historical evidence. I'll provide the TA.30, the 1988 work-value case TA.30, the this specific pages from transcript and the reasons for your decision then. The post 1988 duty officer changes. 3) TAs organisation and restructure that took place in July 1990; and 4), the proposed work-value ratings. And if you're ready we'll proceed with that.

COMMISSIONER GOZZI: Yes, thank you.

MR BYRNE: Starting with the - what I've called 'the historical evidence', the 1988 work-value case, TA.30, we have an exhibit there, which are the pages 284 to 292 from transcript, which we've - we've extracted these things because we thought it would be useful for you and everybody to just refer to a couple of points in it really.

COMMISSIONER GOZZI: I appreciate that and mark that Exhibit TAS.1.

MR BYRNE: And I'll just - Mr Commissioner, I'll just wait until that's circulated and just refer to -

COMMISSIONER GOZZI: Thank you.

MR BYRNE: - a couple of points there.

Mr Commissioner, on page 291 of that extract. If you go down the page to paragraph five, and you'll see there that Mr Nielsen was describing to you: that the eminent - I think that should have been 'imminent' - the imminent abolition of deputy superintendent's position, duty officers would need to accept more regional and state operations and training task and be ready and able to fulfil the regional superintendency as will become necessary from time to time.

I merely refer to that point. I think it will become obvious if we move along just establishing that sort of

As we've shown, those duties have now almost - sorry Mr Commissioner - refer to the ... that abolition did follow, that's the point I'm making here and those duties were for a time shared between regional superintendents and duty officers

as was presented to you at that time and as you acknowledged. As we will show it later those duties are now almost completely been allocated to the supervisor, technical operations since the 1990 organisation restructure.

COMMISSIONER GOZZI: Mr Byrne just before you go on, without going back into TA.30 of 1988, my recollection seems to be that there was extensive material put forward for a management - new management structure with all sorts of different classification levels and so on and I think at the end of the day I declined to go along with one of them. I think there was a claim for a class 14 and -

MR BYRNE: Was that some management superintendent or -

COMMISSIONER GOZZI: Yes, some superintendent's position.

MR BYRNE: Yes.

COMMISSIONER GOZZI: And I think I recommended a class 10 with leave for parties to come back. Now subsequently that positions wasn't proceeded with, in fact it was abolished, it was never filled and my recollection seems to be that at that time the duty officers, as it says here - it was all tied up I think together - the duty officers in fact picked up, as it says here, more regional state operational responsibilities. Now am I on the right track there.

MR BYRNE: With respect your recalling is partly correct. If I recall you'd had some interesting discussion with a fellow names Gerry Duke about this.

COMMISSIONER GOZZI: Yes, that's right.

MR BYRNE: That's right and I don't think it related to the duty officers assuming those duties. I think it was to do with the admin restructure. I think you're up a couple of levels is where you had the interesting discussions.

COMMISSIONER GOZZI: I certainly remember it was interesting.

MR BYRNE: Oh yes.

COMMISSIONER GOZZI: All right, you can assure me it wasn't tied up, I don't need to go back.

MR BYRNE: No, I don't think it was - no, it wasn't to do with this at that time, no.

COMMISSIONER GOZZI: It was a superintendent's positions, that sort of brought it to my mind.

MR BYRNE: Yes, that's right. If I can move on. TA.38, the next document I would like to present to you is page 54 which

was a page from your reasons for decision which you put out on the 6th of October 1988.

COMMISSIONER GOZZI: Exhibit TAS.2.

MR BYRNE: Mr Commissioner, if you would bear with me, I did miss another exhibit which I wanted to present to you which was while from 1988 you had a position description of the duty officer, I merely wanted to put one in for your scrutiny at some later stage and that is the duty officer position description of 1989. It still reflects the same, I thought it would be helpful to you and other parties.

COMMISSIONER GOZZI: Yes thank you, we'll mark that exhibit TAS.2.

MR BYRNE: Thank you.

MISS COX: You will notice Mr Nielsen it was your N.99.

MR NIELSEN: Yes.

MR BYRNE: Mr Commissioner, you will notice that that position description - you will notice when you look at it more closely, when you have time to look at it more closely - is very similar to the one you made your findings on in 1988.

COMMISSIONER GOZZI: Fine, thank you Mr Byrne.

MR BYRNE: If we can move on then to the other document I was referring to, which I would like to present page 54 of which was your reasons for decision on the 6th of October 1988.

COMMISSIONER GOZZI: It will be exhibit TAS.3.

MR BYRNE: Mr Commissioner towards the bottom of page 54, I'm merely wanting to acknowledge that in your finding you did then say:

Accordingly some extra responsibilities will be absorbed at that level.

I'm not trying to avoid the fact that you did recognise that the duty officer would assume some of those deputy superintendent responsibilities.

COMMISSIONER GOZZI: Yes, well that's why when we talked about the deputy superintendent in the transcript, that's exhibit TAS.1, that the deputy superintendent matters sort of came flooding back a little because that talks about on page 291 of transcript, two deputy superintendents, but you're saying Mr Byrne that what I was referring to here didn't relate to the situation in -

MR BYRNE: As I recall it Mr Commissioner, no.

COMMISSIONER GOZZI: Yes. I thought I took into account some of the changes that were going to happen because of those, as you rightly pointed out, 'some extra responsibilities will be absorbed' -

MR BYRNE: Yes you did and that's why I'm presenting that.

COMMISSIONER GOZZI: Okay.

MR NIELSEN: Mr Commissioner I don't know whether it will assist but I think at the time also there was the regional training officer position along with the what, the deputy, superintendent and both those positions were to be gone -

COMMISSIONER GOZZI: Yes, I think some of the regional training functions went to the clinical instructors, didn't they?

MR BYRNE: Mr Commissioner, with respect, as I will show you as we proceed here that those duties have been shared and indeed a significant part of the supervisor role is to oversee that.

COMMISSIONER GOZZI: Right, thank you.

MR BYRNE: Mr Commissioner that concludes what I want to present to you as a background or a historical picture. I'll move onto the second aspect, the changes that occurred in the duty officer role after 1988. In March 1989, again I'm just showing another duty officer position description -

COMMISSIONER GOZZI: It's exhibit TAS.4.

MR BYRNE: Mr Commissioner I would like to move on and present a couple of papers - these are some detail which reflect the impact or experiences of duty officer in that post-1988 period and prior to the organisational restructure. Mostly to emphasise those couple of points that you have most astutely touched on already about deputy superintendents and the one that Mr Nielsen referred to, training officers, and I'm trying to build up a picture of where the duty officer then was starting to take on those responsibilities and as you will be able to see when you have the time to read these papers - if we can present them -

COMMISSIONER GOZZI: Okay, will they be separate exhibits Mr Byrne?

MR BYRNE: There are two papers, Mr Commissioner.

COMMISSIONER GOZZI: All right, we'll take both of them then and identify them.

Which way should we identify those? Which one first, 20th of October 1988 letter first?

MISS COX: Oh, you've got both have you?

MR BYRNE: Yes, I think so.

MISS COX: We didn't keep a copy.

COMMISSIONER GOZZI: That's exhibit TAS.5, the 20th October letter.

MR BYRNE: That's correct.

COMMISSIONER GOZZI: Exhibit TAS.6 is the 1st of November letter.

MR BYRNE: 1st of November 1988 that is Mr Commissioner, I apologise that was missed in the photocopying.

COMMISSIONER GOZZI: Thank you.

MR NIELSEN: Exhibit numbers, if I may, Mr Commissioner.

COMMISSIONER GOZZI: November 1988 is TAS.6, 20th October TAS.5.

MR NIELSEN: Thank you.

MR BYRNE: Mr Commissioner, what we are trying to just inform you about, I guess, and perhaps help to convince you as well, is that out of the 1988 work value finding was that discussions that took place between the commission and the ambulance service and the AEA but in addition to that what went on was certainly some expressions of experience from the duty officers at the time within the department to the head of the agency and I just thought the content of some of those things - you will notice that TAS.5 is highlighting a couple of key aspects as was felt by the then appointed duty officers and TA.6 is a more detailed note that I sent myself to the director at the time, talking about some of the actual experiences.

Now in TAS.6 in particular you will see where I have expressed some detail about the actual work that we were doing at that time and urging the director then to take those things into consideration and give us some guidance and the latter didn't take place but nevertheless I thought they were useful to establish the sort of work that was involved in 1988-89.

