

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

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

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

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

COMMISSIONER WATLING

HOBART, 7 June 1994
continued from 17/11/93

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER WATLING: Changes in appearances, please.

MR J. HOUSE: If the commission pleases, JOHN HOUSE, appearing with **MR DOUG LOWE** for the Tasmanian Salaried Medical Practitioners' Society.

COMMISSIONER WATLING: Thank you.

MS K. PAMMENTER: Thank you. If the commission pleases, KATE PAMMENTER, appearing for the Minister administering the Tasmanian State Service Act.

COMMISSIONER WATLING: Good. Thank you.

I understand there is a report to be made, and I understand that it is going to be like Christmas, you are going to tell me all this is redundant.

MR HOUSE: Not quite.

COMMISSIONER WATLING: Not quite. Right. Thanks Mr House.

MR HOUSE: If the commission pleases, I'll endeavour to give a brief report on what has transpired since the matter was last before you in November last year.

And, to do this I will go back some years, just for the record. If that's appropriate.

When it first embarked upon its special case some 4 years ago the society had high hopes of achieving significant changes to the Medical Practitioners Public Sector Award, including salary increases claimed under the work-value principle.

As shown in Exhibit H.5 the salaried medical practitioners in all other jurisdictions have been granted work-value increases of varying amounts in the late 1980's.

At the same time the society realised that to achieve its objectives at least two things had to happen.

The Medical Practitioners Award had to be restructured and be brought into line with contemporary requirements; and, secondly, the commission would need to be satisfied that work-value changes acknowledged on the mainland could be proven to exist in the case of Tasmania.

In respect of the first issue the society, with guidance from the commission, has developed what it sees as an appropriate and comprehensive award, as set out in the last version of Exhibit H.14.

That proposed award was designed to do a range of things, including the introduction of a new improved career structure

with appropriate relativities and classification standards to provide a broader scope for retention of salaried practitioners in the public health system, without a mandatory need to gain specialist qualifications.

It sought to improve the opportunities for part-time medical practitioners, to make a greater contribution to the hospital system on an equal footing with their full-time equivalents.

It sought to incorporate the leave provisions currently in an expired registered agreement with this commission into the award on a sounder and more consistent basis.

We sought to develop the award to embrace conditions of service regulated by other instruments, or not adequately specified elsewhere.

We wish to insert into the award an appropriate orderly procedure for dealing with grievances and disputes, and generally moving to a regime allowing for more flexible working arrangements, particularly for staff specialists.

Now all of these things, plus the need to make out a comprehensive work-value case, has turned out to be a daunting task.

So much so that the society's membership have expressed considerable anguish about the lack of apparent progress in the context of, firstly, no movement in their salaries for nearly 3 years and, secondly, wage and salary movements occurring in Tasmania in the public sector and in the health sector, and elsewhere under so-called enterprise bargaining process.

In these circumstances, the society has instructed Mr Lowe and me to explore with the department the prospects for entering into a fresh agreement which might break down the many differences that have arisen between the parties during the award restructuring process.

It is with some optimism that we feel that the employer is also coming to a view that the interests of the Tasmanian public health service will not be furthered by prolonging the impasse between us.

To this end, and with some real misgivings on my part, the society is contemplating abandoning its work-value claim if it can achieve an agreement that facilitates the important aspects of award restructuring, seen by us to be essential, and at the same time providing a basis to move forward out of what is perceived by some members to be a wage freeze, or at least a hiatus in this matter.

Following preliminary discussions last month with two departmental representatives we sat down again with representatives of the department yesterday to thrash out a heads of agreement, or a statement of intent document, which we'd hoped to tender at the hearing this morning but we have had an early morning meeting with the department and there are some amendments to be made to the document, Mr Commissioner, but we would hope to be able to provide that document to you this afternoon, if that's appropriate.

For our part, the general thrust of the document has been approved by the society's committee of management. However, it is subject - well, sorry - and subject to today's commission proceedings we intend to put it to a mass meeting at the Royal this evening.

Further meetings will be convened at the State's other major hospitals as soon as possible.

If the commission pleases, I would like to attempt to outline the main features and objectives of the proposed agreement in the following way:

Firstly, it is designed to promote continued productivity and efficiency improvements by making a serious effort to finalise the award restructuring exercise.

Secondly, it established a framework, or a clear timetable, to negotiate future productivity linked salary increases, including criteria for funding such increases.

Thirdly, it contemplates the continued involvement of the commission in the process by way of monitoring progress and through conciliation and arbitration where necessary.

Fourthly, it places an onus on both sides to deliver in terms of serious workplace reform.

And, finally, it endeavours to establish some priorities in the process.

Looking ahead from this point, Mr Commissioner, the society would of course be guided by the views of the commission - and that's a bit difficult now without having the actual document - on the best way to give practical effect to these proposed arrangements.

At this stage I do not have clear instructions to withdraw our work-value claim, but I do have such instructions about seeking to finalise the award restructuring.

I hope to be in a better position to inform the commission on the work-value aspect tomorrow.

If the commission pleases.

COMMISSIONER WATLING: Right. Well, we will hear what Ms Pammenter has to say and then we might just go off the record and have a general discussion.

MS PAMMENTER: Thank you, Mr Commissioner. As Mr House has pointed out the department has been involved in negotiations, initially probably about 4 weeks ago and then again over the last few days in relation to this document, and I think I can say that both parties in agreement that, you know, we have reached sort of a substantial consent on most of the items.

And, as Mr House pointed out, there are some slight wording changes which we have to make to the agreement, but I think both parties are very optimistic that this agreement will achieve the objectives that Mr House outlined, particularly in promoting the productivity and efficiency in the public health system, and finalising the award restructuring matters which were outstanding; and also establishing a list of priorities which have been identified over the period of negotiations, which those items will be addressed immediately the signing of the agreement.

And we would also support a continued role for the commission in sort of monitoring the progress of the agreement, and also in assisting the parties in negotiations and conciliations, and hopefully, we won't have to use your services as an arbitrator, but if there are sort of matters that we can't agree on, well then we would obviously come here for you to arbitrate on those issues.

And, as Mr House pointed out as well, we will be able to get you a sort of a clean copy of the agreement this afternoon and we'll be seeking to tender it as a formal exhibit tomorrow morning once both parties have had an opportunity to sort of consult with their various constituents. Thank you.

COMMISSIONER WATLING: Right. Well, are the parties happy to go off the record to discuss a few issues?

MR HOUSE: Mm.

MS PAMMENTER: Happy to.

COMMISSIONER WATLING: Yes. We might just go off the record.

OFF THE RECORD

COMMISSIONER WATLING: I don't know whether anyone else wants to make any further submissions?

MR HOUSE: No, sir.

COMMISSIONER WATLING: Let the record show that it had off-the-record discussions in relation to procedural matters, and this hearing will now adjourn until 2.15 tomorrow. Thank you.

HEARING ADJOURNED