COMMISSIONER GOZZI: Yes. Of course I recollect quite vividly the concern of duty officers, along with yourself Mr Byrne at that time, and I recognised notwithstanding a very

detailed examination on a number of occasions of recent decisions that the duty officer did in fact not move as perhaps the duty officer had anticipated. But nevertheless in the context of these proceedings I would have to indicate that I was at the end very satisfied with the outcome for duty officers. In fact probably more than satisfied if I can take it any higher than that. Given the complications of a proceeding work value case which had also looked at some of the changes which obviously couldn't be double counted in 1988.

MR BYRNE: Yes, I understand what you're saying Mr Commissioner. We've certainly - we've moved past that point where we -

COMMISSIONER GOZZI: Yes, 12 per cent.

MR BYRNE: Yes. We've moved passed that point where I think it was suggested that it was an anomaly and what we're saying is that it did have impact nevertheless. If we can move on Mr Commissioner then. These papers reflect the actual working experiences of duty officers during that period. Page 2 of TAS.6, if you'll look at paragraphs 2, 3, 4 and 5 in particular, reflects the training - refers to training and performance supervision. The duty officer then, and as will be shown later, the supervisor now manages all processes relating to training from ambulance officer and volunteer probation reports, and ambulance officer selection for courses to progress reviews and selection for promotion and is directly responsible for the operations and clinical reports prepared for all participants in training courses.

COMMISSIONER GOZZI: I think that sums it up quite correctly because I'm not sure whether I referred to in the 1988 or not but one of the concerns I had - and I suppose it happens in a lot of other areas as well - but the concern was that having progressed through the structure and having acquired skills, practical skills, that the duty officer at the end of the day was really out on a limb because of the overall supervisory role but really no real role in the accreditation aspects or whatever. It seemed to me that the duty officer had really hit a ceiling in the existing career structure, moving out of the -

MR NIELSEN: Operational.

COMMISSIONER GOZZI: - operational stream and therefore because of that not retraining, if you like, and become a supervisor, administrative role, and out of the practical operational stream area.

MR BYRNE: Yes, well that was certainly the perception then. I think what I'm trying to assert to today that that is not - that doesn't strictly or correctly reflect the true

responsibility of the duty officer in that 1988-89 period and indeed its changes in the supervisory role. They are directly responsible for the quality for audit control for clinical function while they delegate to CIs and to other people, the buck stopped with the duty officer in that period and does now with the supervisor.

Mr Commissioner, if I could move on again endeavouring to establish the elevated position of the duty officer in that post-1988 period, a management development program was established and I would like to tender an exhibit to support that.

COMMISSIONER GOZZI: TAS.7.

MR BYRNE: Mr Commissioner, as you can see that's an outline of a development program for people wishing to develop into senior positions. It was set out in 1989. You would note (a) in No. 1 of it:

To provide the Service with a pool of Officers capable of filling vacancies in the Senior Officers group on either a permanent or temporary basis.

The other point I would just draw the commission's attention is that - or are - the program points Nos. 2, 4, 6, 9, 11, 12, 14, 15, 16, 19 and 20 which particularly reinforces the senior development intent and just very briefly to explain to you, the ambulance service have set up what it called a senior development group and have invited duty officers to apply for and go through interviews etcetera to participate in that program - that was during 1989.

Mr Commissioner, now we move on to the third aspect of this presentation, and that's the Tasmanian Ambulance Service organisational restructure which took place in July 1990. Now I know in our last appearance you made reference to one or two things there and I'm hopeful that we will be able to inform you perhaps better about what's happened in those changes, certainly as they relate to the supervisor.

COMMISSIONER GOZZI: What was I saying?

MR BYRNE: If you recall you made some reflection about how some State Executive Service changes had been made and that you would have preferred to have been informed about some of those

COMMISSIONER GOZZI: Yes, yes, quite right. I would have preferred to have been informed.

MR BYRNE: What I'm making the point about, Mr Commissioner, is in relation to supervisor I'm going to endeavour to well inform you.

COMMISSIONER GOZZI: Alright, Mr Byrne.

MR BYRNE: And we have another exhibit, Mr Commissioner.

COMMISSIONER GOZZI: Exhibit TAS.8 that will be.

MR BYRNE: Mr Commissioner, this paper was prepared during that - that era of - well, I suppose the first phase of the whole of government restructuring, but I would refer you to page 9.

COMMISSIONER GOZZI: So you're saying this is the document which resulted in the transfer of the Ambulance Service from the health area to emergency services?

MR BYRNE: No.

COMMISSIONER GOZZI: No it's not?

MR BYRNE: No, that had taken place prior to that. Yes, that was a more global happening.

COMMISSIONER GOZZI: Right.

MR BYRNE: This is what happened inside the Tasmanian Ambulance Service.

MISS COX: Mainly I think, Mr Commissioner, for budgetary purposes.

COMMISSIONER GOZZI: Okay, thank you. Page 9.

MR BYRNE: Page 9 - as you'll see there at the top of page 9 the restructuring will provide a focus on the provision of ambulance crews in the street. I'll just briefly explain that. What that meant was that where it was considered that perhaps some other government departments in their restructuring took the sword to the bottom or the worker levels of the organisation, the Tasmanian Ambulance Service approach was to tackle things from the top. And what it was saying is that that meant that at the top there will be a significant growth in workload for the remaining personnel.

As you can see we went from seven superintendents to five; we went from 15 duty officers to six supervisors.

COMMISSIONER GOZZI: Where did I see that?

MR BYRNE: On page 9.

MISS COX: Down towards the bottom it says -

COMMISSIONER GOZZI: Abolish -

MISS COX: - 15 duty officer positions and two lines down create six supervisor tactical operations.

COMMISSIONER GOZZI: So the 15 duty officer positions, which was a lot -

MR BYRNE: Yes.

COMMISSIONER GOZZI: - were abolished - were abolished, yes. Right, and replaced by the tactical operations supervisor?

MR BYRNE: Yes. Now the point I wish to add there is that in relation to that sentence at the top of page 9, where it was suggesting that significant growth in work load for the remaining personnel - what I'm stating is that the supervisors have been allocated the majority of that "significant growth" in workload.

COMMISSIONER GOZZI: Yes. Just while I'm on that page, I just happen to have it open for some reason or other in the current award - it's amazing what you find out in these little documents. The executive officer is in the award at 32,748 top and the last item on page 9 is to reclassify the executive officer position at Class XIII. I would bet just about anything to say that 32,748 doesn't equate to a Class XIII.

MR BYRNE: No, I couldn't comment, Mr Commissioner. It's - I would confirm that that has been done. I believe that that position is now in SES if -

COMMISSIONER GOZZI: Well I reckon it's been done alright, but it just goes to show -

MR BYRNE: - it fits in with that group of things you were referring to the last time we met.

COMMISSIONER GOZZI: Well, more than that. What it does is an arbitrary changing of the award salary band, and I dare say without any input from anybody.

MISS COX: I mean I - I can't comment, Mr Commissioner, whether that has actually occurred, but if you like we can certainly check it out and report back to you on it.

COMMISSIONER GOZZI: No, it would have occurred, Miss Cox -

MR BYRNE: Well you say without any - without any

COMMISSIONER GOZZI: - but I tell you what, it just highlights my whole concern about what's currently happening

in the Public Service - it really does - because structured all the approach doesn't seem to rate. And the whole point is that maybe you're saying that these things shouldn't happen, but there is an interrelationship between the functions of a controlling authority and what is stipulated in the award. Why the devil would we have an award and things just be done unilaterally?

Now -

MR BYRNE: Yes, Mr Commissioner, if all you're saying that before, I wonder if, as you were saying, perhaps no-one has been consulted, but perhaps Mr Nielsen might recall his experience of the time.

COMMISSIONER GOZZI: Well, look - yes, Mr Nielsen.

MR NIELSEN: Mr Byrne is an old friend of mine, and I have great difficulty in answering this question, but I think in fairness this document was well circulated and given to the executive and I can - I'm not suggesting for one moment, Mr Commissioner, that Mr Byrne's raking up an old sore, but it's been raised and I - with great respect to you - I have been asked to answer it. These matters were raised quite some time ago in this particular area and that particular field, and quite frankly the commission and the award structuring was being bypassed, that is - that was as I see the ball game to be quite frank. I don't wish to - the people - the personalities are not there now, they've moved on to other areas and it's not for me to - but I did raise the issue as to whether that was competent and in order -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: - and I was told that was accordingly. Now that doesn't take care of the question you raised specifically, that this commission is ultimately the ones to deal with certain issues and as you will realise in other matters that I've been to you by way of disputes, I've supported that one hundred percent.

COMMISSIONER GOZZI: Yes, I appreciate, Mr Nielsen. I mean the executive officer position was in fact a position subject to the work-value case in 1988 and the implications for the employer in respect of its actions are quite significant.

MISS COX: Well, Mr Commissioner, we'll certainly check it out and report back to you.

COMMISSIONER GOZZI: And I will ask you in the circumstances, why should the commission have to find out these changes in the way that it has quite fortuitously and what about the process that an award prescribes a rate of pay and unless you want to change the award, you really can't do it. I mean

quite honestly, it's not only in respect to the awards in my panel but in other awards as well. And I can tell you that if it continues to go unrectified then I think we're in for a very time because nobody will know where to go to and for my part that's totally unacceptable and I intend to raise it as strongly as I can and at the highest level I can because it's just not good enough.

And I'll certainly be making observations about it - in it - because I am - I am almost certain that the executive officer - and I just qualify my remarks that I haven't got the '88 transcript before me - but I'm almost certain that the executive officer position was one of those positions that was raised with Mr Duke by me at the time and the classification that was being sought for it was Class XIV or Class XV when it was subject to very close examination by the commission, and in fact was put in the award with leave reserved and to come back to the commission. I'm almost certain that that's correct.

MR BYRNE: Oh, I would tend to concur with that, Mr Commissioner. Yes, I didn't think it related to duty officer but I thought it was something somewhat senior to that at the time, yes.

MR NIELSEN: With respect, Mr Commissioner, I think there were charts we - management presented.

COMMISSIONER GOZZI: Lots of charts, Mr Nielsen.

MR NIELSEN: Yes, charts - charts outlining the management structure -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: - and I think may have taken -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: - care of that point you just -

MR BYRNE: Mr Commissioner, if I can proceed then; what I'd like - what I'd like to do is to present just a few detailed points to support our case about that significant growth in workload that was referred to in the recent exhibit. What we've called some practical examples of responsibilities for the supervisor and we have another exhibit. This is the current supervisor tactical operations.

COMMISSIONER GOZZI: TAS.9.

MR BYRNE: TAS.9. To provide you with a picture of practical examples, we've detailed a few of those supervisor and middle management responsibilities, which we are claiming that are

part of supervisor role today. Selection panels, chairperson, member, processing recommending and post-interview counsel. Preparing reports, policy pages, et cetera for the senior officer group.

COMMISSIONER GOZZI: Where are you reading from, Mr Byrne?

MR BYRNE: These are just my talking notes to you, Mr Commissioner.

COMMISSIONER GOZZI: Yes, right.

MR BYRNE: Yes.

COMMISSIONER GOZZI: Yes?

MR BYRNE: Those relate to a range of things from ministerial replies, clinical policy reports, operational policy reports, financial management, preparation and submission of operation area budget plans for state budget blending, operations area responsibility for rosters, overtime, cash flow and receipts, maintenance of commitments registers, and managing accounts.

Just digressing there for a moment to explain, that there has been a cultural endeavour to decentralise as far as responsibility goes. Now I'm sure you're aware that that's happening in lots of government departments and what I'm saying to you is that's happened significantly in the Ambulance Service since the restructuring

Supervisory reports on student ambulance officers, their clinical and operations probation and progress, ambulance officer - clinical and operations pre-selection to ALS or rescue and other courses, clinical instructor, branch station officer and temporary supervisor reviews and recommendations. Those are all the supervisor's immediate responsibilities. Public and private sector communications, meetings, negotiations, reports and presentations. Tactical operations, mobile supervision - again another cultural change in the role since the restructuring of having the supervisor more mobile right across a wide operational area.

Ambulance officer and volunteer performance and behaviour reviews and interventions - the supervisor responsible to progress immediately and respond to those things. Clinical response and practice continues, as was presented to you in 1988. Fields supervision of MCIs and other situations. Public and in-service enquiries and complaints - those types of things that more often were picked up by training officers and deputy superintendents. I'm again emphasising that those things are the entire domain of the supervisor today. And organisational change as a whole experience, planning, negotiating, implementing changes in our integration with

health, fire, SES, police, et cetera, and mediating and resolving the conflicts that arise in organisational change.

Mr Commissioner, as can be seen by this range of example responsibilities, the 1990 restructure elevated duty officers as shift supervisors with some management support responsibilities to supervisor, tactical operations. As a tactical operations supervisor with immediate middle management responsibilities and support and immediate senior manager responsibilities.

Mr Commissioner, again, to attempt to show you the elevation of the position, I'd like to present now a superintendent position description. I'll just pick the southern op. superintendent position.

Exhibit TAS.10 Mr Commissioner, when you have an opportunity to peruse it closely, what I'm suggesting is that this demonstrates a broad range of core compatibilities between the supervisor position and the superintendent position.

COMMISSIONER GOZZI: What - what do you mean by that, Mr Byrne?

MR BYRNE: Just that while the detail of some of the primary tasks and selection criteria vary in the wording, in function they are very similar or very compatible.

COMMISSIONER GOZZI: Well why isn't it superintendent tactical operation then?

MR BYRNE: Well, with respect, Mr Commissioner, I think most supervisors might suggest that it should be, but to answer your question seriously, it's not.

COMMISSIONER GOZZI: I mean the title would indicate the different level of operation between superintendent and supervisor wouldn't it?

MR BYRNE: Oh, yes, I'm not suggesting there's not, no, no. I'm just saying that there are core compatibilities -

MISS COX: Different level different degrees.

MR BYRNE: Yes, with different degrees of responsibility.

COMMISSIONER GOZZI: Yes.

MR BYRNE: And if we could just move on, Mr Commissioner. Again, only recently, in fact, December this year another senior officer group development plan was put out or it was called a career development opportunity. I'd like to present you this document just to give you an idea of the direction that senior officer development is still taking.

COMMISSIONER GOZZI: TAS.11.

MR BYRNE: Mr Commissioner, on that sheet if you could go down to the final paragraph it's asking for supervisors to be:

- well prepared prior to forwarding your expressions of interest a copy of the Senior Executive Service criteria -

blah, blah, blah. The emphasis here on senior executive service criteria as a development tool reinforces the standard expected of personnel moving into temporary management positions.

That completes our presentation on the third phase. Mr Commissioner, I'll need some guidance from Miss Cox and Mr Nielsen as we move through this fourth phase and, perhaps, from yourself as well.

COMMISSIONER GOZZI: Right.

MR BYRNE: We are now on to talking about, what I'll call, a proposed supervisor tactical operations rating or pitch and while I know - even going back to my experience with the commission in 1988 - while we weren't able to make comparisons you did still seek some indications from us as to where we thought we would expect things to finish.

COMMISSIONER GOZZI: Yes, I think that's quite appropriate.

MR BYRNE: Yes. All I'm saying is that what you already do have is, I think, in N.2, is it?

COMMISSIONER GOZZI: N.2, yes.

MR BYRNE: What I call there the preliminary figure.

COMMISSIONER GOZZI: The preliminary figure is -

MISS COX: \$33,494.

COMMISSIONER GOZZI: \$33,494 and it's currently \$32,677, isn't it?

MISS COX: \$30,622.

COMMISSIONER GOZZI: Pardon?

MISS COX: The current duty officer is \$30,622 in the award.

COMMISSIONER GOZZI: Yes, \$30,622.

MR BYRNE: So, Mr Commissioner, I just wanted to quickly round off by just referring to that. And, again, perhaps to help you in your decision on this, a second point, while it's now abolished, the deputy superintendent position again as a bit of a guide to somewhere to pitch -

MISS COX: Would be round about there somewhere.

MR BYRNE: Yes, somewhere around that sort of relativity in the structure.

COMMISSIONER GOZZI: What sort of rate is the deputy superintendent on?

MR BYRNE: Well it no longer exists.

COMMISSIONER GOZZI: No, it wasn't put in, was it?

MR BYRNE: No.

COMMISSIONER GOZZI: So you're saying somewhere between -

MR BYRNE: Duty officer and superintendent, I guess, yes.

COMMISSIONER GOZZI: Yes, \$47,523 and \$30,622.

MR BYRNE: Yes. So, yes, that was my third point, of course, is that if we are going to be ultimately at where you find in having heard the evidence and presentations and the service has certainly offered that figure in N.2. We certainly are asserting that the work value is there and the work load is there to end up somewhere substantive of that point.

COMMISSIONER GOZZI: Mr Byrne, what would be the impact, if any, under relativity that currently exists between CIs and duty officer or the new position, supervisor tactical operations? In other words, if the supervisor tactical operations and work value went to the proposed figure of \$33,494 what impact, if any, on relativity with clinical instructors?

MISS COX: Mr Commissioner, it would bring the rate higher than the top of the clinical instructor range. The top of the range at the moment is year 6 and 7 of the CI with ALS and PE, is \$32,981.

COMMISSIONER GOZZI: Yes, right, fine.

MR BYRNE: That's all on the supervisor, Mr Commissioner.

COMMISSIONER GOZZI: Yes, thank you, Mr Byrne.

MISS COX: Mr Commissioner, if you - once you've had an opportunity to, sort of, read the information that Mr Byrne's put to you, we're more than happy for you to, sort of, do inspections and actually talk to some of these people because a lot of the former duty officers when they applied for these positions were unsuccessful and have gone back to on-road positions. So the service has seen quite a change in the nature of the job and those that have been appointed to the positions. But we're, sort of, more than happy and I'm sure Mr Nielsen would be too, that if you wanted to do inspections or talk to some of the supervisors we're more than happy to arrange it.

COMMISSIONER GOZZI: Look, I honestly think unless you particularly wanted it, that there is a fair amount of material here and I don't really think in this instance that it would be necessary. I mean, I accept that there were 15 duty officers and, obviously, now there are 6 tactical supervisors and, obviously, the material of Mr Byrne here has put to me indicates that changes have taken place and it is a matter of assessing the whole thing and seeing where it should fit. And you've got a proposal before me which would be indicative of where the parties think it should go. From my perspective I think there is enough material there for the commission to have room to move anyway.

All right, thanks for that.

MR NIELSEN: Mr Commissioner, we support the submissions as just presented by Mr Byrne. It's also - aware of - Miss Cox is saying that there has been a change in personnel from the previous duty officers as to the current supervisors. We're open minded and we're mindful of what you've said, Mr Commissioner.

Mr Commissioner, if we may proceed then on to page 6 of that N.2 document which takes us on to the communications stream. You did previously on 16 January asked us to look at the module technical stream which came from the full bench in regards to -

COMMISSIONER GOZZI: Yes.

MR NIELSEN: And the parties have done this but are still mindful that we desire to remain as an industry specific classification. And you've also raised - excuse my voice, Mr Commissioner - also raised other issues in regards to the trainee communication officer's position and the training program and raised points of the - what authority the management may or may not do in these particular matters and both Miss Cox and I have had some discussion. She's certainly done quite a bit of research and I would seek her to address the commission on those particular issues, again referring to - while we see the module technical stream as against the - we

ran in the award and the particular authority that's been acted under.

COMMISSIONER GOZZI: All right. Mr Nielsen, the rate of pay then draws from what, the admin. and clerical scale, the current rate of pay for communications officer?

MR NIELSEN: He did ask us to apply, Mr Commissioner, or take issue with the senior communication officers rate.

COMMISSIONER GOZZI: Yes, I did. Mainly because of this -

MR NIELSEN: Of the \$250.

COMMISSIONER GOZZI: Yes, the gap.

MR NIELSEN: And whilst I'm jumping ahead of Miss Cox's submission to you, our position was that we believe that it was an extension of progression. And I think it was consistent as to the other incremental pattern. But in the end, Mr Commissioner, we were mindful of looking to you, sir, with respect -

COMMISSIONER GOZZI: Right.

MR NIELSEN: - to finalise the position.

COMMISSIONER GOZZI: All right.

MR NIELSEN: Would you like to - with, Mr Commissioner Gozzi, thanks?

COMMISSIONER GOZZI: Miss Cox?

MISS COX: Mr Commissioner, the comments that you made perhaps about putting the communications stream within the operation technical model awards, both parties have sort of looked at those fairly closely. I don't really see them fitting in to either nicely, and certainly in - I think it was - W.2, there under point 3, it said: considering the options of a particular industry based award. Now, as far as the ambulance services go, we would prefer to see all positions relating to the provision of ambulance services within one award at this point.

Now, I'm well aware of your comments previously that there is a very strong possibility of emergency services stream or model award at a later date.

COMMISSIONER GOZZI: Well -

MISS COX: Now, when that occurs we would be more than happy to look at where it fits in that context. But at this point

we would prefer to see it remain in the Ambulance Award as such.

COMMISSIONER GOZZI: Yes. Well, at the moment I can't remember it. Probably I should, but I can't. Complete the communications officers rates; draw from an existing public sector award although work valued independently and really don't reflect any existing rates anywhere.

MISS COX: I think that you work valued them during '88.

MR NIELSEN: 80, yes.

MISS COX: Didn't you?

COMMISSIONER GOZZI: Yes. But I didn't relate them to an existing rate.

MR NIELSEN: No.

MISS COX: No, I don't think so.

COMMISSIONER GOZZI: No, okay.

MISS COX: I mean, you differentiated then with the computer rated despatch one -

COMMISSIONER GOZZI: Yes.

MISS COX: - by introducing another salary range.

COMMISSIONER GOZZI: Yes.

MISS COX: Now, we're proposing a trainee position, and also would sort of seek your advice on the salary range of a senior communications officer, as Mr Nielsen has already indicated.

COMMISSIONER GOZZI: All right. Well, you're going to address me on all those issues we raised last time. I'm not going to go back through them, but the trainee one intrigued me a bit.

MISS COX: Yes. Certainly if you go through it, and there are several sort of exhibits here, all of which are separate but probably could be combined into one -

COMMISSIONER GOZZI: All right. If you give me the lot, it'll save my associate jumping up and down, and we can mark them as we go through.

MISS COX: Mr Commissioner, all these exhibits, which you will have put in front of you in a moment, go to the functions and powers of heads of agencies in being able to determine structures, classifications, organisational structures and the

power to assign classification levels to the various organisational structures. And I guess the main one is clause 33 of the Tasmanian State Service Act, which specifically outlines the functions and powers of heads of agencies.

There's also provision -

COMMISSIONER GOZZI: So, we start off with that first, do we?

MISS COX: Clause 33.

COMMISSIONER GOZZI: Yes. Exhibit TAS.12.

MISS COX: You'll see on the beginning of it: clause 33(1)(a). It talks about devising organisational structures to ensure that the agency is operated effectively, efficiently and economically. To assign a classification to each position in that agency in accordance with the nature and duties of the position. (c) to assign functions to each employee and position within that agency. And so it goes on.

COMMISSIONER GOZZI: But doesn't (b) say: in accordance with award requirements?

MISS COX: Yes.

COMMISSIONER GOZZI: Well, that -

MISS COX: I take your point.

COMMISSIONER GOZZI: Yes.

MISS COX: Yes.

COMMISSIONER GOZZI: I think in a long-winded way that's what I was trying to say the last time we met.

MISS COX: Yes. The second one is Part II of the Ambulance Act.

COMMISSIONER GOZZI: Right, Exhibit TAS.13.

MISS COX: Where it talks about the methods of training of officers.

COMMISSIONER GOZZI: Right.

MISS COX: And where an officer who fails to maintain the performance, objectives may, at the discretion, be transferred to another area of work et cetera. So, that again gives the director or head of agency power to do that.

COMMISSIONER GOZZI: But the area -

MISS COX: What we're getting at, Mr Commissioner, is the introduction of a trainee communications officer into the award. The head of agency has the power to do that under clause 33, by determining the organisational structure and classifications attached thereto.

COMMISSIONER GOZZI: Well -

MISS COX: And duties assigned thereto.

COMMISSIONER GOZZI: Head of agency can classify in respect to any matter that's -

MISS COX: Within the award provisions.

COMMISSIONER GOZZI: It's got to go in the award first though.

MISS COX: Yes.

COMMISSIONER GOZZI: Yes.

MISS COX: That's what we're seeking.

COMMISSIONER GOZZI: Yes.

MISS COX: To have it put in.

COMMISSIONER GOZZI: Yes. I've got no problem with that. I think the problem I have - whilst we had a wide ranging discussion on it - head of agency can classify within the award. And if the scope of the award or the wages clause isn't there, then the head of agency can't do anything about it. Just go back to the executive officer position. I think the head of agency acted incorrectly in doing something in respect of that award, which really - the scope wasn't in the award.

You take, for instance, another area, you take the Museum and Art Gallery which is a famous case in the history of the Tasmanian Industrial Commission. And I'm sure a lot of people, Miss Cox, and - in your area will I remember the Tasmanian Museum and Art Gallery case. The circumstances were that the employer wanted to have access to all of the salary levels in the Admin. and Clerical Award. The whole scale. And the classification, which is a full bench, and I was one member of it, said: Well, why would the commission put into the Museum and Art Gallery Award all the classifications in the admin. and clerical scale, when you only employ a handful of people?

We will put in the - what we did was put into the Museum and Art Gallery Award salary levels which gave some scope for people to be reclassified if there were changes; the head of

agency to reclassify. But it was a requirement for the employer to come back to the classification to seek an extension of the scales if the rates of pay that were put in that award were no longer appropriate or no longer provided the scope for people to be classified. And that is the difference.

The head of agency can classify subject to an award. And to a very large extent the Tasmanian State Service Act is predicated upon the requirements of the award. And it's no accident that the parliament made the Industrial Relations Act a superior Act to the Tasmanian State Service Act in that regard. Because it intended that this authority be the regulatory body as far as those sort of things are concerned. And -

MISS COX: No, I accept that.

COMMISSIONER GOZZI: Yes. And so that was point one. The other point was that I had some concern with your submission that the - in the event a training classification was put into the award - I say in the event, if you persuade me to put it in I'll put it in - that you felt that you could hold some in a training position for a period of time, whatever it was, and then - I wasn't quite sure what would happen after that.

In my - and what I think I was trying to say to you, is that I have no problem with the training classification. The training classifications normally provide for training for a period of time, following with the incumbent, after he has been trained, progresses to a substantive position. He is not held against the training position.

And that rationale really was explored and canvassed again in the public sector case recently, where the commission put in a trainee scale in the operational stream. And trainees come in, they're held there for, I think, a maximum of 3 months. They then have automatic progression to the first level of the adult job classification. And I was trying to line up what you were saying to me with that type of rationale.

MISS COX: Yes, that would be the same logic behind it. It's the same as with the student ambulance officers. Once they've completed their training they move onto substantive ambulance officer classification. And certainly we would see the same principles applying to the communications stream.

COMMISSIONER GOZZI: Yes. Well, I had some concern that you may have been saying that, you'd get a trainee and hold that trainee in that position as a trainee.

MISS COX: No, no, no. Sorry, if that's the impression we gave you that certainly wasn't the intent.

COMMISSIONER GOZZI: Right. Well, let's press on with this - TAS.13 we've got.

MISS COX: Most, Mr Commissioner, just goes to the various powers that the director and/or head of agency has in the trainee education and development of staff. And there's one that talks about traineeships under the Tasmanian State Service Act, which is clause 179. So, I mean, they all just go to that point that a director does have the authority under the Ambulance Act or the Tasmanian State Service Act to conduct training courses in ways that he or she sees appropriate to the needs of the service.

COMMISSIONER GOZZI: Yes, right.

MISS COX: So, that's all that they go to.

COMMISSIONER GOZZI: All right.

MISS COX: Now, it's -

COMMISSIONER GOZZI: Well, I'll mark all those remaining sheets then TAS.14, will I?

MISS COX: Yes, if it makes it easier. And I'm sure you're very familiar with W.2 and the fact that we're talking about industry based awards. Would you like an exhibit -

COMMISSIONER GOZZI: W.2 in respect of which case?

MR NIELSEN: The full bench, if I may

MISS COX: The full bench one where it talks about industry based awards.

COMMISSIONER GOZZI: Yes.

MISS COX: Would you like a copy of that for your exhibits?

COMMISSIONER GOZZI: Yes, I'll have that. TAS.15.

MISS COX: If you go to the second page of that, Mr Commissioner, where it talks at the second point 2 - sorry, second point 3, where it says:

Pilot Classification Evaluation projects may be necessary to test proposed structures. The award restructuring process will entail -

And then at point 3 -

- considering the option of particular industry based awards.

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- considering the option of particular industry based awards.

Now, as I indicated earlier, we would certainly prefer to see communications classifications stay within the award structure as it currently is until such time as we know what's going to happen when the Emergency and Custodial Model Award is developed.

COMMISSIONER GOZZI: Yes. I wasn't really advocating to you that communication officer go out of the award. What I was suggesting - and if I didn't make it clear, I apologise for it - that the rate could perhaps be drawn from the operational or technical or whatever. I mean, if the employee - if the employee - or if the classification, rather, isn't one where a technical qualification is a prerequisite, well, obviously the technical officers, or technical employees scale would be appropriate.

But I was really saying: Well, why wouldn't you draw an appropriate rate having regard to the classification standards which the commission now endorsed in that case, why wouldn't you draw the salary level from that award? The trainee - in the operational stream, the trainee rate is established at 78% relative to the tradespersons rate of 100%.

MISS COX: I think in actual fact they may, and I haven't examined it in any detail, they may put the salary points above ambulance officer and student ambulance officers.

COMMISSIONER GOZZI: What the 78%?

MISS COX: Yes. I'm not sure, I'd have to examine that more closely. But I was -

COMMISSIONER GOZZI: hat, the operation -

MISS COX: I was under the impression that you were sort of thinking of moving them all out in two.

COMMISSIONER GOZZI: Yes, I apologise if I gave that impression. I really tried to put -

MISS COX: Yes. That's the way we looked at it.

COMMISSIONER GOZZI: Yes, sorry. I really tried to put to you - yes, I know we sort of discussed the thing for a while, but what I was really trying to put to you was: Why would you look at the operational stream or the technical stream if the person had to have technical qualifications? And pick the appropriate rates - what you considered appropriate - having regard to the classification standards that have been endorsed and particularly - and particularly where there is a trainee rate already been established by the commission - by a full bench of the commission. You might want to come back on that.

MISS COX: Yes. I guess it's a sort of a - trying to work out where, apart from the trainee level, where they would go to their next point.

COMMISSIONER GOZZI: Well, as I say -

MISS COX: Based on the classification standard that the full bench has set.

COMMISSIONER GOZZI: Yes. Well, you see 78% of the tradespersons rate that we endorsed was \$454 by 52, which gives you \$20,000-odd or whatever it is. So the - have you got the operational stream there?

MISS COX: Yes.

COMMISSIONER GOZZI: I haven't got it with me. Thanks, Miss Cox.

MISS COX: My concern would be, Mr Commissioner, that if we went to those salary points it may in fact put the salaries of communications people up above those of student ambulance officer and ambulance officer at the base rate.

COMMISSIONER GOZZI: Yes.

MISS COX: But I haven't examined it in any close detail because I was under the wrong impression of what you indicated to us last time.

COMMISSIONER GOZZI: Fair enough. The page that you've opened for me, that's the operational stream, is it? Well, look, I just advanced it on the basis that it seemed to have some logic to it, but if doesn't fit the award then obviously the whole thing would need to be looked at separately here and, as you say, further down the track in the context of the operational Custodial Services and Emergency Services Award.

MISS COX: Yes.

COMMISSIONER GOZZI: But at this stage, what would you like to do? Would you like to press on with considering what you've put before me here in N.2 or do you want to relook at the situation?

MISS COX: No. I think we'd prefer to press on as we've put to you in N.2. Our only concern would be - or not concern, our only request would be, as Mr Nielsen indicated to you earlier, that we would seek your guidance on the setting of a salary level for the senior communications person, if you deem it to be warranted in an award.

COMMISSIONER GOZZI: Well, have you got a job description for your senior - we'll just go off the record for a moment.

OFF THE RECORD

COMMISSIONER GOZZI: Okay, following our off the record discussions, I think the situation with the communications officer is that the first rate - training for communications officer relates to the first year student ambulance officer. The communications officer rates are the existing ones and the commissioner has expressed some concern about the relativity gap between the third year of service and senior communication officer but I am mindful of the fact that the student ambulance officer in the third year of service thereafter is on \$21 334 and I think the parties have agreed that the senior communications officer should not be in excess of that rate. In fact probably should be below that rate given the relative level of qualifications involved. The commission will examine that and cover it in the decision. Thank you.

MR NIELSEN: If I may - just to keep Miss Cox on her feet, with great respect - you did raise one other issue, if I may, it's part time employment on page 7 of N.2 and you did desire that we come up with some documentation -

COMMISSIONER GOZZI: Oh, right.

MR NIELSEN: as to how we apply it to and you were going to respond to -

MISS COX: Part time, yes.

MR NIELSEN: part time.

MISS COX: Mr Commissioner, I'm sure you're aware that permanent part time employment within the State Service was approved by Cabinet in July 1983. It was Cabinet decision number 825 but as you know, I think, secrecy provisions prevail on all these documents so I have not been able to get hold of a copy but that was the Cabinet decision number.

Also in exhibit 3 which was part of a full bench matter, which I've got some copies here of the relevant - point 2.3 on that document - it was agreed that the parties would look at permanent part time to the effect that where a position is vacant management may, after consultation with the relevant union examiner, decide on whether to convert a vacant full time position to a permanent part time one. Where a position is substantively occupied, management may with the agreement with the relevant employee concerned and the relevant union, convert a full time position to permanent part time positions. The parties agree that the scope exist to extend the incident of permanent part time work throughout the Tasmanian State Service provided that such is monitored to ensure that career

opportunities are not reduced. So we would certainly seek to be able to extend that into the ambulance service.

COMMISSIONER GOZZI: With that exhibit 3 and other conditions matters, in other proceedings when I'm sitting alone, the government advocates have been putting forward a position that conditions of employment with public sector wide implications ought to be left for determination by the full bench in the public sector case. What you're asking for here, I take it, just encapsulates what is currently happening.

MISS COX: Yes Mr Commissioner. We're not asking for any more or any less than already exists.

COMMISSIONER GOZZI: Yes fine, fair enough, thank you. Mr Nielsen.

MR NIELSEN: Mr Commissioner, I know we've been travelling backwards and forwards on N.2 there but as I understand my notes - I've got notes down the bottom of page 8 that refers to the superintendent, the chief superintendent, executive officer and the manager of administrative services and whilst you've raised quite strongly and quite severely the actions that have been taking place between the honourable people in the government circles and the SES classifications, these positions that I've just referred to, as I understand, are non-operative within the award and subject to your own guidance to bring the award into an operational position, what we're suggesting then, do we proceed then with a - do you desire the parties or ourselves direct to proceed with a section 23 to amend the award accordingly?

COMMISSIONER GOZZI: Yes I would Mr Nielsen.

MR NIELSEN: Well we've give an undertaking on notice that we'll proceed with that Mr Commissioner.

COMMISSIONER GOZZI: I just point out - I feel duty bound to point out - that at this stage the senior executive service is subject to an agreement. It is not yet an award. One of the concerns that I have been having where these type of deletions or transfers, if you like, have taken place out of the award into the SES is that the parties who have a determined interest in the award, really then do not have an opportunity to be involved in the SES agreement because parties and persons bound to the SES award will not arise till such time as that award is made.

At the moment it is my clear understanding that the agreement applies to the government as employer on the one hand and the Tasmanian Public Service Association. No other employer organisation is subject to the agreement and it has caused me a great deal of concern that employee organisations with a determined interest in awards are really being excluded from

any input there, apart from the normal press and negotiations, and in an arbitrary sense they are not subject to the agreement and I am very concerned and I continue to say it, that what the government as employer is doing in these exercises, is to effectively prevent - particularly where there is an objection by an employee organisation, that organisation making an argument for or against the deletion of a particular classification from the award, as simple as that. Just let me finish, in some cases where it has happened, the employee organisation is in fact making representation to the commission to the contrary. By that I mean the classification should stay within the award.

Now, I pointed that out to you, but if the parties are in agreement and particularly, Mr Nielsen, if in this case Ambulance Employees Associations is in agreement for the deletion, then yes, I would appreciate an application to vary the award to delete those classification levels, because really, to all intents and purposes they are just a nuisance in the award.

MR NIELSEN: I will give further attention to those matters. With respect to what you've just said, Mr Commissioner, I was mindful, and whether I heard correctly then, in the full bench discussions or hearings, I thought that the SES - I thought that that had changed. I thought other organisations were now allowed to represent or be represented at - that - I certainly did hear something. Now as to whether it's operational or whether that's the future - but I thought there were - or whether it's been said at Trades and Labor Council public sector union meetings, but I thought that the - forgive the expression, a monopoly of one organisation that the organisations were now allowed to - well, may I put this position to you - that for a - well take the Ambulance Service, that when they - were - went into those higher positions, the comment was made some time very early that the only organisation was a particular organisation to represent them, as I understand that their own organisation from when they come was able to represent them in those

COMMISSIONER GOZZI: I don't know - I'm not aware of it, Mr Nielsen. I know that there is some sort of committee structure that meets, but in the context of the agreement, at this stage there is an SES agreement, that's all, and the parties to that agreement are the government and the Tasmanian Public Service Association. To this date there has not yet been filed an application - to the best of my knowledge anyway - for the making of an SES award which would lead to subsequently determination of interest in that award, and I dare say the membership issue would then arise, and I am waiting for that because all these things are happening and I dare say - and I'm not going to put it on record - but I dare say the interest issue will be very strongly debated at that time.

MR NIELSEN: Yes, I think maybe within management levels where there's recognition now whether other organisations can come forward and represent particular people.

COMMISSIONER GOZZI: It could be, and look, all I'm saying is from an award perspective that the issues ought to be determined in open hearings such as this, not that they shouldn't go into the SES, but it's a matter of the process that's involved, that deletion of classifications by stealth - and that's what it is - ought to really not be the way that this is done. What should happen is that the government or the employee organisation concerned should make an application, seek deletion of the award, the issue be determined and then - and then the classification if it is deleted be picked up by the SES agreement. That's really how it ought to happen, the we all know where we're heading, and the end result would be up-to-date awards.

MR NIELSEN: Thanks, Mr Commissioner. Mr Commissioner, if I may try to move along the track, is that most of the other issues of my notes here are agreed to and I - the living away from home allowance - I wish to come back to that because that's - correction - that's on the page 14 on the end - on the N.2 document. I'd tend - I'd to come back to that I may -

COMMISSIONER GOZZI: Thank you.

MR NIELSEN: - and I'm just reading my notes in front of me. The kilometrage allowance - we've got an agreed position on that, that the commission asked us to renumber them -

MISS COX: Rate 1 and rate 2.

MR NIELSEN: - 1 and 2, yes I assume - do you want a section 23 on that?

COMMISSIONER GOZZI: No that's comprehended in the application - that's fine. You can - at the end of the day, following your further discussions, a draft order -

MR NIELSEN: Yes.

COMMISSIONER GOZZI: - would be appropriate on all the matters that you've agreed.

MR NIELSEN: Right. I'm - I have no problems other than living away from - up to page 23. I don't know and page 23 refers to a more responsible duties - and as in discussions with you previously and the award was not up - it's clause 9(d) and clause 9(d)(iii) and what we've done there with the assistance of Miss Cox is to give you the updated and the corrected numbered version, and I'd ask Miss Cox to -

MISS COX: Mr Commissioner, I've forgotten to bring it over. Can I get it to you?

COMMISSIONER GOZZI: Alright, well do that next time.

MISS COX: It has be re - it's been renumbered and redone but I haven't -

MR NIELSEN: To make the award and I think the refer to the disciplinary procedures on page 24 - that was all agreed to - that was all organised. Staff amenities is all okay.

COMMISSIONER GOZZI: I think - I think just before you go up to 24 - page 24 -

MR NIELSEN: Delete wasn't it we ended with?

MISS COX: We agreed to delete that - it's at the end of the clause - the reference to disciplinary procedures.

COMMISSIONER GOZZI: Yes, didn't I have some concern with it last time?

MR NIELSEN: Beg your pardon?

MISS COX: Yes, I think you suggested that we take it out altogether which is what we'd agreed to do, Mr Commissioner, rather than reword it as is shown on page 24.

COMMISSIONER GOZZI: What, take disciplinary procedures out altogether?

MISS COX: Yes, just that last reference on page 30 of the award.

MR NIELSEN: That bottom sentence wasn't it?

MISS COX: On page 30 of the award. It's only one sentence.

MR NIELSEN: Page 30 of the award. Yes, that - on page - yes there is -

MISS COX: It was as you indicated last time - we have to follow the provisions of the State Service Act anyway.

MR NIELSEN: Are we just to desire on the award to delete that disciplinary procedures - where disciplinary action is necessary, so and so - right down to the second line - the Tasmanian State Service personnel manual - delete all that altogether there - the heading and all.

COMMISSIONER GOZZI: Right.

MR NIELSEN: Do you - will you need to make note of that in the orders?

COMMISSIONER GOZZI: Well yes, I'll have to just to delete that, yes.

MR NIELSEN: Mr Commissioner, it would have been lovely just to - if we go back to that page 14 - the living away from home allowance, and to my knowledge this has been with us for 6 years at least. In fact I have a colleague with me, Mr Chapman, who's been consistently involved with this. Now I think there were, first of all, if we may put the parties positions there. No.1, on page 24 - 14 - correction - I understand that we've agreed on the definition for parties. I understand that we've agreed on the definition for parties. No.2, we've agreed on the incidental allowance of \$4.00. Having said that to you, you've asked us to - this is page 14 - - you've asked us to address you on the principles which I'll attempt to do and try to then establish the figure of \$4.00.

Now hopefully we will do that before you. And having done that and then I think we have which we seek your we have a - there is in the award and perhaps to may refresh us to go to those sections of the award - 9 what ever -

MISS COX: 9(b) and 9(f).

MR NIELSEN: 9(b) is the living from - 9(f) is the what?

MISS COX: 9(b) is the board and lodging.

MR NIELSEN: And 9(f) is living away from home. Now to try to summarise this and I may be corrected by my delegation here - that I understand our argument is to seek from you that the figures whilst we're living away under these conditions is that to seek those figures at - put clearly down, bed, lunch, breakfast lunch and dinner under the living away. And I understand - would you like to -

MISS COX: I think, Mr Commissioner, Mr Nielsen is saying that the AEA's position is that the amount should be the total of breakfast, lunch and dinner under the travelling allowance clause, not the meal allowance clause. And that -

MR NIELSEN: So we had two issues, one is the incidental allowance to argue before you which we have a combined position on or a joint - and the other one is to - is the definitions of the rates for breakfast, dinner and tea - breakfast, lunch and dinner.

Mr Commissioner, are we fairly clear on -

COMMISSIONER GOZZI: Yes, thanks.

MR NIELSEN: Now you've asked us - we'll go back to the incidental allowance and you've asked us to approach the matter of the actual allowance as such. And I desire to present to you an exhibit, if I may.

COMMISSIONER GOZZI: Exhibit N.9.

MR NIELSEN: Now, Mr Commissioner, exhibit N.9 is from the - and the I've got the full national wage here, April 1991, and it makes reference there on page 66 where it says, 'Existing allowances':

(a) Existing allowances which constitute a reimbursement of expenses incurred may be adjusted from time to time where appropriate to reflect the relevant change in the level of such expenses.

And we would perhaps suggest to you, with respect, that this may or may not necessarily be a new allowance but one that has actually been - that it is a - it's been around but it's not been recognised as perhaps an allowance with an official title. And we would go then on to page 67, which reads under 'New allowances':

(a) New allowances to compensate for the reimbursement of expenses incurred may be awarded where appropriate having regard to such expenses.

Now that's specifically our particular thrust if you're sort of saying to us - because we believe the incidental allowance is one where the award does not cover. So that's our documentation in trying to take in the guidelines or the principles as outlined in the particular bench's decision.

And the incidental allowance, this is such when a person is taken out from his normal home position, where he works at his normal station, and then he's looked upon where he has to away from home and family and many of the other issues, such incidences as - and these are only small by nature but, of course, we're not claiming a major allowance, but such things as getting the newspaper every morning, his laundry in addition to those matters that he would do in regards to his normal uniform, his own private laundry. You know, the incidentals as you, with great respect, sir, would appreciate when you leave home, the normal functions of the family continue on and the cost factor is there as to whether you are there or not. And when you go away there is an additional cost factor on you though, such items as toothpaste and those toiletries that are part of one's - being taken with him and what we've attempted to and what the parties - as I've said, this has been a very difficult and a very contentious issue over many, many years and we've come to a decision of putting

that to you in regards to that - the figure, the amount of money or the \$4.00 entitlement.

Now as to whether you desire - or any questions at all or Mr Byrne or - we could go back through our members and we have back in my own bag here - experiences where they're away from home, you know, and that also recognises the ability of being away from home. Perhaps some of us may say that's an advantage being away from home. To most of us it's looked upon as a disadvantage. And therefore we believe there should be some recognition of that in regards to the position of incidental allowances.

And the other things too are those what our members are committed to, that they're not at a hotel or a boarding place where their meals are provided. They have to take in the issues of - admittedly the facilities are there to a degree but I can only say on my many years of baching at different times, there's never enough facilities for me to do the appropriate cooking or the normal requirements of keeping uniforms and things together. So we put that position to you, Mr Commissioner. As to whether you desire some, before proceeding then on to our argument then between the two parties as to whether Miss Cox would like to just confirm that is the position between the parties before I proceed.

COMMISSIONER GOZZI: So it's agreed, is it, that there should be an incidental allowance?

MISS COX: An incidental allowance, yes.

COMMISSIONER GOZZI: Which is not a new allowance, but it is a new allowance. Historically, it's been around for a while, Mr Nielsen, has it?

MR NIELSEN: Well, yes, we believe that there's been, you know, an understanding - there's a closeness in our industry between the various superintendents and management and ourselves and we believe that sometimes in the claiming of things there's been an invitation or a desire to have this incidental allowance established on a formal basis.

COMMISSIONER GOZZI: But there's then a disagreement on the living-away-from-home allowance where you are seeking to role the three components of the allowance into one -

MR NIELSEN: I think my colleague would say either what's appeared on this document is a goer, with great respect. If we withdraw from any part of it that's laid down on the document, well then we go back to our original positions, as I would understand that. In other words, we have an agreement as what's been presented here today, subject to that -

MISS COX: If I can just explain, Mr Commissioner. We agree that clause 9(b) and clause 9(f) should be deleted and a new clause should be inserted in the award stating what is on page 14. There is agreement between the parties for an incidental allowance of \$4.00 per day to be paid. There is disagreement on that all-inclusive allowance that's mentioned -

COMMISSIONER GOZZI: Of what?

MISS COX: It's currently in there as \$22.85. They haven been -

COMMISSIONER GOZZI: Yes, that's right, that's been amended to \$26.00.

MISS COX: Yes, that's the one. What the AEA are claiming, is my understanding is the breakfast, lunch and dinner rates from the travelling allowance -

COMMISSIONER GOZZI: General Conditions of Service.

MISS COX: Yes, and it's also in the award too.

COMMISSIONER GOZZI: Yes.

MISS COX: What we are saying is it should be the breakfast, lunch and dinner from the meal allowance clause and that's the basic difference between the two parties.

COMMISSIONER GOZZI: Yes, but why would you have an incidental allowance?

MR NIELSEN: Well -

COMMISSIONER GOZZI: I mean, I know what you said - yes, look, I understand what you said, it's probably a silly way of putting it. But the General Conditions of Service Award, doesn't that provide for reimbursement of incidentals?

MISS COX: There is an incidental allowance in the General Conditions of Service - if I'm not mistaken Wendy, is that right? Where board and lodging is provided there is an incidental allowance.

COMMISSIONER GOZZI: What's that?

MR NIELSEN: The amount?

COMMISSIONER GOZZI: Yes, what's the amount?

MISS COX: I haven't brought the award with me, I'm sorry, Mr Commissioner.

COMMISSIONER GOZZI: I mean, there ought to be some consistency between what happens in respect of ambulance employees and what happens in the General Conditions of Service Award, shouldn't there?

MISS COX: Well they're trying to get consistency throughout the public sector, I thought.

COMMISSIONER GOZZI: So what's the allowance in the General Conditions of Service Award?

MISS COX: I don't know the rate, Mr Commissioner, I haven't got the award with me.

COMMISSIONER GOZZI: Well why should I endorse something here without knowing what that is?

MR NIELSEN: Well we'll provide that with you, Mr Commissioner - to you, no problems but we do say, and we have said consistently, that we are a unique industry, Mr Commissioner, and you've already experienced, with great respect, sir, that position yourself. And whilst there is the comment of alignment with the General Conditions, we say, with some great respect, that is not always perhaps the way to go, with no disrespect.

COMMISSIONER GOZZI: Oh, yes, but in that context it doesn't cost an ambulance any more to buy a newspaper than it does for anybody else.

MR NIELSEN: Oh, point taken, but he may use a more toothpaste and these other - Aspros and Disprin because of the stress and strain though, commissioner.

COMMISSIONER GOZZI: Well you've got leave reserved on stress and strain; it's not proven yet.

MR NIELSEN: Anyhow, point taken, we'll certainly come back to the figure concerned.

COMMISSIONER GOZZI: All right.

MR NIELSEN: And the other thing what we're asking you to arbitrate on if, if I understand Mr Chapman is chaffing at the bit to make comment, if he may, is that the meal allowance, as I understand from what management are saying, is an entitlement as to when you're out on the - doing normal services, and you then are away from home, or travelling away from home, when you're over the period - over the time span period and then you're entitled to a meal allowance.

Our argument is that our people are domiciled away from home, they're out there, and that they're on - and that the breakfast and the lunch and dinner is a different ball game

altogether. And if I may, Mr Commissioner, I would like Mr Chapman perhaps to -

COMMISSIONER GOZZI: I'm just looking at the time.

MR NIELSEN: Oh, I'm sorry.

COMMISSIONER GOZZI: How are we situated? How much longer is it going to take to run all this through?

MR NIELSEN: Well -

MR CHAPMAN: 5 minutes.

MR NIELSEN: I think this is a - oh, I see this as a final situation, Mr Commissioner.

COMMISSIONER GOZZI: Fair enough. All right. Thanks, Mr Chapman.

MR CHAPMAN: Well, the only things I have to raise in this context now, Mr Nielsen has already outline our basic argument. I will draw your attention to clause 9(g) the meal allowance, and then compare those with the meal allowances under travelling allowance. Now, the way I - we interpret it, sorry, is that the breakfast, lunch and dinner allowances under 9(g) are a penalty against the employer for the employee being unable to take a meal at the appropriate time.

Go to 9(j), clause 1, and you have another list of allowances - and I use the word allowances for want of another word - but you have a list there detailing allowances for meals - breakfast, lunch and dinner - at substantially different rates. These rates are for those people who are away from home, same as a person who is on relief duty to overcome the expense of purchasing those meals, which is no different than the person who is away on relief duties.

And that's basically my argument.

COMMISSIONER GOZZI: Yes, all right.

MR CHAPMAN: Thank you.

COMMISSIONER GOZZI: Yes, thank you, Mr Chapman.

MR NIELSEN: I suggest, Mr Commissioner, that -

MISS COX: If I could just make some comments, Mr Commissioner? On page 21 of the current award, clause 9(f), it talks about a living away from home allowance. And it's quite specific in when it would apply, and that is in relief situations. What we are saying is that that rate still should stay there because as far as the meal allowances clause goes,

there is agreement on that on page - it's in N.2 somewhere - on page 16 of N.2.

Now, the AEA already agreed to meal allowances apply and when they should apply. We have no problem with that, it's a joint position. What we're saying is that the rate sought by the AEA for living away from home allowance apply to situations when a person is travelling. These people aren't travelling, they are sent to a relief - into a relief situation for some periods of time. Accommodation is provided. What we are saying - and quite often they provide their own meals anyway - what we're saying is, it shouldn't be any higher than is currently in the award under clause 9(f), which is \$24.80. Unless it's been updated and I haven't updated my award.

COMMISSIONER GOZZI: All of that is as clear as mud at the moment. Miss Cox, let's go back just to page 16, they are different rates to what's in clause 9(g).

MISS COX: Yes.

COMMISSIONER GOZZI: Why is that?

MISS COX: They haven't been updated by the 2.5.

COMMISSIONER GOZZI: Pardon?

MISS COX: The ones on page 16 should now read: \$6.45, \$7.10, \$12.55.

COMMISSIONER GOZZI: So, that's just amending the current ones by what?

MR NIELSEN: 2.5.

MISS COX: 2.5, I think it is. Whatever the last increase was.

MR NIELSEN: National wage.

MR CHAPMAN: Giving a total of \$26.

COMMISSIONER GOZZI: Well, how can you do that? Why would you agree with 2.5%?

MISS COX: It's Peter's application with their general condition of service, expense-related allowances.

MR NIELSEN: We placed an application earlier - I think it was the 16th of January - to move the national wage 2.5%.

MISS COX: It's here, Mr Commissioner, in your decision, if you'd liked to have a look at it.

MR NIELSEN: we always move, you know, in the allowances.

COMMISSIONER GOZZI: Was that part of the State Wage Case, was it?

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Oh well, 6.45 -

MISS COX: 7.10 and 12.55.

COMMISSIONER GOZZI: And 12.55.

MISS COX: So, they would - those documents with

COMMISSIONER GOZZI: Yes, right. That was after general conditions of services was varied?

MISS COX: Yes.

MR NIELSEN: Yes, yes.

COMMISSIONER GOZZI: Yes, right. Okay. So, they are the existing rates. Now, I think, Miss Cox, you were saying that the living away from home allowance should be adjusted to \$26 - I think that's agreed, isn't it?

MISS COX: Yes. When you add those rates together.

COMMISSIONER GOZZI: Pardon?

MISS COX: Yes, Mr Commissioner, when we add those rates, wherever they've gone to - those three we just had.

MR NIELSEN: 26.10 actually.

MISS COX: Yes, 26.10.

COMMISSIONER GOZZI: So that would be \$26.10. So I'd better amend that on - whatever page it's on.

MR NIELSEN: 14.

MISS COX: Page 14.

COMMISSIONER GOZZI: Page 14, thank you. \$26.10.

MISS COX: What the AEA are claiming is \$39.35.

COMMISSIONER GOZZI: And the AA is claiming the amounts in -

MR CHAPMAN: The three amounts listed, Mr Commissioner.

COMMISSIONER GOZZI: 9.90, 8.80 and \$18.80.

MISS COX: No, it's now 10.40, 9.25 and 19.70.

COMMISSIONER GOZZI: Just read them again, \$10.40 -

MISS COX: 10.40, 9.25 and 19.70.

COMMISSIONER GOZZI: Why hasn't that been updated in this award?

MISS COX: It has, in the same decision.

MR NIELSEN: Yes, but the -

COMMISSIONER GOZZI: Oh, I probably haven't got the updated one.

MISS COX: Yes.

MR NIELSEN: Yes.

COMMISSIONER GOZZI: Yes, okay.

MISS COX: No, you have done them in that same decision.

COMMISSIONER GOZZI: Okay. That was, again, operative by the same -

MISS COX: Yes.

COMMISSIONER GOZZI: Yes, okay.

MISS COX: 16th of January.

COMMISSIONER GOZZI: And that comes to what?

MISS COX: \$39.35.

COMMISSIONER GOZZI: And so the AEA are looking for 39.35 -

MR NIELSEN: Yes.

COMMISSIONER GOZZI: - or the substitution for that is 6.15, 6.75 and 11.95.

MR CHAPMAN: Plus a \$4 incidental allowance.

COMMISSIONER GOZZI: Mm.

MISS COX: Mr Commissioner, we sort of see that the rates, the 10.40, 9.25 and 19.70 that have apply under the travelling allowance provisions are when people are forced to purchased meals at public places. We don't see that a person relieving

in a well-equipped station somewhere is forced to go and purchase breakfast in a public eating house, if you like.

MR NIELSEN: I wouldn't like to present myself as an exhibit, I think it might be up to 45 or 55, Mr Commissioner.

MISS COX: What, just for breakfast?

COMMISSIONER GOZZI: Yes, I know the feeling. All right, anything else on that? Now, what do you see as the next step?

MR NIELSEN: That we report back to you, with respect, Mr Commissioner, on the 25th of March, I assume 10.30. And that, hopefully, we will - well, it wouldn't be hopefully, we will be having meetings in between that period. And that we'll endeavour to either, of that morning, prior to the 10.30, advise you of - perhaps some of the matters, hopefully, were resolved, and hope some documentation in regards to orders before you.

COMMISSIONER GOZZI: Very good, thank you, Mr Nielsen. Well, in the circumstances -

MISS COX: Just one thing, Mr Commissioner, the information on the executive officer classification, do you want us to get back to you prior to the 25th?

MR NIELSEN: Yes.

MISS COX: And there's also the matter of us giving to you our revised MRDA - more responsible duty.

MR NIELSEN: Yes.

MISS COX: We can get that to you before the 25th, if you so desire.

COMMISSIONER GOZZI: Oh, the 25th is okay.

MISS COX: Okay.

COMMISSIONER GOZZI: Yes, that's fine. Well, if the AEA is seeking to delete those classifications from the award, then an application to vary before the 25th would be all right, and I could join it with this matter and delete them. I mean, going through the exercise after the horse has bolted really won't achieve very much. I think I've made my point to the parties, and I keep on making it in proceedings. But certainly I won't go into it all again, but certainly I'm very concerned at what has been happening with respect to the SES situation, and in this case for the executive officer reclassification.

I mean, you could ask yourself, why not do it in respect of the clinical instructors, they are also positions in the award; duty officers, why not just do it? We'll adjourn till the 25th of March at 10.30 in the morning. Thank you.

HEARING ADJOURNED

